



May 28th, 2020

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 3rd June 2020** at **10:00 am** in **Newry Leisure Centre**.

Committee Membership: (to be confirmed at Annual Meeting on 01-06-2020)

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 the entire item.

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 11 March 2020. (Attached).

 *Planning Committee Minutes 11-03-2020.pdf*

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For Discussion/Decision

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

 *Addendum list - 03-06-2020.pdf*

Page 11

Development Management - Planning Applications for determination

6.0 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 (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *R-2015-0126-F_Lisburn Rd_Ballynahinch.pdf*

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7.0 LA07/2019/1371/F - extension to existing reinforcement factory with provision of 80 car parking spaces - 62 Aughlisnafin Road Castlewellan.(Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-1371F-62 Aughlisnafin Road.pdf*

Page 35

8.0 LA07/2019/1837/F - general purpose agricultural/forestry shed - lands approx. 40m west of 21 Blacks Lane, Glassdrumman, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from David Donaldson, agent, in support of the application. **(Submission attached).**

 *LA0720191837F 21 Blacks Lane.pdf*

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 *Item 8 - LA05-2019-1837-F- Blacks Lane.pdf*

Page 49

9.0 LA07/2019/1633/LBC : change of use from vacant dwelling to create extension to adjacent Doctors Surgery: 10 The Green, Irish Street, Downpatrick (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Smith, agent, in support of the application. **(Submission attached).**

 *LA07-2019-1633-LBC Change of use (The Green) (2).pdf*

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 *Items 9 and 10 - LA07 2019 1635 The Green Downpatrick.pdf*

Page 55

10.0 LA07/2019/1635/F - change of use from vacant dwelling to create extension to adjacent Doctors Surgery -10 The Green, Irish Street Downpatrick (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Smith, agent, in support of the application.

 *LA07-2019-1635-F Change of use (The Green).pdf*

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11.0 LA07/2019/1418/F - erection of a farm dwelling, detached garage and associated landscaping - lands adjacent to and approximately 20m south of number 48 Liscalgot Road, Claranagh, Crossmaglen (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Barney McKevitt, agent, and Joseph and Owen Harvey, applicants, in support of the application. **(Submission attached).**

12.0 LA07/2020/0133/F - new vehicular access to existing dwelling - 130 Camlough Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Collins & Collins, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from Councillor Taylor in support of the application, based on the points made in the submission from the agent.

13.0 LA07/2019/0850/F - erection of a house and the demolition of existing house - 10 Meeting House Lane, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Starkey, Planning Consultant, and Glyn Mitchel, agent, in support of the application. **(Submission attached).**

14.0 LA07/2019/0796/O - proposed housing development - lands between Knocknagoney Heights and The Demesne, Carnagat Road, Newry (Case Officer report attached).

Rec: APPROVAL

- Addendum list

15.0 LA07/2019/1117/F - housing development consisting of 4 detached dwellings in substitution of that approved under

application P/2002/2250/F - opposite 23 Chapel Road, 1&3 Church View, Bessbrook. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Paula Moan, in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Feargal Ward, agent, and Kevin Hughes, applicant, in support of the application. **(Submission attached).**

 *LA07-2019-1117-F.pdf*

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 *Item 15 - LA07 2019 1117 F Bessbrook.pdf*

Page 115

 *Item 15 - LA07-2019-1117-F (support).pdf*

Page 117

16.0 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. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Tom Stokes (agent) and Sean McAvoy (applicant) in support of the application. **(Submission attached).**

 *LA07.2018.1529.F .pdf*

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 *Item 16 - LA07.2018.1529.F Derrybeg Lane.pdf*

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17.0 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. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2016-0438-F.PDF*

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18.0 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 (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 [LA07-2018-1939-F.pdf](#)

Page 137

19.0 LA07/2019/1258/F - retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services - the application site is located at Ground floor unit, 12 Seaview, Warrenpoint. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Colm McGuinness in objection to the application. **(Submission attached).**

 [LA07-19-1258 12 seaview PIC- CmcC.pdf](#)

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 [Item 19 - LA07-2019-1258-F \(objection\) Seaview.pdf](#)

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20.0 LA07/2019/1563/F - renewal of P/2012/0873/F - proposed replacement of existing garage and store with new garage and apartment over. - to the rear of No. 51 Seaview, Warrenpoint, BT34 3NJ. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 [LA07_2019_1563_F- Seaview PIC- EH.pdf](#)

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For Agreement

21.0 Agreement on Call-In Panel Membership for 6 months June-November 2020.

For Noting

22.0 Historic Actions Tracking Sheet. (Attached).

 [Planning HISTORIC TRACKING SHEET - Mastercopy.pdf](#)

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**23.0 March - May 2020 Planning Committee Performance Report.
(To follow)**

24.0 Dates of Planning Committee Meetings June 2020 - May 2021.

(For information)

 *Council Schedule for Planning Committee meeting 3 June 2020.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 March 2020 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

Councillor L Devlin
Councillor G Hanna
Councillor V Harte
Councillor C Mason
Councillor D McAteer
Councillor H McKee

(Officials)

Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr D Fitzsimon	Planning Consultant
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/024/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:

Councillor P Brown
Councillor J Trainor
Councillor W Clarke
Councillor M Ruane

P/025/2020: DECLARATIONS OF INTEREST

No declarations of interest.

P/026/2020: 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/027/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 12 FEBRUARY 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 12 February 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 12 February 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/028/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 11 March 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to remove the following Planning Application from the addendum list for presentation at the April 2020 Planning Committee Meeting:

- LA07/2019/0850/F – erection of a house and the demolition of existing house – 10 Meeting House Lane, Kilkeel.

AGREED: On the proposal of Councillor McKee seconded by Councillor Devlin it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 11 March 2020: -

- LA07/2019/1189/F – temporary mobile home – land 25m east of 113 Ballagh Road, Newcastle **REFUSAL**
- LA07/2018/1612/F - erection of 1 No. storage and distribution warehouse with associated office, to include all site and access works - lands at Loughway Business Park, approx 50m east and south of Unit 9a Loughway Business Park, Newry. **APPROVAL**
- LA07/2020/0058/F - This is a section 54 application seeking planning permission to develop land without complying with conditions 03,04,05 and 09 of the previous planning permission LA07/2019/1245/F (seeking removal of conditions) - Approximately 75m SW of 58 Derrymore Road Newry **APPROVAL**
- LA07/2017/0918/F - proposed extensions and alterations to existing nursing home to create an additional 38 bedrooms including alterations to existing chapel and convent and all

ancillary site works including a total of 41 number spaces. Please note all buildings are listed. (Additional Information received 18/12/2019) (Amended plans received 03/02/2020) - 1 Home Avenue Newry Co. Down **APPROVAL**

- **LA07/2017/0938/LBC** - Proposed extensions and alterations to existing nursing home to create an additional 38 new bedrooms including alterations to existing chapel and convent and all ancillary site works including an additional 41 car park spaces at Kilmorey Care, 1 Home Avenue, Newry, Co. Down, BT34 2DL (Amended plans/additional info received) **CONSENT**
- **LA07/2017/0963/LBC** - refurbishment works to reinstate existing laundry building - Our Mother of Mercy 1 Home Avenue, Newry **CONSENT**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/029/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

- (1) **LA07/2016/0821/F**
(Audio recorded -YES)

Location:

24 Ringhaddy Road, Killinchy

Proposal:

Change of house type to that previously approved under R/2012/0323/F

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette McAlarney, 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:

In objection

Murray Bell, Bell Architects and David Storey, Concerned Ringhaddy Area Residents, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

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

Issues raised:

- Dwelling will cause significant unintegrated cut into the landscape.

- Site has been left open and exposed due to removal of vegetation and therefore fails the integration test.
- Elevations are missing and windows have been left out of elevations.
- Finished floor levels are not the same as had been provided in initial details provided in the previous application.
- Concerns that missing vegetation has not been referred to, in particular along northern and western boundaries.
- 1.5m retaining wall is considered by objectors as not appropriate in a rural context.
- Site area and levels remains unchanged – revised dwelling is still modest in size and there have been no objections from statutory consultees.

Ms Largey said it was important to give clarification regarding the Applicant raising the issue of complaints to the Ombudsman. She said Council did not have a copy of the Ombudsman report on the said complaints but had correspondence from DFI. She said 8 no. applications had been under complaint, one with a finding of maladministration in respect of which DFI correspondence was provided. Does refer to some issues in the processing of application, but does not find it was granted in error. She said the Council had an application from 2012 which granted permission for a new dwelling and she said this decision remained extant as does the decision from 2005 that was found to have constituted maladministration, and that the Ombudsman recognises it would not be feasible to revisit these applications. She advised that the Committee should have regard to the fact these decisions remain extant and none were challenged by judicial review."

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2016/0821/F, as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor McKee seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

Agreed: **On the proposal of Councillor McAteer seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2016/0821/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.**

It was also agreed Officer be delegated authority to impose relevant conditions in terms of the provision of adequate landscaping.

**(2) LA07/2019/1087/O
(Audio recorded -YES)**

Location:

Approximately 50m NE of 21 Drakes Bridge Road, Crossgar

Proposal:

Replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, 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:

In support

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

Issues raised:

- The building has four intact walls; a roof; a door; no windows
- Building is part of a farm holding – the farm has lay dormant for a long period of time
- Building exhibits characteristics as required by policy and has the fabric of a building similar to what the Council have granted approval for in the past.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was unanimously agreed to defer Planning Application LA07/2019/1087/O in order for a site visit to take and allow a better visual of the building and site.

**(3) LA07/2019/1134/O
(Audio recorded -YES)**

Location:

90 Manse Road, Darraghcross, Crossgar

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, 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 rightsIn support

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

Issues raised:

- Site clearly has 2 No. buildings.
- Building and adjacent property meet criteria
- Requirement that buildings remain attached but must also be kept vernacular.
- Building is openly visible from the road.

Agreed: On the proposal of Councillor Reilly seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2019/1134/O in order for a site visit to take place.

**(4) LA07/2019/1644/F
(Audio recorded -YES)**

Location:

Lands at and located to the west of 24 Crabtree Road, Ballynahinch

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, 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:In support

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

Issues raised:

- Odour Assessment is not based on actual readings but based on modelling and assumption.
- An enlarged curtilage to accommodate a dwelling could be considered by Planning Department

Councillor Hanna proposed to defer Planning Application LA07/2019/1644/F to allow further discussion between Planning Officials, Applicant and Agent regarding the possibility of an enlarged curtilage to the rear of the existing building and that Planning Officers be delegated to issue a decision thereafter. 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: 7
AGAINST: 0
ABSTENTIONS: 0

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2019/1644/F to allow further discussion between Planning Officials, Applicant and Agent regarding the possibility of an enlarged curtilage to the rear of the existing building.

Planning Officers be delegated authority to issue a decision thereafter.

(11.40am – the Meeting adjourned)

(11.55am – the Meeting resumed)

(5) LA07/2019/1455/F
(Audio recorded - YES)

Location:

30m SE of 8 Outlacken Road, Belleeks, Newry

Proposal:

New access to dwelling in substitution to that approved under planning ref LA07/2018/0118/F

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew Davidson, 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:

In support

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

Issues raised:

- Appears to be a conflict between position of house on previously approved drawings and the drawings presented for the current application.
- A full detailed planting scheme has not been provided.
- No valid planning reasons to support that this application should be considered as an exception.
- A new application would be required to reposition the dwelling.
- The proposed new access would portray a lack of restraint.
- No evidence to support that the original approved means of access is no longer available.

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1455/F in order

for further evidence to be submitted, in particular with regard to the availability of the approved means of access. This evidence must be provided within a time limit of 8 weeks.

**(6) LA07/2019/1449/F
(Audio recorded -YES)**

Location:

Site adjacent to and 50m south of 29 Foughilletra Road, Jonesborough

Proposal:

Proposed infill dwelling and detached garage under PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew Davidson, 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:

In support

Barney Dinsmore, agent was available to present in support of the application.

Issues raised:

- Measurements of gap site.

Agreed: **On the proposal of Councillor Larkin seconded by Councillor Harte it was agreed to defer Planning Application LA07/2019/1449/F in order for a site visit to take place .**

**(7) LA07/2018/0048/F
(Audio recorded – NO)**

Location:

Lands 10m NW of 56 Levelleyreagh Road, Rostrevor

Proposal:

Demolition of existing barns and construction of new self-build self-catering holiday letting unit, in substitution of previously approved conversion LA07/2015/1030/F

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In support

Colin O'Callaghan, agent was available to present in support of the application.

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:

- Application has been handled inconsistently in comparison to similar applications.
- Cost of refurbishment should be a material consideration.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to defer Planning Application LA07/2018/0048/F in order for a site visit to take place.

(8) **LA07/2019/1551/0**
(Audio recorded – YES)

Location:

Immediately east of 15 Mill Road, Hilltown, Newry

Proposal:

Proposed 1 ½ storey dwelling and garage

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:

In support

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

Issues raised:

- Containers and mobiles do not constitute a building or permanent structure and are deemed unlawful in the absence of a Certificate of Lawful Use or Development (CLUD).
- Lack of clarification regarding ownership of the farm business.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1551/O to allow for further investigation regarding the status of the structures currently on site and clarification on ownership of the farm under which the application has been made.

This application to be presented back to the Planning Committee in due course.

FOR NOTING

P/030/2020: HISTORIC ACTION SHEET

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

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

P/031/2020: PLANNING COMMITTEE MEETING PERFORMANCE REPORT - FEBRUARY 2020

Read: Planning Committee Performance Report February 2020.
(Copy circulated)

AGREED: It was agreed to note the Planning Committee Performance Report for January 2020.

P/032/2020: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives. **(Copy circulated)**

AGREED: It was agreed to note the record of Meeting between Planning Officers and Public Representatives.

P/033/2020: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – February 2020.
(Copy circulated)

AGREED: It was agreed to note the Appeals and Decisions for January 2020.

The Meeting concluded at 12.55pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 3 June 2020.

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 3 June 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:

- **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 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**

-0-0-0-0-0-0-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2015/0126/F

Date Received: 2nd March 2015.

Proposal: Erection of 127 dwellings comprising detached, semi detached and townhouse dwellings, garages and other associated site works.

Location: Lands at 56 and 60 Lisburn Road, Ballynahinch.

Site Characteristics & Area Characteristics:

The site comprises a large irregular shaped plot of land off the Lisburn Road, Ballynahinch, comprising of a number of fields at present. The site is relatively flat and low lying and extends from the road down to Ballynahinch River which forms the SW boundary of the site.

The existing recently constructed developments of Lime Trees, Edengrove and Kindale are adjacent to the site along the Lisburn Road, with scattered older dwellings also located in the vicinity of the site.

These existing developments comprise a mix of 1 1/2-2 storey detached and semi-detached dwellings finished in a mix of render and brick.

The site is located on the inner edge of the development limits of Ballynahinch on land zoned for housing (BH11) as identified in the Ards and Down Area Plan 2015. The site also extends to adjoin Ballynahinch River, the banks of which are also identified as LLPA 1 Ballynahinch River.

The site currently comprises several agricultural fields off the Lisburn Road, the area comprises a mix of agric lands, housing and industrial uses. Constraints also identified on the lands in question included pluvial surface water flood zones.



Fig 1 Site location



Fig 2 Site location



Fig 3 Aerial of site



Fig 4 Proposed Site layout

Site History:

LA07/2018/1202/F – 56-55 and adjoining lands, Lisburn Road, Ballynahinch – proposed 5 no two storey dwellings (3 detached and 2 semi detached) and site access arrangements – refused – 4th April 2019.

R/2014/0316/F – 56 and 55 Lisburn Road, Ballynahinch and adjoining lands – replacement dwelling at no 55 and erection of 9 dwellings at no 56 Lisburn Road – refused – 5th April 2019.

Planning Policies & Material Considerations:

The application is considered against the SPPS, Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 7 Quality Residential Environments, PPS 15 Planning and Flood Risk, Creating Places and supplementary guidance.

Consultations:

Consultations have been ongoing following a considerable number of amendments made on the application. Consultations were carried out as follows:

Rivers Agency FLD1 - Development in Fluvial and coastal Flood Plains – The amended proposal is for a reduction in dwelling numbers with no encroachment into the flood plain and with suitable finished floor levels. As such Revised PS 15 – FLD 1 remains satisfied.

The built development is taking place on elevated ground and out of the floodplain. It should be a condition of planning that the area of floodplain, if designated as open space by Planning Service under FLD 1(f) of Revised Planning Policy Statement 15, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – FLD 2 is satisfied.

FLD3 - Development and Surface Water – DfI River's previous response stated;

'The Flood Risk and Drainage Assessment by Flood Risk Consulting dated October 2015 only lacks letters from 'Rivers Agency Area Office' and 'NI Water' for consents to discharge storm water which your policy stipulates in D18 bullet point 2'. It is the responsibility of the developer to ensure the necessary consents are in place with regard to site discharge to the local drainage network and/or watercourses. The agent has submitted a copy of Rivers Agency Schedule 6 Consent to Discharge to the Council dated 9 September 2019 and is valid for 12 months.

NI Water site specific comments state that although on 11 April 2016, NI Water responded to a PDE in respect of this proposed development, the information stated therein was only valid for a maximum period of 12 months. As this period has now expired the Applicant is required to forward another PDE to ensure that the capacity identified as being available to serve this proposal in the original response of 11/04/2016, still exists. PDE required by developer.

NIEA was consulted and responded stating that Drainage and Water was content subject to conditions.

Land, Soil and Air stated that Water Management Unit responded later with no objections.

DFI Roads have no objections subject to conditions. PSD's have been approved.

Environmental Health

Environmental Health have reviewed the information provided in the updated noise impact assessment dated 11th Feb 2020 from RPS including drawing No2781-050-04-006 (Appendix A) submitted to planning service dated 24 Feb 2020 by Alan Patterson Design. Environmental Health are content with the assessment and the recommendations contained in it.

Environmental Health have no objection to this application subject to

- the recommendations in the noise assessment dated 11 Feb 2020 being implemented in the development, namely alternative form of ventilation proposed to properties adjacent to Lisburn Road, referenced on drawing No 2781-050-04-006 as site No 1,2, 110, 115 and 126.
- Glazing of Rw 30-33dB to all habitable rooms throughout the development.
- 1.5m acoustic screening as shown on drawing No2781-050-04-006.
- the adoption of the foul waste water pumping station by NI Water.

It is assumed EHO reference to Site no 126 is a typo and should refer to site no 106. There is no site number 126 and no 106 is adjacent to the Lisburn Road.

The foul waste water pumping station is located within the lands in the applicants ownership. The development relies on a new pumping station included within LA07/2019/0339/F located on adjacent lands. This permission has been granted.

SES was consulted in relation to the application and responded with no objections to the proposal. The proposal would not be likely to have a significant effect on the features or conservation objectives of any European site.

Objections & Representations

7 Rounds of neighbour notification have issued in relation to the application with the first being on 22nd April 2015 which expired on 6th May 2015 and the latest notification being on 17.01.2020 expiring on the 31.01.2020.

To date 12 representations have been received one of which was a letter of support.

The objections are summarised below:

Ballykine Structural Engineers – impact on operation of the existing business

Land ownership issues

Traffic impacts

Land drainage and soakaways on site

Trees

An objection was received on 3rd May 2016 from Clyde Shanks on behalf of Mr James Quinn and the objection focused on traffic and access arrangements and the provision of the access and the objector believes that the proposed access is significantly below the required standards and another access is not required given the existing number already accessing out onto this road.

Cleaver Fulton Rankin also submitted an objection on behalf of Mr Quinn on 20th May 2016 and the basis of the objection questioned the validity of the application due to what has been perceived by the objector as a failure to properly neighbour notify or advertise the application.

The objector also questions if the correct certificates have been signed and notice served due to the position of the splays travelling across the front of no 62 and 64 Lisburn Road.

The objection also comments on the proposed access and the objector also comments on the lack of a planting buffer and also the lack of effort to integrate the open space area adjacent to Ballynahinch River into the proposed development.

A third objection was received on behalf of Mr Quinn from Aecom on 3rd June 2016, this objection further explores the issues in relation to access that Mr Quinn has raised. The objector believes that the access is contrary to the Ards and Down Area Plan 2015 in that it is not in accordance with zoning BH11.

A further objection was received from Urban and Rural Planning Associates on behalf of Ballykine Structural Engineers which was received 27th November 2011 and was on the basis that the proposed scheme was an inappropriate density noting that the density of the proposed site is greater than developments in closer proximity to the town.

The objection also concentrates on the disregarding of mitigation measures ie buffer planting and questioned the noise impact assessment that has been submitted in relation to the application and the validity of the report given that it did not focus on evening work and was carried out at a time when the business was not fully operational as normal. The objector states that Creating Places and SPPS give clear guidance in relation to the protection of existing industry in providing housing.

Environmental Health have been consulted and have reviewed the information provided in the updated noise impact assessment dated 11th Feb 2020 from RPS including drawing No2781-050-04-006 (Appendix A) submitted to planning service dated 24 Feb 2020 by Alan Patterson Design. Environmental Health are content with the assessment and the recommendations contained in it. Environmental Health have no objection to this application subject to

- the recommendations in the noise assessment dated 11 Feb 2020 being implemented in the development, namely alternative form of ventilation proposed to properties adjacent to Lisburn Road, referenced on drawing No 2781-050-04-006 as site No 1,2, 110, 115 and 126. (See above for erroneous ref to site no 126)
- Glazing of Rw 30-33dB to all habitable rooms throughout the development.
- 1.5m acoustic screening as shown on drawing No2781-050-04-006.
- the adoption of the foul waste water pumping station by NI Water.

The proposed development falls below the minimum density standard set out in the Area Plan zoning BH11. This issue will be explored further in the report.

An acoustic mound has been incorporated into the proposal and landscaping is proposed throughout the development and will mitigate any noise impact on existing adjacent land uses.

No. 78 Lisburn Road (x2) raised issues of noise and operating hours during construction, traffic impacts of development and footpath linkage to the town centre. The approval can be conditioned to include a restriction on the operating times for construction. A footpath linkage is provided to the town and DFI Roads have no objection to the development on the grounds of traffic impact.

No.66 Lisburn Road raised issues of properties soakaway is located within the development site. Proximity of proposed dwellings to No.66 and loss of privacy and light.

No.66 is located directly adjacent to the proposed development. Proposed housetype proposed beside No.66 is a bungalow. Given the housetype proposed and the separation distances it is not envisaged that there will be an unacceptable impact on No.66 as a result of the development in terms of privacy or loss of light.

The issue of soakaways is a private matter to be resolved between the respective parties.

There is a TPO in site, a number of trees were felled by the applicant and an enforcement case remains in place. The remaining trees are protected by a TPO and are protected by virtue of this designation. The drawings show these trees to be retained and protected during construction.



Fig 5 Adjoining neighbours to site

Consideration and Assessment

The Regional Development Strategy

The regional strategic objectives for housing in settlements, consistent with regional guidance in the RDS, are to:

- manage housing growth to achieve sustainable patterns of residential development;
- support urban and rural renaissance; and
- strengthen community cohesion.

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas. Creating Places also provides relevant planning guidance. Planning Policy Statement 12 'Housing in Settlements' (PPS 12) is not an expression of operational planning policy. Paragraph 2 of PPS 12 says 'Its purpose is to provide strategic direction and guidance in the form of regional planning policy to assist the implementation of the RDS.' Paragraph 6 of PPS 12 says 'This statement should be read in conjunction with the relevant sections of the other prevailing planning policy statements, in particular PPS 7 Quality Residential Developments'.

