

June 26th, 2020

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 1st July 2020** at **10:00 am** in **Newry Leisure Centre**.

Committee Membership:

- Councillor R Burgess (Chair)
- Councillor J Tinnelly (Deputy Chair)
- Councillor P Brown
- Councillor S Doran
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor D Murphy
- Councillor D McAteer
- Councillor G O'Hare
- Councillor G Stokes
- Councillor J Trainor

Agenda

1.0 Apologies

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item.

For Agreement

4.0 Minutes of Planning Development Committee Meeting held on Wednesday 3 June 2020. (Attached).

 *Planning Committee Minutes 03.06.2020.pdf*

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For Consideration and/or Decision

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

 *Addendum list - 01-07-2020.pdf*

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Development Management - Planning Applications for determination

6.0 LA07/2018/0820/F - Erection of detached single dwelling with associated parking and landscaping - lands to the rear of nos 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Newcastle. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07_2018_0820_F_Sally Gardens.pdf*

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7.0 LA07/2020/0185/F - 2 no Stables - lands adjoining and 30m north east of 5 Drumnaconnell Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin McAuley, agent and

Philip Titterington, applicant in support of the application. (submission attached).

 *LA0720200185F 5 Drumnaconnell Road.pdf*

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 *Item 7 - LA07.2020.0185.F - Saintfield.pdf*

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8.0 LA07/2019/1279/F - New access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road - lands adjacent to 27 Islandmoyle Road, Cabra, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent in support of the application. (submission attached).

 *LA07-2019-1279 Islandmoyle rd.pdf*

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 *Item 8 - LA07.2019.1279.F - Cabra.pdf*

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9.0 LA07/2019/1691/F - Training pitch and ball wall court with associated floodlighting, retaining walls, perimeter paths, ball stops and fencing - 65 Longstone Road, Moneydarragh More, Annalong. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-1691- Longstone GAA.pdf*

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10.0 LA07/2020/0005/F - Proposed change of house type from dwelling and garage under planning reference P/2008/0181/RM - 3 Edentrumly Road Upper, Ballydulany, Mayobridge, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Cormac McKay, agent and Paul O'Donaghue, applicant's father in support of the application. (submission attached)

 *LA07-2020-0005 Edentrumly Upper.pdf*

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 *Item 10 - LA07.2020.0005 - Mayobridge.pdf*

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For Consideration and/or Decision

11.0 Report on Planning Committee site visits. (Attached).

 ***Site Visits.pdf***

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For Noting

12.0 Historic Actions Tracking Sheet. (Attached)

 ***Planning HISTORIC TRACKING SHEET - Mastercopy updated 17-06-2020.pdf***

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13.0 Report dated 1 July 2020 - Planning lists published on Council website. (Attached)

 ***Report Planning Committee 1 July 2020 - Publication of Planning lists.pdf***

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Exempt Information Items

14.0 Report dated 1 July 2020 - Update on Planning Service Improvement. (Attached)

This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

 ***IN CLOSED SESSION Report to Planning Committee - Update on Planning Service Improvement 01.07.2020.pdf***

Not included

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 3 June 2020 at 10.00am in Newry Leisure Centre and via Skype

Chairperson: Councillor R Burgess

Deputy Chairperson: Councillor J Tinnelly

In attendance: (Committee Members)

Councillor P Brown
Councillor S Doran
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes

(Officials)

Ms M Ward	Chief Executive
Mr C Mallon	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/034/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Councillor Burgess welcomed all to the meeting and acknowledged it was his first meeting as Chairman of the Planning Committee. He thanked Councillors Larkin and Reilly for their commitment during their term as Chair and Deputy Chair respectively.

Apologies were received from:

Councillor J Trainor

P/035/2020: DECLARATIONS OF INTEREST

Councillor Burgess expressed an interest in Item 6 - R/2015/0126/F – 127 dwellings – Lands at 56/60 Lisburn Road, Ballynahinch, stating he had been involved in discussions with the developer.

Councillor Stokes expressed an interest in Item 17 – LA07/2016/0438/F – retrospective change of use from approved industrial unit to gymnastic facilities – site of No. 26 Derryboy Road, Carnbane Industrial Estate, Newry, stating he had lobbied in favour of this development 2 years previously.

P/036/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

There were no declarations in relation to Paragraph 25 of Planning Committee Operating Protocol – Members to be present for entire item.

MINUTES FOR CONFIRMATION

P/037/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11 MARCH 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 11 March 2020. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 11 March 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/038/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 3 June 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 3 June 2020: -

- **Item 6 - R/2015/0126/F** - erection of 127 dwellings comprising detached, semi detached and townhouse dwellings, garages and other associated site works - Lands at 56 and 60 Lisburn Road, Ballynahinch **APPROVAL**
- **Item 7 - LA07/2019/1371/F** - extension to existing reinforcement factory with provision of 80 car parking spaces - 62 Aughlisnafin Road Castlewellan. **APPROVAL**
- **Item 14 - LA07/2019/0796/O** - proposed housing development - lands between Knocknagoney Heights and The Demesne, Carnagat Road, Newry **APPROVAL**

- **Item 16 - LA07/2018/1529/F** - proposed residential development comprising 74 dwelling units - junction of Derrybeg Lane and Craigmore Way, approximately 135m SW of 12 Craigmore Way Bessbrook Newry **APPROVAL**
- **Item 17 - LA07/2016/0438/F** - retrospective change of use from approved industrial unit to gymnastic facilities aged plus 5 years: site at No. 2G Derryboy Road, Carnbane Industrial Estate Newry Co Down BT35 6QH **APPROVAL**
- **Item 18 - LA07/2018/1939/F** - retention of house (with basement accessible from outside only) as constructed under planning permission P/2006/1849/RM - 80 metres North West of 37 Cregganduff Road Cullyhanna Newry BT35 0NA **APPROVAL**
- **Item 20 – LA07/2019/1563/F** – renewal of P/2010/0873/F – proposed replacement of existing garage and store with new garage and apartment over- to the rear of No. 51 Seaview, Warrenpoint **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/039/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) LA07/2019/1837/F

Location:

21 Blacks Lane Glassdrumman Ballynahinch

Proposal:

Agricultural shed

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Anthony McKay, Chief Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights: (Via Skype)

In support

David Donaldson, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- There were no farm buildings at the site only the dwelling house and garage.
- The proposed siting of the agricultural shed would be 5.5 metres below the level of the ground on which the dwelling house was sited and therefore would be almost invisible from the public road.
- The proposed siting of the agricultural shed was in an established farmyard that had been in operation for 7 years.
- The applicant was a sheep farmer and required an agricultural shed for the purposes of animal husbandry.

- Planning Officials accepted the farm was established and active.

Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1837/F, contrary to officer recommendation on the basis that it complied with planning policy CTY12. as per the information contained in the Case Officer Report presented to Committee.

It was also agreed that Officers be delegated authority to impose any relevant conditions.

(2) LA07/2019/1633/LBC & LA07/2019/1635/F

Mr McKay advised that both LA07/2019/1633/LBC and LA07/2019/1635/F would be considered together as one was a listed building consent and the other was full planning application at the same site.

Location:

10 The Green, Irish Street, Downpatrick

Proposal:

Change of use from dwelling to extended doctor's surgery

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr McKay, Chief Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights: (via Skype)

In support

Michael Smith, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The proposal was contrary to the SPPS and Policy HOU 3 of the Ards and Down Area Plan 2015, in that the existing dwelling was located within a protected housing area and therefore change of use would not be permitted.
- Ms Largey advised the Committee could deviate from the Ards and Down Area Plan in exceptional circumstances providing there were acceptable material considerations for doing so.
- The exterior of the building would remain unchanged.
- Although the doctor's surgery was located within the housing zone, its use as a GP surgery predated the Ards & Down Area Plan 2015.
- There were no parking issues.

- The proposed extension would allow for expanded medical services and would also facilitate social distancing if required.

Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteerit was unanimously agreed to issue an approval in respect of Planning Applications LA07/2019/1633/LBC and LA07/2019/1635/F contrary to officer recommendation on the basis that enhanced medical services would be provided that would benefit the wider community.

It was also agreed that Officers be delegated authority to impose any relevant conditions.

(3) LA07/2019/1418/F

Location:

48 Liscalgot Road, Crossmaglen

Proposal:

Farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights
(via Skype)**

In support

Barney McKeivitt, agent and Joseph Harvey, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Members.

Issues raised:

- The farm business was located at 2 sites, Liscalgot Road and Drummuckavall Road.
- Planning permission had previously been refused at Drummuckavall Road; the agent considered the current proposed siting at Liscalgot Road made best use of farm lands and it would integrate well into the surrounding countryside.
- Mr Rooney did not accept the stone structure located on the site constituted a building, in planning terms.
- Mr McKeivitt advised the structure was multi purpose in that the applicant used it for storing hay and silage and for testing calves.
- Mr Rooney accepted that while the photographic evidence provided showed a wooden pallet being used as a blocking structure could indicate the structure was being used for farming purposes, this did not make it a building.
- The structure did not have a roof, however it was pointed out that a silage pit does not have a roof and it would be recognised as a farm building.

- Ms Largey advised the Committee, the issue for them to determine was whether they considered the structure to be a building, and not the purpose for which it was currently being used. She said it might be useful to have a site visit.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2019/1418/F contrary to Officer recommendation on the basis that he considered the structure on site had the characteristics of a farm building and he considered the initial opinion of Planning that it was not being used for farming activities had altered during the course of discussions.

Councillor Hanna seconded the proposal saying he was satisfied the structure had once been a building with a roof.

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

FOR:	10
AGAINST:	1
ABSTENTIONS	0

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2019/1418/F contrary to officer recommendation, on the basis that the structure had the characteristics of a farm building and the initial opinion of Planning that it was not being used for farming activities had altered during the course of discussions.

(4) LA07/2020/0133/F
(Audio recorded -YES)

Location:

130 Camlough Road, Newry.

Proposal:

Vehicular access to existing dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking Rights:
(via Skype)

In support

John Young, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

DEA Councillor Taylor spoke in support of the application.

Issues raised:

- The speed limit on the Camlough Road at the location of the site was 40mph.
- DFI Roads did not have any objections to the proposed application.
- There was no photographic evidence presented showing historical vehicular access.
- Safety issue with the current arrangement of the applicants having to park vehicles on the opposite side of the road and cross the busy Camlough Road.
- It was a matter for the Committee to decide how much weight to attach to the safety concerns of the occupants of the house.
- Ms Largey advised the Committee it was important to refer to the DFI Roads report when determining the application.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Tinnelly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0133/F contrary to officer recommendation on the basis that the health and safety of the residents and other road users was of paramount importance, the speed limit was 40mph and DFI Roads did not have any objections to the proposed application.

It was also agreed that Officers be delegated authority to impose any relevant conditions.

(5) LA07/2019/0850/F

Location:

10 Meeting House Lane, Kilkeel

Proposal:

Erection of house and the demolition of existing house

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

(via Skype)

In support

Brendan Starkey, Planning Consultant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The proposed site was within the development limits of the town.
- Planning Officials considered the proposed application site was too tight and restrictive and failed to respect the existing context of the area.
- Mr Starkey said there was a lack of uniformity or distinguishable pattern of development and the proposal would not detract from the character of the area.