The SPPS states that the Local Development Plan process is the main vehicle for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

Ards and Down Area Plan 2015.

The site is on a zoned site BH11 as identified in the Ards and Down Area Plan 2015. The key design considerations are as listed in the extract below.

Ballynahinch

Proposal BH 11

18.3 Hectares south of Lisburn Road

Key Design Considerations:

- a minimum gross site density of 20 dwellings per hectare and a maximum gross site density of 25 dwellings per hectare;
- a right turn facility to be provided at the access point on B177 Lisburn Road;
- access arrangements and layout of development to ensure that houses front onto Lisburn Road and proposed internal access roads;
- a footway to be provided along the frontage of the site and also to link to the existing footway system;
- a 10m buffer shall be left between any development and the Ballynahinch River, (see Proposal BH20, LUPA 1);
- the north western boundary of the site to be landscaped with a 8-10 metre belt of trees of native species to provide screening for the development and help integrate it into the surrounding countryside; and
- interim sewage disposal measures may be necessary until such time as the required upgrade to the Waste Water Treatment Works for Ballynahinch is complete and fully operational.

The site area measures 7.42ha. Therefore, the minimum density of 20 dw per ha would result in 149 dwellings and the max density of 25 dw per ha would result in 186 dwelling.

The current proposal is for 127 dwellings with falls below the minimum density in the key design considerations of BH 11. However, the development as initially submitted was for 148 dwellings but

the development did not result in a quality residential development and therefore at the request of planning the dwelling numbers had to be reduced to ensure residential standards were achieved as laid out in Creating Places. The planning office recognises that the zoning BH11 sets out considerations and not requirements and that these may be subject to change in the interests of achieving a quality residential environment.

DFI Roads have been consulted throughout the processing of the application and were aware of the key design considerations for a right turn facility. DFI Roads are content that this is not required, and that the development can be serviced within the existing road network. A footway is being provided along the site frontage linking into the existing footway.

LLPA 1 Ballynahinch River Corridor



As included within the Key design consideration of zoning BH11 a buffer is provided between the Ballynahinch River and the proposed dwellings. Incidentally this is non-developable due to it being Floodplain. The development therefore accords with this element of the Development Plan.

A 8-10m landscaped belt is being provided along the NW boundary of the site to provide screening and to aid integration to the open countryside beyond.

In terms of sewage disposal to facilitate the development, NIW have advised that there is available capacity at the WWTW to serve the development and that whilst a PDE had been submitted in April 2016 this has now lapsed as such is only valid for a period of 12months and that a fresh PDE will be required. The development relies on a new pumping station included within LA07/2019/0339/F located on adjacent lands. This permission has been granted.

PPS 2 Natural Heritage

Policy NH 4 - Sites of Nature Conservation Importance –

Local Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:

- a Local Nature Reserve; or
- a Wildlife Refuge.

A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

The development adjoins and includes part of LLPA 1 Ballynahinch River Corridor

The protection of the River Corridor is ensured by the existence of the Floodplain which has been left as an area of open space for the development. SES have been consulted and have no objection to the proposal in terms of impact on designated sites. It is not anticipated that there will be a detrimental impact on the integrity of LLPA 1 as a result of this development.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna; rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

The site contains a number of trees protected by TPO which have been incorporated into the development and protected. A number of trees have already been felled and is subject to investigation by the Councils Enforcement section under LA07/2018/0140/CA

PPS 7

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.' All proposals will be expected to conform to nine stated criteria.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. The proposal is for 127 dwellings on a large housing zoning BH11. The site forms the norther boundary of the zoning, beyond which is open countryside and outside the settlement limits of Ballynahinch.

The proposal provides for a mix of housing types, detached, semi-detached and 2 no terraces of three dwellings (LC9) most are 2 storey with the exception of LC8 which is a 5 bed property with accommodation in the roof, appearance of which is 3 storey. 4 no 3 bed bungalows are proposed closest to the Lisburn road in keeping with the existing dwelling, chalet bungalows are also provided. The house types proposed are similar to the chalet type dwellings and 2 storey dwellings in the neighbouring Lime trees and Edengrove development. Kinedale Park and Cottages contains chalet red brick bungalows. Further along the Lisburn Road closer to the town centre, Lord Moira Park is similarly 2 storey red brick properties. Dwellings have individual garages or integral garages.

Finishes include a mix of red/brown or buff brick stone and render finish. Finishes are in keeping with the surrounding residential developments. The adjacent Lime Trees, Edengrove, Kinedale and Lord Moira developments are all almost exclusively red brick with an element of render.

A Design Concept Statement was submitted showing how the proposed development would tie in with the remainder of the BH11 zoning. This is considered sufficient to demonstrate that linkages can be provided to the remainder of the zoned lands and this development will deter not hinder the development of the remainder of the zoned lands.

A landscaping plan has been provided showing areas of public open space, a large area of Public open space has been provided along the Ballynahinch River, this area is floodplain and cannot be developed hence it is being utilised for this purpose. A green tree lined avenue has been provided linking this area to another smaller and more formal area of open space and onwards to the entrance to the development. The layout has been subject to considerable review and amendment to provide a better quality of landscaping, particularly in terms of the softening of boundaries within the development.

The requirement for the retention of the TPO trees on site have necessitated their incorporation into the layout for the development. TPO trees are to be found within the planted areas along the Lisburn Road. Protective fencing shall be conditioned to provide protection during construction.

The requirement for the developer to appoint a Landscape Management Company to maintain the areas of open space for a period of 20 years shall be attached as a condition of approval.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

As stated above no features of Archaeology or built heritage interests have been identified on the site

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

With respect to the public open space, Policy OS2 of PPS8 is relevant. Policy OS2 only permits proposals for new residential development of 25 or more units where public open space is provided as an integral part of the development. The public open space in the proposed development accounts for less than the cited normal expectation of 10% of the total site area. 0.74ha of open space has been provided in the development, much of this is provided by way of the floodplain lands along the Ballynahinch River. It is considered that the level and type of open space provided satisfies OS 2 of PPS 8. Dwellings are designed to overlook areas of open space and provide a safe environment for users of the open space.

The site has a number of Trees on site which are protected by a TPO. A number of these trees had been removed as part of a site clearance exercise undertaken on the site. The remaining trees whilst protected in their own right by the TPO, the application includes them within the landscaping plan for retention and protection during development.

Boundaries have been softened with planting of grass and shrubs. Tree lined avenues connect the larger areas of open space with the smaller areas and onto the main entrance to the development.

Landscape buffer planting of 8-10m of native planting is proposed along the NW boundary with the countryside to aid integration of the development into the countryside.

The onus will rest on the developer to ensure that such open space will be made available and subsequently retained, managed and maintained in perpetuity as public open space. A condition shall be attached according.



Fig 6 Proposed Landscaping

On green-field sites and in lower density developments all houses should have an area of private open space behind the building line. The overall design concept for the development will determine the setting for houses, including the level of private back garden provision. To promote choice for residents a variety of different garden sizes have been provided and back garden provision is

calculated as an average space standard for the development as a whole, this ranges from 30- 70 sq m per house or greater. This element of policy has been met.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits and within walking distance of the Town Centre of Ballynahinch.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The development is connected by footways to the public road. The development connects to the Town Centre via an extended public footpath. Public transport is available on the Lisburn Road and with the town itself. The roads layout includes speed control measures.

(f) adequate and appropriate provision is made for parking;

Parking is provided at 2 spaces per unit. This is in keeping with parking standards. Garages are also provided.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The development is in keeping with the existing type form and detailing of existing residential development in the area.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

All properties have been assessed against Creating Places: Achieving Quality in Residential Environments

The use of different building heights, frontages and forms help create variety and interest in the layout thereby enhancing its visual character. This has been balanced by unifying elements in the design, such as careful use of colours, materials and detailing to provide coherence, distinctiveness and local identity. The development provides for a mix of housing types, detailing and finishes.

Dwellings are designed to present an attractive outlook onto the proposed road, with windows permitting informal surveillance, whilst at the same time allowing residents to preserve their privacy from overlooking.

The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

Existing properties are located at Nos 62, 64, 66 and 68a Lisburn Road. Dwellings proposed in the vicinity of these existing properties are bungalows. The separation distance between no 62 Lisburn road and Site 110 (back to gable separation) is in excess of 10m. Site 109 is similarly a bungalow with a separation distance in excess of 15m to the rear garden of 62 Lisburn Road. Site 108 is similarly a bungalow with an even greater separation distance from both no 62 and no 64 with 35m. Site 108 is a 2-storey dwelling, however given the separation distance to nos 62 and 64 there will be no impact on their residential amenity. Site no 106 is a bungalow which fronts onto the side garden of no 64. Separation distance is sufficient, and no impact considered.

No 66 Lisburn road has objected to the development raising issue of the properties soakaways draining onto the site. This matter has been previously dealt with in the report.



Fig 7 Bungalow House type

Well-designed layouts should seek to minimise overlooking between dwellings and provide adequate space for privacy. The amount of space considered appropriate will vary according to the location, context and characteristics of the site, and will generally be set by the overall design concept for the development.

On green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. Consideration may, however, be given to a smaller separation distance in order to meet the overall quality objectives set out in the design concept for the development, or in cases where it is important to reflect traditional building forms in the locality. Where smaller separation distances are employed, the design should include mitigating measures to help promote privacy - for example, through the location of bathrooms and the use of high level windows on upper floors to minimise the overlooking of living room windows and gardens of buildings opposite. A smaller separation distance will generally also be acceptable for single-storey development. The separation distances for properties existing and proposed as part of this development are acceptable.

Noise impact was raised by Ballykine Works. A Noise Impact Assessment was carried out by the applicant and following various revisions the NIA now included in its recommendations an acoustic 1.5m high planted mound to the front of the site along the Lisburn Road as well as acoustic glazing Rw 30-33 db to all properties throughout the development, alternative form of ventilation proposed to properties adjacent to the Lisburn Road referenced as Nos 1, 2, 110, 115 and 126.EHO are content that the mitigation measures will overcome any potential for noise impact on the proposed dwellings and similarly any impact on Ballykine works.

(i) the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

The layout has been designed in a manner which would not lead to an unsafe environment for residents.

PPS 3 Access Movement and Parking

Policy AMP 2 Access to Public Roads

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Policy AMP 3 Access to Protected Routes

The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access:

- (a) where access cannot reasonably be taken from an adjacent minor road; or
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

The access provision onto the Lisburn Road has been consulted on with DFI Roads and is deemed appropriate.

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided

Parking layout and servicing provision for the development is acceptable and has been cleared by DfI Roads. 2 car parking spaces per dwelling unit is proposed.

PPS15 Planning and Flood Risk

FLD1 - Development in Fluvial and coastal Flood Plains – The amended proposal is for a reduction in dwelling numbers with no encroachment into the flood plain and with suitable finished floor levels. As such Revised PS 15 – FLD 1 is satisfied.

The built development is taking place on elevated ground and out of the floodplain. It will be a condition of planning that the area of floodplain, designated as open space under FLD 1(f) of Revised Planning Policy Statement 15, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – FLD 2 is satisfied.

FLD3 - Development and Surface Water – DfI River's previous response stated; 'The Flood Risk and Drainage Assessment by Flood Risk Consulting dated October 2015 only lacks letters from 'Rivers Agency Area Office' and 'NI Water' for consents to discharge storm water which your policy stipulates in D18 bullet point 2'. It is the responsibility of the developer to ensure the necessary consents are in place with regard to site discharge to the local drainage network and/or watercourses.

Proposal complies with the requirements of PPS 15 Planning and Flood Risk.

Taking into account the Area Plan, planning policy, consultee responses and representations received on the application and all other material planning considerations approval is recommended subject to conditions.

This application shall be presented to Planning Committee.

Recommendation:

Approval subject to conditions

Drawings

01	Site Location	20 Jan 2020
02	Site Plan	27 February 2020
03	Housetypes Booklet	26 Nov 2015
	LC 5	
	LC 8	
	LC 9 Spec	
	LC10	
	LC12	
	LC 12/LC9	
	Single Garages	
	Twin Garages	
	Boundary details	01 Nov 2018
04	Housetype LC 7 Elevations	02 June 2016
05	Housetype LC 7 Floor Plan	02 June 2016
06	Housetype LC 9 3 Block Elevations	02 June 2016
07	Housetype LC 9 3 Floor Plans	02 June 2016
08	Bungalow	11 Dec 2018
09	Landscape Proposals	23 March 2020
10	Tree Protection Plan	25 June 2019
11	Boundaries Treatment Plan	27 February 2020
12	Maintained Open Space	03 March 2020
13	Landscape Management Plan	23 March 2020
14	Site Sections 1 of 5	27 February 2020
15	Site Sections 2 of 5	10 April 2019
16	Site Sections 3 of 5	10 April 2019
17	Site Sections 4 of 5	27 February 2020
18	Site Sections 5 of 5	10 April 2019
19	Noise Assessment	06 Dec 2019
20	Noise Impact Addendum	18 February 2020
21	Arboricultural Impact Assessment	08 April 2018

Private Streets Determination Drawings 25 June 2019
 Drawing refs C104, C119, C105, C122, C121, C120 & C102

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: 01-18 Including PSD Drawings C104, C119, C105, C122, C121, C120 & C102.

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

3. The visibility splays of 4.5 metres by 124 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No.C104 bearing the date stamp 25 June 2019, **prior to the commencement** of any works or other development.

Reason: No ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The visibility splays of 4.5 metres by 124 metres and the required forward visibility sight distance of 124 metres at the junction of the proposed access road with the public road, shall be provided in accordance with the Drawing no C104 bearing the date stamp 25 June 2019 , **prior to the commencement** of any works or other development.

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

5. **Prior to the commencement** of any development, details of the acoustic passive/active ventilation units for all habitable rooms to properties adjacent to the Lisburn Road, referenced on drawing No. 02 as sites No 1,2, 110, 115 and 106 shall be submitted to the Council for review and written approval.

Reason: To safeguard the living conditions of the occupants of the properties.

6. All dwellings hereby approved shall have installed glazing which achieves a sound reduction of Rw 30-33dB to all habitable rooms. The approved glazing shall be retained thereafter.

Reason: To safeguard the living conditions of the occupants of the properties.

7. The 1.5m acoustic screening as shown on drawing No.02 shall be in place prior to the occupation of any of the dwellings hereby approved. The Acoustic screening shall be

retained thereafter in accordance with the Landscape Management Plan Drawing No.13 and the Landscape Proposal Plan No. 09.

Reason: In order to safeguard the amenities of nearby occupiers.

8. No development shall take place on the site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted. The dwellings shall not be occupied until the approved arrangements are in place.

Reason: In the interests of public health.

9. Each dwelling shall be provided with such sanitary pipe work, foul drainage and rain water drainage, necessary for the hygienic and adequate disposal of foul water and rain water separately from that building.

Reason: In the interests of public health.

10. All services within the development should be laid underground.

Reason: In the interests of visual amenity

11. 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 Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

12. After completing any remediation works under Condition 11; 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 Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

13. All existing hedgerows as identified on Drawing No 09 shall be permanently retained and allowed to grow on and be maintained at a height not less than 3 metres. Hedgerow dying, removed or becoming seriously damaged as shown on the plan shall be replaced in the next

planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

14. All hard and soft landscape works shall be carried out in accordance with Drawing No 09, prior to the occupation of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

15. The erection of fencing for the protection of retained trees shall be undertaken before any equipment, machinery or materials are brought on to the site for the purpose of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered.

Reason: To ensure protection during construction works of trees which are protected under a TPO on site to ensure that they area are not impaired.

16. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the dwelling houses hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of these dwellings requires detailed consideration to safeguard the amenities of the surrounding area.

17. The open space and amenity areas indicated on Drawing 09 and 12 shall be managed and maintained in accordance with the Landscape Management Plan Drawing No.13. Any changes or alterations to the landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

18. No construction plant and/or machinery shall be operated on the premises before 8am in the Morning on weekdays and 8am in the morning on Saturdays nor after 6pm in the evening on weekdays and 1PM on Saturdays, nor at any time on Sundays or Bank Holidays

Reason: To protect the character and amenities of neighbouring areas by ensuring that measures are implemented to avoid any noise nuisance.

19. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being

comprised in the streets, shall be as indicated on Drawing Number C104 bearing the date stamp 25th June 2019.

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

20. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number C104 bearing the date stamp 25th June 2019.

The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

Reason: To ensure the development is carried out in accordance with the Private Streets Construction Regulations.

22. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

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

23. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in verges/service strips determined for adoption.

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

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

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

25. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI)

Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

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

26. Any telegraph poles/ street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of Transport NI.

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

27. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted to and agreed with the Department for Infrastructure Street Lighting Section for written approval by the Planning Authority.

28. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Infrastructure Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

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

29. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer in accordance with the Departments specification (Design Manual for Roads & Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

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

30. The developer prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals for agreement in writing with the Planning Authority in consultation with Department for Infrastructure's Transport NI.

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

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

Reason: In the interest of Road Safety.

32. The developer will contact Department for Infrastructure Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

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

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. Due to the close proximity of the site to a watercourse, 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 DOE Standing Advice Note No. 4 – Pollution Prevention Guidelines (April 2015).

Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015) Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for

any discharges to the aquatic environment. 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 in DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

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.

4. The applicant is reminded that the area of floodplain should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

Authorised Officer

Signed **Annette McAlarney 15 May 2020**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1371/F

Date Received: 16.09.2019

Proposal: The application is for full planning permission for an extension to existing reinforcement factory with provision of 80 car parking spaces.

Location: The application site is located outside the settlements in the open countryside, within and AONB and an Area of Constraints on Minerals Development as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is located along the Aughlisnafin Road and comprises an existing factory building for the storage and manufacture of steelworks and associated hardstanding for car parking. The site is accessed via an existing entrance onto the Aughlisnafin Road with an existing office located on site. The existing building is set back approx. 45m from the public road. The groundworks are partly tarmacked and hardcored to the SE of the main structural building.

Cars can be parked along the western and NW boundaries of the site. Mature planting encloses the site to the SE and NW. The site is just less than approx. 1 ha in size.

Site History:

R/2002/0966/F | East side of Aughlisnafin Road 170 metres south east of junction with Ballylough Road Castlewellan | Erection of factory and car parking to be used in association with the existing steel processing business at 124 Ballylough Road Castlewellan | Permission Granted | 10.03.2003.

R/2005/1316/F | Opposite 60 Aughlisnafin Road, Castlewellan | Erection of offices and W.C facilities for factory | Permission Granted | 28.04.2006.

R/2006/0755/F | Walter Watson Ltd, Re-bar factory, Aughlisnafin Road, Castlewellan | Repositioning of access to factory | Permission Granted | 02.07.2009.

R/2007/0140/F | Walter Watson Ltd, Re-Bar Factory, Aughlisnafin Road, Castlewellan | Retention of factory as built, provision of circulation space, landscaping and regrading of adjoining agricultural field | Permission Granted | 02.07.2009.

R/2012/0429/F - 62 Aughlisnafin Road, Castlewellan | Provision of hard standing to extend existing factory yard creating additional working space necessary for factory to operate at full capacity | Permission Granted | 07.03.2013

LA07/2018/1649/F | 62 Aughlisnafin Road, Castlewellan | Extension to existing rebar factory with provision of 80 car parking spaces. Including its access the extension will be located on a 0.91 ha site of which 0.492ha does not have existing permission for industrial. the extension will be used for the assembly of products for the construction, manufacturing and infrastructure industries | Application withdrawn | 02.05.2019.

Enforcement

LA07/2019/0015/CA | 62 Aughlisnafin Road, Castlewellan | Alleged unauthorised works on site, to increase site curtilage to facilitate factory extension and associated car park | Negotiate To Resolve.

R/2007/0052CA | 62 Aughlisnafin Road, Castlewellan | Operational Devt | Enforcement case closed | 19.05.2011.

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. The following planning policies are therefore relevant:- SPPS – Strategic Planning Policy Statement for Northern Ireland which is read in conjunction with

PPS 2 - Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 4 – Planning and Economic Development

PPS 21 – Sustainable Development in the Countryside

Consultations:

NI Water – Statutory Response
 DFI Roads – No Objections
 NIEA Water management – No objections subject to consent to discharge
 NIEA Land, Soil Air – No objections subject to conditions
 Environmental Health – No objections
 Shared Environmental Services – No objections

Objections & Representations

In line with statutory requirements five neighbours have been notified on 30.09.2019. The application was advertised in the Mourne Observer and the Down Recorder on 02.10.2019. No objections or letters of support have been received in relation to the application.

This is a major planning application which requires presentation to Planning Committee. All PAN and PACC requirements have been carried out in accordance with legislative requirements.

Consideration and Assessment:

Section 45 (1) of the planning Act 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Ards and Down Area plan 2015 (ADAP).

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. 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. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

The policy context for the development includes Planning Policy Statement 21 – Sustainable development in the Countryside (PPS 21), and Planning Policy Statement 4 – Planning and Economic Development (PPS 4). Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. The policy provides a list of acceptable non residential development, which includes industry and business uses in accordance with PPS4. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement.

Policy PED 2 of PPS 4 refers to economic development in the countryside. It states that proposals for such development will be permitted in 4 instances, the first of which is the expansion of an established economic development use under policy PED 3. Policy PED 2 indicates that, with the exception of the instances cited, all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. Policy PED 9 of PPS4 is entitled 'General Criteria for Economic Development'. It lists 13 criteria that require to be met by all proposals for economic development uses.

The first paragraph of the headnote to Policy PED3 states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. For the business in this case to be established it would require to be lawful.

A history search on the site is detailed above with previous applications approved and subsequently demonstrates this engineering works to be established.



Existing site plan



Proposed site plan

The nature of the industrial use is perceptible given the size of the buildings and the storage of materials on site. It is evident that this enterprise has continued to grow to the extent that there was pressure to physically expand the site to the front portion to the south of the existing factory under R/2012/0429/F which included the provision of hard standing to extend existing factory yard. It must be considered whether this further extension of the industrial use is harmful to the character of the countryside.

Rural character is not just a visual matter. In fact, PED3 refers to the "character OR appearance" of the local area. The general area around the site is characterised by agricultural land and buildings with several dwellings. Thus overtly rural, rather than commercial or industrial. However, notwithstanding this there is a further site owned by the current owners is located approx. 400m to the NW of the site. While it is considered that the nature of the business is not one that is usually associated with being located in the countryside, it has to be considered whether it is an incongruity in terms of rural character. Therefore the main consideration is whether the impact of this extension of the business would result in additional harm.

In terms of PED 3, Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

The current business and associated buildings are visible when travelling in a northerly direction. Due to the presence of high roadside hedging and the vegetated banked boundaries enclosing the site, the site is well screened from this direction, it only becomes more apparent when at and passing the site in a NW direction. Similarly, the buildings which are already on the site, will screen the proposed new building from the opposite direction given that they are of a similar height. This is also evident when travelling along Ballylough Road in a SW direction coming from the junction with Whiteford Road. In this context, the existing low profiled building will screen any views of the proposed buildings, as they are of a similar size and scale. The proposed building will be linked to the existing rebar factory and its FFL is 0.2m lower. It will be constructed using similar materials and finishes to the existing building including light green prefabricated steel cladding set on a concrete base. The existing entrance is to be used and the mature planting which existing on site will be retained.

Planning Policy Statement 2 – Natural Heritage.