- Mr Starkey considered the private amenity space of 67 sq metres was greater than neighbouring properties and met planning requirements.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0850/F on the basis that as the site was located close to the main street it would typically be restrictive, the agent had demonstrated ample garden area and he accepted there was no particular pattern of housing at the location.

Councillor Larkin seconded the proposal.

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

FOR:	9
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared 'carried'.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2019/0850/F contrary to officer recommendation, on the basis that as the site was located close to the main street it would typically be restrictive, the agent had demonstrated ample garden area and he accepted there was no particular pattern of housing at the location

(6) LA07/2019/1117/F

Location:

Chapel Road / Church View, Bessbrook

Proposal:

4 detached dwellings

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking Rights:
(via Skype)**

In objection

Paula Moan presented in objection to the application detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

Feargal Ward, agent and Sam McKee, Turley Associates on behalf of applicant presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members .

Issues raised:

- The proposal was for 4 chalet type dwellings with the living accommodation located in the roof space.
- Planning considered it was reasonable to expect a mix of house designs within the location.
- The site was linear with no provision for a garage and amenity spaces to the side of the site.
- An ecological report found the site to be of low level ecological value and if required, fencing could be designed to allow free passage of hedgehogs between foraging areas and other habitats.
- Planning considered the separations distances of 20 metres from the rear of Camlough Park and 15 – 18 metres from the rear of Church View to be acceptable.
- DFI Roads did not have any objections to the scheme.
- Agent advised they would be happy to consent to permitted development rights with regard to the addition of garages.

Agreed: **On the proposal of Councillor Stokes seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1117/F as per the information and recommendation contained in the Case Officer Report presented to Committee.**

It was also agreed that Officers be delegated authority to impose any relevant conditions.

(7) LA07/2019/1258/F

Location:

Ground floor unit 12 Seaview, Warrenpoint

Proposal:

Retention of change of use for ground floor café with two treatment rooms and ancillary services.

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In objection

Colm McGuinness presented in objection to the application detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- No. 12 Seaview was within the town boundary whilst No. 13 was outside the town boundary.
- The privacy of the objector who resided at No. 11 Seaview would be impeded with the proposed application.
- Mr McGuinness requested that a site visit take place to the Committee could assess the site in more detail.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2019/1258/F in order for a site visit to take place.**

FOR AGREEMENT

P/040/2020: **AGREEMENT ON CALL-IN PANEL MEMBERSHIP FOR 6 MONTHS JUNE – DECEMBER 2020**

AGREED: **It was unanimously agreed that Councillors Burgess, McAteer and Larkin would sit on the Call-In Panel for the period June – November 2020.**

FOR NOTING

P/041/2020: **HISTORIC ACTION SHEET**

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: **It was unanimously agreed to note the Planning Historic Action Sheet.**

P/042/2020: **PLANNING COMMITTEE MEETING PERFORMANCE REPORT MARCH - MAY 2020**

Read: Planning Committee Performance Report March - May 2020. **(Copy circulated)**

AGREED: **It was agreed to note the Planning Committee Performance Report for March - May 2020.**

P/043/2020: **DATES OF PLANNING COMMITTEE MEETINGS JUNE 2020 – MAY 2021**

Read: Dates of Planning Committee Meetings June 2020 – May 2021 for information. **(Copy circulated)**

AGREED: **Noted.**

The Meeting concluded at 13.25pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 1 July 2020.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

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Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 1 July 2020

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

LA07/2018/0820/F - Erection of detached single dwelling with associated parking and landscaping - lands to the rear of nos 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Newcastle. **APPROVAL**

LA07/2019/1691/F - Training pitch and ball wall court with associated floodlighting, retaining walls, perimeter paths, ball stops and fencing - 65 Longstone Road, Moneydarragh More, Annalong. **APPROVAL**

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

Application Reference:	LA07/2018/0820/F
Date Received:	22.05.2018
Proposal:	Erection of detached single dwelling with associated parking and landscaping.
Location:	Lands to the rear of nos 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Newcastle

RECONSIDERATION FOLLOWING DEFERRAL

Application was presented to the 13 Feb and the 29 May 2019 meeting of Newry Mourne and Down Planning Committee with a recommendation to refuse based on Planning Policy Statement 15 Planning and Flood Risk.

Application was deferred by Committee on the 29 May 2019

On the proposal of Councillor Clarke seconded by Councillor Reilly it was unanimously agreed to defer Planning Application LA07/2018/0820/F to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.

The revised plans referred too were those submitted the 20th March 2019 for 2 no self-contained apartments. The applicant also submitted on the 13 Nov 2019 a Flood Risk Assessment. The submission of the FRA was not at the request of the Planning Office, who had determined that the application was contrary to FLD1, however Planning Committee in Feb and May 2019 did not agree that the application was contrary to FLD1 contrary to officers' recommendation and allowed for residential development within this area of Floodplain.

The Planning Office were directed to consider the application as amended for the 2 no self contained apartments. The Flood Risk Assessment was sent to Rivers Agency for comment.

The planning office considered these plans and raised concerns regarding the scale, massing and siting of the proposed development on the site. The agent was advised the site could realistically only accommodate 1 dwelling. The agent subsequently amended the proposal on the 16 March 2020 reducing scheme to 1no detached dwelling. This assessment and subsequent recommendation is based on this latest revision and on the basis that residential development is considered appropriate on the site as determined by the Planning Committee.





The revised proposal was re advertised in the Down Recorder on the 06.05.2020 (date lag due to Mourne Observer not publishing due to Covid-19)

Neighbours were notified on the 15.04.2020.

A number of letters of objection have been submitted on foot of the latest amendments of 16 March 2020. Objections have been received from the surrounding properties in Sally Gardens and Mourne Rise, the closest neighbouring developments. Issues raised include

- Culvert on site and history of flooding on site.
- Pedestrian safety at crossing point to large social housing estate opposite the site
- Impact on light levels to existing properties and privacy issues
- Limited site size wise for development

DFI Roads were consulted and returned with no objection.

Rivers Agency were consulted and responded on the 29 April 2020 with no objection stating

FLD1 - Development in Fluvial and Coastal Flood Plains.

DfI River's previously deemed (in our letter dated 25/6/2018) the proposal to be contrary to PPS 15.

In this new consultation DfI Rivers PAMU have been instructed by Planning Authority that the Planning Committee has overturned DfI River's PAMU advice previously given in regard to Sub-Policy FLD 1.

Hence DfI Rivers cannot comment further in relation to this sub-policy FLD 1.

FLD2 - Protection of Flood Defence and Drainage Infrastructure.

A culverted designated watercourse known as the Murlough Drain MW3204 flows within the site along the eastern boundary. The policy states "Planning authority will not permit development that would impede the operational effectiveness of drainage infrastructure or hinder access to enable their maintenance".

Paragraph 6.32 requires a working strip of 5-10m in order to facilitate maintenance. The policy states “The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times”.

DfI Local Area Office who are responsible for maintenance has now confirmed that they are content with the location for the erection the detached single dwelling and associated car parking/landscaping on the drawing supplied under this amended consultation.

Hence DfI Rivers PAMU cannot not sustain any objection under this sub-policy FLD2.

FLD3 - Development and Surface Water. It is the developer’s responsibility to assess the flood risk and drainage impact, and to mitigate the risk to the development and any impacts beyond the site.

FLD4 - Artificial Modification of Watercourses. Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs. DfI River’s reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Lough Island Reavy Reservoir.

DfI Rivers is in possession of information confirming that Lough Island Reavy Reservoir has ‘Responsible Reservoir Manager Status’. Consequently, DfI Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

Consideration

The development as now proposed is for one dwelling on site, the dwelling has a ridge height is 7m dropping to a lower level of 6.4m. The dwelling is positioned closet to No.1 Sally Gardens. The rear elevation with No.1 Sally Gardens contains a 1st floor bathroom window (obscure glazing) and one bedroom window, this bedroom window is obliquely angled to No 1 Sally Gardens, looking towards the garage of No.1 and the Main Castlewellan Road, it is not considered that this window will cause unacceptable overlooking of No.1 Sally Gardens as it does not impinge on their private amenity space. Whilst it is acknowledged that the proposed development is located close to the boundary with No.1 Sally Gardens the separation distance remains at over 10m. There will be no loss of amenity on No.1 Sally Gardens. The proposed dwelling will have its front elevation facing the rear of properties 31-35 Mourne Rise. There are 2 bedroom windows and one en-suite window on 1st floor front elevation facing Mourne Rise. No detrimental impact on properties in Mourne Rise given the separation distances of over 10m.

Drawings considered

B967/01	Site Location	16 Mar 2020
B967/02	Site Plan	16 Mar 2020
B967/03	Site Layout	16 Mar 2020
B967/04	Plans and elevations	16 Mar 2020
B967/05	Site sections	16 Mar 2020

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans B967/01-B967/05.

Reason: To define the planning permission and for the avoidance of doubt.

3. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with Drg No B967/02 **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drg B967/03 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way, crossing impinging or otherwise pertaining to these lands
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development
3. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.
4. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is 129 Newcastle Road Seaforde. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Appointed Officer: Annette McAlarney

Date: 11 June 2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0820/F

Date Received: 22.05.2018

Proposal: The application is for full planning permission for the erection of a semi-detached pair of dwellings and associated car parking.

Location: The application site is located within the settlement limits of Newcastle as designated in the Ards and Down Area Plan 2015.



Site location plan

Site Characteristics & Area Characteristics:

The site outlined in red comprises a plot of land located between Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise. It lies adjacent to the Castlewellan Road which is vacant and slightly overgrown at present. Sally Gardens comprises a small cul-de-sac of 6 dwellings (3 pairs of 2 storey semi-detached dwellings). Mourne Rise is a larger development and cul-de-sac of Mourne Rise to the east.

The site is relatively flat whereby the boundaries include a mix of fencing, planting and a wall. A grass verge and footpath run along the frontage of the site. The curtilage of No.1 Sally Gardens accommodates a detached garage which runs to the side and rear of No 1, running parallel to the main Castlewellan Road (which is a protected route). Several properties also include sheds and outhouses to the rear of their properties. A pedestrian access/private right of way, also runs along the rear of no's 33-35 Mourne Rise which provides access to the rear of these properties.

The site is located within the development limits of Newcastle on land regarded as white-land as identified in the Ards and Down Area Plan 2015. The site is located off the Castlewellan Road, which is predominantly residential in character and is characterised by 2 storey semi-detached and terraced units.



Site History:

Relevant to the site

R/2013/00013/F - Land to the rear of 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Erection of 2 dwellings, full, approval

R/2007/0099/F- Land to the rear of 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Erection of 2 dwellings, full, approval, 19-03-08, Applicant: P and S Brannigan,

R/2005/1586/F- Lands adjacent to 1 Sally Gardens, Erection of 2 dwellings, full, refusal, 09-06-06, Applicant: P and S Brannigan,

R/00/0728/O- Lands adjacent to 1 Sally Gardens, 1 dwelling, outline, withdrawn, 29-01-01, Applicant: S Brannigan,

Planning Policies & Material Considerations:

Policy- RDS, Ards and Down Area Plan 2015, PPS1, PPS3, PPS7, PPS12, Creating Places, DCAN8

Consultations:

NI Water – Statutory response
 DFI Roads – No objections subject to conditions
 NIEA Water Management – No objections
 Historic Environment Division – No objections
 Rivers Agency – Contrary to Policy revised PPS 15

Objections & Representations

In line with statutory requirements twenty five neighbours have been notified on 14.06.2018. The application was advertised in the Mourne Observer and the Down Recorder on 13.06.2018.

Representations

13 letters of objection have been received in relation to the proposal, some of these objection letters are from the same household, however, they are from 7 different addresses and thus the application would have to be presented to Planning Committee.

The main issues are:

- Development would close out light and sun to the rear of their properties
- Development would impact on the enjoyment of their homes through loss of privacy

Consideration and Assessment:

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

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS

As stated above the site is located off the Castlewellan Road between the developments of Sally Gardens and Mourne Rise.

There is history on the site by way of two previous approvals on this site and this application has been submitted as a renewal application. The most recent previous application R/2013/0021/F was approved 25/06/2013 and at the time of submitting this application there was an extant permission for two dwellings on this site. This permission has since expired.

The house type and layout are identical to the previous scheme submitted. This includes the erection of a pair of semi-detached dwellings which are 2 storey high with a roof-space conversion (3 floor areas) and a single storey return to the rear. These dwellings have a ridge height of approx 8.6m (eaves height of approx 5.65m) and are finished in wet dash render walls, grey concrete roof tiles, and white upvc windows. They front the Castlewellan Road, however due to the shape of the site they are slightly staggered whereby the separation distance to the road varies. Each dwelling has an integral garage with parking and a turning area to the front and amenity space to the rear. The separation distance to the remaining boundaries also varies due to the shape of the site and siting of the units. Levels are provided and a new timber fence (1.8m high) is proposed to be erected along each boundary. The grass verge and footpath along the frontage of the site is shown to be retained either side of the entrance drives. Taking into account the existing character and house types and history of the site, no objections are offered to the principle of such units on this site.

The character of the area may have changed since the completion of the social housing development opposite the site. This should not preclude development of the site subject to complying with the relevant policies and no objections from statutory consultees. Thus as this is a renewal of a previously approved proposal, the issues for consideration for the Council relate to any change in circumstances since the last approval.

As part of this application consultations have been carried out with DFI Roads, NIW, NIEA WMU, Rivers Agency and Historic Environment Division.

Revised PPS 15 – Planning and Flood Risk is a policy that was introduced in September 2014. The Strategic Planning Policy Statement for NI (SPPS) was also introduced in September 2015 and Flood Risk is covered under section 6.99 of the SPPS. Both these policies were introduced after the granting of the previous approval and thus presents new circumstances on which to base assessment of the proposal.

SPPS

Para 6.105 refers to the Regional Strategic Objectives for the management of flood risk which includes; to prevent inappropriate new development in areas known to be at risk of flooding, or that may increase the flood risk elsewhere and to ensure that the most up to date information on flood risk is taken into account when determining planning applications amongst other objectives that are listed under para 6.105.

Revised PPS 15

Policy FLD 1 of PPS 15 addresses development in fluvial and coastal flood plains and states that normally, development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%). Paragraph 5.3 of PPS 15 states that all planning applications, including those for the renewal of planning permission, will be determined with reference to the most up to date flood risk information available to the Planning Authority. Paragraph 5.4 states that the planning authority will consult Rivers Agency on planning applications where it appears that flood risk is a material consideration.

Rivers Agency have been consulted regarding the proposal and have commented that a culverted designated watercourse known as the Murlough Drain MW3204 flows within the site along the eastern boundary. The site is located within the flood plain of the Burren River but in a defended area protected by Flood Defence 1044.

FLD 1 - Development in Fluvial (River) and Coastal Flood Plains

DfI Rivers PAU deems the proposal to be contrary to policy.

The above Policy states *"Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.*

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and*
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.*

Exceptions - Defended Areas

- a) Development of **previously developed land** protected by flood defences that are confirmed by DARD, as the competent authority, as structurally adequate and provide a minimum standard of 1 in 100 year fluvial or 1 in 200 year coastal flood protection".*

This site is not previously developed land and is within a defended area. No exception applies to this site. The proposed development for 2 dwellings is not relevant to Overriding Regional or Sub-Regional Economic Importance.

Paragraph 6.16 (Justification and Amplification) of Revised Policy PPS 15 States

"6.16 There will be a presumption against development of green field sites in defended areas. As well as exposing more people and property to the residual flood risk, this form of development could remove valuable flood storage should the defences overtop or breach".

DfI Rivers PAU deems the proposal to be contrary to the current Revised Planning Policy Statement 15 dated September 2014.

FLD 2 – Protection of Flood Defence and Drainage Infrastructure

A culverted designated watercourse known as the Murlough Drain MW3204 flows within the site along the eastern boundary. The policy states *"Planning authority will not permit development that would impede the operational effectiveness of drainage infrastructure or hinder access to enable their maintenance".*

Paragraph 6.32 requires a working strip of 5-10m in order to facilitate maintenance. The policy states *"The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times".*

The Site Plan Drawing 0249/L015 does not provide a working maintenance strip in accordance to this sub-policy FLD2.

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. The proposal does not exceed the thresholds to require a Drainage Assessment. It is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Consideration should be given to the use of SuDs as the preferred drainage solution.

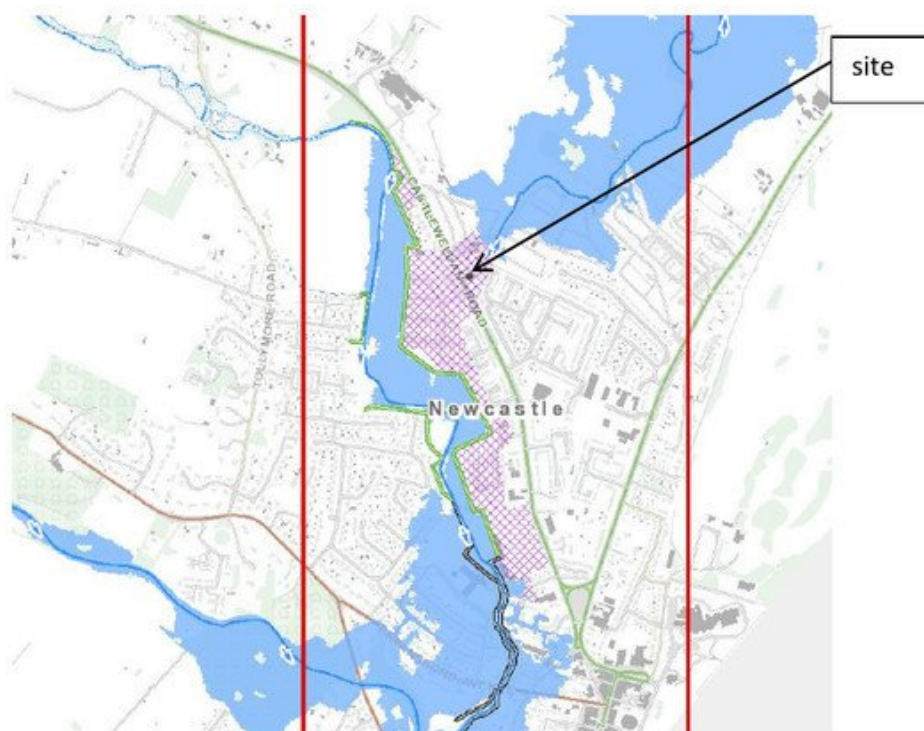
FLD 4 – Artificial Modification of Watercourses. Not applicable to the already culverted Murlough Drain MW3204 flows within the site along the eastern boundary

FLD 5 – Development in Proximity to Reservoirs. The current Revised Planning Policy Statement 15 dated September 2014 now includes this sub-policy for Development in Proximity to Reservoirs. DfI River's Flood Maps (NI) for Reservoir inundation indicate that this site is in an area of inundation emanating from Lough Island Reavy Reservoir and should therefore have Policy FLD 5 applied to it.

Paragraph 6.120 of the SPPS advises that "New development within the flood inundation area of a controlled reservoir can only be justified where the condition, management and maintenance regime of the reservoir are appropriate to provide assurance regarding reservoir safety". Accordingly, planning permission for new development should only be granted subject to such assurance being provided by a suitably qualified engineer and supported by DfI Rivers, as the responsible body for the management of flood risk".

There is insufficient information submitted to demonstrate that FLD 5 has been met.

Given this change in policy since the previous approvals on site, the application is now contrary to FLD 1, FLD 2 and FLD 5 of Revised PPS 15.



NI Flood Map

Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed criteria A - I.

Notwithstanding the issues above. In terms of the application and PPS 7, this is a renewal application for full permission. It is acknowledged that at the time of submission there was an extant permission on the site which has since expired. The plans submitted are the same as those previously approved. The side gables of the main dwelling are blank, thus will not result in any unacceptable direct overlooking over the adjoining properties to either side, while it is also considered the single storey return to the rear will not result in any unacceptable impact due to its nature and the existing and proposed boundary treatments. In addition it is considered the units are located a sufficient distance to the rear boundary in line with current guidance to prevent any unacceptable impact. Taking into account the letters of objection which do not carry determining weight in this case, and given the previous approval on the site, the design and layout would therefore be deemed acceptable.

Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads have been consulted and have offered no objections to the proposal with conditions attached.

Conclusion

With the introduction of new policy since the previous approval, the proposal is now considered to be contrary to policies SPPS and revised PPS 15 – FLD 1, 2 and 5.

Recommendation:

Refusal is recommended.

Refusal Reasons:

- 1.) The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Revised Planning Policy Statement 15, policy FLD 1 in that the site is within the Q100 fluvial floodplain where development is not permitted and it cannot be demonstrated that the proposal constitutes an exception to the policy.
- 2.) The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Revised Planning Policy Statement 15, policy FLD 2 in that the development would impede the operational effectiveness of flood defence and drainage infrastructure

and hinder access to enable their maintenance, as the proposal does not provide a working maintenance strip.

- 3.) The application is unacceptable as insufficient information has been submitted regarding the site's proximity to reservoirs to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date



Application Reference: LA07/2020/0185/F

Date Received: 5th February 2020

Proposal: 2no Stables.

Location: Lands adjoining and 30m north east of 5 Drumnaconnell Road, Saintfield

Site Characteristics and Area Characteristics:

The red line of this application site comprises a dwelling and part of an associated farmyard as well as a small area of paddock to the north east of the site. The site is accessed via a private access which serves both the dwelling and farmyard. The site is screened from the road by mature vegetations

The site is located in the countryside and not within any defined settlement limit. The surrounding land is predominantly agricultural in use and rolling drumlin type topography.

Site History

R/1992/0526 - 5 Drumnaconnell Road, Saintfield

Extension to dwelling

Granted 22/07/1992

Planning Policies and Material Considerations:

The proposal is considered against the Ards and Down Area Plan 2015 and in addition to this is considered against PPS 21 - Sustainable Development in the Countryside Policy CTY1 Development in the Countryside and CTY8 Ribbon development, and PPS8 – Open Space, Sport and Outdoor Recreation, specifically Policy OS3 – Outdoor recreation in the countryside.

Consultations:

No consultations were necessary to determine this application.

Objections & Representations:

The application was advertised in the local press on 19th February 2020 which expired on 4th March 2020. Neighbour notification was issued on 6th February 2020 which expired on 20th February 2020. To date there have been no objections received in relation to the proposal.