Sets out the policy requirements to protect habitats and wildlife and furthers the Northern Ireland Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity.

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

Planning Policy Statement 3 – Access, Movement and Parking/DCAN 15 Vehicular Access Standards

PPS 3 sets out the Department's 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 were consulted and have offered no objections to the proposal. The proposal would provide adequate provision for car parking and appropriate servicing arrangements.

Other issues

Environmental Health were consulted regarding the proposal in terms of noise, nuisance and residential amenity. A noise report and lighting report were submitted as part of the proposal. Following further information submitted by the agent EHO are now content.

Economic Consideration

Paragraph 3.3 of the SPPS states that in making planning decisions there is a need to ensure economic considerations are accorded appropriate weight. Paragraph 4.18 continues that a modern, efficient and effective planning system is essential to supporting the Executive and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region. Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority. This application has job creation potential which will result in the creation of 30 new jobs. However, a balancing exercise must always be carried out in relation to the competing issues. It is recognised that the proposal would bring benefits to the area, however, this must be weighed against the extent of the development and its effect on this rural area.

Conclusion

On balance taking into account the history on the site, the established use on the site and that the buildings are of a scale and design which respect the existing buildings it is considered that the extensions and curtilage extension are acceptable. The overall scale of the proposed buildings is greater in terms of floorspace and while this proposal will not result in any environmental benefits, it will not significantly harm the rural character and appearance of the local area given that the redevelopment scheme is generally located to the SE of an existing established site. The visual impact of the extension in this context will not be significantly greater than the buildings which are there given the screening of the site from the critical views as mentioned previously. The business provides local employment and supports the local economy. Therefore, it is deemed that the proposal complies with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation:

Approval

Drawings

The Drawings upon which this approval is based are as follows: **A3-01, A1-10, A1-11, A1-12, A1-13, A1-14, A1-15**

Conditions:

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

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: A3-01, A1-10, A1-11, A1-12, A1-13, A1-13, A1-15.

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

3. 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy Land, Soil & Air 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

Reason: Protection of environmental receptors to ensure the site is suitable for use. 2

4. After completing the remediation works under Condition 3 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. 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.

5. All hard and soft landscape works shall be carried out in accordance with the approved plans. 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. Trees and hedgerows shall be retained on all boundaries as shown on drawing A1-15. Trees or shrubs dying, removed or becoming seriously damaged within five years shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

7. During the first available planting season after development has commenced, planting shall be carried out in accordance with approved plan A1-15.

Reason: To ensure the amenity afforded by hedges is maintained.

8. 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 decision relates to planning control. The Council would advise that if the proposed works require building control this should be obtained from the District Council before the works commence. This approval does not cover any other approval which may be necessary under other legislation.
2. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.
3. The purpose of Conditions 3 and 4 are to ensure that the site risk assessment and remediation work is undertaken to a standard that enables safe development and end use 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.
4. 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>
5. 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.
6. 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>

7. Water Management Unit recommends the storm drainage of the site adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems. Care should be taken to ensure that only clean surface water is discharged to the water environment. 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 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.
8. 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.
9. 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.

Case Officer Signature	C Moane	Date	19/05/2020
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Appointed Officer Signature	A. McAlarney	Date	19/05/2020
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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1837/F

Date Received: 17th December 2019

Proposal: General purpose agricultural/forestry shed

Location: Lands Approx. 40m west of 21 Blacks Lane, Glassdrumman, Ballynahinch

Site Characteristics and Area Characteristics:

The red line of this application site comprises an area of agricultural field and part of an access lane which sits adjacent to a large dwelling at no.21 Blacks Lane. The dwelling is served by a formal access which splits into two, one branch serving the dwelling, and the other branch presumably to serve the building subject of this application. To the west of the dwelling, is an extensive area of hardstanding.

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/2013/0347/F - Adjacent 15 Blacks Lane Glassdrumman Ballynahinch (Amended address)

Proposed general purpose agricultural/forestry shed and part retrospective access arrangements, foundation and hard standing area - Appeal Dismissed 25.08.2016

R/2011/0038/F - Adjacent to 15 Blacks Lane, Ballynahinch

Replacement Dwelling in Substitution R/2008/0962/F – Granted 15.08.2011

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 CTY12 – Agricultural and Forestry Development and SPPS.

Consultations:

DFI Roads were consulted and responded with no objections.

DAERA were further consulted to check that the development is on an active and established agricultural holding. They have responded stating that the farm business ID was allocated on 10.07.2013. They have stated that the farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in any of the last 6 years. They have also stated that the application site is not on land on which payments are currently being claimed by the farm business.

Objections & Representations:

The application was advertised in the local press on 8th January 2020 which expired on 22nd January 2020. Given the location, it was not necessary to notify any neighbouring properties. To date there have been no objections received in relation to the proposal.

Consideration and Assessment:

Permission is sought for the erection of a general purpose agricultural/forestry shed which would sit to the west of the dwelling at no.21 Blacks Lane and be set back from the road. The shed would be 19.2m in depth and would be 8.9m in width. It would have a pitched roof with a maximum ridge height of 5.35m. The shed would be completed in moorland green profiled metal sheeting and grey / white painted render below. The shed would be accessed via a roller shutter door in the eastern elevation.

There is history on this site by way of an appeal decision following a refusal which found a previous shed to be unacceptable. The appeal decision concluded that the applicant could not demonstrate that the farm business was active and established for six years and therefore the appeal was dismissed.

Policy CTY12 states that permission will be granted for development on an active and established agricultural holding where it is demonstrated that:

- a) It is necessary for the efficient use of the agricultural holding
- b) In terms of character and scale it is appropriate to its location
- c) It visually integrated into the local landscape and additional landscaping is provided as necessary
- d) It will not have an adverse impact on the natural or built heritage; and

- e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In terms of demonstrating that the farm business is active and established, DAERA has confirmed that the farm business ID was awarded in 2013, although payments through the Basic Payment Scheme or Agri Environment Scheme have not been claimed for any of these years. The client has supplied further evidence by way of the following documents:

- Confirmation of Flock Registration number – dated 09/09/2015 from the DARD office, Newtownards
- Copies of completed SG2 forms for the moving of 20 animals on 20/02/2019
- Copy of Sheep Flock Herd Register
- Log of sheep movements into and out of the holding starting 15/05/2017 up to 11/11/2019
- Receipts from Thompsons feed 08/03/2019 and Reid Feeds 22/03/2018
- Undated receipts from R. Dunlop Agricultural Contractor for Hedge cutting x 4. It appears that this hedge cutting might have occurred from 2012 - 2019
- A letter from vet Stephen Parkhill at Lisburn Veterinary Clinic verifying that the applicant has a flock number for sheep and endorsing the fact that the agricultural shed is necessary for the holding to be farmed efficiently.
- Copy of log book for a Massey Ferguson tractor
- A policy document from Vintage Tractor Insurance dated April 2013 to April 2014, for the applicant's (assumed) previous address
- A receipt from Y&S Fencing LTD for the replacement and renewal of stock fencing at 21 Blacks Lane, Ballynahinch, dated 9th August 2009.

As such, officers are satisfied that the farm has been active and established for 6 years.

In terms of the criterion for Policy for CTY12, the agent has supplied that the shed is necessary for the handling of sheep including pregnant ewes which must be treated with care. He further states that the proposed shed would facilitate good animal husbandry as well as providing a secure and safe store for feed stuff, machinery etc.

The proposed shed would be a significant scale; however, its scale and green metal clad appearance would be in keeping with agricultural sheds in the wider rural area, and more specifically, nearby at 47 Glassdrumman Road to the north west of the site. As such, officers are satisfied that the proposed shed would be appropriate to its scale and location.

It is highly material that the previous appeal decision considered that the proposed agricultural building would integrate successfully into the landscape given that it would be set into the ground and would be surrounded by higher land on three sides so that

only the roof would be visible. The applicant has again set out that they propose to plant a mix of woodland trees to the front of the shed to further screen the building from any views from Blacks Lane. Given that this has been considered acceptable in a previous appeal decision, and no changes have been made to amend the proposal, this must therefore be considered to integrate into the landscape.

There is nothing to suggest that the proposed development would have any adverse impact upon either the natural or build heritage.

Given the separation distance to any adjacent properties, there would not be any harmful impact upon the residential amenities of any adjacent properties by way of noise, smell or pollution. The shed would sit 74m from the dwelling at no. 21 Blacks Lane, and 133m to no.15 Blacks Lane.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm that the proposal complies with the following additional criteria:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings
- The proposal is sited beside existing farm buildings.

The only buildings on the farm holding at present are the dwelling and garage at no. 21 and therefore there are no suitable existing buildings on the holding that can be used for the accommodation of sheep.

As discussed above, the proposed shed would be considered sympathetic to the locality given the presence of green sheds nearby, and throughout the wider rural area.

The proposed shed would sit some 59m from garage at no. 21 which is the nearest building on the holding. The previous appeal decision found that the proposed location of the shed would not be in accordance with the third additional criterion given that it is well separated from the house and garage (paragraph 12 of appeal decision.) Given that the shed is proposed to be erected in the same position as that considered under the appeal decision, officers are of the opinion that the positioning remains unacceptable. While it is noted that work has been carried out by way of creating a bank to the east of the site along with flattening the site to provide a lowered, level area for the shed to be built upon, it is considered that the shed could be built nearer to the existing buildings on site. No reason has been given to demonstrate why the shed could not be located nearer the dwelling, in order to make the proposal comply with the additional criterion of CTY 12.

Recommendation:

Refusal is recommended

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposed development would fail to accord with PPS21 Policy CTY12 in that the proposal would not be sited beside existing farm or forestry buildings.

Informatives:

The drawing numbers to which this decision relates are: LA07/2019/1837/F 01 - 04

Case officer:

Authorised by:

Date:

LA05/2019/1837/F – PROPOSED AGRICULTURAL/FORESTRY SHED AT BLACKS LANE, BALLYNAHINCH – SUBMISSION TO JUNE 2020 PLANNING COMMITTEE.

1. This application has been recommended for refusal. The Council's primary concern is that the shed would not be sited beside other farm or forestry buildings.
2. The site is about 40 metres to the west of the Applicant's house and garage. These sit prominently above Blacks Lane, whereas the proposed site is in an existing yard area which sits almost 6 metres lower and will allow the new shed to be screened from the road.



Proposed Siting

3. The Planning officers have accepted the following:
 - i) The farm is active and has been established for 6 years;
 - ii) the proposed shed would be appropriate to its scale and location;
 - iii) the building would integrate successfully into the landscape;
 - iv) there will be no impact on natural or built heritage;
 - v) there will be no impact on residential amenity;
 - vi) the proposed shed would be considered sympathetic to the locality; and
 - vii) there are no other suitable buildings on the holding for accommodation of sheep.
4. In the circumstances, it is clear that Mr O'Hare meets the policy requirements for a shed. The only concern is that the shed is sited a short distance west of the house and garage, and not directly beside it. The applicant was not given any opportunity to explain the reasons for this siting.

DONALDSON PLANNING

50

5. Policy CTY12 allows for a shed to be sited away from other farm buildings where this is essential for efficient functioning of the business, or there are demonstrable health and safety reasons. In this case the following considerations can be given determining weight by the Committee:
 - i) The level farmyard and the access to it are already established;
 - ii) It is logical and **essential for efficient functioning of the business to site the agricultural shed within the established yard, where it is readily accessible for farming purposes;**
 - iii) The application site is at a level of 107.5 metres. This is **5.5 metres below the level of the ground on which the house is sited. The shed is only 5.35 metres high, so it will be almost completely invisible from the public road;**
 - iv) **Officers accept that the proposed siting will allow the shed to be visually integrated.** An alternative siting closer to the house would be at a higher level, much more visible, and nowhere near as well integrated;
 - v) The new shed will be about 60 metres from the domestic garage. It is common practice for Environmental Health to seek good separation between farm buildings and occupied dwellings. Indeed permitted development rights require farm buildings to be sited at least 75 metres from houses which are not on the farm;
 - vi) No new access is required, as access to the shed will be shared with the existing access to the yard and the main dwelling; and
 - vii) The overall objectives of PPS21 seek to conserve the landscape and promote high standards of design and siting. These are precisely the objectives which will be achieved by allowing the shed to be sited in the proposed location.
6. Mr O'Hare meets the criteria for a shed on his active farm holding. The only issue is whether this shed should be sited on the higher ground beside his dwelling, or in the established yard area which is at a lower level and allows for much better integration,
7. The planning balance clearly lies in favour of the proposed siting, which will allow for efficient operation of the farm and (as accepted by the case officer) will have negligible effect upon rural character. The Committee is requested to grant permission.

DONALDSON PLANNING

May 2020



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

Application Reference: LA07/2019/1633/LBC

Date Received: 5th November 2019

Proposal: Change of Use from Vacant Dwelling to create extension to adjacent Doctors Surgery

Location: 10 The Green, Irish Street, Downpatrick

Site Characteristics & Area Characteristics:

The site is located along Irish Street, Downpatrick and is comprised of a two-storey dwelling. The dwelling fronts immediately onto Irish Street.



The Ards and Down Area Plan 2015 identifies the site are being located within the settlement limit and town centre of Downpatrick, its Conservation Area and a Protected Housing Area.

Site History:

R/1990/0732 - 11 & 12 THE GREEN IRISH STREET DOWNPATRICK - Change of use of No 11 and first floor of No 12 from dwellings to doctors surgery with alterations - PERMISSION GRANTED

R/1991/0689 - 11/12 THE GREEN IRISH STREET DOWNPATRICK - Extension to surgery with new front elevation - PERMISSION GRANTED

LA07/2015/0740/F - 12 The Green, Downpatrick, - Proposed first floor extension at rear of premises with internal alterations to layout - PERMISSION GRANTED - 13.01.2016

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3 and 6, in addition to the history and any other material consideration.

The application was advertised in the local press on 27.11.2019

All relevant neighbours were notified of the proposal on 19.11.2019

Consultations:

In assessment of the proposal a consultation was considered necessary with DfC Historic Environment Division given the sites is a listed building.

No objections have been received

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The site is located within the settlement limits, town centre, Conservation Area and Protected Housing Area of Downpatrick as designated in the Ards and Down Area Plan 2015.

The proposal seeks full planning permission for the change of use of a dwelling at No 10 The Green, Irish Street to provide additional and extended space for the adjacent Doctors Surgery.

PPS 6

BH 8

As indicated above the site is comprised of a listed building (No 10 The Green and No.95 Irish Street (HB18/20/035)), a Grade B listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

Consequently, Policy BH 8: Extension or Alteration of a Listed Building is applicable. This policy states that consent to proposal for the extension or alteration of a listed building will normally only be granted where all the criteria listed A – C are met.

In assessment of these policy requirements, the Planning Authority consulted DfC Historic Environment Division (HED), which following a lengthy consultation concluded that the proposal satisfies paragraph 6.13 of the Strategic Planning Policy Statement (SPPS) and Policy BH 8 of PPS 6.

Policy HOU 3 – Ards and Down Area Plan 2015.

This Area Plan policy states clearly that Planning permission will not be granted for redevelopment or change of use within the protected housing areas in the Town Centres as identified on the relevant settlement town centre maps in Volumes 2 and 3 of the Plan.

The Plan considers that the protected houses provide a valuable housing stock and are homes for established communities which contribute to the variety and vitality of life in the Town Centre.

As the proposal is contrary to the Area Plan a recommendation to refuse must be made on this basis.

Conclusion

While it is noted that historical permission has been given for the change use of a dwelling to a doctors surgery within this terrace of dwellings, it pre-dates the publication of the area plan in 2015. Also, while HED have no objections to the proposal, it is contrary to policies within the current area plan, it is determined, therefore, that the proposal is unacceptable in planning terms and refusal is recommended.

Recommendation: REFUSAL

Reason:

The proposal is contrary to the SPPS and Policy HOU 3 of the Ards and Down Area Plan 2015, in that the existing dwelling is located within a Protected Housing Area where proposals for redevelopment or change of use will not be granted in order to protect the valuable housing stock that exists.

Signed

Date

Signed

Date

Speaking Rights

LA07/2019/1635/F & LA07/2019/1633/LBC

Proposed Material Change of Use from Vacant Dwelling to form Extension to Adjacent Doctors Surgery**10 The Green Irish Street Downpatrick****Planning Recommendation:- REFUSAL**

Reason;- The Proposal is contrary to the SPPS and Policy HOU 3 of the Ards and Down Area Plan 2015, in that the existing dwelling is located within a protected Housing Area where proposals for redevelopment or change of use will not be granted in order to protect the valuable housing stock that exists.

Brief overview of The Green Surgery and immediate area

The Green Surgery address is No12 The Green Irish Street Downpatrick although it actually occupies former dwellings known as No11 & No12 The Green.

Use as a GP Surgery at these addresses pre-date the Ards & Down Area Plan 2015 (ADAP2015). One wonders how it is that they are both zoned within the "Protected Housing Area"?

The Green Surgery part funded by Health & Social Board (HSCB) purchased No10 The Green Irish Street Downpatrick in late 2019. The building is Listed and had been vacant for over one year.

NIEA Historic Buildings consultation response confirms the proposed use and design for the works of adoption are acceptable.

As with many GP Practices throughout Northern Ireland the HSCB are funding expansion of GP Practice services to multi-disciplinary teams under the "*Primary Care Infrastructure Development (PCID) Programme*".

The expanded services include Mental Health, Physiotherapy, Pharmacist, & Social Care professionals.

The proposed extension will accommodate the additional professionals required to deliver this expanded public healthcare model.

ADAP2015 Policy HOU 3 states "The Department will resist the spread of commercial uses into those areas which have a useful longer term residential life."

The Planning (Use Classes) Order (NI) 2015 confirms the proposed use comes under "Part D Community, Recreation and Culture" Class D1; Community & Cultural Uses - **part (a)**.

A short distance North of the proposal and inside the designated town centre the former NIHE District Office site was approved in 2013 for 8 No New Dwellings (Planning Ref No. R/2013/0306/F).

These dwellings have been completed and it has enhanced the stock of valuable town centre housing in the immediate vicinity of the GP Surgery thereby ensuring continued "...variety and vitality of life in the Town Centre".

Add to this the significant redevelopment of the former Downe Hospital site a short distance South of the proposal consisting of a significant number of Affordable and Housing Association residential units.

See the sites marked with BLUE DOTs on the attached map.

Keep in mind that neither of the above mentioned developments were zoned for development or envisaged by the ADAP2015.

As stated above the project shall be funded by HSCB under its PCID Programme.

The project has had public funding provisionally approved from the HSCB budget and is at the Tender stage of procurement.

We have attached a copy correspondence letter of support from Dr Margaret O'Brien Assistant Director of Integrated Care Head of General Medical Services Responsible Officer HSCB to NMDDC Planning dated 7th April 2020. The Green Surgery forwarded a copy to our office post "Call-in" request application.

We note that it is not listed on the Planning Portal and present same now as it confirms the HSCB position.

The ADAP2015 is being relied upon in the absence of the much needed Local Development Plan (LDP) presently mid stream in the process of preparation before public consultation etc etc.

The Green Surgery by comparison to other GP Surgeries in Downpatrick is located closest to virtually 100% of Downpatrick's designated Protected Housing Area's as shaded RED on the attached Town Centre Map making it *very accessible to the typical town centre demography*.

Indeed it is also closest to a significant proportion of "Edge of Town Centre" residential areas (particularly to the North East of it's location) extending its convenience of accessibility.

On balance it is argued that the extended Community Service to be provided by the proposal is smaller in physical scale to that lost at the former NIHE District Office while the additional Town Centre Housing provided at the site of the former NIHE District Office is far greater than the small impact on Town Centre Housing stock that the proposed GP Practice Extension will impose.

We ask the committee to consider the short comings of the former Planning Policy document (ADAP2015) taking account of developments on the ground that have addressed and continue to address Town Centre Housing provision on land previously not designated for that use. Specifically the site of the former NIHE District Office a very short distance away.

We would respectfully ask that the committee approve the planning and listed building applications before them to allow this GP Practice to provide the multi-disciplinary provision necessary in meeting this latest public healthcare model.

EXISTING

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Centre Point (Easting, Northing): 348829, 344346

12 THE GREEN, DEMESNE OF DOWN ACRE, DOWNPATRICK, BT30 6BE, 185285984

Scale: 1:500

Order no. ORD20375

Plan No. 22412NW3

57

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12 THE GREEN, DEMESNE OF DOWN ACRE, DOWNPATRICK, BT30 6BE, 185285984

Scale: 1:500

Order no. ORD20375

Plan No. 22412NW3

Proposed

58

348871

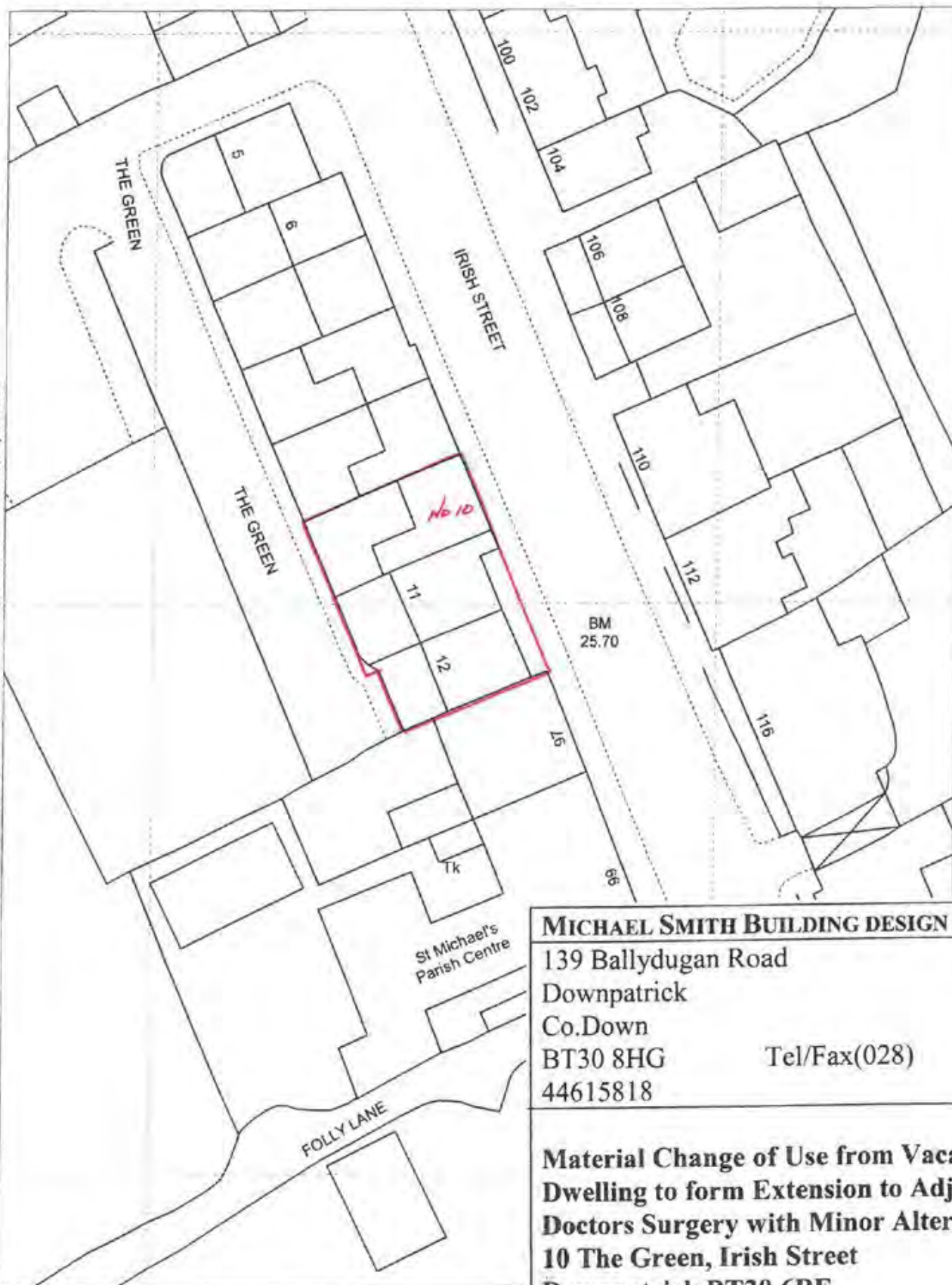
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MICHAEL SMITH BUILDING DESIGN

139 Ballydugan Road
Downpatrick
Co. Down
BT30 8HG
44615818

Tel/Fax(028)

Material Change of Use from Vacant Dwelling to form Extension to Adj Doctors Surgery with Minor Alterations
10 The Green, Irish Street
Downpatrick BT30 6BE

For:-
Dr Boyle, Dr Ryder & Dr Jackson

SITE LAYOUT

SCALE:- 1:500

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part 2

Policy HOU 3 Protected Housing Areas

Planning permission will not be granted for redevelopment or change of use within the protected housing areas in the Town Centres as identified on the relevant settlement town centre maps in Volumes 2 and 3 of the Plan.

Protected Housing Areas are designated in Newtownards, Comber and Donaghadee in Ards Borough, and Downpatrick, Ballynahinch and Newcastle in Down District.

Town Centre housing can provide benefits, particularly for the elderly and young single people and for those without cars who wish to live within walking distance of the facilities of the Centre. Housing can bring benefits by providing continued life, activity and surveillance in the Centre outside normal commercial hours.

The Department will resist the spread of commercial uses into those areas which have a useful longer term residential life. They provide a valuable housing stock and are homes for established communities which contribute to the variety and vitality of life in the Town Centre.

Accommodation for the Travelling Community

Within the context of meeting local housing need and ensuring balanced communities it is important to deal with the needs of the travelling community; therefore, proposals for traveller's accommodation that meet identified local need should be encouraged, subject to meeting prevailing regional policy, currently Planning Policy Statement 12 (PPS 12): Housing in Settlements. These proposals will be expected to clearly demonstrate how they

meet identified local need and the planning authority will assess this in consultation with Northern Ireland Housing Executive.

As with all development proposals, careful consideration will need to be given to the impact of the proposal on both surrounding land uses and the environment. Proposals that have a significant detrimental impact on surrounding land uses or the environment will be resisted.

The RDS, (SPG-HOU6) requires that consideration must be given to the distinctive needs of the travelling community. Policy HS 3 in Planning Policy Statement 12, (PPS 12): Housing in Settlements requires that where a need is identified and a development plan is under preparation, a site should be identified.

The Northern Ireland Housing Executive (NIHE) has carried out a Housing Needs Assessment and there are no Traveller accommodation needs currently identified for the Plan area. Future review of this assessment will be carried out by the NIHE on an annual rolling basis to reflect changes in need.

Social Housing

Social housing will be provided in accordance with the requirements of Planning Policy Statement 12, (PPS 12): Housing in Settlements, and draft PPS 21: Sustainable Development in the Countryside. This states that in locations where a demonstrable housing need is identified by the Northern Ireland Housing Executive, planning permission for housing proposals will only be granted where provision is made for a suitable mix of house types and tenures to meet the range of market and social housing needs identified. The proportion of land or units to be set aside for social housing will be determined as part of the development control process.



Class B4: Storage or distribution

Use for storage or as a distribution centre.

PART C RESIDENTIAL ISSUES

Class C1: Dwellinghouses

Use as a dwellinghouse (whether or not as sole or main residence)—

- (a) by a single person or by people living together as a family; or
- (b) by not more than 6 residents living together as a single household where care is provided for residents.

Class C2: Guest houses

Use as a boarding or guest house or as a hostel where, in each case, no significant element of care is provided.

Class C3: Residential institutions

Use—

- (a) for the provision of residential accommodation and care to people in need of care (other than a use within Class C1 (Dwellinghouses));
- (b) as a hospital or nursing home; or
- (c) as a residential school, college or training centre.

Class C4: Secure residential institutions

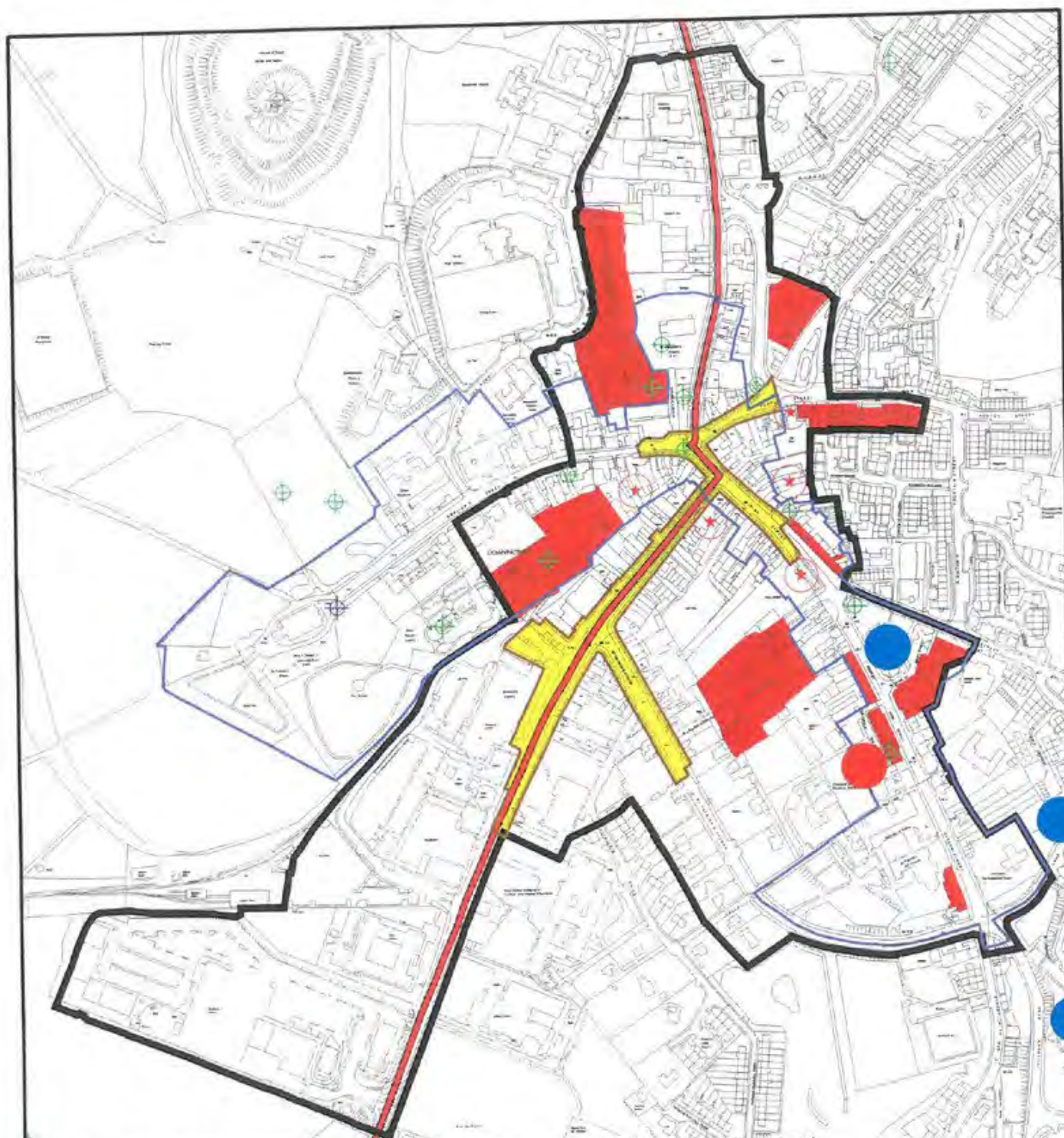
Use for the provision of secure residential accommodation, including use as a prison, young offenders centre, detention centre, juvenile justice centre, short term holding centre, secure hospital, or use as a military barracks.

PART D COMMUNITY, RECREATION AND CULTURE

Class D1: Community and Cultural Uses

Any use (not including a residential use)—

- * (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner;
- (b) as a crèche, day nursery, after school facility or day centre;
- (c) as a community centre;
- (d) for the provision of education;
- (e) for the display of works of art (otherwise than for sale or hire);
- (f) as a museum;
- (g) as a public library or reading room;
- (h) as a public hall or exhibition hall; or
- (i) as a law court.



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Ards and Down Area Plan 2015 Map No. 3/002h - Downpatrick Town Centre

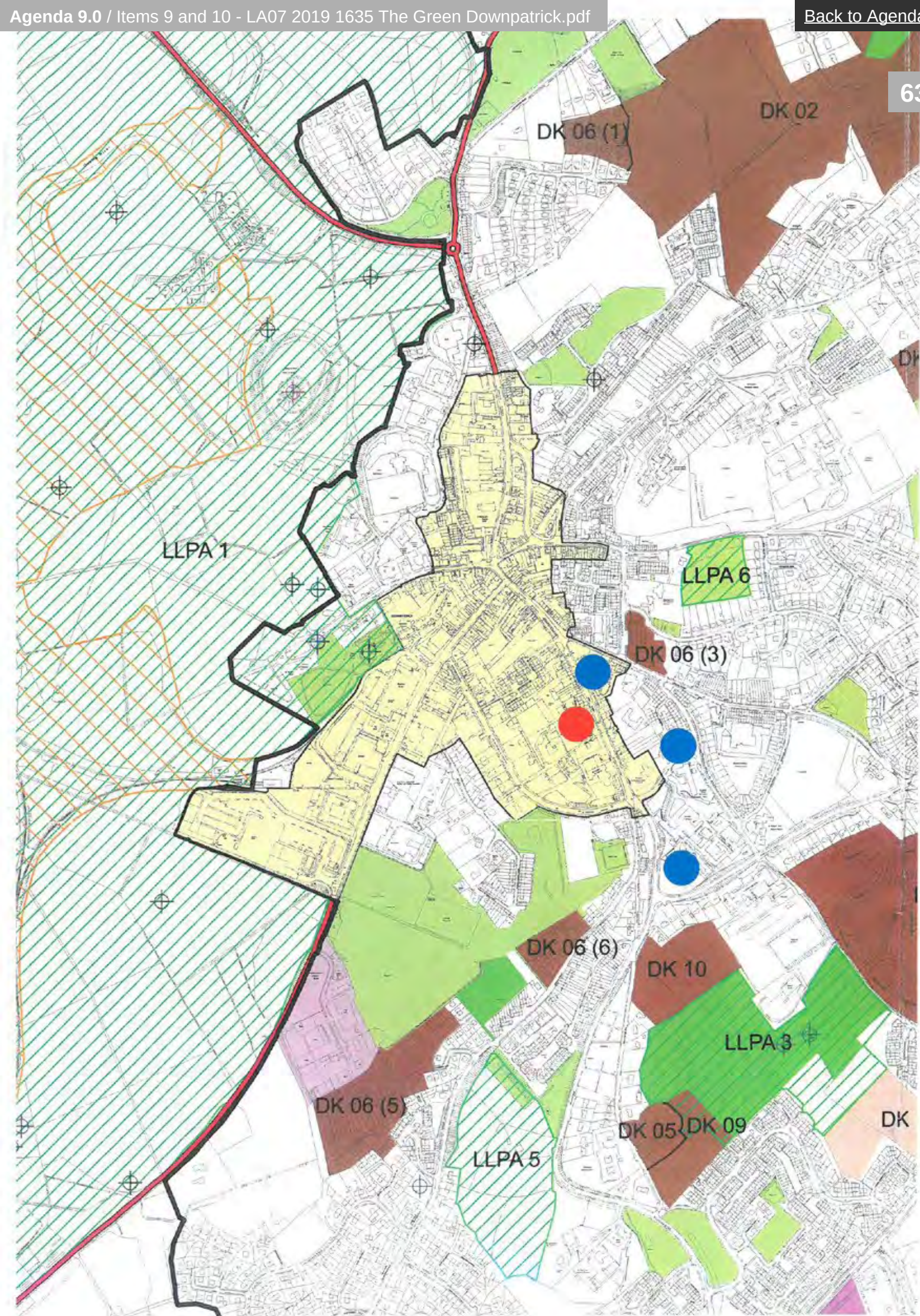
- Town Centre
- Primary Retail Core
- Protected Housing
- Development Opportunity Site
- Conservation Area
- Protected Route

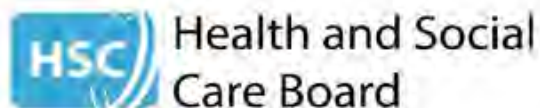
In the interests of clarity, only the Conservation Area boundary and Protected Route are shown straddling the Town Centre boundary. The Area of Significant Archaeological Interest and Area of Archaeological Potential also straddle the Town Centre boundary - please refer to Map No. 3/002a for details of these and other designations outside the Town Centre.

- Archaeological Site and Monument (State Care)
- Archaeological Site and Monument (Scheduled)
- Archaeological Site and Monument

0 50 100 Metres







Directorate of Integrated Care
Health and Social Care Board
12-22 Linenhall Street
Belfast
BT2 8BS

Newry, Mourne & Down District Council
Local Planning Office
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

Tel : 028 9536 3926
Fax : 028 9536 3126

Web Site:

www.hscboard.hscni.net

7th April 2020

Dear Sir / Madam

**Letter of Support for The Green Surgery, Downpatrick
(Refs: LA07/2019/1635/F and LA07/2019/1633/LBC)**

I am writing in support of the planning application submitted by the Green Surgery (11-12 The Green, Irish Street, Downpatrick), in regards to proposed alterations to premises directly adjacent to the practice at 10 The Green, Irish Street, Downpatrick, BT30 6BE. This GP practice currently consists of 3 GP's and serves approximately 4,927 patients in the Downpatrick and surrounding areas.

The Health and Social Care Board (HSCB), Department of Health (DoH), and the Down Federation of Family Practices have been working collaboratively with GP practices in the Down area in recent months to implement a radical change in the delivery of primary care services. This change involves developing multi-disciplinary care teams wrapped around local GP practices, at a significant investment of over £3.2m across premises and staff in the Down region.

This new model of care will see local GP practices focus not just on managing ill-health, but also on the physical, mental and social wellbeing of communities. In the first instance, this initiative has already involved the allocation of Physiotherapists, Mental Health Workers and Social Workers into GP Practices in these areas.

These professionals support GPs to deliver appropriate and timely care to their patient population, thereby reducing pressures on the GP workforce and improving quality of patient care. Evidence suggests this approach will see patient issues resolved more quickly, for instance by reducing the need for referrals and appointments elsewhere. This will also ease demand pressures on hospitals. This initiative is a core component of the plans for much needed health and social care transformation, ultimately helping provide care closer to people's homes and improving access times.

In order to assist in further implementation of this major transformation initiative it is necessary to create space at existing GP premises to accommodate the multi-disciplinary staff. These professionals work closely as part of the GP team but now need full-time dedicated accommodation within the same building. This work has engaged with patients and their representatives in its planning, and in areas where it has already been implemented this enhanced level of service has been met enthusiastically by patients and their families.

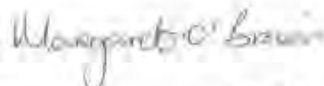
It should be noted from a planning approval perspective that this initiative is not about creating additional capacity / demand within the Green Surgery, but rather is intended to equip GPs with immediate access to a broader specialist skill set, such that the services delivered to their existing patient population can be improved and GP services sustained.

Against this background, the HSCB wishes to reiterate the critical need for the proposed alterations at the Green Surgery and requests your positive consideration of the associated planning application. In considering this application the HSCB would ask you to acknowledge its importance in helping to meet the complex health and well-being needs of the c.4,927 patient population that attend the Green Surgery.

Should the Planning Officer or statutory consultees require any further information to enable the progression of this important application please do

not hesitate to contact Maria Higgins, Maria.Higgins@hscni.net or telephone 028 95 363243.

Yours sincerely



Dr Margaret O'Brien
Assistant Director of Integrated Care
Head of General Medical Services
Responsible Officer, HSCB

CC Elaine Hunter
Roger Kennedy
Linda McIlroy
Maria Higgins



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

Application Reference: LA07/2019/1635/F

Date Received: 5th November 2019

Proposal: Change of Use from Vacant Dwelling to create extension to adjacent Doctors Surgery

Location: 10 The Green, Irish Street, Downpatrick

Site Characteristics & Area Characteristics:

The site is located along Irish Street, Downpatrick and is comprised of a two-storey dwelling. The dwelling fronts immediately onto Irish Street.



The Ards and Down Area Plan 2015 identifies the site are being located within the settlement limit and town centre of Downpatrick, its Conservation Area and a Protected Housing Area.

Site History:

R/1990/0732 - 11 & 12 THE GREEN IRISH STREET DOWNPATRICK - Change of use of No 11 and first floor of No 12 from dwellings to doctors surgery with alterations - PERMISSION GRANTED

R/1991/0689 - 11/12 THE GREEN IRISH STREET DOWNPATRICK - Extension to surgery with new front elevation - PERMISSION GRANTED

LA07/2015/0740/F - 12 The Green, Downpatrick, - Proposed first floor extension at rear of premises with internal alterations to layout - PERMISSION GRANTED - 13.01.2016

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3 and 6, in addition to the history and any other material consideration.

The application was advertised in the local press on 27.11.2019

All relevant neighbours were notified of the proposal on 19.11.2019

Consultations:

In assessment of the proposal a consultation was considered necessary with DfC Historic Environment Division given the sites is a listed building.

No objections have been received

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The site is located within the settlement limits, town centre, Conservation Area and Protected Housing Area of Downpatrick as designated in the Ards and Down Area Plan 2015.

The proposal seeks full planning permission for the change of use of a dwelling at No 10 The Green, Irish Street to provide additional and extended space for the adjacent Doctors Surgery.

Policy HOU 3 – Ards and Down Area Plan 2015.

This Area Plan policy states clearly that Planning permission will not be granted for redevelopment or change of use within the protected housing areas in the Town Centres as identified on the relevant settlement town centre maps in Volumes 2 and 3 of the Plan.

The Plan considers that the protected houses provide a valuable housing stock and are homes for established communities which contribute to the variety and vitality of life in the Town Centre.

As the proposal is contrary to the Area Plan a recommendation to refuse must be made on this basis.

PPS 6

BH 8

As indicated above the site is comprised of a listed building (No 10 The Green and No.95 Irish Street (HB18/20/035)), a Grade B listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

Consequently, Policy BH 8: Extension or Alteration of a Listed Building is applicable. This policy states that consent to proposal for the extension or alteration of a listed building will normally only be granted where all the criteria listed A – C are met.

In assessment of these policy requirements, the Planning Authority consulted DfC Historic Environment Division (HED), which following a lengthy consultation concluded that the proposal satisfies paragraph 6.13 of the Strategic Planning Policy Statement (SPPS) and Policy BH 8 of PPS 6.

Policy BH 12 – New development in a Conservation Area

Given the site location within the Conservation Area of Downpatrick the above policy is applicable. This policy states that development proposals for new buildings, alterations, extension and changes of use in, or which impact on the setting of a conservation area, will normally only be permitted where all criteria listed A -G are met.

It is noted from the proposed plans, that the external appearance of 10 The Green, is to remain as existing. It is considered therefore that the change of use will not impact detrimentally on the setting of the Conservation Area. To the rear of NO 10 The Green, the proposal intends to remove an existing translucent lean to roof on

the ground floor single storey rear return and replace it with a new slate roof. The amendment is considered to be in keeping with the Conservation Area.

On the basis of this assessment it is considered that the physical alterations of the building will not have a detrimental impact on the Conservation.

With regards to change of use proposal in the Conservation Area, paragraph 7.9 of the justification and amplification section of BH12 states that in assessing applications for change of use consideration will be given to the Councils general land use policies. As indicated above the proposal offends the Area Plan.

Conclusion

While it is noted that historical permission has been given for the change use of a dwelling to a doctors surgery within this terrace of dwellings, it pre-dates the publication of the area plan in 2015. Also, while HED have no objections to the proposal, it is contrary to policies within the current area plan, it is determined, therefore, that the proposal is unacceptable in planning terms and refusal is recommended.

Recommendation: REFUSAL

Reason:

The proposal is contrary to the SPPS and Policy HOU 3 of the Ards and Down Area Plan 2015, in that the existing dwelling is located within a Protected Housing Area where proposals for redevelopment or change of use will not be granted in order to protect the valuable housing stock that exists.

Signed

Date

Signed

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1418/F

Date Received: 19.09.2019

Proposal: Erection of a farm dwelling, detached garage and associated landscaping.

Location: Lands adjacent to and approximately 20m south of number 48 Liscalgot Road, Claranagh, Crossmaglen

Site Characteristics & Area Characteristics:

The site is located on Liscalgot Road, approximately 2 miles east of Crossmaglen. The site is located in a field enclosure south to the farm dwelling (number 48 Liscalgot Road) close to the junction with Drummuckavall Road.

The site is located in the countryside, outside any settlement limit as designated in the Banbridge/Newry and Mourne Area Plan 2015.

Date of Site Visit: 06/01/2020

Site History:

LA07/2017/1764/F

- Dwelling and detached garage on a farm
- 120m west of 15 Drummuckavall Road, Crossmaglen
- Permission refused

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Consultations:

DFI Roads - No objection to proposal subject to conditions.

NI Water – Generic response.

DAERA – Confirmed farm business ID, as identified on P1C has been in existence for more than 6 years; confirmed farm business claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the 6 years; confirmed the application site is on land for which payments are currently being claimed by the farm business.

Objections and Representations:

2 neighbours were notified of the proposal on 11.10.2019. The proposal was advertised in local press on 16.10.2019.

No objections or representations were submitted for consideration.

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.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and it is arguably less prescriptive the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Planning Policy Statement 21 – 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. This includes farm dwellings if they meet the criteria set out in CTY10.

CTY10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

DAERA have confirmed that the business Id identified has been in existence for more than 6 years; the farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the 6 years; and that the application site is on land for which payments are currently being claimed by the farm business.

- b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25th November 2008; and*

A planning history search shows no other sites have been approved for dwellings on the far. No development opportunities have been sold off from the farm holding in the last 10 years.

- c) *The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
- *Demonstrable health and safety reasons; or*
 - *Verifiable plans to expand the farm business at the existing building group(s).*

The site location plan highlights number 48 and another structure as within the ownership of the applicant. Upon site inspection, the structure highlighted on the plan refers to the remnants of an outbuilding in a serious state of disrepair. I am satisfied that number 48 is an active building on the farm, however, the other structure is not.

The walls which remain standing at the site may be testament to the agricultural building which historically was located there, but its current state of disrepair means it is not an established building on the farm. During the site inspection, the structure was not providing an agricultural use. It is not deemed to be part of the existing agricultural enterprise.

The policy requires that the new building is visually linked or sited to cluster with the established group of buildings on the farm. The remnants of the outbuilding do not offer a visual link with the farm dwelling. As such, the proposal is contrary to CTY 10.