Consideration and Assessment:

Permission is sought for the erection of a stable building containing 2 stables. The building would be 8m wide with a stable depth of 3.7m, along with a canopy projection bringing the maximum depth to 4.7m and a maximum height of 4.3m. The stable would be mostly clad in forest green metal cladding to rear and side walls and roof. The front would be clad in treated timber weatherboarding to front. There would be two timber stable doors in the front and two clear corrugated roof lights.

PPS 21 Policy CTY1 identifies the instances where planning permission will be granted for non-residential development in the countryside.

Policy CTY 8 States that Planning Permission will be refused for a building which creates or adds to a ribbon of development. Officers consider that the proposed stables would create ribboning when considered with the applicants dwelling at no. 5 Drumnaconnell Road and the associated buildings to the southwest. As the application gives rise to ribboning it also offends CTY14 (b) and (d) of PPS21 in terms of creating a suburban style build-up of development and creating a ribbon of development.

The application is also unacceptable as it fails to integrate on the site given that the stable would be located in the middle of an open field, the proposal fails to comply with criterion (b) of CTY13. The Planning Office had suggested an alternative siting to the southern corner of the field however the client did not take up this suggestion. The application is contrary to Policy CTY8, CTY13 and CTY14.

In respect of outdoor sport and recreational uses such as that proposed, the applicable policy context is PPS8, with specific reference to Policy OS3 Outdoor Recreation in the Countryside.

Policy OS 3: Outdoor Recreation in the Countryside

The Department will permit the development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced, and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate, and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The proposed stables would be located towards the rear of a paddock to the north east of the dwelling and farm yard. It is considered that there would not be any adverse impact upon features of importance to nature conservation, archaeology or built heritage in allowing the stables. The land on which the stables would be built is a portion of grass sown field, with no shrubs or trees that may be providing shelter to protected species.

The land is not considered to be the best and most versatile agricultural land given that it is slightly boggy and waterlogged. There would further not be any acceptable impact on nearby agricultural activities given that the stables would be a modest size and would make use of the existing gateway into the field and existing access into the site.

Given the proposed location of the stables in an area of open field away from trees and hedges, the stables would fail to integrate within the surrounding site. While there is a band of mature hedging along the roadside to the front of the site, considering how far back the stable would be sited wide open in the middle of a field, this hedging would not conceal the stables from views crucially from the east. The proposal fails to comply with criterion (iii) of Policy OS3 of PPS 8.

The erection of the stable building would not result in harm to the residential amenities of any surrounding properties given the modest scale and the location, well separated from all neighbouring dwellings.

Public safety would not be prejudiced in allowing this stable building, there would not be any increase on the number of vehicle movements as a result of this private stable building and there are already horse vehicles moving from the site at present.

The stable building itself is of a traditional stable style and high-quality materials are proposed. It is considered that the scale and appearance of the buildings would be appropriate were the stables to be relocated as requested by the Planning Authority.

The stable building would make use of the existing access and there would be a new area of hardstanding connecting to the existing area of hardstanding. As such, there would be a flat access which would be accessible. The stable building however is for private use of the applicant only however in terms of future proofing, the proposal appears to be accessible.

As previously stated, there would not be any uplift in the amount of vehicular traffic or any intensification of use of the existing access.

In light of the above consideration, the proposed stable building would fail to comply with PPS21 Policies CTY8, CTY13 and CTY14 also Policy OS 3 of PPS 8 and is therefore recommended for refusal.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY8, CTY13 and CTY14 of PPS 21 Sustainable development in the countryside in that the development would

result in ribboning and therefore offends rural character and fails to Integrate on the site.

3. The proposal is contrary to PPS 8 Policy OS 3 in that the proposal would have a detrimental impact on visual amenity and rural character by virtue of its open siting which cannot be readily absorbed into the landscape through making use of existing vegetation or topography.

Informatives

1. This refusal notice relates to the following plans: 01, 02 and 03 date stamped 23rd January 2020.

Case officer: Jane McMullan

Authorised by: Annette McAlarney

Date: 21 May 2020

Written submission in respect of application LA07/2020/0185/F

2No stables, lands adjoining & 30m east of 5 Drumnaconnell Road, Saintfield

The applicant is widely known in the equestrian industry and has been engaged in equestrian activities for many years including training and breaking horses, breeding, showing horses and judging competitions across the country. In addition, he voluntarily assists this very Council on matters pertaining to equestrian rights of way throughout the District Council area.

Mr Titterington purchased the farm holding at Drumnaconnell Road early last year and has been carrying out agricultural improvements to the land and buildings ever since. The very modest isolation stable facility proposed is specifically designed to provide safe haven for the rehabilitation of quarantined stock, and the safe and secure handling of young stock in a controlled environment.

The proposed stable is fully compliant with the policy requirements of PPS 8 Policy OS 3 and Policies CTY 8, CTY 13 & CTY 14 of PPS21. The google street view image below illustrating the sole viewpoint demonstrates that the selected site not only occupies a very low-lying position in the landscape, but further benefits from a substantial backdrop of rising ground, long established mature boundary vegetation, and the presence of the large two storey farm dwelling and associated outbuildings.



In terms of scale, the stable is smaller than a domestic single garage; it is orientated gable-on to the sole viewpoint from a very narrow minor road, combined with the muted bottle green clad finish and associated mature sylvan backdrop demonstrates clear compliance with the policy requirements of PPS 21 Policy CTY 13 (integration) & CTY 14 (rural character).

Despite this very well integrated and low-lying position, and without citing a policy reason for doing so, planning officers requested that we re-site the stable into the private rear garden of the host dwelling at No 5 Drumnaconnell Road. Clearly this suggested siting was entirely inappropriate given the nature of the proposal and the inaccessible nature of the private rear garden detached from the access and farmyard.

After rejecting the notion of siting an isolation stable into a domestic rear garden, a further request was issued to re-site the stable *'...tucked behind the hedge so that is completely hidden by the hedging.'* However, this position clashes with the existing soakaway serving the established septic tank for the host dwelling and siting it here, would involve re-locating the existing septic tank and soakaway (a cost which would be greater than the proposed stable itself).

Planning officers suggested *'...if the stable is not completely hidden by the mature hedge then it would fail to comply with CTY8 which states that planning permission will be refused for a building which creates or adds to a ribbon of development.'* The case officer suggested that the buildings which would contribute to this alleged ribbon of development included the existing farmhouse (No5), the proposed stable and Drumnaconnell House (located 100m north of the proposed site).

This is an entirely misguided interpretation of Policy CTY 8 Ribbon Development. To constitute ribbon development, there must be a continuous line of 3 or more buildings without any gaps in between. There is an open field to the north which provides a visual break of almost 100m in width between the proposed stable and Drumnaconnell House to the north, meaning that there will be no ribbon development created as a result of the proposal. Furthermore, rural planning policy framed by PPS21 confirms that the determination of whether a new building integrates into the landscape is not a test of invisibility. As demonstrated by the photograph above, the selected low-lying site is fully integrated into the landscape in compliance prevailing planning policy.

The determination of this application to date, when compared with previous approval R/2014/0625/F (approved by Council September 2015) at No6 Drumnaconnell Road directly opposite the application site, is entirely inequitable. Unlike our very modest proposal, as illustrated below, the approved stable building is substantially larger in scale, has its own individual vehicular access, and is sited immediately adjacent to the roadside with no existing vegetative cover between it and Drumnaconnell Road. As a result, it is visible for a significant distance along Drumnaconnell Road, proving that a building does not have to be invisible to satisfactorily integrate into the landscape.

We would respectfully request the planning committee to provide the applicant in this instance with a fair and equitable assessment of the same planning policy context which was applied to his neighbour's proposal for a much larger stabling facility.





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

Application Reference: LA07/2019/1279/F

Date Received: 20 August 2019

Proposal: New access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road

Location: The application site is located at lands adjacent to 27 Islandmoyle Road, Cabra, Newry BT34 5ET

Site Characteristics & Area Characteristics:

The site is located along Islandmoyle Road adjacent to No. 27. The site is comprised of a long strip of land cut out of a larger agricultural field which runs from Islandmoyle Road at the North to an existing dwelling – No.27 Islandmoyle Road at SW. The south eastern boundary is undefined as it is cut out of an agricultural field. The southwestern boundary consists of a post fence with some trees scattered. The topography of the site is sloping with the land at road level at 49m and lands at the top of the proposed laneway at 94m. The site therefore rises considerably as it transverses from north to south. The general area is under a lot of development pressure with a number of single dwellings with individual accesses located along this part of Islandmoyle Road. The HED map viewer indicates two sites and monuments (DOW042:033, DOW042:032) to the west of the application site outside the red line.



Image 1 Application Site

Site History:

No planning history on application site. The following applications were granted on lands adjacent:

LA07/2015/1367/F Proposed farm dwelling and garage.
Lands 50M east of 27 Islandmoyle Road Cabra.
Permission granted 27 June 2016.

(Known on address checker as 31 Islandmoyle Road)

Note: Access granted via existing farm lane serving dwellings 25, 27 and 29 Islandmoyle Road.

P/2004/3193/F Two storey dwelling.
Dwelling now known as No. 29 Islandmoyle Road, Cabra.
Permission granted 5 April 2005

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland,
- PPS21 - Sustainable Development in the Open Countryside,
- PPS 3 Access, Movement and Parking
- PPS 15 Planning and Flooding
- Building on Tradition Sustainable Design Guide

Consultations:

DFI Roads No objection subject to conditions

Rivers Agency FLD 1- Development in Fluvial (River) and Coastal Flood Plains
Whilst DfI Rivers Flood Map (NI) do not indicate a floodplain associated with the undesignated historic watercourses and bog in the immediate location of the proposed laneway, the bog area is floodplain. The area is not mapped as floodplain only because falls below the threshold in terms of catchment area for River Modelling. Normally in such circumstances the applicant appoints a competent company to carry out a Flood Risk Assessment. However in this case, the most likely outcome would only confirm floodplain and also have to assess at least 2 culvert capacities to both undesignated watercourses. Policy dictates that the finished laneway level would have to be raised and constructed with the design levels a min 600mm above the established Q100 flood plain level. Any development (including the laneway) within the floodplain is contrary to this sub-policy FLD 1. The applicant is advised to consider an alternative route outside of the floodplain.

FLD 2 – Protection of Flood Defence and Drainage Infrastructure

It is noted that there are at least 2 undesignated watercourses within the site to be traversed. PPS 15, policy FLD2 states planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance. Also paragraph 6.32 states where a new development proposal is located beside watercourse it is essential that an adjacent working strip is retained to facilitate future maintenance by the riparian owners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains.

Planning Authority has confirmed by email on 16/10/2019 the area of impermeable surface area does not exceed the threshold requiring a Drainage Assessment.

FLD 4 – Artificial Modification of Watercourses.

There are at least 2 undesignated watercourses within the site to be traversed. Policy FLD 4 states that “The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action”.*

FLD5 - Development in Proximity to Reservoirs.

Dfl River’s reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Lough Island Reavy Reservoir. Dfl Rivers is in possession of information confirming that Lough Island Reavy Reservoir has ‘Responsible Reservoir Manager Status’. Consequently Dfl Rivers has no reason to object to the proposal from a reservoir flood risk perspective.

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

Objections & Representations

Six neighbour notifications were issued on 18 September 2019. The application was advertised in the local press on 4 September 2019. No third party objections or representations were 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 a designated settlement as illustrated on map 3/01. 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, PPS 3, PPS 15 and the retained policies within PPS21.

Strategic Planning Policy Statement (SPPS)

There is no change to the policy requirements for new accesses in the countryside following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS21, PPS 3 and PPS 15 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside, although it does not set out a specific policy for new accesses in the countryside. However, the policy headnote states ***“all proposals (my emphasis) for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for access and road safety.”***

Criterion (d) of Policy CTY13 indicates that ancillary works should integrate with their surroundings, Paragraphs 5.71- 5.74 of the Justification and Amplification text deals specifically with accesses. Paragraph 5.72 reiterates that access to a new building should be taken from an existing laneway wherever possible. However, where a new access drive is required, it goes on to say that the laneway should, as far as practicable, run unobtrusively along existing hedgerows and be accompanied by landscaping measures.

Criterion (e) of Policy CTY 14 indicates that ancillary works (with the exception of necessary visibility splays) should not damage rural character. Paragraph 5.82 of the Justification and Amplification text deals specifically with ancillary works such as accesses. This paragraph states access arrangements can often raise awareness of and draw attention to new development when read in conjunction with other existing or approved accesses can have a combined impact damaging to the rural character of an area.

This planning application is for a new access to serve two existing dwellings 27 and 29 Islandmoyle Road and an approved dwelling (LA07/2015/1367/F) 31 Islandmoyle Road. The original laneway serves four dwellings two of which are farm businesses associated with - No. 25 and 27 Islandmoyle Road and one is to be built – No.31. The original laneway is constructed of concrete and enclosed on the eastern boundary by a stone wall traversing the length of the laneway and a hedgerow to the opposite side (southwestern boundary). The existing laneway is visible in the landscape particularly the eastern boundary which consists of a wall which can be seen when travelling from the east. However, the existing laneway cannot be seen for the entire length of the laneway due to screening from farm buildings and existing dwellings and the topography of the land also aids in providing broken views of the existing lane. The key test is how visible the additional laneway will be in the landscape and whether or not it is unduly prominent.

The end of the proposed laneway is located immediately northeast of No. 27 Islandmoyle Road, it then transverses 210m northeast to meet Islandmoyle Road. The topography of the site is rising as it transverses from Islandmoyle Road at the North (49m) to the dwellings 27 and 31 Islandmoyle Road at the Southeast (94m). The proposed laneway fails to preserve the existing field pattern as it is cut out of a larger agricultural field and therefore does not run along existing boundaries and requires new boundary treatment for its entire length along the eastern boundary. The proposed laneway will be clearly visible when travelling in both directions along Islandmoyle Road as it will take time for new planting to mature and in the short term would not provide the degree of integration necessary to overcome the lack of integration in its rural surroundings. The existing boundary treatment on the western boundary is a post fence which provides little screening. The laneway is to be constructed of concrete for its entire length until it links in with farm buildings and existing farm yard at No.27, and I consider this will also draw attention to the laneway. There are several other accesses (including the existing access which I consider is perfectly good), in the immediate area of the site and the proliferation of these combined with the proposal negatively impacts on the rural character of the area. I consider the proposal would fail to integrate into the rural landscape and be detrimental to the character of the countryside.

In summary I consider the proposal is contrary to Policy CTY 1 in that the access is not sited and designed to integrate sympathetically with the surrounding area and

the proposal also fails CTY13 (d) and CTY 14 (e) of PPS21 for the reasons discussed in the previous paragraph.

The applicant's agent contends there a number of factors which necessitate the need for a new access:

- Increased risk of collision due to the number of vehicles including farm vehicles using the lane.
- Visitors to existing dwellings impacting on persons within farm yard and pedestrians have to travel through existing farm at No.25 and
- Use of two farms on the one laneway could increase risk of disease to applicant's farm and vice versa if there was an outbreak of disease on one farm.
- Disturbance due to applicant having to pass through adjacent farm yard with heavy plant and equipment.

I have not been presented with any information which demonstrates collisions have occurred in past on the existing farm lane. The road safety concerns particularly the disturbance caused from heavy plant and equipment within the neighbouring farm yard are common factors associated with third party dwellings sharing laneways in the countryside. The safety concerns expressed about increased risk of disease from one farm to another along the same laneway could be applicable to many farms in the countryside. No evidence of previous disease outbreaks has been presented. In summary I consider these factors are not persuasive material considerations in this case and are therefore not sufficient grounds to justify a separate access road.

PPS 15 Planning and Flooding

FLD 1- Development in Fluvial (River) and Coastal Flood Plains

Rivers Agency have indicated any development within the floodplain is contrary Policy FLD 1. A section of the proposed site is within an area an area of flooding on the eastern boundary showing on the following map (see image 2). I consider the proposal fails to meet one of the exceptions listed under FLD 1, therefore the Planning Authority will not be requiring the submission of a Flood Risk Assessment. The Rivers Agency maps also show that the lower section of the proposed laneway would have surface water depths exceeding 1 metre (see image 3). An alternative route is not possible due to the extent of the red line of the application site. Accordingly, the proposal is contrary to Policy FLD 1.

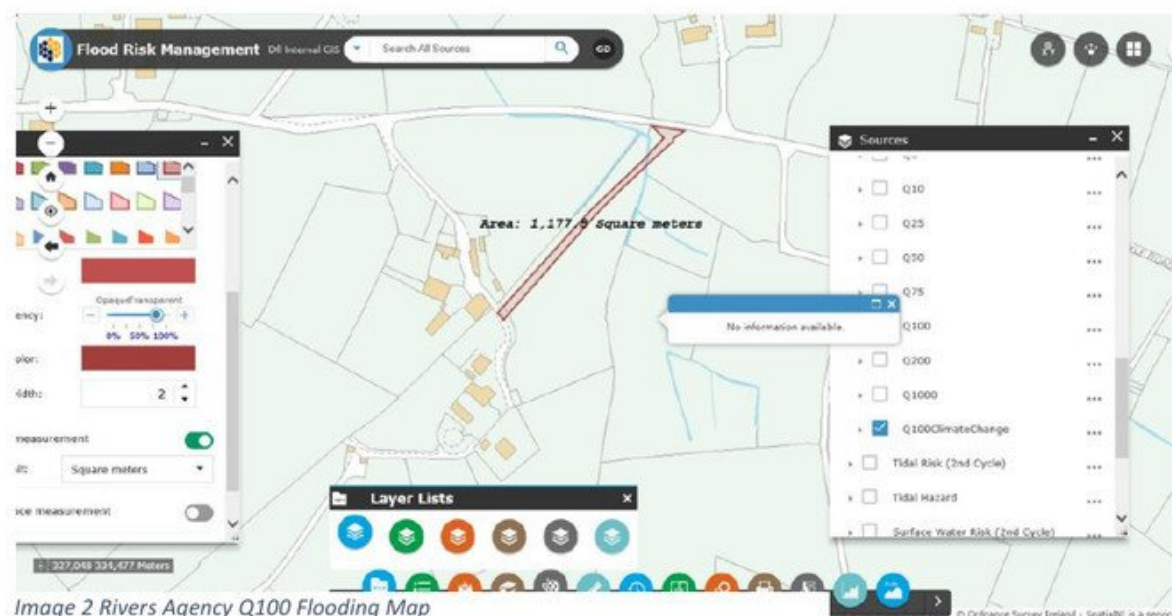


Image 2 Rivers Agency Q100 Flooding Map

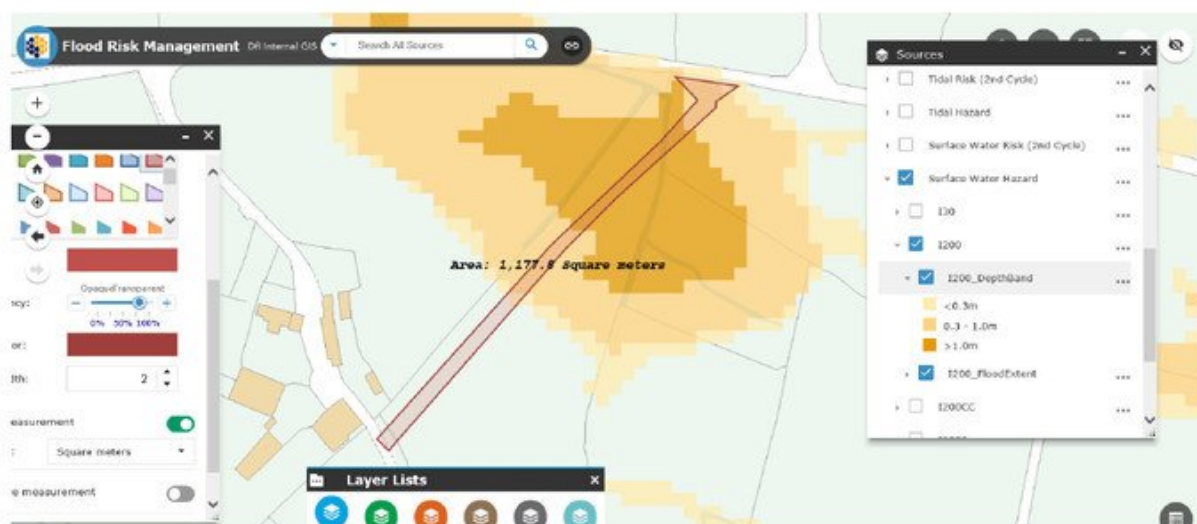


Image 3 Rivers Agency Surface Water Map

Recommendation: Refusal

Reasons for Refusal:

The proposal is contrary to the SPPS for Northern Ireland and Policy FLD 1 of Planning Policy Statement 15 Planning and Flood Risk in that the application site is within the 1 in 100 year fluvial flood plain as shown on the Strategic Flood Map (NI) and it has not been demonstrated that the proposal constitutes an exception to the policy.

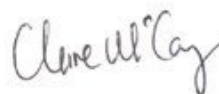
The proposal is contrary to the SPPS for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed access is not sited and designed to integrate sympathetically with the surrounding countryside.

The proposal is contrary to the SPPS for Northern Ireland and Policy CTY 13 (d) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the ancillary works do not integrate into their surroundings.

The proposal is contrary to the SPPS for Northern Ireland and Policy CTY 14 (e) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of the ancillary works (with the exception of necessary visibility splays) would damage rural character.