A previous planning application – LA07/2017/1764/F – also proposed a dwelling and detached garage with the same business number. The application was refused as it was contrary to CTY 1 and CTY 10 of PPS 21, as the proposed new building did not visually link or was sited to cluster with an established group of buildings on the farm.

It is noted that there are more suitable sites available within the farm holding for an application for a farm dwelling than the one currently proposed.

CTY13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposal is not a prominent feature in the landscape and the design of the proposal is of typical rural design. The site proposes a landscaping scheme to complement the existing vegetation. The proposal is not visually linked or cited to cluster with an established group of buildings on a farm. As such, the proposal is contrary to CTY 13.

CTY14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The proposal is not unduly prominent in the landscape and is not unduly prominent in the landscape. The proposal reflects the traditional pattern of settlement exhibited in the area and it does not create or add to a ribbon of development.

Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the SPPS and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not sited to visually link or cluster with an established group of buildings on the farm.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and to Policy CTY 13 in that the proposal is not visually linked or cited to cluster with an established group of buildings on a farm.

Case Officer:

Authorised Officer:

Planning Committee Meeting	Planning Application Number:	Applicant:
03 rd June 2020	LA07/2019/1418/F	Mr Owen Harvey

Erection of a farm dwelling, detached garage and associated landscaping, Upon Lands adjacent to and approximately 20m south of 48 Liscalog Road Crossmaglen.

1. The applicant does not own any land within the development of any Town, Village or settlement, the applicant seeks to reside in the townland, where he has lived since birth. PPS21 – Buildings in Countryside aim is to manage development in the countryside in a manner which strikes a balance between the need to protect the countryside from unnecessary or inappropriate development **while supporting rural communities**.
2. CTY 1 – Allows for a range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development, one of these exceptions is a **Dwelling on a farm in accordance with Policy 10**.
3. The applicant has provided a valid Farm Business Number, herd details and other supporting evidence regarding the farm business to prove, the enterprise it is both active and established for the required time period of 6 years.
4. No Development Sites have been sold off the holding from 25th November 2008.
5. In assessment, the Planning case officer refers to the Structure as **“Remnants”**. The definition of Remnant is a part or quantity that is left after the greater part has been used, removed, or destroyed. This part of the detached structure of the overall part of the Building remains both “Intact and operational”. Upon my site inspection on Friday 17th January 2020, the building / structure was been used for the storage of agricultural materials associated with the existing agricultural activities, associated with the farm holding and the adjacent farm dwelling house was being occupied by the applicant and his father. Photographs taken of the operational use of the building are provided in **Appendix 1. (These were provided to the department in correspondence 21st January 2020).**
6. Ordnance Survey Maps dated 1830,1860,1900,2019 provide visual evidence of detached Buildings at the site location. We would agree with the department assertion the previous detached residential building has been removed, however the detached outbuilding remains intact and operational. **(See Appendix 2)**
7. There is no policy within the planning policies contained with PPS21 - Policy CTY12 – Agricultural and Forestry Development that specifically refers to the physical condition or operational use of the agricultural building having to be considered for assessment to meet the farm policy assessment. The mere fact the building or structure does not have a roof, does not take away its agricultural operational use status. For example, a silage pit or midden on a farm is defined as a building, yet, they do not have a roof structure, but are still considered to be defined as an agricultural building, which has an operational agricultural use.
8. The existing agricultural building has both a Purpose and Function associated with the existing agricultural operations taking place within the holding. The existing is multipurpose and further clarity will be provided orally by the applicant.
9. With particular reference to the **Planning Act (Northern Ireland) 2011**, the planning definition of a **“Building”** includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

10. Upon site inspection, it is clearly visible the existing structure onsite, consists of a foundation, together with intact walls on the Northern Southern and Eastern elevations of the structure (all interlocked with common stone & mortar) and therefore, are consistent with the planning definition of a Building as defined by the act and consequently also illustrated on the Ordnance Survey map dated 13/08/2019.
11. This definition is very clear and concise in its interpretation and the salient point are the words “Any part” used in the definition. Any structure or erection and any part of a building, therefore in consideration the existing structure is defined as a building for the purposes of planning assessment.
12. Both the existing storage building and the associated adjacent farm dwelling house at No.48 Liscalgot road are visually indicated on the farm business map associated with the existing agricultural enterprise and further constitute as, been considered an established group of buildings on the farm holding.
13. It is both totally unjust and prejudicial for the planning department to depart from their own definition in planning legislation of what is defined as a “Building”. The existing agricultural building is clearly annotated on all Ordnance Survey Maps and is used for an agricultural purpose by the applicant.
14. The access arrangement to the proposed dwelling house is from the existing agricultural access point from Liscalgot road, which complies with (c) of policy CTY10.
15. The proposed dwelling would, in association with the two adjacent existing farm buildings, read as visually linked with a common road frontage. The proposed dwelling would be visually linked and sited to cluster with an established group of buildings on a farm and therefore fully complies with the rural character and integration test inherent in planning policy CTY10.
16. It is considered there are two existing agricultural buildings at this location, clearly cluster with each other and meet the relevant policy test.
17. CTY 13 - The proposed design and finishes give rise to the appearance of a modern modest single storey building which is appropriate to the rural setting in the surrounding area. The department have accepted the proposal meets all the other five criteria of policy CTY13 (a,b,c,d,e,f,)
18. Alternative Sites – Policy CTY10 allows, in exceptional cases, for consideration to be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. **A brief synopsis of alternative sites at other farm buildings is provided within (Appendix 3)**
19. **Objective of PPS21 & SPPS – To conserve the landscape and natural resources of the rural area** and to protect it from excessive, inappropriate or obtrusive development from the actual or potential effects of pollution. To promote high standards in the design, siting and landscaping of development in the Countryside
20. **Paragraph - 5.73 The traditional field pattern should be preserved** and roadside and field boundary hedges and stone walls retained or reinstated following any access works.

APPENDIX 1-Pictures of Existing Agricultural Building



APPENDIX 2- Ordnance Survey Maps;



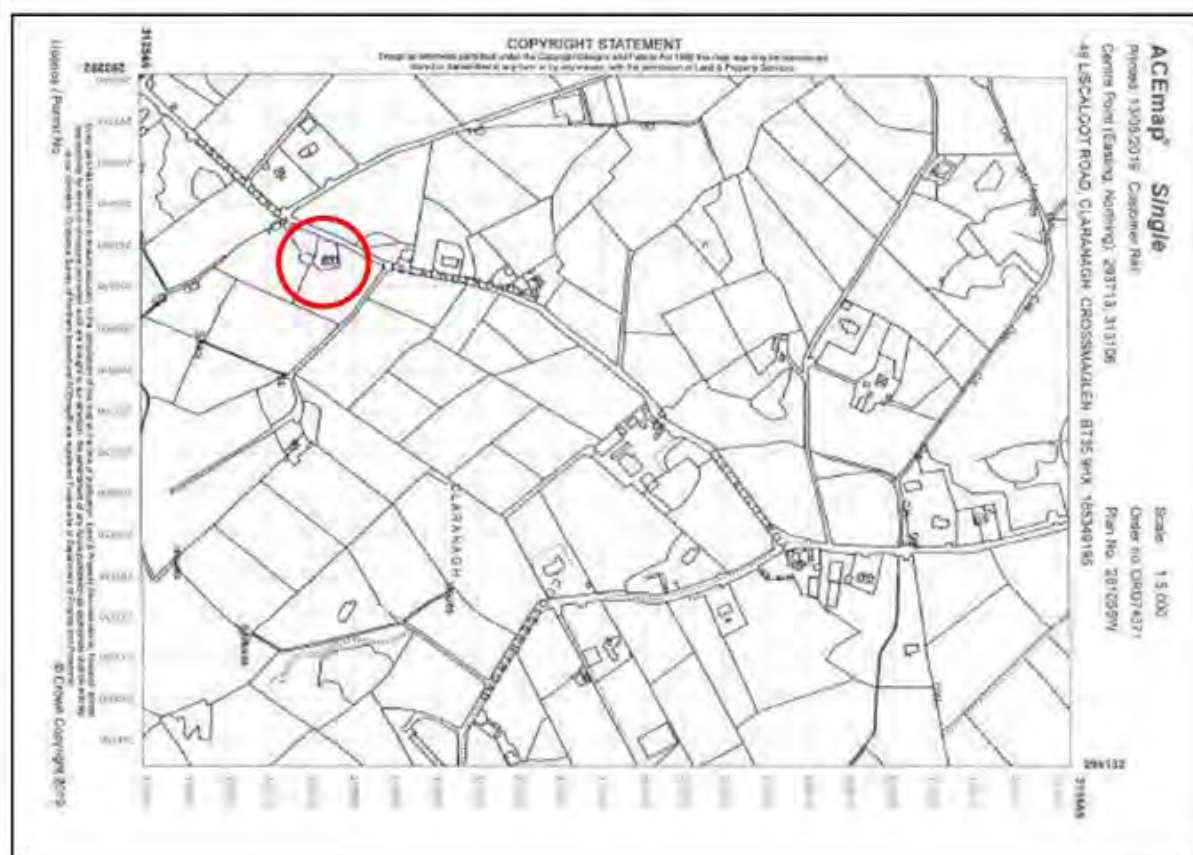
1830 – Ordnance Survey Map of site location with reference to Building.



1860 – Ordnance Survey Map of site location with reference to Buildings.



1900 - Ordnance Survey Map of site location with reference to Buildings.



2019 - Ordnance Survey Map of site location with reference to Buildings.

APPENDIX 3- Alternative Site Analysis.



Fields 1 – 3 – 6 – The topography of these fields fall significantly from West to East. Any development site on these lands would be considered to be a cut out off an open field with no established boundaries. These lands have no buildings to cluster with.

Fields 2 – 12 – These fields were considered by the planning department to be unacceptable as part of planning application LA07/2017/1764/F – 6 reasons for refusal – Not clustering with existing buildings.

Field 10 – Similar to 1,3,6, any development on this field would be considered to be a cut out of an open field, with no established boundaries.

Field 4 – Unsuitable as there is an existing Slurry tank, silage pit that environmentally would affect the siting position of a new dwelling house, especially in consideration of odour, and Health and safety criteria.

Field 9 – The lands fall very steeply away from the existing laneway. Significant Engineering works would be required to form a site suitable at this location. Field 9 can only be access from through the existing farm buildings.

Fields 5,7,8,13 would require the construction of new laneway and would reduce and affect the farm usable land area. These fields are affected by existing drainage issues.

There are no suitable farm development sites at this complex of farm building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0133/F

Date Received: 14/01/2020

Proposal: New vehicular access to existing dwelling.

Location: 130 Camlough Road, Camlough.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area plan 2015, the site falls within an Area of Outstanding Natural Beauty.

The site at present contains a small detached dwelling with surrounding garden area, the site is located on the edge of the public road which is designated as a Protected Route. At present access to the site is from a pedestrian access only which leads to a footpath on the edge of the road.

Although outside any settlement limits the site is close to a number of residential properties and is close to the limits of both Bessbrook and Camlough.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage

Consultations:

DFI Roads – the response received raised no objections subject to conditions, as the access is onto a protected route it must be considered if the proposal falls within the exceptions listed in the policy relating to new accesses onto protected routes.

Objections & Representations:

The application was advertised on 05/02/2020, ten (10) neighbours were notified on 31/01/2020, no representations or objections have been received.

Consideration and Assessment:

The proposal is for a new access to an existing dwelling, the access is outside a settlement limit and also onto a protected route. The proposal must be considered against the SPPS, PPS21, the consequential revision to policy AMP 3 of PPS3 which is detailed in Annex 1 of PPS21 and PPS2.

The proposed access does not offend the provisions of CTY13 or CTY14 of PPS21.

Annex 1 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking.

Policy AMP 3 Access to Protected Routes (Consequential Revision)

Other Protected Routes – Outside Settlement Limits Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in the following cases:

(a) A Replacement Dwelling – where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the Protected Route.

(b) A Farm Dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development set out in Policy CTY 7 of PPS 21 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

The proposal does not fall into any of the exceptions as listed in Annex 1 – Consequential Amendment to Policy AMP3 of PPS3 Access, Movement and parking and would thereby prejudice the free flow of traffic and conditions of general safety.

As the proposal lies within an AONB policy NH6 of PPS2 is applicable, the proposal is not considered to have a detrimental impact on the AONB.

Recommendation: Refusal**Refusal Reason:**

The proposal is contrary to the Strategic Planning Policy Statement, Planning Policy Statement 21 Sustainable Development in the Countryside and Policy AMP3 of Planning Policy Statement 3 Access, Movement and Parking in that the proposed

access is onto a Protected Route and does not fall into any of the exceptions listed in Annex 1 – Consequential amendment to policy AMP3 of PPS3.

Case Officer:

Date:

Authorised Officer:

Date:

**Surveyors & Assessors
Architectural & Development Consultants
Structural & Civil Engineering Consultants**

a: 11 Marcus Street, Newry, Co. Down, BT34 1ET
t: 028 3026 6602 / 0460 f: 028 30260467
e: info@collinscollins.biz w: www.collinscollins.biz



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Newry, Mourne and Down District Council
Planning Office
Monaghan Row
Newry

Your Ref: LA07/2020/0133/F
Date: 21st May 2020

Re: New Vehicular Access to existing dwelling No. 130 Camlough Road, Co. Down

Dear,

In relation to the application above and its status on the Council Schedule for planning committee meeting as an refusal we would ask if you could represent our client Mrs Hughes and also ask for speaking rights for us as her agent at forthcoming meeting on the 3rd June.

In relation to application above it has been placed as a refusal due to proposal being contrary to the strategic Planning Policy Statement, Planning Policy 21 Sustainable Development in the countryside and Policy AMP3 of planning policy statement 3 Access, Movement and parking in that the proposed access is onto a protected route and does not fall into any of the exceptions listed in Annex 1 - Consequential amendment to policy AMP3 of PPS3.

On closer examination DFI Roads have no issues with this proposal and all consultations have come back approved.

We feel that the vehicular access for No. 130 Camlough Road is a necessity, our clients have recently purchased this property and at present there is only a pedestrian access. The property is an old cottage which shows signs of once having a vehicular access many years ago as there is still remnants of gate posts to the West of the house. At the moment our clients are having to park their vehicles on the opposite side of the road and cross the very dangerous and busy Camlough Road. By parking on the opposite side of the road they are obstructing the visibility splays for No. 129 Camlough road and the industrial unit in behind this property as well as Carrickbracken Close an established development on the opposite side of the road.

The dwelling adjacent to No.130, No. 128 previously enjoyed only a pedestrian access also until the dwelling in recent times was replaced and reconstructed and planners had no objection to giving the applicants a vehicular access.

In our professional opinion this application has to approved for the safety of our clients as the home owners of No. 130 and other road users of the Camlough Road. This must be seen as exceptional case which falls into Policy AMP3 of PPS3.

The application should be determined by the committee as the client is a local constituent who wants to reside in her local area in a home which she wants to make safe for both her family and the road users.

We feel that the council can put across her reasons for this planning approval and will have sympathy for her reasons of needed the vehicular access to her home.

Yours Faithfully,
Collins & Collins



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0850/F

Date Received: 23 May 2019

Proposal: Erection of a house and the demolition of existing house

Location: The site is located at 10 Meeting House Lane, Kilkeel

Site Characteristics & Area Characteristics:

The application site is located at 10 Meeting House Lane, Kilkeel. The site is accessed via Bridge Street and located to the rear of the existing properties which front on to Newcastle Street. The site is currently overgrown and derelict with an old dwelling in situ that is to be demolished. It is located to the north of a car park and graveyard which serves a local church. To the west of the application site is Victoria Mews and to the north is Rooney Park, residential developments which back on to Meeting House Lane. The site is enclosed to the north by wire fencing and a 1 metre wall. The eastern boundary of the site is overgrown and remains undefined.

Site History:

LA07/2017/0742/F Proposed erection of two houses and the demolition of existing house. 10 Meeting House Lane, Kilkeel. Permission granted

Planning Policies & Material Considerations:

This planning application has been assessed against the following:

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

- Development Control Advice Note 15: Vehicular Access Standards
- DCAN 8 – Housing in Existing Urban Areas
- Creating Places

Consultations:

DFI Roads If the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing access, DFI Roads has no further objection to this application. If this is not the case then please re-consult.

NIW Generic response received

Objections & Representations

54 neighbour notifications were issued on 7 January 2019, additional neighbours were identified and neighbour notifications were issued on 6 August 2019. Following amendments further neighbour notifications were issued on 9 October 2019. The application was advertised in the local press on 12 June 2019. A solicitor's letter was received on 13 October 2019 outlining concerns that the access transverses across land not in the ownership of the applicant. The case officer previously raised this issue with the agent. An amended certificate on the P1 form was submitted on 7 October 2019 and notice was served on the landowner of No.8 Meeting House Lane, Kilkeel. Landownership is not a matter for the planning authority and rests as a civil issue between landowners. No other issues were raised in the objection.

Consideration and Assessment:

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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located in the settlement development limits of Kilkeel. There are several plan designations which are applicable to the application site including the following: the Mourne AONB, Area of Archaeological Potential and the Area of Townscape Character KL 29 (access only).

Strategic Planning Policy Statement (SPPS) for Northern Ireland

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given consideration in determining the proposal in accordance with paragraph 1.12 of the SPPS.

Planning Policy Statement 7 Quality Residential Environment

Policy QD1 sets out criteria which proposals for residential development must

conform to. This application has been assessed against the following relevant criteria:

Criteria (A) The proposal is located the rear of an existing residential area which consists of a mixture of two storey semi-detached dwellings. The history of this site indicates that the demolition of the existing house is to allow for two semi-detached dwellings adjacent and southeast of the current site. When assessed in the context of the existing area and surrounding area the layout appears too tight and restrictive to allow an additional dwelling under the current application. The plots of surrounding residential areas have semi-detached dwellings with garden areas to the front and rear. The application site has no front garden with parking at the side and restrictive rear gardens that fails to allow for any future development such as an extension. The layout also fails to provide a minimum separation distance of 10m to the common boundary with the dwellings at Rooney Park. In summary the layout of the proposed dwelling fails to respect the existing context and results in overdevelopment of the site. For the reasons outlined Criteria A has not been met.

Criteria (b) There are no impacts on features of archaeological or built heritage.

Criteria (c) Given the nature of the development public open space is not a requirement. The current application proposes to erect a dwelling on the area granted as communal open space in the previous application LA07/2017/0742/F. The two dwellings approved in 2017 have 71 sqm and 68 sqm rear amenity space. The application site has approx. 62 sqm rear amenity space (the parking areas have not been included in this calculation). In the previous application (LA07/2017/0742/F) it was accepted that whilst one of the dwellings failed to meet the 70sqm threshold set out in Creating Places there was a reasonable amount of communal open space on the northern boundary to offset this. This is no longer the case. I consider when the application site is viewed with the dwellings approved in 2017 there is inadequate private rear amenity and inadequate landscaping along the common boundary with the adjacent dwelling approved that would be required to soften the visual impact of the proposed development.

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

Criteria (e) Given the scale of the development, a movement pattern is not required.

- Criteria (f)** The scheme has an adequate level of space for parking and the manoeuvring of vehicles. Transport NI have no objection.
- Criteria (g)** The design of the development includes coloured render finish with black roof tiling, oak painted doors and black Upvc rainwater goods and windows. I am content these material options complement scheme approved in 2017 and the surrounding area. Criterion is met.
- Criteria (h)** The design and layout of the proposed dwelling will create an unacceptable adverse impact on the proposed dwellings granted approval in terms of privacy. The separation distance is 0.5m (at the front) from the common boundary to the southeast, this is unacceptable. The boundary treatment along this common boundary consists of a 1.8m fence and will create a “hemmed in” effect and to my mind generally appear unsightly in the overall quality of the residential scheme. The two-storey side projection is a large blank wall and will create a sense of dominance when viewed from the adjacent proposed property to the southeast, which is undesirable. For the reasons outlined Criteria H has not been met.
- Criteria (i)** I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A, C and H.

Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

PPS 2 – Natural Heritage Policy NH 6

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. The proposed development fails to respect the patterns of development of the surrounding area in terms of layout, size and scale which is not sympathetic to the character of the Mourne AONB.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (c) adequate provision is made for private open space.
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of privacy.
2. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate layout, scale and size for the locality and is out of keeping with pattern of development and the special character of the Mourne AONB.

Case Officer Signature:
Date: 11 February 2020
Authorised Officer Signature:
Date:

COMMITTEE BRIEFING NOTE

Application Reference: LA07/2019/0850/F

Proposal: Erection of a house and the demolition of existing house

Location: 10 Meetinghouse Lane, Kilkeel

The Planning Department asserts that the proposed development does not comply with criterion (a), (c) & (h) of PPS7 policy QD1, PPS7 policy LC1 criterion (b), para 6.187 of the SPPS and policy NH6 of PPS2.

The issues raised are summarised below, with justification provided as to why each refusal reason should be dismissed:

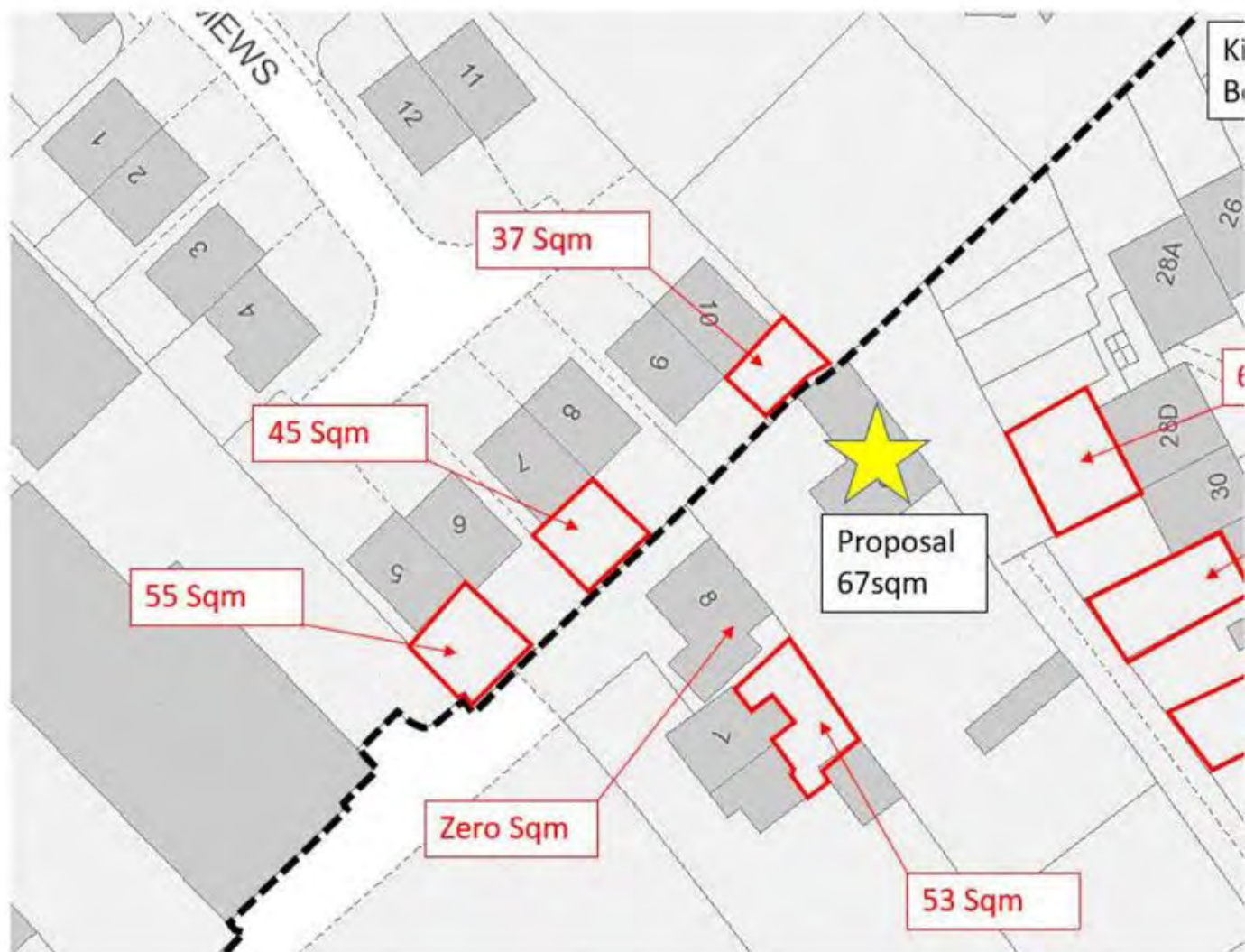
- **The layout appears too restrictive / overdevelopment of the site:** The proposal occupies an area of 172m², which is commensurate with the plot sizes of the adjacent semi-detached units approved by this Council under permission LA07/2017/0742/F (which measure 186m² and 154m² respectively). In addition, the site is located immediately adjacent to the designated Kilkeel Town Centre boundary, and as such is located within an area where higher density development would be expected. The density of development is also commensurate with that found in the neighbouring Victoria Mews and Rooney Park residential areas. In the context of all of this, the plot size and density of development proposed in this instance is wholly acceptable.
- **No front garden.** The application site is located within an area where there is no defined or uniform pattern of development. The adjacent properties at No's 7 and 8 Meeting House Lane have no front garden, and neither does the existing application property. The absence of a front garden in this instance therefore causes no harm to the character of the area.
- **Failure to provide space for an extension:** The case officer alleges that the scheme fails to allow space for future development such as an extension. However, there is ample space to extend the property to the rear and side (south) should any future occupier wish. Also, there is no planning policy requirement to provide space for an extension. The Case Officer's concerns with on this matter are unfounded.
- **Privacy / 10m separation distance to the rear boundary not provided:** Creating Places Guidance advises that a 10m separation distance should normally be provided to the rear boundary of existing properties to minimise overlooking. If overlooking / loss of privacy is not

an issue, then rear gardens do not need to extend to 10m in depth. Indeed, the rear gardens of the 2no. adjacent dwellings approved under LA07/2017/0742/F measure c7m in depth.

The proposal does not include rear windows at the first floor level and there is an established and mature band of trees along the rear boundary, which provides a visual screen between the proposal site and the dwellings to the rear. It is also noteworthy that the rear of the existing dwelling is located closer than 10m to the rear boundary. There are no windows in the side (south) elevation to overlook future occupiers of plot no.2. In turn, plot no.2 does not overlook and rear of the proposed dwelling and would cause no harm to privacy. The proposed development would not therefore result in overlooking or a loss of privacy and as such, the fact that garden depth in this instance is not 10m is immaterial.

- **Inadequate private amenity space provision:** Creating Spaces Guidance does not state that any dwelling with a rear garden measuring less than 70sqm is unacceptable. Rather, it directs that a range of garden sizes should be provided and that a minimum of 40sqm private amenity space is required *for any individual house*. Excluding car parking, the scheme provides 67sqm private amenity space, which exceeds this requirement. The 2-bedroom proposal is also located adjacent to the Kilkeel Town Centre in what is considered a 'small urban infill site' and as such only 10-30sqm private amenity space is required. In addition, the size of rear garden proposed is generally larger than that found within the neighbouring residential areas (see **Appendix 1**).
- **Impact upon Amenity – Dominance:** The Case officer alleges that the proposed 1.8m high boundary fence and proximity of the proposal to the dwellings approved under LA07/2017/0742/F would create a 'hemmed in effect'. Firstly, it is not uncommon for new residential properties to be sited in close proximity to one another. Also, the proposed development is orientated such that it tapers away from the neighbouring approval thus limiting the extent to which the gable elevation is exposed to the common boundary. This proposal would not have an undue impact upon residential amenity by way of dominance.
- **Failure to respect existing pattern of development:** The case officer has failed to accurately assess the prevailing character of the area, which has resulted in an erroneous assessment of the proposal in its context. The site is located to rear of existing development, in an untypical setting with access taken from a narrow laneway via a Church and car park. Aside from the dwelling proposed for demolition as part of this application, there are only 2 other existing dwellings that share the streetscene with the proposal. These dwellings are oddly juxtaposed, overlooking a car park and do not have front gardens. There is a clear lack of uniformity or distinguishable pattern of development in this location. The application proposal, together with the dwellings approved under LA07/2017/0742/F will create a pleasant mews style development and would cause no harm to the character of the area. Consequently, the proposal complies with the requirements of PPS7 policy LC1 criterion (b) and also with the SPPS and policy NH6 of PPS2.

APPENDIX 1 – PRIVATE AMENITY SPACE PROVISION





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0796/O

Date Received: 14.05.2019

Proposal: Proposed Housing Development

Location: Lands between Knocknagoney Heights and The Demesne, Carnagat Road, Newry

Site Characteristics & Area Characteristics:

The site takes in approximately 1.3ha of vacant land that was previously used as a nursery but is now characterised by overgrown grass, shrubbery and trees. The site falls to the east and positioned alongside the Carnagat Road. The area is primarily residential in character with a school also positioned opposite.

Site History:

P/2003/0649/F

Erection of fencing

Permission Granted: 18.12.2003

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 12 – Housing in Settlements

PPS7 – Quality Residential Environments – Policy QD 1

PPS15 – Planning and Flood Risk

Planning Policy Statement 2 – Natural Heritage

Planning Strategy for Rural Northern Ireland

Creating Places

Consultations:

DAERA – following the submission of an amended Preliminary Ecological Appraisal no objections raised by Natural Heritage or Drainage and Water sections.

NI Water – public water supply within 20m of sites and no storm or surface water sewer within 20m of site. Applicant may wish to requisition the use such sewers. Available capacity at WWTW, no objections raised.

DFI Rivers – no objections on receipt of Drainage Assessment.

DFI Roads – No objections subject to compliance with conditions and RS 1 form.

Environmental Health – no objections subject to connection to mains sewer.

Loughs Agency – no objections subject to condition.

Shared Environmental Services - SES consider the Council has fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

Objections & Representations

9 neighbours notified on 27.08.2019 and the application was advertised in the press on 05.06.2019. No objections or representations received.

Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Newry City where there is no designation on the land use and the Plan remains silent. The site also includes Local Landscape Policy Area designation NY 123. The application must satisfy the provisions of policy CVN 3 of the Strategic Plan Framework.

Designation NY 123 states the features or combination of features that contribute to the environmental quality, integrity or character of this designation are,

1. Daisy Hill Wood and nursery area of local amenity importance, and
2. Area of locally significant nature conservation interest, which includes woodland and significant tree groups.

Policy CVN 3 states that planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character. The policy also states that where proposals are within a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA.

The nursery area has ceased to exist for a number of years at this site which has now become overgrown and remains vacant. I consider this aspect of the LLPA to now not apply to the proposed site. The site does not impact on Daisy Hill Wood or the area of locally significant nature conservation interest and with no objections from NIEA I do not consider the proposal to adversely affect the environmental value and character of the LLPA – as is applicable on site currently. I would propose conditioning a landscaping buffer along the boundary of the site with the remaining LLPA in order to protect the environmental quality of the remaining LLPA.

The proposal is in general compliance with the Area Plan and policy CVN 3 of the Strategic Plan Framework.

PPS7/SPPS/PSRNI/PPS12

With no distinct differences between the SPPS and PPS7 and PPS7 being the more prescriptive text, the lead policy consideration for the application will be policy QD1 of PPS7. New housing in settlements will be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

- (a) The principle of a housing development respects the surrounding context given it is proposed to be sited in an existing residential area. The remaining parts of this policy criterion are matters reserved until full plans are submitted, however it is not envisaged this criteria cannot be satisfied.

- (b) There are no archaeological or built heritage features associated with the site, Landscape features of importance have been highlighted by NIEA through consultation. NIEA has recommended conditions to ensure the retention of mature trees, hedgerows and badger sett entrances as shown in the accompanying concept statement. These conditions will ensure landscape features are identified, protected and integrated in a suitable manner into the overall design and layout of the development.
- (c) Suitable public and private open space and landscaped areas will be considered in detail at full plans stage. Whilst further planting will be considered at full plans stage, a condition will be added to ensure buffer planting is planted along the boundary of the remaining LLPA.
- (d) Not applicable given the site's close proximity to the city centre.
- (e) A movement pattern will be considered in detail at full plans stage when the proposed layout becomes clear, DFI Roads has no objections to the proposal.
- (f) Adequate provision for parking will be considered in detail at full plans stage when the proposed layout becomes clear.
- (g) Form, materials and detailing will be assessed at full plans stage and are matters reserved.
- (h) The design and layout of the proposal will be assessed in detail at full plans stage and are matters reserved. However, it is envisaged given the distances involved to the nearest existing dwellings this criterion can be achieved.
- (i) The development will be expected to be designed in a way that deters crime and again this will be assessed in greater detail at full plans stage.

The applicable policies of PPS 12 and PSRNI are considered to be satisfied insofar as practicable at Outline stage. The specific criteria of these policies will be assessed in greater detail at full plans stage, where the policy requirements are expected to be met.

The proposal is consistent with PPS7/PPS2/PSRNI/PPS12 and SPPS.

Planning Policy Statement 15

DFI Rivers has been consulted with regards to PPS15. Policies FLD 1, FLD 4 and FLD 5 do not apply to this proposal. In terms of policy FLD 2 a working strip can be conditioned as part of any approval notice to ensure appropriate space is left to allow servicing and maintenance of the water course to the north of the site. DFI Rivers has no objections with regard to the submitted Drainage Assessment however the Department notes the option of the Glen River as an option for storm discharge. A final Drainage Assessment will be required to be submitted as part of the RM application for consideration and this can be conditioned as part of the Outline application. The proposal is in general compliance with PPS 15.

Planning Policy Statement 2

The Preliminary Ecological Appraisal has picked up a number of features of natural heritage importance in relation to this site. A badger sett, mature trees and hedgerows were noted which are important elements of biodiversity. Invasive species such as Japanese Knotweed, Himalayan Knotweed and Giant Hogweed were discovered on site as part of the PEA. Natural Environment Division was consulted as part of the application process and following consideration of the PEA has no objections and has recommended conditions to ensure the retention of the mature trees and hedgerows, protective fencing for trees and hedging, a protection zone around the badger sett entrances, an invasive species management plan and a landscaping and planting plan to be submitted as part of any RM application. I consider the inclusion of these conditions will help to safeguard the natural heritage interests of the site without stifling development. The proposal is in compliance with PPS 2.

DFI Roads has no objections to the proposal in terms of PPS 3 subject to compliance with attached conditions and RS1 form.

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

SES consider the Council has fulfilled its obligations under the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

EIA screening carried out due to the site area. Environmental Statement not required.

Recommendation:

Approval

Conditions:

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

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

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Number of residential units; the number of the dwellings considered acceptable on the site.

Site Layout: The layout of the overall development including buildings, roads, private and open space, hard surfaced areas and all associated development.

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

3. Full particulars, detailed plans and sections of the reserved matters required in Condition 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. The development hereby permitted shall take place in strict accordance with the following approved plans; drawing number 01 which was received on 14th May 2019 and drawing number 02 which was received on 11th December 2019 only insofar that it refers to retained woodland and trees, root protection buffers, protection zone around badger sett and proposed native species planting.

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

5. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

REASON. To prevent pollution to surface waters which is detrimental to fisheries interests.

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

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

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

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

8. The Private Streets (Northern Ireland) Order 1980. The development shall be in accordance with the requirements of the Department's Guide Document Creating Places and, for the purpose of adopting private streets as public roads, the Department shall determine with the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

9. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, in verges / service strips determined for adoption.

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

10. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres (as shown on Drawing number 02, date stamped 11 December 2019. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones without the consent of the Planning Authority or unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

11. At Reserved Matters an Invasive Species Management Plan shall be submitted to the Planning Authority. No site clearance or development activity shall take place until the Invasive Species Management Plan has been approved in writing by the Planning Authority and implemented in accordance with the approved details.

Reason: To prevent the spread of invasive species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site, including protected species.

12. At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning Authority. No development activity, including ground preparation or vegetation clearance, shall commence until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include:

- a) The retention of mature trees and hedgerows on the site;
- b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction Recommendations*;
- c) Details, including timings, of new planting with appropriate native species of trees/shrub;
- d) Details of the aftercare of all planting on the site.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected/priority species.

13. Plans at Reserved Matters shall show protection measures for retained trees and hedgerows in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction Recommendations*. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect existing, retained trees and minimise the impact of the proposal on the biodiversity of the site

14. A Drainage Assessment with final drainage plans supported by calculations and correspondence from relevant authorities shall be submitted as part of the Reserved Matters application if the development exceeds any of the thresholds described in policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk.

Reason: In accordance with Planning Policy Statement 15.

15. A working strip of a minimum width of 5m shall be retained where the site adjoins a designated watercourse. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: To enable DfI Rivers or the riparian landowners to fulfil their statutory obligations/responsibilities.

16. A landscaping buffer shall be planted along the boundaries of the site that border the remaining Local Landscape Policy Area designation NY 123. This shall be submitted on a site layout drawing, submitted as part of the Reserved Matters application and agreed in writing by the Planning Authority.

Reason: To enable DfI Rivers or the riparian landowners to fulfil their statutory obligations/responsibilities.

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

Reason: To ensure the dwellings integrate into the landform and ensure resident's privacy is not adversely affected.

18. 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.

19. 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.

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

Reason: To ensure protection to the aquatic environment and to ascertain that a feasible method of sewage disposal is available at the site.

21. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, OR 4m (or 1.5 times the depth whichever is greater) of watermain <350mm diameter or 8m of watermain of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage.

REASON: To prevent disturbance/ damage to existing sewers / watermain and in the interest of public safety.

22. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health

23. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

24. A detailed Landscape Management & Maintenance Plan shall be provided prior to the occupation of the development.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall-back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

Reason: To ensure the successful establishment and long-term maintenance of public open space and landscaping in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1117/F

Date Received: 11.07.2019

Proposal: Housing Development consisting of 4 detached dwellings in substitution of that approved under application P/2002/2250/F

Location: Opposite 23 Chapel Road, 1&3 Church View, Bessbrook

Site Characteristics & Area Characteristics:

The site includes a rectangular strip of ground with foundational work started from the previous approval. The site is located at the entrance of Church View, Bessbrook within the development limit.

Site History:

P/2002/0482/F

Housing Development (4 Dwellings).

Permission Refused: 13.05.2002

P/2002/2250/F

New Housing Development (Erection of 4 No. dwellings)

Permission Granted: 16.02.2004

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 12 – Housing in Settlements

PPS7 – Quality Residential Environments – Policy QD 1

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

PPS3 – Access, Movement and Parking / DCAN 15

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.

Planning Strategy for Rural Northern Ireland

Creating Places

Living Places Urban Stewardship and Design Guide

DCAN 8

Consultations:

NI Water – public water supply, foul sewer and surface water sewer within 20m of the site. Available capacity within the WWTW.

NIEA – no objections

DFI Roads- no objections subject to conditions.

Historic Environment Division - HED is content that the proposal does not exert any harm on the setting of Former School Masters house. HED request boundary wall is retained.

Environmental Health – no objections.

Objections & Representations

11 neighbours re-notified on the most recent amendment on 14.01.2020. Application was re-advertised in press on 08.01.2020

Objections

1. 4 Camlough Park
 - a. concerns regarding the close proximity of these properties and impact on objector's privacy and wellbeing.
 - b. May affect light.
 - c. Detrimental to health and impact enjoyment of back garden.
 - d. Feelings of being unsafe due to the proposal.
2. 6 Camlough Park,
 - a. two storey nature unsympathetic to the existing houses,
 - b. unacceptable impact on objector's property due to size, siting, overshadowing and loss of light and privacy.
3. 8 Camlough Park,
 - a. proposal fails to highlight that the site is adjacent to No's1, 3, 4, 5, 6, 7, 8 Camlough Park and significantly impact on same.
 - b. Proposal will ruin character of properties in Camlough Park and overwhelm them.
 - c. Proposal is unsympathetic to the local character of the area and privacy of existing residents.
 - d. Two storey dwellings will have adverse impact on objector's home and existing properties by reason of size, siting, overshadowing, loss of light, varied roof line, loss of privacy and right to light.
 - e. End house has a higher pitch and impacts on privacy of objector's dwelling with second floor windows overlooking and impacting on privacy and family life.
 - f. Two storey dwellings out of character and keeping with Church View site.
 - g. Dwellings will look directly into properties at Camlough Park – invasion of privacy.
 - h. Overbearing and intrusive impact on objector's property.
4. 1 Church View
 - a. Dwellings will impact 'Right to Light'
 - b. Two storey dwellings will now overlook single storey dwellings which reduces privacy and natural light.
 - c. Design is out of sync with rest of the area and take away the look of the area.

- d. Only 1 space for parking and could cause overcrowding at site entrance with most dwellings having more than one car.
 - e. Confirmation if dwellings are private or social housing.
- 5. 1 Camlough Park
 - a. Invading objector's privacy due to overlooking rear of objector's dwelling and garden. Impact on peaceful enjoyment of property.
 - b. Block natural light coming in.
 - c. Devalue the price of objector's house.
 - d. It will be blocking objector's view.
 - e. Increased traffic having safety impact for children who live and play in the area.
 - f. Increased noise from residents and cars.
- 6. 5 Camlough Park
 - a. Loss of light and overshadowing to objector's property.
 - b. Loss of privacy as bedrooms will have full view of objector's garden, kitchen and bedroom.
 - c. Noise and disturbance from dwellings will have impact on health and wellbeing.
 - d. Development is not in keeping with surrounding bungalow type dwellings and will look out of place.
 - e. Increased traffic could cause health and safety risk including noise pollution and disturbance to residents.
 - f. Could impact property value if owned by a Housing Association.
 - g. Concerned about the safety and security of properties if undesirable tenants are living in these properties.
- 7. Cllr Mulgrew on behalf of constituents at No.1 Camlough Park.
 - a. Concerns about the two storey dwelling so close to No. 1 Camlough Park and the detrimental impact this will have.
- 8. 3 Church View
 - a. Proposal is unsympathetic to the local character of the area and the privacy of residents in Church View and Camlough Park.
 - b. Development will overshadow and cause loss of light on No. 3 Church View and impedes the occupant's 'Right to Light'.
 - c. Site No. 4 is in direct view line of the kitchen window from No. 3 Church View affecting privacy and light.
 - d. Parking will hamper access for the rest of the residents within the development as there will not be free flowing traffic. Cause further problems in winter months in frosty conditions adding to the health and safety concerns on the road.
 - e. Access to the street will also be hampered due to having no access around the building site due to site limitations resulting in further health and safety issues.
 - f. There is an electrical box opposite No. 3 Church View which requires on street parking when required by Power NI.
 - g. Development would endanger protected species.
 - h. On street parking will compromise footpath access for residents.

9. 3 Camlough Park

- a. Objection to 2 storey nature and unsympathetic to existing houses.
- b. Unacceptable impact on 3 Camlough Park by reason of size and siting, overshadowing, cause loss of light and loss of privacy.

10.6 Church View

- a. Potential damage to species of protected wildlife.
- b. Concerns regarding access from 6 Church View during the construction phase and once completed.
- c. Cars parked on both sides of the road restricting the free movement to an already narrow road.

11.84 Church View

- a. Major problem with access up to Church View which is already over developed and a busy road.
- b. In winter months with snow and ice it is impossible to get in or out of the estate, leaving residents having to park cars on Chapel Road.
- c. More houses where most households already have more than one car, means the overflow will have to be parked on an already busy hill causing obstruction.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry & Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for single dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The site lies within the Development Limit for Bessbrook and the Area Plan is silent on the proposed use of the site.

The principle of development has been established on the site as extant permission P/2002/2250/F commenced within the correct time scale in accordance with the approved plans. The extant permission included four semi-detached dwellings at this site and the differences in this proposed application and the extant application will be assessed and considered against all material considerations pertaining to the application as listed below.

The lead policy context is provided by PPS7, which states 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. The Addendum to PPS7, PPS12, Creating Places, DCAN 8 and PPS3 are also pertinent to the application.

PPS 7 Quality Residential Environments Policy QD1. Proposals for residential development are expected to confirm to the following criteria. This will also be

considered in tandem with policy DES 2 of The Planning Strategy for Rural Northern Ireland in terms of design.

It is emphasised from the outset that significant weight is given to the extant history on the site.

Criterion (a) The development respects the surrounding context which is primarily residential in character surrounding the site. The subject dwellings as proposed will now be detached dwellings with a ridge height increase of 1m and spread more evenly along the development site. This increase is not considered fatal to the application due to the separation distance of approximately 20m between the proposed properties and the existing properties at Camlough Park to the rear of the site. The design of the proposed dwellings is simple and traditional and generally acceptable for the urban area. The access arrangements remain comparable to the extant approval with landscaping at the boundaries now improved.

Criterion (b) Historic Environment Division has requested the boundary wall at Church View / Chapel Road junction is retained as a mirrored wall to that around the listed building. This wall has been retained to reflect this request.

Criterion (c) I consider there to be adequate provision for private amenity space for the proposed properties and the landscape plan does makes provision for screening added to the boundaries of the properties. This private amenity space provision is comparable to the extant permission.

Criterion (d) The proposed development represents a small section of a larger existing housing development and is not significant enough to necessitate local neighbourhood facilities. The village of Bessbrook is within walking distance of the site.

Criterion (e) The proposed development represents a small section of a larger existing scheme. The development is considered to facilitate people with mobility issues and offers convenient access to nearby services and public transport.

Criterion (f) Two in curtilage parking spaces have been provided for each of the units.

Criterion (g) The design of the development will respect the surrounding area as well as draw upon the best local traditions of form, materials and detailing. The design is acceptable for the development and the character of the surrounding area.

Criterion (h) I do not consider the proposal to result in loss of light, overshadowing, noise or other disturbance, particularly given the average separation distance of approximately 20m between the site and existing dwellings to the rear at Camlough Park. In terms of overlooking I consider the proposed scheme to be at an acceptable separation distance (20m) from the properties to the rear of the site, as encouraged by Creating Places. This position is further consolidated by the fact the rear upper window on the proposed dwellings is for a bathroom which will be conditioned to be obscured glass. I am satisfied the proposal will not have an adverse impact on neighbouring properties to an unacceptable or unreasonable level. The adjacent properties are all residential and therefore there is no conflict with adjacent land uses.

Criterion (i) The site is generally overlooked by the existing properties and also positioned with the back of the properties away from the public road, which will go towards deterring crime and promoting personal safety.

In conclusion the proposal has not been considered to offend the applicable policies listed above of PPS 7 and is in compliance with The Planning Strategy for Rural Northern Ireland. The density remains the same as the extant approval and the design, layout and landscaping has been improved both aesthetically and ecologically. The proposal is consistent with Planning Control Principles 1 & 2 of Planning Policy Statement 12.

Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas is applicable for this application. Given the density, size and pattern of development of the proposed dwellings are not significantly changing from the extant approval, the proposal is in compliance with the Addendum to PPS 7.

DFI Roads has no objection to the application in terms of PPS3 subject to the attached conditions. A condition can be attached to any approval to ensure consent to discharge is obtained prior to the commencement of development.

Planning Policy Statement 2: Natural Heritage.

A Biodiversity Checklist and Ecological Statement has been provided by the agent. The Ecological Statement concludes that the development proposals are unlikely to give rise to significant irreversible impacts upon natural heritage features while no priority habitats are present which could be impacted. The Statement concludes the development would have no impact on bats or badgers. The site could be utilised for foraging by hedgehogs and nesting for breeding birds. For this reason site clearance should not be undertaken during the winter months when hedgehogs are likely to be hibernating. Single timber plank will be raised 130mm from the ground every 5m to allow free passage for the hedgehog.

For breeding birds there should not be vegetation clearance on site between 1st March an 31st August unless inspected by a suitably qualified ecologist for the presence of active nests. Cytisus Scoparius has been added to the planting schedule which has a greater ecological value.

Having visited the site I concur with the Ecologist that the site has a low level of ecological value. The mitigation measures proposed ensure any habitats or protected species are not compromised by the development. I conclude that the application is in general compliance with PPS 2.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

HED:HB is content that the proposal does not exert any harm on the setting of Former School Masters house (HB16/22/019 B) under BH11 (Development Affecting the Setting of a Listed Building) PPS6 and SPPS (NI). As per HED request, the agent as noted the wall at the site boundary, Church View/Chapel Rd junction has been retained as a mirrored wall to that around listed building. The proposal is in compliance with PPS 6.

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

Response to objections

1. 4 Camlough Park

- a. The proposed dwellings will be approx. 18m from the rear extension and 20m to the rear original wall of No. 4 Camlough Park. This is an acceptable separation distance as advised by Creating Places and is not considered to have a significant detrimental impact on privacy and well-being. A 2m high close board fence will run along the rear of the proposed properties with the only upper window looking towards Camlough Park obscured due to its use as a bathroom. The objection is not sustained.
- b. The separation distance of 18m at its closest will ensure that light is not restricted to No. 4 Camlough Park.
- c. With no overlooking or overshadowing the proposal will not impact on the enjoyment of the back garden at No. 4 Camlough Park.
- d. A feeling of being unsafe is not considered to be a material planning consideration.

2. 6 Camlough Park,

- a. Whilst the proposed dwellings are not full two storey, two storey dwellings are existing opposite the site at 15-23 Chapel Road. Additionally, there are differing ridge heights and roof pitches located within Church View. The proposal is not out of keeping with the context of the surrounding area.
- b. The proposed dwellings will be approx. 21m to the rear wall of No. 6 Camlough Park. This is an acceptable separation distance as advised by Creating Places and is not considered to have a significant detrimental impact on privacy, overshadowing and loss of light. A 2m high close board fence will run along the rear of the proposed properties with the only upper window looking towards Camlough Park obscured due to its use as a bathroom. The siting is comparable to the extant approval and the size is in keeping with the context of the surrounding area. The objection is not sustained.

3. 8 Camlough Park,

- a. The proposed site address is correct. There is no legislative requirement to list every address that may be considered to be impacted by the proposal. The address is ultimately to identify the site which has been done in this instance. The application has been advertised/neighbour notified accordingly.
- b. Given the separation distance of 18m at its shortest point, the proposal is not considered to adversely impact the character or overwhelm the properties at Camlough Park.

- c. Proposal is unsympathetic to the local character of the area and privacy of existing residents. The separation distance of 16m at its closest, the 2m close board fence and the only upper window to the rear being obscured ensures the proposed dwellings will not affect the privacy of the existing residents. The character of the surrounding area is not considered to be compromised by the proposal.
- d. Varied roof lines exist in Church View. At a separation distance of 22m, the objectors home will not be significantly compromised by loss of light or loss of privacy. A 2m close board fence to the rear of the proposed properties and the only upper window to the rear being obscured ensures the proposed dwellings will not affect the privacy or amenity of the objector's dwelling.
- e. The house type is the same for each of the 4 dwellings and the second floor window looking towards No. 8 Camlough Park will be obscured.
- f. Whilst the proposed dwellings are not full two storey, two storey dwellings are existing opposite the site at 15-23 Chapel Road. Additionally there are differing ridge heights and roof pitches located within Church View. The proposal is not out of keeping with the context of the surrounding area.
- g. The separation distance, obscured upper window, 2m timber fencing all ensure there will be no direct overlooking into Camlough Park.
- h. The separation distance which is in compliance with Creating Places ensures there will be no overbearing or intrusive impact on the objector's property.

4. 1 Church View

- a. The proposal will not impact on the light to No. 1 Church View.
- b. Privacy and natural light from the proposed dwellings opposite No. 1 Church View will not be compromised by the development. This development only seeks dwellings 1m higher than the extant approval.
- c. The design, whilst different than the existing properties – is not considered to have a significant detrimental impact on the area.
- d. Parking for 2 in curtilage vehicles is available at each of the dwellings.
- e. The applicant is a private developer, however the future owners is beyond the remit of the planning application.

5. 1 Camlough Park

- a. With the removal of the first unit, there will be no issues with overlooking on to the objector's property. The scheme originally proposed 5 units.
- b. With the removal of the first unit, there will be no issues with blocking the light of the objector's property.
- c. Devalue the price of objector's house is not a material consideration.
- d. Blocking objector's view is not a material consideration.
- e. DFI Roads has been consulted and have raised no road safety issues with the development. Extant permission exists for 4 dwellings.
- f. There is no evidence there is likely to be unacceptable levels of noise from new resident's or cars.

6. 5 Camlough Park

- a. The proposed dwellings will be approx. 18m from the rear extension and 20m to the rear original wall of No. 4 Camlough Park. This is an acceptable separation distance as advised by Creating Places and will not result in overshadowing to the objector's property. The objection is not sustained.
 - b. Bedrooms are facing the front and side of the proposed properties and will not face the objector's property.
 - c. There is no evidence that the proposal will result in noise and disturbance and impact on health and wellbeing. Environmental Health has no objections to the proposal.
 - d. Whilst the proposed dwellings are not full two storey, two storey dwellings are existing opposite the site at 15-23 Chapel Road. Additionally, there are differing ridge heights and roof pitches located within Church View. The proposal is not out of keeping with the context of the surrounding area.
 - e. DFI Roads and Environmental Health has no objections to the proposal. There is no evidence that health and safety including noise and pollution would be compromised by the proposal. There is extant permission for 4 dwellings.
 - f. Property value is not a material consideration.
 - g. The future occupants of the proposed dwellings is beyond the remit of this planning application.
7. Cllr Mulgrew on behalf of constituents at No.1 Camlough Park.
 - a. This unit beside No. 1 Camlough Park has now been removed.
8. 3 Church View
 - a. The design, whilst different than the existing properties – is not considered to have a significant detrimental impact on the area. The separation distance between the dwellings and Camlough Park is approximately 20m and the only upper window to the rear being obscured ensures the proposed dwellings will not affect the privacy of the existing residents of Camlough Park. With the exception of No. 2, the dwellings in Church View are across of the road from the site and therefore privacy cannot be considered to be compromised. The separation distance of 18m between Site 4 and No. 4 Church View is an acceptable distance as defined by Creating Places.
 - b. The development will not overshadow and cause loss of light on No. 3 Church View because of the 18m separation distance. There will be no unacceptable loss of light to No. 3 Church View.
 - c. Site No. 4 is approximately 18m from No. 3 Church View, across a road. It will not impact privacy or cause a loss of light. Being in direct line of sight of another house within a housing development, particularly at the front of a dwelling is common place within a residential area and is not considered unreasonable.
 - d. Parking for 2 in curtilage vehicles is available at each of the dwellings. Road safety is not considered to be compromised by the proposal, DFI Roads has no objections.
 - e. There is no evidence access to the street will be hampered by the proposal and it is important to note there is extant permission on the site for housing.

- f. The development will not affect the ability to service an electrical box opposite No. 3 Church View. It is the responsibility of the engineer to park in a responsible manner.
- g. A Biodiversity Checklist and Ecological Statement has been provided by the agent. Remedial measures including a raised single plank by 130mm from ground level every 5m along the fencing lines will permit the free passage of hedgehog between foraging areas and other habitats while also preventing the species being physically forced to use busy roads to access habitats of utility. I am therefore content the mitigation strategy ensures that the protected species is not threatened by the proposal.
- h. Parking for 2 in curtilage vehicles is available at each of the dwellings. The footpaths are not anticipated to be compromised to an unacceptable extent by the development.

9. 3 Camlough Park

- a. Whilst the proposed dwellings are not full two storey, two storey dwellings are existing opposite the site at 15-23 Chapel Road. Additionally, there are differing ridge heights and roof pitches located within Church View. The proposal is not out of keeping with the context of the surrounding area.
- b. Unacceptable impact on 3 Camlough Park by reason of size and siting, overshadowing, cause loss of light and loss of privacy. The separation distance between the proposed property and No. 3 Camlough Park is approximately 21m. Therefore, there can be no unacceptable levels of loss of light and overshadowing. The only upper window on the rear elevation will be obscured glass which ensures privacy is not compromised by the development.

10. 6 Church View

- d. A Biodiversity Checklist and Ecological Statement has been provided by the agent. Remedial measures including a raised single plank by 130mm from ground level every 5m along the fencing lines will permit the free passage of hedgehog between foraging areas and other habitats while also preventing the species being physically forced to use busy roads to access habitats of utility. I am therefore content the mitigation strategy ensures that the protected species is not threatened by the proposal. As the site has habitats suitable for breeding birds, an informative will be attached to remind the developer there should be no site clearance between 1st March and 31st August unless inspected by a suitably qualified ecologist for the presence of active nests.
- e. There is no evidence to suggest the access to No. 6 Church View would be compromised by the development during the construction phase or once completed, DFI Roads has no objections to the proposal.
- f. There is provision for 2 in curtilage parking spaces to each of the dwellings. It is not anticipated these 4 dwellings will prejudice the free flow of traffic to an unacceptable level. DFI Roads has no objections to the proposal.

11. 84 Church View

- a. DFI roads has no objections to additional 4 units for this area.
- b. The development is not considered to impact on this.

- c. There is provision for 2 in curtilage parking spaces and therefore the overflow is likely to minimal.

Recommendation: Approval, significant weight added to extant approval. All objections have been considered in full, however they are not considered to sustain a refusal for this application.

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: 01 REV 1, 02 REV 1, 03 REV 2 , 04 REV 2 and 06 REV 2.

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

3. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 16.02.2004 under reference P/2002/2250/F for a housing development on the lands comprising the application site. This consent is not a permission to create additional dwellings beyond this approval and it may only be implemented in substitution for the previous permission referred to above.

Reason: To ensure that only this permission is erected on site.

4. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan 03 REV 2 bearing the date stamped 28-02-2020 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.

5. The access gradient to the dwellings 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

6. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes

of Practise. The works shall be 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.

7. 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.

8. The development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health

9. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted and constructed by the developer and approved by the relevant authority.

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

10. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW).

Reason: To ensure that a feasible method of sewage disposal is available at the site.

11. Close board timber fences between new dwellings and that on the southwest boundary shall have a single timber board raised 130mm from ground level every 5 metres.

Reason: To permit free passage of hedgehog between foraging areas and other habitats.

12. The upper window on the south east elevation shall be obscured glass and maintained as such in perpetuity

Reason: In the interests of privacy with the neighbouring properties.

Case Officer

Authorised Officer

3 Church View

Bessbrook

Newry

BT35 7ET

27th January 2020

Dear Sir/Madam

Ref: LA07/2019/1117/F

Further to your recent correspondence advising me of the application for 4 two-storey detached dwellings at Church View, Bessbrook.

First of all I would like to state that the proposal is unsympathetic to the local character of the area and the privacy of existing residents, both in Church View and Camlough Park. The proposed two-storey dwellings are totally out of character and keeping with the existing Church View site.

The existing footings which are in place and which were put in to preserve the planning application are of no use and new footings will be required due to the change in the application.

In terms of the specifics of the two storey nature of these dwellings, this will overshadow my house and cause loss of light. From viewing the site plan, DWG 18/36/01 there will be a minimum loss of 8 hours light during the summer months and a minimum of 5 hours during winter months. This impedes on our 'Right to Light' and for the last 26 years we have had clear natural light.

The dwellings will affect the privacy of residents in both Church View and Camlough Park and the site No 4 is in direct view line of my kitchen window affecting my privacy and again my light.

The site plan has stated there is only one car park space in a driveway and that there will be on street parking on the road! No 1 Church View and No 3 Church View park 2 cars each on the road and have done so for over 10 years. The additional street parking on the opposite side of the road will severely hamper access to the rest of the residents within the development as there will not be free-flowing traffic. This will also cause problems in the winter months as cars already struggle to get up the hill in frosty conditions and the extra street parking will add to the health and safety on the road.

Access to the street will also be hampered due to having no access around the building site due to site limitations resulting in a further health and safety issue.

There is also an electrical power box opposite No 3 Church View, which again requires on street parking when required by Power NI.

Finally, the application by Carnview Construction Ltd has stated that they are not aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985, Schedules 6 & 7. As a keen conservationist I have had hedgehogs come back and forth from this area

to my garden, as has other residents within the site and have photos to show of same. The development of houses in this area would endanger these protected species.

I would be grateful if you take into account my objections and my concerns as outlined above when considering this proposal.

Yours sincerely

Liam & Paula Moan

Supporting Statement

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We fully endorse the recommendation of the Planning Officer who has fully and properly considered the detail of this application.

This creates a quality residential development and presents a significant improvement on the established fallback position for 4 dwellings.

I bring to the attention of the members the following;

- 1.1 The proposal is to construct four detached chalet bungalows with in-curtilage parking and associated site works and landscaping.
- 1.2 The previous planning permission provides context in that it demonstrates how the then planning authority considered how a long narrow site could be developed without impact on the neighbouring properties at Camlough Park
- 1.3 Planning policy is not changed in the intervening period. PPS7 was published in June 2001 prior to the previous application being submitted. The guidance in Creating Places pre-dates this being published in May 2000.
- 1.4 No predominant form of residential development prevails albeit semi-detached and detached dwellings are characteristic of the area and provide context for the form of housing proposed for this site.
- 1.5 The use of gable fronted buildings on narrow plots is a feature of the design of the modern housing opposite the site on Church View and provides context for the approach with this development.
- 1.6 This has some reference to the history and evolution of the village and there are many examples at the centre of the village where the gable is the main elevation.
- 1.7 The entrance to Church View requires a building that reinforces the established pattern of development and provides a transition in character between the Victorian Villas of old Bessbrook and the modern houses beyond.
- 1.8 The land within the site is sloping and there is a change in level of approximately seven metres from junction of Chapel Road towards the rear boundary of the site.
- 1.9 This is the most significant constraint on the site and to avoid the use of retaining structures the buildings are designed to work with the existing levels and step up through the site.
- 1.10 It is accepted that the location of the site in an established residential neighbourhood which puts an onus on prospective developers to produce a high standard of design which respects and is sympathetic to the particular qualities of the area.
- 1.11 The appearance of the buildings in the street is carefully considered with an architectural language consistent with best local vernacular quality and a nod to the Victorian style.
- 1.12 This is a sustainable location for new housing. It is serviced and in close proximity to existing amenities and local community infrastructure.
- 1.13 No significant environmental impacts are created as a consequence of the proposed development. It is designed to current building control regulations which require a high standard of thermal efficiency and environmental control.

- 1.14 The scheme is assessed against the requirements of the SPPS and policy QD1 of PPS7 and the supplementary planning guidance in the Creating Places document.
- 1.15 Detached dwellings with accommodation in the roof void will not appear out of character with other buildings in the street and the buildings are of a similar size and mass found in the immediate visual context of the site.
- 1.16 The buildings are domestically scaled and the principal elevation for each of the new dwellings is to the public road in keeping with the local context and reflect the previous history of approval on the site.
- 1.17 The scheme is in keeping with the pattern of development to the northwest which is mainly comprised of detached and semi-detached dwellings set in their own curtilage.
- 1.18 There is also a 22-metre back to back and building to building separation to the buildings at Camlough Park.
- 1.19 Enhanced spacing between the buildings means the impact of dominance due to the proximity to the boundary is minimised.
- 1.20 As a consequence, there is an overall reduction on the impact on the amenity of neighbouring properties when compared to the previous history of approval. This is better planning outcome than the fallback position.
- 1.21 There are no identified archaeological or built heritage features that need to be protected and no landscape features are present.
- 1.22 The provision of local neighbourhood facilities and communal open space is not applicable to this proposal given the scale of development.
- 1.23 The proposed site has built development on all sides which should deter crime and enhance the personal safety of other residents in the area.
- 1.24 The site benefits from being in close proximity to the Mill Pond and access to play. A high standard of soft and hard landscaping is proposed to finish the development and enhance the overall quality of the residential development.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2018/1529/F

Date Received: 26th September 2018

Proposal: Proposed residential development comprising 74 no. dwelling units and garages (including a mix of detached and semi-detached house types), site access from Derrybeg Lane, open space, landscaping and all associated site works.

Location: Lands at the junction of Derrybeg Lane and Craigmores Way approximately 135 metres south-west of 12 Craigmores Road Bessbrook Newry BT356LF

Site Characteristics & Area Characteristics:

Site is located at the junction of Derrybeg Lane and Craigmores Way on the NW periphery of Newry City, situated approximately 2 miles NW of Newry City Centre and in close proximity to the A1: Belfast – Dublin Transport Corridor and Newry Train Station which is located approximately 200m W of the site.

The current site has two dwellings and a former waste management facility with the remaining land in agricultural use.

The site measures approximately 3.7 hectares with the site zoned for housing within the current Banbridge, Newry and Mourne Area Plan 2015.

Site History:

LA07/2018/0345/PAN - Residential Development (Comprising 80 No. Dwellings). Lands at the junction of Derrybeg Lane and Craigmores Way. (Application site).

LA07/2018/0364/PAD - Residential development (Comprising 80 dwellings). Lands at the junction of Derrybeg Lane and Craigmores Way. (Application site).

P/2006/1676/O – Permission granted for site for residential development (with demolition and discontinuance of existing re-cycling business). Lands adj to Nos. 11, 17, 19 and 21 Derrybeg and adjacent and NW of Craigmores Way.

P/2014/0419/O – Permission granted for site for 2 dwellings. Lands at 19 Derrybeg Lane.

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan: Site is located within the development limits of Newry City within land committed for housing (NY37) in the Area Plan.

The site has been zoned as committed housing and therefore the development proposals adhere to the zoned land use and therefore is not at conflict with the Area Plan. As a committed site there are no key site requirements which have to be adhered to.

Development proposals will be considered under normal planning and environmental considerations taking into account responses from consultees and objections.

SPPS and PPS2:

NIEA in comments dated 17.09.19 have raised no concerns with proposals.

PPS3, DCAN 15 and Parking Standards:

Transport NI in comments dated 17.11.19 have no objections and adequate incutillage parking has been provided.

SPPS, PPS7 (QD1 and QD2), PPS7 (Addendum), PPS8, PPS 12, PPS15, PSRNI (DES2), DCAN 8, DCAN 11 and Creating Places

The SPPS is now a material consideration in the assessment of this application however as there is no significant change to the policy requirement for housing in settlements following the publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7, PPS7 (Addendum) and PPS12 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Surrounding Context/ Topography/ Layout

The site is located within the development limits of Newry City on land zoned for housing. The surrounding context comprises of a range of buildings and uses with concentrations of residential development to the South and West (Derrybeg, The Meadow, Millvale and Derrymore), industrial development adjacent and East (Norbrook), commercial shopping facilities located to the North east (Damolly Retail

Park and Fiveways Shopping Complex) as well as community facilities to the South east (St Patricks Primary School, St Brigids RC Church and Whitegates community facility).

Dwellings within the immediate area of the site i.e. adjacent and to the north west and south west of the site are generally detached. Semi-detached and terrace dwellings predominantly of two storey form, are typically found to the south and north east of the site with private gardens with a mix of incurtilage and on street parking. Design is simple with external finishes of dash, painted render and brick.

The proposed layout of detached and semi-detached form is reflective of the existing pattern of development found at this location. Within the scheme proposals incorporate incurtilage parking located to the side to the majority of properties apart from a small number of houses (21-30) which have parking to the front which has been dictated by changes in ground levels.

The development also has different sized private rear amenity space and a small formalised area to the front of the property. The 3 storey/ split level form is not generally reflective of the area however the design has taken account of the existing landform, with this house type deployed on areas of land where there are significant changes in ground levels avoiding the use of extensive earthworks or retaining structures within the scheme. This will help to soften the visual appearance of development. The front façade will remain as two storey which is in keeping within the predominant two storey-built form displayed within the area.

Given the urban context there is a good range and mix of house types. There are significant changes in ground levels across the site however the change in contours have been considered with the use of split level design, earth embankments and planting bands. The layout has been reconfigured from the initial submission taking account existing properties at Nos. 21 and dwelling north east of 21 Derrybeg Lane through the reorientation and re-location of new dwellings. These have now been repositioned to avoid any potential amenity concerns. The overall layout of proposed dwellings has separation distances of 20 metres plus between properties to avoid overlooking and this is well within recommended separation distance guidance.

Landscaping/ Hard Surfaced Area/ Pedestrian Links/ Private Open Space

Open space provision is well within the recommendations of size requirements within guidance and planning policy. All dwellings within the development front onto the proposed road with all areas of private amenity space located to the rear ensuring private amenity space is kept out of view from the main thoroughfare and ensure it remains private.

Proposals will incorporate extensive landscaping particularly along the frontage of the site and entrance to the development which will involve the large areas of open space along with new planting along the road frontage. The entrance of the development to either side proposes detached properties with low density accompanied by swathes of open space and landscaping which will not only present an attractive aspect to the road but will help to soften its visual appearance with areas of landscaping/ planting bands acting as a buffer to traffic, noise and views

from Derrybeg Lane and Craigmole Way. Pedestrian movement is contained within the site with linkages to the existing pedestrian footway. Proposed dwellings will front onto these areas ensuring informal surveillance and assist the safety of users. There is adequate provision of open space throughout the development with regards to size of dwellings with a good mix and range of garden sizes within recommended requirements.

Archaeological and Built Heritage

There are no identified features of archaeological or built heritage at this location.

Local Neighbourhood Facilities

Whilst there is no provision within the proposed development for local neighbourhood facilities there are a wide range of community facilities within the locality.

Movement Patterns/ Disabled Access

There are a range of house types within the development to accommodate those whose mobility is impaired. Access and parking areas are on a level surface with minimal gradient difference between this and the proposed finished floor level, bin storage areas are also accessible. Proposals also incorporate links to the existing pedestrian footway and public transport facilities are linked by the footpath network. Given the close proximity of public transport facilities i.e. train station and bus link to the city centre will encourage sustainable methods of movement.

Parking/ Roads

Transport NI has raised no objections in their consultation response dated 17.11.19. Adequate car parking in the form of incurtilage parking has been assigned to each dwelling in the development which is within recommended guidance. Furthermore, the development is within walking distance of public transport which will have the potential to avoid excessive car movements and encourage sustainable movements through walking and use of public transport given the close proximity of these facilities to the site.