Case Officer Signature:

Date: 8 April 2020



Authorised Officer Signature:

M Keane

Date: 01-05-2020

Presentation to Newry, Mourne and Down Council Planning Committee: 01st July 2020

1. The first refusal reason states that the site is within the flood plain. Factually, the site does not lie within a flood plain: DfI Rivers acknowledge that "DfI Rivers Flood Map (NI) does not indicate a floodplain associated with the undesignated historic watercourses and bog in the immediate location of the proposed laneway". The consultation response speculates that the most likely outcome (of a flood risk assessment - that has not actually been undertaken) **would** only confirm floodplain. DfI confirms the watercourse is below the threshold at which modelling takes place. The consensus is that if modelling was carried out, the site would likely be classified as flood plain. However, a flood report has not been commissioned, so refusal cannot be predicated upon the (speculated) outcome of a non-existent flood assessment.
2. Image 2 of the planning report shows the site is not in the flood plain. Image 3 illustrates a surface water issue, not a fluvial flooding risk. Policy FLD 1 of PPS 15 relates to Development in Fluvial (River) and Coastal Flood Plains. The headnote to Policy FLD 1 confirms it pertains to Fluvial (river) and coastal flood plains. Policy FLD 3 of PPS 15 relates to Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. This would appear to be more relevant than FLD 1 and there is a concern that the wrong policy context has been identified.
3. Regardless of which is the appropriate Policy, the issue of flooding is academic. Given the terrain, there is no possibility the entire lane could be inundated. At worst, surface water could accumulate at the bottom of the new access to the site. This can be avoided through proper management of the adjacent culvert, which would ensure surface water does not back up. The issue would likely be addressed if a culvert was constructed, and culverting is generally permissible where it is to facilitate access to a site.
4. The reality is that the worst-case scenario would be that the applicants could experience difficulty accessing the site in the event of inundation occurring (i.e. if the drain became clogged up or water backed up). As an emergency measure however, the applicant could use the existing access if the new access was submerged. This is not a situation whereby there is a risk of flooding to inhabitants to a dwelling, and the applicant's property would not be rendered inaccessible in the event the new access was submerged.
5. The access is needed for health and safety reasons. The planning department does not deem the current arrangement unsafe, simply because no accidents have occurred on the lane. However, the reality is that the access to the applicant's residence passes directly through a third party's working farm, and persons working on that farm are liable to exit a building in the yard, directly into the path of approaching traffic. Not only is there a risk to pedestrians but approaching traffic can and often does conflict with tractors and heavy machinery operating in the third party's farm yard. There is a perception that conflict is not a planning concern and that only road safety would be of concern to planning however the recurrence of conflicting traffic movements is having a detrimental impact upon the enjoyment of the applicant's residence while there is always the possibility that conflicting traffic could force traffic entering the lane into a reversing maneuver, onto the public road, owing to the lack of passing provision.
6. Concerns have been expressed about the proliferation of accesses onto this road. However, there are a multitude of entrances on the opposite side of the road, and these do not detract from the character of the area. The access point is almost 200m away from the existing access. The provision of a new entrance in this context will not lead to a process of suburbanisation.
7. As regards the visual impact of the laneway – the laneway hugs a field boundary, in precisely the manner recommended in all planning guidance documents. The laneway does not meander through a field in

the manner a suburban access would: the proposal is fully in keeping with rural character. A concrete laneway has been proposed. If it came down to visual impact, the applicant would be prepared to amend the surfacing to stone / gravel, as a compromise.

8. All that is required to "integrate" the lane is a new hedge. The hedge does not need to be so substantial that it would screen or obscure views of a prominent building, for example, but a simple farm lane.
9. The planning report states that the site is cut out from a larger field: in fact the lane is proposed to run immediately adjacent to the long-established field boundary.
10. As regards Policy CTY 1 of PPS 21, the policy headnote states "*all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for access and road safety*". In this case, the "other planning and environmental considerations relied upon by the planning department are not actually engaged: A meeting was previously held with planning officials and it was earlier pointed out that two of the policies that were deemed to be offended are not actually engaged. The planning department has persisted with its refusal, still citing concerns that only arise in the assessment of a new building in the countryside (a new building is not proposed in this instance). There is a risk that if a decision is taken on the basis of the refusal reasons listed, it would be held unlawful at worst, or in the event of an appeal the Council could be liable for an award of costs. Discussion among committee members, aided by the Committee's legal representative, is required in order to ensure that the correct, everyday, meaning of the policies are actually relied upon. It is not possible to rely upon concerns that would be legitimate if a building was proposed, when a building is not in fact proposed.
11. Officers stated that "the key test is how visible the additional laneway will be in the landscape and whether or not it is unduly prominent". There is no requirement for a new laneway to be invisible in the countryside. Officers statement infers that prominent development could be acceptable provided it is not UNDULY so. There is no sense this lane falls into that categorisation.
12. There has been no actual identification of critical viewpoints, nor has there been any assessment of whether the views are "side-on" or "full-frontal". It is submitted that because of the nature of the views into and through the site, the lane will not be UNDULY prominent, and that it will run along the field boundary.

SUMMARY

13. On the basis that two of the four refusal reasons are inadmissible, while the first reason is based upon speculation (that the site would appear as "flood plain" if subjected to a flood risk assessment), the decision can concentrate on one single issue – the visual impact of the lane. The application should be decided on the basis of what works the applicant COULD undertake without even needing planning permission, and Members are best placed to arbitrate on these issues.
14. Officers feel constrained and bound by planning policy. This is not a case for the slavish adherence to policy. Whereas officers feel that the lack of accident data on the existing lane is indicative of an insignificant problem, Members are entitled to give greater weight to the potential health and safety risk associated with the continuance of accessing a private dwelling through a third party's farm.
15. No account has been taken of the applicant's Permitted Development rights (his fallback position). If this laneway was intended for agricultural purposes only, it would not require planning approval. One must consider whether it is reasonable to refuse permission for works that could be carried out under separate provisions. The only thing that would be different would be that the applicant would not be entitled to continue the lane to serve his dwelling: it would have to be for agricultural use only. In these circumstances, refusing permission would serve no useful purpose.



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

Application Reference: LA07/2019/1691/F

Date Received: 14 October 2019 (Valid on 11 November 2019)

Proposal: Training pitch and ball wall court with associated floodlighting, retaining walls, perimeter paths, ball stops and fencing.

Location: The application site is located at 65 Longstone Road, Moneydarragh More, Annalong

Site Characteristics & Area Characteristics:

The application site is located to the rear and west of the existing two storey clubhouse at Longstone GAA pitch. The red line of the application site includes the existing football pitch and clubhouse and the area where the proposal is to be located adjacent and west of the existing facilities. There is rising topography across the site in a north south direction with the northern boundary at a higher level than the south. The landscape to the north is very open, although this is common in the area as the lands south of Head Road (to the north) are very open. Adjacent and to the immediate south a housing development is currently under construction. There is a parking area at the front of the clubhouse on Longstone Road.

The surrounding area is countryside to the north with several residential dwellings located to the east and south.

Site History:

P/2010/0058/F Playing field and access. Application withdrawn

LA07/2019/1020/PAN Training pitch and ball wall court with associated floodlighting, retaining walls, perimeter paths, ball stops and fencing.
PAN acceptable

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
- PPS 8 Open Space, Sport and Outdoor Recreation
- PPS21 – Sustainable Development in the Countryside
- DCAN15 – Vehicular Access Standards
- Parking Standards
- Building on Tradition Sustainable Design Guide

Consultations:

DFI Roads	Content.
Rivers Agency	FLD 1 – No Objection, FLD 2, 4, 5 – N
NIW (Strategic)	Generic response received.
Environmental Health	No Objection
NIEA	Content

Objections & Representations

15 Neighbour notifications were issued on 3 December 2019. The application was advertised in the local press on 4 December 2019.

No objections have been received to date (12-06-2020).

Representations of support for the proposal have been received from Sinead Ennis MLA, Chris Hazzard MP.

Consideration and Assessment:

Banbridge / Newry & Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan and within the Mournes AONB. 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 policies of PPS 8, PPS 2 and PPS 21.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for outdoor sport developments following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS 8 and PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS21 - Sustainable Development in the Open Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes outdoor sport and recreational uses in accordance with PPS 8.

PPS 8 Open Space, Sport and Outdoor Recreation

Policy OS3 of PPS 8 permits development of proposals for outdoor recreational use in the countryside where all the following criteria are met:

- (i) *there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
There are no features of importance to nature conservation, archaeology or built heritage located on site or within close proximity to the site.
- (ii) *there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
I do not believe that any valuable/versatile agricultural land will be lost through the creation of the proposed development. There is no impact on agricultural activities nearby.
- (iii) *there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*
The proposed works involve the creation of training pitch (adjacent and west of the existing football pitch), a ball wall court at the southern boundary and perimeter paths. Retaining walls, 15m high floodlighting (6) and 12m high ball stops also form part of the proposal. The pitch will be cut into the site which is acceptable as shown on the plans. The proposed retaining walls are acceptable and an amendment to the scheme to include a living wall to the exterior of the ball wall court at the southern boundary aids the visual aesthetic of the development.
- (iv) *there is no unacceptable impact on the amenities of people living nearby; This GAA club has been long established at this site.*
The proposed development is to serve this existing club which is long established at this site. The proposal will extend the community facilities which already form part of the character of the area. No representations have been received and Environmental Health have not raised any issues. There is a residential development currently under construction and a current application (LA07/2020/0041/F) for further housing adjacent to the south beside the ball wall court. The proposal has been fully assessed considering the adjacent development and I am content the proposal will not have any impact on the dwellings to be constructed and currently under consideration in application

LA07/2020/0041/F.

- (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*

The community use is already long established at this site. The P1 form states there is no intensification in use, therefore I am content the proposal will not prejudice public safety or be incompatible with surrounding uses i.e. residential. DFI Roads are content with access and road safety measures. The proposal is therefore not at odds with this requirement.

- (vi) *any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*

The proposed flood lights and ball stops are ancillary features of the proposal. I consider they are acceptable.

- (vii) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;*

The proposal is not considered contrary to this criterion.

- (viii) *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*

DFI Roads have no objections to this proposal. The Department's Parking Standards state car parking spaces for gaelic/soccer/rugby pitches, sports centres etc should be provided at the following rate:

1 space per 3 staff, 1 space per 3 players and 1 space per 3 spectators.

The P1 planning application form states the average No. of vehicles at the premises daily include - 2 staff vehicle attending the site daily and 20 visitor vehicles. There is no expected increase as a result of the proposed development. The P1 planning application form also states the average No. of persons attending the premises daily include 2 employees and 20 others. There is no expected increase to these figures as a result of the proposed development. Based on these figures there is a requirement of 0.6 staff spaces, 6 spaces for visitors and 6.6 spaces for others. The red line of the application site incorporates the existing parking area at the front of the clubhouse, I consider this area will adequately accommodate the parking requirements.

PPS 2 – Natural Heritage

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the

locality. I consider the proposed development is unlikely to have an adverse impact on the AONB.

Recommendation: Approval

Conditions:

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.

The development hereby permitted shall take place in strict accordance with the following approved plans:

01, J/18/635/05B, J/18/635/06, J/18/635/07B, J/18/635/08A

Reason: To define the planning permission and for the avoidance of doubt.

If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.

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

After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

The operating hours of the flood lighting to the training field should be limited to between 07:00 to 23:00 hours.

Reason: In the interests of amenity.

All flood lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution may be obtained from the Institution of Lighting Professionals at <https://www.theilp.org.uk/documents/obtrusive-light/>. The applicant should be aware to comply with requirements of ILP Guidance Notes for the reduction of Obtrusive Light for Environmental Zone namely: pre-curfew 5 Lux, post curfew 1 Lux.

Reason: In the interests of amenity.

The operating hours of the Ball Wall Court should be limited to 08:00 to 22:00 hours to prevent noise nuisance to nearby residents.

Reason: In the interests of amenity.

The living wall as illustrated on drawings J/18/635/08A and J/18/635/05B shall be implemented within 6 months of the development becoming operational and shall be retained in perpetuity thereafter.

Reason: In the interests of visual amenity.

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

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

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 Department, 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 Department gives its written consent to any variation.

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

Informatives

Advice from NIEA

Care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.

Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

The use of Sustainable Urban Drainage Systems is recommended and where practicable, these should discharge into the ground. The applicant should refer to DAERA Standing Advice on Sustainable Drainage Systems. Where a SUDS option discharges to a waterway, then permission should be sought from Department for

Infrastructure (DfI) Rivers. No consent under the Water (Northern Ireland) Order 1999 is required.

Where the use of herbicides/pesticides is proposed, then the applicant should refer to "Pesticides - Code of Practice for Using Plant Protection Products" available at: <https://www.daera-ni.gov.uk/publications/code-practice-using-plant-protection-products>

All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

The purpose of Conditions 1 and 2 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and endues of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.

RU Land & Groundwater Team would recommend that the applicant considers the production of a Site Waste Management Plan (SWMP) for this proposed development. SWMPs are promoted as an example of best practice in the construction industry and a SWMP is a document that describes, in detail, the amount and type of waste from a construction project and how it will be reused, recycled or disposed of. Following the SWMP procedure could help to reduce the amount of waste produced and will help manage waste more effectively. Further information can be obtained from:

<http://www.netregs.org.uk/environmental-topics/waste/storage-handling-and-transportof-waste/site-waste-management-plans/site-waste-management-plans-swmp><https://www.nibusinessinfo.co.uk/content/what-site-waste-management-plan-shouldcontain>

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

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

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

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

Case Officer Signature: C McCoy

Date: 11 June 2020

**Authorised Officer Signature:
M Keane**

Date: 12-06-2020



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

Application Reference: LA07/2020/0005/F

Date Received: 11.12.2019

Proposal: Proposed change of house type from dwelling and garage under planning reference P/2008/0181/RM

Location: 3 Edentrumly Road Upper, Ballydulany, Mayobridge, Newry

Site Characteristics & Area Characteristics:

The site is located in a rural area, characterised by agricultural fields with agricultural buildings and single dwellings in the surrounding area.

Site History:

P/1997/0982, Site for Dwelling, EDENTRUMLEY ROAD UPPER MAYOBRIDGE, Permission granted, 10.12.1998

P/2001/1852/O, Site for dwelling (renewal of previous outline permission, granted under File Ref. P/1997/0982/O), Permission granted, 31.01.2004

P/2004/1219/O, Site for dwelling with detached garage, Edentrumley Road Upper, Mayobridge, approx.220 metres south of junction with Hilltown Road, Mayobridge, Permission granted, 15.02.2005

P/2007/0129/RM, Erection of dwelling Edentrumley Road upper, Mayobridge, Newry (approximately 220 metres south of Junction with Hilltown Road), Permission granted, 16.07.2008

P/2008/0181/RM, Erection of Dwelling and detached Garage, Edentrumley Road Upper, Mayobridge, approximately 220 Metres South of junction with Hilltown Road, Mayobridge. BT34 2SG, Permission granted, 14.05.2008

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 2 – Natural Heritage
 Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside
 Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

No consultations required.

Objections & Representations

3 neighbour notifications were issued on 7 January 2020 and the application was advertised in local papers on 15 January 2020.

No objections or representations have been received in relation to this proposal.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside of settlement development limits, is unzoned and is in the Mourne AONB. There are no specific policies in the plan relevant to the determination of the application, so the application will be considered under the operational policies of the SPPS and PPS 21.

Planning approval was granted on the site for a dwelling and garage under planning reference P/2008/0180/RM on 14 May 2008. This RM approval was related to outline approval P/2004/1219/O which was granted on 15 February 2005.

The current application is for a change of house type. Given the length of time that has elapsed since planning permission was granted on the site, the applicant is required to demonstrate that P/2008/1219/O was lawfully commenced. A site visit was carried out on 20 January 2020 and at this time neither the access relating to this approval or foundations were clearly visible. The applicant was asked to provide evidence that P/2008/0180/RM was commenced before 14 May 2010.

Condition 2 of approval P/2008/0180/RM requires the access and site lines to be in place prior to the commencement of other works. The applicant advises that work to construct the access and visibility splays in accordance with P/2008/0180/RM was completed by 23 March 2010. Evidence provided to support this includes an invoice for the works and related cheque stub. This appears to tie in with the available aerial photography.

However, the applicant in their letter dated 21 February 2020 confirms that foundations were not put in place until 25 May 2010, after the permission had expired. Building Control records and evidence from the applicant show that the site was not inspected by building control until after the permission had expired.

I therefore consider that planning permission P/2008/0180/RM has not been lawfully commenced.

In terms of the proposed changes to the original planning approval, the dwelling design remains largely similar to the original approval with the following proposed changes:

- Increased ridge height from 5.4m to 6m, roof lights and new upper floor;
- Changes to materials;
- Larger rear return and changes to window layout; and
- Solar panels to garage roof.

I am satisfied that the proposed design changes are appropriate to this rural location and would not cause a detrimental change to or further erode the character of the surrounding area. I consider that the proposal will not have any adverse impact on the amenity of neighbouring properties when compared to the original approval. However, as the approval has not lawfully commenced, the recommendation is for refusal.

Recommendation:

Refusal

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.*

Case officer: _____

Authorised officer: _____

WRITTEN SUBMISSION for Planning Committee Meeting on 1st July 2020.

Planning Ref: LA07/2020/0005/F

I take this opportunity to formally request speaking rights at the above Planning committee meeting for myself Cormac McKay as the agent and for the applicant's father Mr Paul O'Donaghue.

This application as stated above is being recommended by Planning for refusal citing the reason as *'due to the previous approval having not lawfully commenced'*.

The applicants firmly believe that they had lawfully commenced their dwelling and garage by constructing the entrance to the site in accordance with the planning permission, making a temporary driveway, stripping the site and excavating partial foundations, all prior to the expiration of the planning permission on 14th May 2010. This in itself has lawfully commenced the works but I shall outline the details as they happened at that time.

All works to providing a safe entrance and visibility splays were completed on 23rd March 2010 and is not disputed by planning as aerial photography at that time confirms this.

On 19th April 2010 almost one month before the planning permission expired I submitted a building notice application to building control on behalf of the applicants for a new dwelling and garage which was a type of application that allowed for building control inspections to be carried out immediately without the need for any construction drawings. Any application to building control at that time would normally take 2-3 days to be validated and obtain a reference number, but in this case an energy performance rating was requested to allow the application to be validated, This was unexpected and took me by surprise since there were no construction drawings needed for this type of application and therefore no construction drawings to allow this calculation to be done.

The digger had returned to the site at that time and constructed a temporary driveway and began excavating foundations but due to this request by building control works had to stop on site and the digger and driver left due to other work commitments.

Draft construction drawings were quickly prepared and given to MD DESIGN in Rathfriland to allow the Energy Rating calculations to be done which were then received by me on 28th April 2010 and subsequently forwarded to building control to complete the application. A reference number was then issued at the beginning of May 2010 (again prior to the planning permission expiring)

The digger driver was then immediately contacted by the applicants and asked to return to the site to complete the excavations and pour foundation concrete, but due to his work commitments and out of the applicants control, he did not return until Tuesday 25th May 2010 to complete this work. Building control inspections were carried out and recorded on 26th and 27th May 2010.

At that time back in 2010 it was extremely vague as to what needed to be done to hold a planning permission but generally thought that excavating and pouring concrete for one wall of either the house or the garage was the requirement needed to hold a planning approval after it had expired.

The planning portal even today states that a number of enquiries were made to planning by agents, applicants and elected representatives to have this situation clarified as it was so ambiguous for a

number of years as to what work needed to be carried out.

Guidelines today state the following

Where an applicant has complied with conditions relating to works to be carried out before the commencement of other work e.g the construction of an access in accordance with the approved plans, **and**

- Where an applicant has commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works;
- The laying of any underground main pipe to the foundations or part of the foundations of a building;

In this instance and prior to the expiration of the planning permission

The entrance was provided in accordance with the planning approval.

Foundations were dug

A mains water pipe had previously been provided on the site to supply a cattle drinker which was going to be utilized for the construction of the house and garage.

The person sitting beside me here is the applicant's father Mr Paul O'Donaghue. He is now retired but has worked in the Environmental Health department off this building for a number of years and as a father it was always his intention to allocate part of his land as building sites for his children and to this end he has spent a considerable amount of money not only during the construction process of this site but to various legal representatives regarding conveyancing, mapping and other professional services including all planning fees required to obtain and maintain this planning permission.

Mr O'Donaghue's statement is as follows:

I have had the site lines maintained every year since they were established prior to the 23rd March 2010.

The digger man had stripped the site and had begun excavations on the foundations prior to the expiry date on the 14th May 2010 but had to leave the site as DER (Dwelling Emissions Rate) calculations were requested by building control. It took longer than usual to get the aforesaid as the final house plans had not been drawn up at that time. The digger man came back with his machine again when he could on the 25th May and had building control inspection carried out on the 26th May (which proves substantial work had been carried out prior to him having to leave the site).

When the planner states: the foundations were not put in place until the 25th May 2010, I consider it should read **not completed until the 25th May 2010**, as considerable excavation had been carried out to the foundation prior to that date.

The planners are satisfied that the changes and the proposed structure are appropriate to this rural location, and would not cause detrimental change or erode the character of the surrounding area, and would not have an adverse impact on the amenity of neighbouring properties (as witnessed by no neighbourhood objections).

Finally, I confirm that everything I state is honest and truthful, and please bear in mind the criteria for holding a site at the time in question were vague. I have put a lot of time, money and effort into assisting my children in forming a home in a wonderful area, which is my full purpose in life.

Certificate number: 773

Date of Issue: 28 April 2010



ENERGY RATING

Address of dwelling:

Mr Dara O Donaghue, Edentrumley Road,
Mayobridge, Newry, Co Down

The Energy Rating of this dwelling is:

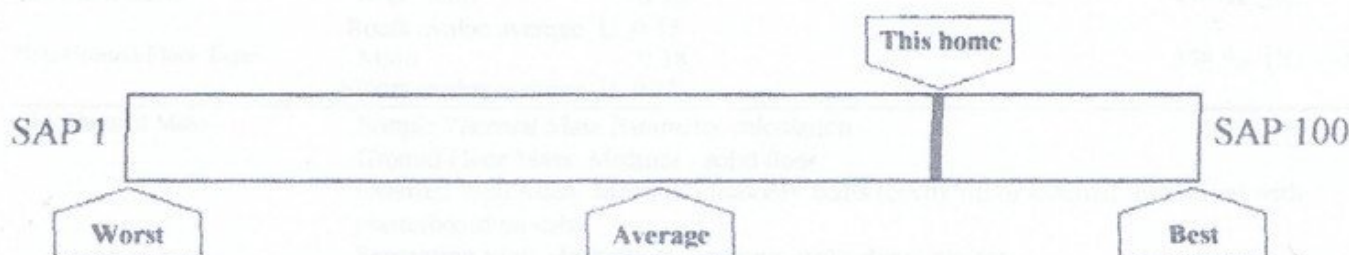
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on a scale of 1 to 100 - the higher the rating the more energy efficient the home.

The assessment is based on energy costs for space heating, water heating and lighting assuming standard occupancy and standard climate conditions.

The energy rating was calculated in accordance with the current building regulations by 6156-0001, M D Design, Tel: Tel, 32 Longstone Hill, Rathfriland, Co Down for CMK, Cormac McKay, 31 Yellow Road, Hilltown, Newry, BT34 5UD, Tel: 02840638321.

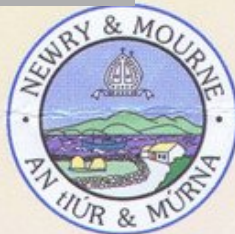
What is the energy performance of this home in comparison with other homes?



For more information on energy ratings contact your local energy efficiency advice centre on 0800 512 012



Teach Uí Aogáin,
Rae Mhuineacháin,
An tIúr,
BT35 8DJ



Fulton Sor
Director of Building Control,
O'Hagan House, Monaghan Row,
Ballinlare, Newry
Co. Down, BT35 8
Tel: (028) 3031 30
Fax: (028) 3031 3020
Minicom: (028) 3025 7859
E-mail: buildingcontrol@newryandmourn.gov.uk

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Comhairle an Iúir & Mhúrn Newry & Mourne District Council

Cléireach & Príomhfheimeannach ~ Clerk & Chief Executive
Thomas McCall

BN/2010/0432

To be quoted on all written and telephone enquire

Ár dTag / Our Ref:

BN/2010/0432

Bhur dTag / Your Ref:

Dáta / Date:

21 April 2010

Ms Paula O'Donaghue
42 Hilltown Road
Mayobridge
Newry
BT34 2HJ

Dear Madam

**Re: New Dwelling with Detached Garage (42 m²) at Edentrumley Road Upper Mayobridge
Newry**

We have received your application to carry out the above work. Unfortunately we are unable to register your application for the following reason:

Please provide calculations showing the DER (Dwelling carbon dioxide Emissions Rate) and the TER (Target carbon dioxide Emissions Rate) See Technical Booklet F1, Sections 2.1 to 2.21.

Please understand that your application will not be registered as a valid application until the correct information has been received. Works cannot be inspected before your application is registered.

When submitting the additional information outlined above, please enclose a copy of this letter.

We will hold your submitted details until 6 May 2010. If we are unable to register your application at that date your submission will be returned to you.

If you require further information or clarification on this matter, please contact the undersigned.

Yours faithfully

Julie Henry
pp **Colum Jackson**
Senior Building Control Surveyor

Report to:	Planning Committee
Date of Meeting:	1 July 2020
Subject:	Site Visits – Planning applications deferred by previous meetings of the Planning Committee
Reporting Officer (Including Job Title):	Anthony McKay (Chief Planning Officer)
Contact Officer (Including Job Title):	Anthony McKay (Chief Planning Officer)

Confirm how this Report should be treated by placing an x in either:-			
For decision		X	For noting only
1.0	Purpose and Background		
1.1	<p><u>Purpose</u></p> <p>To seek the agreement of Members with regard to the manner in which applications deferred for site visits by the previous Planning Committee are to be progressed.</p> <p><u>Background</u></p> <p>At its meeting on 11 March 2020 the Planning Committee deferred four planning applications to allow site visits to take place. As a result of COVID 19 restrictions those site visits did not take place. A further two planning applications had previously been deferred for site visits by the same Committee and those two site visits were carried out on 6 March 2020. COVID 19 restrictions prevented those applications being returned to the Planning Committee for determination. Within the current Planning Committee membership there is no longer a quorum available to progress these applications.</p>		
2.0	Key issues		
2.1	<p>In order to address the issue outlined above the current Planning Committee will have to consider these applications as if they were coming before Committee for the first time.</p> <p>To that end it is proposed that Committee Members will receive the papers previously associated with each of the six applications. Thereafter site visits will be arranged for each of the applications. Upon completion of the site visits the applications will be presented at Planning Committee. The presentations will involve contributions from the reporting officer and those who had originally requested speaking rights and appeared before the Committee.</p> <p>The planning applications involved are:</p>		

	<p>LA07/2019/1087 – Drakes Bridge Road Crossgar. Replacement dwelling;</p> <p>LA07/2019/1134 – Manse Road, Darragh Cross. Replacement dwelling;</p> <p>LA07/2018/0048 – Levellyeagh Road, Rostrevor. Holiday unit;</p> <p>LA07/2019/1449 – Foughilletra Road, Jonesborough. Dwelling;</p> <p>LA07/2019/1362 – The Heights, Loughinisland. Dwelling;</p> <p>LA07/2019/1302 – South Promenade, Newcastle. Dwelling.</p> <p>There could be some difficulty in holding a site meeting involving all 12 Members and officers while maintaining social distancing. Members are invited to consider imposing an upper limit of six Councillors (the quorum) attending each site visit. It is likely that the site visits would occur in two batches: the visits to Crossgar, Darragh Cross, Loughinisland and Newcastle comprising one batch while the visits to Rostrevor and Jonesborough would make up the second batch.</p> <p>The site visits would be concluded by 15 July 2020 and all of the associated planning applications would be considered at the Planning Committee meeting on 29 July 2020.</p>
3.0	Recommendations
3.1	It is recommended that the Committee agree the process set out above to progress these outstanding applications to a conclusion.
4.0	Resource implications
4.1	N/A
5.0	Equality and good relations implications
5.1	This report is not subject to an equality impact assessment (with no mitigating measures required)
6.0	Rural Proofing implications
6.1	I confirm due regard to rural needs has been considered, and the proposal has not been subject to a rural needs impact assessment
7.0	Appendices
	N/A

8.0	Background Documents N/A

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N
		PLANNING MEETING – 29 AUGUST 2018			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneynabane, Ballynahinch.	Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting	Annette McAlarney	Issues raised at Planning Committee referred to the outcome of an application which has yet to be	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before returning to consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened. Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>No application submitted to date 04/06/2019</p> <p>Application for poultry houses received LA07/2019/0953/F on 13/06/2019 Being processed.</p>	
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site between 54 and 58 Edenappa Road, Jonesborough	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N
LA07/2018/0820/F	Erection of a semi-detached pair of dwellings and associated car parking – lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.	A McAlarney	Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>return to May 2019 Committee – DEFER</p> <p>Application has been amended again by applicant 25/02/2020</p> <p>Application will be presented back to next meeting of Committee due to level of reps received</p>	
		PLANNING MEETING – 26 JUNE 2019			
LA07/2018/0930/F	New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2PIB apartments and 1 No. 2PIB wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0 – 41 Belfast Road, Newry	Defer for a site visit	M Keane	<p>Site visit held – 08-07-2019 – application returned to July Committee Meeting – agreed to defer for further discussions between applicant/planning officers to see if an acceptable proposal</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				can be agreed and decision making powers be delegated to Planning Officers Amended plans now received for reconsultation, NN and reconsideration. Negotiations ongoing with applicant to resolve TNI concerns.	
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee Under consideration.	N
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2019			
LA07/2018/0860/F	Proposed replacement dwelling (amended drawings) – 45 metres NE of No. 14 Rath Road, Clonallon Glebe tb Warrenpoint	Defer for further discussion between Planning Officers and agent/applicant – additional information to be provided	M Keane	Amended plans now received for reconsultation, NN and reconsideration.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Further supporting info now received for consideration.	
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Meeting to be convened with CPO and Agent/applicant	N
PLANNING COMMITTEE MEETING 8 JANUARY 2020					
LA07/2019/1302/F	Dwelling with associated parking and amendment of application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space – rear of nos 65-69 South Promenade Newcastle	Withdrawn from addendum list and re-present at February Meeting	A McAlarney	Site visit to be arranged – 6 March 2020 Site visit held. To be presented back to Planning Committee	N
LA07/2019/1362/0	Infill dwelling and garage – adj and immediately south of 64 The Heights, Loughbrickland	Withdrawn from addendum list and re-present at February Meeting	A McAlarney	Site visit to be arranged – 6 March 2020 Site visit held and to be presented back to committee.	N
LA07/2019/1221/F	Proposed guest house tourist accommodation and associated	Defer for site visit and further discussion to take place with	A McAlarney	Withdrawn from February agenda for	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	site works – land 10m NW of 180 Tullybrannigan Road, Newcastle	applicant, agent and Planners re: correct planning category for the proposal. Traffic survey to be submitted and evidence that 2 x 45m sight visibility splays were achievable and within the control of the applicant		more work to be done on the proposal Agent has submitted additional info. Application is under consideration.	
PLANNING COMMITTEE MEETING 11 MARCH 2020					
LA07/2019/1087/0	Replacement dwelling and garage – approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Defer for a site visit – date to be agreed	A McAlarney		
LA07/2019/1134/0	Replacement dwelling – 90 Manse Road, Darraghclose, Crossgar	Defer for a site visit – date to be agreed	A McAlarney		
LA07/2019/1644/0	Replacement dwelling – lands at and located to the west of 24 Crabtree Road, Ballynahinch	Defer for agent to consult with applicant if they would be prepared to extend the curtilage to the rear of the existing building to accommodate a replacement dwelling. Officers to then issue the decision under delegated authority	A McAlarney	Contact made with Agent	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2019/1455/F	New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry	Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted	A Davidson		
LA07/2019/1449/F	Proposed infill dwelling and detached garage under PPS21 – site adjacent to and 50m south of 29 Foughilletra Road, Jonesborough	Defer for a site visit – date to be agreed	A Davidson		
LA07/2018/0048/F	Demolition of existing barns and construction of new building self-catering holiday letting unit, in substitution of previously approved conversion LA07/2015/1030/F – Lands 10m NW of 56 Levellyreagh Road, Rostrevor	Defer for a site visit – date to be agreed	M Keane		
LA07/2019/1551/0	Proposed 1 ½ storey dwelling and garage – immediately east of 15 Mill Road, Hilltown	Defer for further investigation regarding status of the buildings on site and farm ownership and take back to Committee for decision	M Keane		
PLANNING COMMITTEE MEETING 3 JUNE 2020					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2019/1258/F	Retention of change of use for ground floor café with two treatment rooms and ancillary services - Ground floor unit 12 Seaview, Warrenpoint	Defer for a site visit – date to be agreed	M Keane		

Report to:	Planning Committee
Date of Meeting:	1 July 2020
Subject:	Planning Lists published on the Council Website
Reporting Officer (Including Job Title):	Anthony McKay, Chief Planner
Contact Officer (Including Job Title):	Anthony McKay, Chief Planner

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p><u>Purpose</u></p> <p>To advise members of the Planning Committee of changes to the details published in the weekly Planning Lists:</p> <p>(1) New Applications received; and (2) Decisions issued.</p>
2.0	Key issues
2.1	<p>In line with the General Data Protection Regulation (GDPR) and Data Protection Act 2018 the name and address of the Applicant and/or Agent have been removed from the weekly lists circulated to members and published on the Council website.</p> <p>Article 5(1)(c) of the General Data Protection Regulation advises that personal data shall be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed”. The personal data (name and address) has therefore been removed from the planning lists to ensure compliance with this data protection principle.</p> <p>Other Planning lists which are published on the Council website, namely the Planning Committee Schedule and the Advertising lists do not contain personal data.</p>
3.0	Recommendations
3.1	That Members note this for information.

4.0	Resource Implications
4.1	None
5.0	Equality and good relations implications
5.1	None
6.0	Rural Proofing implications
6.1	None
7.0	Appendices
	None
8.0	Background Documents
	None