Impact to Amenity

The layout plan shows adequate separation distances between existing and proposed dwellings to avoid impact to amenity. Where there are significant changes between levels planting bands and grading of land between properties have been proposed to protect amenity but also to soften visual appearance particularly for future occupants. Separation distances are well within the recommended range of Creating Places.

Prevention of Crime and Promotion of Personal Safety

All dwellings within the layout will overlook areas of public use allowing for informal surveillance with the aim of enhancing public safety. Dwellings 52 to 68 back onto

agricultural land however a retaining structure and landscaping is proposed along the south east boundary of this portion of the site along with the changes in ground levels will make it difficult to gain entry to the rear of these properties. Dwellings 1, 13,14 and 15 back onto an existing lane which serves Nos. 21 and dwelling north east of 21 Derrybeg Lane and a proposed vertical fence along with planting will deter entry but the continual use of the existing lane to serve existing and proposed dwellings will ensure the rear portion of this site is well surveyed.

House Types

A range of house types have been provided throughout the scheme.

Social Housing

The site has not been identified within the Area Plan as requiring social housing provision nor has the applicant/agent provided any indication that the development will be utilised for social housing.

Flooding/ Drainage

Rivers Agency in comments dated 24.03.20 advise that FLD1, FLD2, FLD4 and FLD5 are not applicable at the site. A drainage assessment was submitted for consideration under FLD3, whilst Rivers Agency have advised that they have no reason to disagree with the conclusions, they have requested that a condition is attached to any decision notice for the developer prior to commencement of development to provide further detailing of that assessment.

There is no available surface water sewer available at the site however a Schedule 6 Consent has been granted for the discharge of storm water.

Water/ Sewerage

There is capacity at the WWTW, a water supply and foul sewer within 20 metres of the site, however there is no surface water sewer within 20 metres of the proposal. A Schedule 6 consent has been sought from Rivers Agency for the consent to discharge storm water at a greenfield rate or to the nearest watercourse 'Armagh Road Drain' approximately 300m north east of the site.

Correspondence dated 20.09.19 from Rivers Agency (See Drainage Assessment dated 23.10.19) indicates that DFI Rivers Consent to the discharge. Density levels are comparable with existing and proposed development within the vicinity of the site.

Consultations:

Transport NI (17.11.19) – No objection

Rivers Agency (24.03.20) – FLD 1, 2, 4 and 5 are not applicable to the site. FLD 3, Rivers Agency have reviewed the Drainage Assessment and have no reason to

disagree with its conclusions. It is requested that a condition for further information relating to drainage shall be submitted prior to commencement.

NIW (11.10.19) – Public water supply and foul water sewer within 20 metres of the site. Available capacity at WWTW, however there is no surface water sewer.

Loughs Agency (03.09.19) – No objection in principle subject to conditions and informatives.

NIEA (17.0.19) – No concerns

Environmental Health (03.12.19) – Based on the information received from the acoustic consultant in correspondence dated 22 November 2019 it is noted that no comment has been made by him on any changes in wall and barriers design or layout in PL/SLB/01 date stamped 14 August 2019 compared to previous versions of PL/SLB/01. If no changes have occurred, then Environmental Health's previous comments of 14 December 2018 remain valid.

Environmental Health concerns relate to the impact upon proposed dwellings as advised in their consultation dated 13.11.19. Generally, this is development situated closer to the public road. Whilst there have been some changes to walls/ barriers within the scheme, there is nevertheless acoustic screening provided as well as existing and proposed buffer planting within the layout to address noise issues. Notwithstanding this, the Planning Department will make conditional that an updated noise report is submitted to ensure adequate protection is afforded to the proposed dwellings.

Objections & Representations

15 Neighbour notifications

Advertised October 2018

1 Objection received

Issues raised by objector:

Proposals do not reflect the settlement pattern within the immediate vicinity and suggest a lower density scheme with individual sites adjacent to client's property i.e. 20 and 21a Derrybeg Lane.

Consideration of Objection:

The application site is located within an urban context and therefore a range of house types are expected. However, consideration has been given to development closest to these properties and amendments made to ensure there is adequate separation between properties to avoid overlooking or any loss to amenity or privacy.

Consideration and Assessment:

One objection has been received which has been fully considered and has resulted in several changes to the site layout, orientation, position and separation distance of proposed dwellings from Nos. 20 and 21a Derrybeg Lane which will avoid any negative impact to amenity.

Whilst the objector wishes to see a less dense housing scheme, the site is nevertheless located within the development limits of Newry City on land specifically zoned for housing with no specific key site requirements or restrictions. Whilst it may not be of any consolation to the objector the Planning Department during the planning process have acted to ensure that the amenity between the proposed development and existing dwellings is upheld.

Overall proposals are acceptable in principle, objection considered, and no major concerns have been raised by consultees. Proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

Recommendation: Approval

Conditions:

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

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

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. bearing the date stamp 23rd October 2019.

Reason: In the interest of road safety.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No..... bearing the date stamp.....

The Department hereby attaches to the determination a requirement under Article 3 (4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: In the interest of road safety,

4. The visibility splays of 4.5 metres by 90 metres at the junction of the proposed access with the public road shall be provided in accordance with Drawing No.... bearing the date stamp 23rd October 2019 prior to the commencement of any other works or other development.

Reason: In the interests of road safety.

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

Reason: In the interests of road and pedestrian safety.

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges or service strips determined for adoption.

Reason: In the interest of road and pedestrian safety.

7. Notwithstanding the provision of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in verges/ service strips determined for adoption.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

9. The development hereby permitted shall not commence until any highway structure/ retaining wall/ culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highway Structures: Volume 1: Design Manual for roads and Bridges the details of which will be submitted to the Planning Authority and agreed in writing to the satisfaction of Transport NI.

Reason: In the interests of road safety.

10. Any telegraph poles/ street furniture shall be resited to the rear of sight visibility splays and to the satisfaction of Transport NI.

Reason: In the interests of road safety.

11. The development hereby permitted shall not commence until a Street Lighting scheme design is submitted to the Planning Authority and agreed in writing to the satisfaction of the Department of Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

12. The Street Lighting scheme including the provision of all plant and materials and installation of same will be implemented as directed by the Department of Infrastructure Street Lighting Section.

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

13. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/ applicant in accordance with the departments specification (Design Manual for roads and Bridges) and as directed by Transport NI Traffic Management Section prior to the development becoming occupied by residents.

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

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

Reason: In the interest of road safety.

15. The developer / applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Planning Authority and agreed in writing to the satisfaction of the Department for Infrastructure Transport NI.

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

16. The developer/ applicant will contact Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

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

17. No construction to be made, trees planted, or other obstruction made within
 - 3m (or 1.5 times the depth whichever is greater) of sewers, OR

- 4m (or 1.5 times the depth whichever is greater) of watermain <350mm diameter or 8m of watermain of 350mm diameter or greater. A diversion may be necessary. Consultation with NIW is required at an early design stage.

Reason: To prevent disturbance/ damage to existing sewers / watermain and in the interest of public safety.

18. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries interests.

19. The combined surface water discharge from the site shall be limited to a rate of 35.74 l/sec into the open watercourse designated within the meaning of the Drainage (NI) Order 1973 known as Armagh Road Drain U4514 as per the Schedule 6 Consent dated 20th September 2019.

Reason: To prevent surface water flooding.

20. The existing natural screenings of this site as shown in drawing No..... date stamped 23rd October 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

21. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Planning Authority.

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

22. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with the Proposed Landscaping and Management Plan (Drawing No. ...) received on the and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

23. 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.

24. Prior to the commencement of any development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority and agreed in writing to the satisfaction of Rivers Agency.

Reason – To safeguard against flood risk to the development and elsewhere.

25. Prior to commencement of any development an updated noise report shall be submitted to the Planning Authority to be agreed in writing to the satisfaction of Environmental Health.

Reason: In the interest of amenity of proposed occupants.

26. The retaining walls shall be designed in accordance with the relevant British Standards or Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such design and assessment shall be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed to meet relevant British Standards or Codes of Practice.

27. In the event that previously unknown contamination is discovered, development on the site shall cease and a contamination report shall be submitted to the Planning Authority and agreed in writing to the satisfaction of Environmental Health.

Reason: In the interest of public health.

28. The development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

29. The development shall not be occupied until surface water drainage works on-site and off-site have been submitted and constructed by the developer and approved by the relevant authority.

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

30. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW).

Reason: To ensure that a feasible method of sewage disposal is available at the site.

TS Speaking Note – Planning Committee 3rd June 2020**Planning application ref: LA07/2018/1529/F****Proposal: Proposed residential development comprising 74 no. dwelling units and garages (including a mix of detached and semi-detached house types), site access from Derrybeg Lane, open space, landscaping and all associated site works.**

Chairman, members, I would like to thank you for the opportunity to address the Committee this morning. With me is Sean McAvoy, applicant and developer. I don't propose to take up too much of your time, but thought it may be helpful to summarise the proposal and then we are all happy to answer any questions you may have.

As you have heard, this application proposes a scheme of 74 new family homes, comprising 20 no. detached and 54 no. semi-detached dwellings. The site is zoned for housing and referenced in the Area Plan as NY 37.

Proposed Development

As well as delivering 74 new family homes for Newry, the proposal includes the creation of large areas of public open space throughout the development including a central "Village Green". A comprehensive landscaping scheme is also proposed including tree planting to site boundaries, throughout the proposed streetscapes and within proposed rear gardens.

All proposed dwellings will have in-curtilage car parking and driveways, with over half also benefitting from garages (46 no.).

The site access is taken from Derrybeg Lane with new footpaths proposed along the site frontage, linking the proposal to the existing pedestrian network. The frontage to Derrybeg Lane is also enhanced through proposed areas of open space and landscaping, in addition to a statement dual frontage dwelling at the site entrance.

Amendments to the Proposal

Following an objection to the originally submitted scheme, on behalf of the residents of No. 20a and 21a Derrybeg Lane, the proposed layout was amended to address the concerns raised. This primarily comprised the relocation of dwellings adjacent to the boundaries with No. 20a and 21a, to increase separation distances and ensure more favourable relationships between existing and proposed dwellings. There have been no objections to the proposal following these amendments.

Benefits of Proposed Development

To summarise, we believe there are a number of key factors which we would respectfully ask Members to favourably consider in their decision making process this morning, these include:-

- The principle of housing on the subject site is established by virtue of the sites zoning in the Area Plan.
- The scheme offers a variety of housing choice, including detached and semi-detached dwellings in a range of House Types.
- The open space represents 11% of the site area and has been designed to incorporate a central village green in addition to other pockets of open space along Derrybeg Lane. A high standard of landscaping is proposed throughout the site to soften the proposal into its surroundings.
- Generous gardens are provided for each house, ranging from 62sqm to 338sqm with the average well above that recommended in Creating Places.
- There are no objections from any of the statutory consultees, with all offering conditions.
- We believe the application brings forward a high quality residential development and in the midst of this health care crisis and covid 19 pandemic, represents positive news for this City with an investment of c.£12m into the local area; creating around 40-50 much needed construction jobs. Subject to approval being granted this morning ,site works will commence immediately.

The Planning Officers have recommended the application for approval, and we would respectfully request the Committee endorses this recommendation.

Thank you for your time, Sean and I are happy to answer any questions you may have.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0438/F

Date Received: 01.04.2016

Proposal: Retrospective change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.

Location: Site at No. 2G Derryboy Road, Carnbane Industrial Estate
Newry Co Down BT35 6QH

Site Characteristics & Area Characteristics:

The site is located within Carnbane Industrial north of Newry city. At the time of inspection the proposed change of use had taken place. The building is of a design to that typically found within the surrounding Industrial Estate. To the rear of the building there is a large concrete yard and beyond that an area of hardstanding with mature planting to the side and rear.

The site is within an area zoned for Economic development as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/2007/1314/F -erection of maintenance workshop for machinery with associated offices and site works.

P/2008/0653/F -erection of service workshop, yard, car parks and 2 storey office block.

P/2010/1002/F- Erection of 2 storey office building and associated site works to serve the existing workshop, granted.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 3
Planning Policy Statement 4

Consultations:**Environmental Health- no objections****TransportNI- no objections****INvestNI- objection (see below)****Objections & Representations**

No. of neighbours notified= 2

Advertised= 11.04.2016

No. of representations received=3 letters of support: British Gymnastics, Cllr Davy Hyland and Cllr Charlie Casey.

Consideration and Assessment:

From the above site history the approved use on the site is that of a workshop with ancillary offices. These offices had not been constructed at the time of inspection. The proposal is for a change of use from the approved workshop to a gymnastics facility. The site is located within an area zoned for economic development. The SPPS reinforces that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. Generally, the same principle applies to unzoned land in the settlement that is in current economic development use (or land last used for these purposes). The Council may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

Policy PED 7 of PPS 4 states that development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

The surroundings lands are currently occupied by Kingspan, Terra Solution and MJM.

Kingspan Environmental is part of the Kingspan Group PLC, a world leader in the supply of high performance building products to the construction industry. Kingspan Environmental have been creating sustainable, renewable and environmentally friendly solutions for domestic and large-scale projects across the world. Terra Solutions Ltd is a specialist trenchless civil engineering contractor.

MJM Group specialises in new build, refurbishment and fit-out services to the marine, commercial and private sectors.

The surrounding area is characterised predominantly by industrial uses.

The proposal is for a non-profitable, Community Interest Company which is affiliated to British Gymnastics. The proposed use would fall within sui generis.

Having considered the surrounding uses it could not be argued that the land has been substantially developed for alternative uses within the zoning. The policy

allows for an exception within industrial zonings for sui generis uses where it can be demonstrated that the proposal is compatible with the predominant industrial use. The proposed use as a gymnastics facility does not fit as a sui generis employment use compatible with the existing or proposed development uses.

As the proposal is simply for a change of use of the existing building the scale, nature and form of the development are appropriate to the location. The proposal will result in a loss of approx. 730 sq metres of industrial floorspace on a plot of land 0.4 hectares in area.

The applicant has supplied a number of documents in support of the application and provided reasoning for the proposed siting. As stated above this is a non-profitable organisation for the benefit of the local communities. The sport has proved itself popular through the large waiting lists in excess of 250 children. The facility has been in operation since 1999 from a number of locations including Newry Sports Centre where they have approx. 280 recreational gymnasts and 48 elite gymnasts attending on a weekly basis. They also operate from St Mark's HS Warrenpoint and have 140 children attending at this location weekly over the past 3 years.

At present Newry Sports Centre is not able to meet the demands of the applicant as the time slots are limited due the steady growth in numbers attending. The applicant has stated that he was actively seeking suitable premises for more than a year. In support of the application the applicant has stated that the development will increase the quality and range of activities available to more local children whilst also extending this to the local primary schools.

The proposed use can be seen to offer a facility that will provide a greater good for the community in terms of improving health, community cohesion, youth work and education. It is accepted that this type of proposal should be encouraged. However, the site is within an area zoned which would restrict the proposed use and there would be concerns with regards to the safety of young children within an existing industrial zoning.

The proposal will not negatively impact on the surrounding amenity, natural/built heritage and adequate access arrangements currently exist. The proposal would require approximately 12 car parking spaces for both staff and visitors. Although the car parking arrangements is not defined on site the plans show 21 spaces to the rear 4 of which are labelled disabled.

Invest NI have objected to this proposal as they have stated, it is contrary to Planning Policy. They are opposed to the loss of industrial property to non-industrial uses and the nature of industrial estates makes them inappropriate for the proposed use on safety grounds. In addition, Invest NI retains a freehold ownership of the application site and the proposal runs contrary to the terms of the Invest NI lease and they have advised the owner of this.

It is noted that the proposal fails to comply with the above planning policies. However, 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 Councils Local Development Plan process is currently reviewing the zonings and policies. Given the nature of this proposal and the lack of appropriate accommodation within the current Plan Area for such a use, it is felt that consideration should be given to allow for a temporary approval. A temporary approval in this particular case will not cause demonstrable harm to interests of acknowledge importance in line with para 3.8 of the SPPS, whilst

awaiting the outcome of the Local Development Plan process. After considering all the material considerations, including the uniqueness of this particular proposed application, it is considered that the benefits of a temporary approval outweigh the temporary loss of this economic development use land and this proposal represents an exception. The gym has already been in operation for a period of time and the use shall not remain in place for an indefinite period and so a condition shall be attached to any approval notice to allow the use to remain in place for a limited period of 5 years, after that period the use shall be removed from the site or a new planning application shall be submitted for consideration. Environmental Health have raised no objections and it shall be the responsibility of the applicant/ developer to ensure and protect the safety of those visiting the site and an informative relating to this shall be attached to any planning permission. The concerns of Invest NI have been fully considered as part of this recommendation and do not warrant a change of opinion from the Planning Department. This recommendation of the Planning Department is contrary to the opinion of a statutory consultee and so the planning recommendation must be determined by the Planning Committee.

Recommendation: Approval

Conditions

1.The permission hereby granted shall be for a limited period of 5 years only and shall expire on xxx 2025.

Reason: To enable the Planning Authority to consider the development in the light of circumstances then prevailing.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1939/F

Date Received: 10.12.2018

Proposal: Retention of house (with basement accessible from outside only) as constructed under planning permission P/2006/1849/RM

Location: 80 metres North West of 37 Cregganduff Road Cullyhanna Newry BT35 0NA

Site Characteristics & Area Characteristics:

The site includes a split level dwelling completed but unoccupied situated along the Cregganduff Road within the rural area. This site also straddles the undefended fluvial flood plain.

Site History:

P/2006/1849/RM

Erection of dwelling and domestic garage.

Permission Granted 06.07.2007.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 21

Planning Policy Statement 15 (Revised)

Planning Policy Statement 3

Building on Tradition

The Planning Act 2011.

Consultations:

DFI Roads – no objections

DFI Rivers – Contrary to FLD 1 due to infilling within undefended fluvial flood plain.

Objections & Representations

No neighbours qualified for notification

Application Advertised on 09.01.2019

No objections or representations received.

Consideration and Assessment:

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

The principle of development has not been established for this application despite the proposal seeking to retain the design as constructed under previous planning permission P/2006/1849/RM. A site visit at this site has confirmed that the development as existing on site, was in no part constructed in accordance with the approved plans and therefore the previous application does not remain live in order to retain an amended design. The proposal must therefore be considered as a new dwelling and assessed against prevailing policy.

I do not consider the proposal to fit any of the exceptions listed under CTY 1 of PPS21, rendering the application contrary to policy CTY 1 of PPS21. Policies CTY8, CTY13 and CTY14 are not considered to be offended by the application. Further to this, the proposal is contrary to policy FLD1 of PPS15 due to the unauthorised infilling within an undefended fluvial flood plain.

DFI Roads has no objections with regards to PPS 3.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to occupation of development. This safe guards the policy requirements of policy CTY 16.

Other Material Considerations

Substantial evidence has been produced by the applicant including receipts and signed aerial photography from LPS that has confirmed the dwelling has been completed to at least roof level for 5 years. Section 132 of The Planning Act (NI) 2011 confirms,

'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 5 years beginning with the date on which the operations were substantially completed'

On the basis of the above material consideration I therefore recommend approval. The proposal must go to the Planning Committee as the recommendation is contrary to a statutory consultee.

Recommendation:

Approval

Conditions:

1. The permission shall take effect from the date of this decision notice.

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: IG 274-125E & NE, M18-112-5, M18-112-1, M18-112-2 and G06-147-3.

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

3. 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 dwelling in accordance with the approved plans.

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

4. Prior to occupation of the development hereby approved the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21 Sustainable Development in the Countryside.

5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the 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.

Case Officer:

Authorised Officer:



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1258/F

Date Received: 13 August 2019

Proposal: Retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services

Location: The application site is located at Ground floor unit, 12 Seaview, Warrenpoint

Site Characteristics & Area Characteristics:

The application site consists of a three storey mid-terrace building which has been converted from offices to a café at the ground floor. Apartments are located on each floor, above the café. The site is located close to the edge of Warrenpoint Town Centre, adjacent is The Balmoral Hotel, on the opposite side are similar dwellings and some appeared to have been converted to apartments. On the corner of Seaview and Queen Street a three and a half storey building has been constructed with apartment on the upper levels but with a commercial unit on the street corner, around this corner is part of the main commercial centre of Warrenpoint with a number of shops. Across Queen Street is the Whistledown Hotel and Warrenpoint Town Park, on the opposite side of the Balmoral Hotel the area becomes residential with large three storey terraced dwellings of a similar form to the application site.

Site History:

P/2014/0957/F Material change of use from ground floor apartment to ground floor office including refurbishment of existing outhouse and WC. Permission granted 28 May 2015

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 6 – Planning, Archaeology and the Built Environment;

- DCAN 11 – Access for People with Disabilities

Consultations:

NI Water (Strategic)	Existing water supply, available capacity
Rivers Agency	FLD 1 – recommend 600mm freeboard, informatives recommended
DFI Roads	No objection provided planning are content with parking arrangements
NIEA	Refer to standing advice
Environmental Health	Recommended condition

Objections & Representations

The application was advertised in the local press on 4 September 2019, following amendments the application was re-advertised on 6 November 2019. 17 neighbour notifications were issued on 3 September 2019 and following amendments re-notified on 10 September 2019 and 22 October 2019. Sixteen representations were received from 13 households. The concerns raised the following issues:

- No. 12 Seaview is the last property within the Town Centre boundary and this area including the application site is residential in nature.
The subject site is located within the settlement limits of Warrenpoint/Burren, it is within the Warrenpoint Town centre boundary (TC 98). Town centre uses include retail, offices, residential and various sui generis uses such as cafes within this proposal. I consider the use complies with the Town Centre location. Cafes and fast food outlets can complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors and they also support tourism.
- Permanent change to a café will harm the character of the area and AONB.
The previous use was offices and the proposal does not result in the proliferation of restaurants, cafes and fast food outlets on this part of the Town Centre. I am content the location is acceptable, amenity issues will be considered within this report.
- It is important the front façade is retained to protect its architectural beauty.
The front façade is retained although a sign is positioned on the front elevation of the building, this will require separate consent under the Advertisements Regulations and any sign must comply with the requirements of Policy ATC 3 of the addendum.

- The area is already well served by cafes by existing businesses in the area.
The proposal does not result in the proliferation of restaurants, cafes and fast food outlets on this part of the Town Centre. I am content the location is acceptable, amenity issues will be considered within this report.
- The proposal dilutes retail space away from the Town Centre in Warrenpoint.
The proposal does not result in the loss of retail space at ground floor as the previous use was offices and the proposal does not result in the proliferation of restaurants, cafes and fast food outlets on this part of the Town Centre.
- The application site should remain residential.
The subject site is located within the settlement limits of Warrenpoint/Burren, it is within the Warrenpoint Town centre boundary (TC 98). Town centre uses include retail, offices, residential and various sui generis uses such as cafes within this proposal. I consider the use complies with the Town Centre location. Cafes and fast food outlets can complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors and they also support tourism.
- The signage erected has no planning permission
On site inspection it was noted a sign is positioned on the front elevation of the building, this will require separate consent under the Advertisements Regulations and any sign must comply with the requirements of Policy ATC 3 of the addendum.
- Concerns about additional customers to site – approx. 300
The expected increase of customers is 42 throughout the day. I consider this is acceptable. In terms of noise I consider there will be no greater harm than the offices as the treatment rooms will require a quiet atmosphere and the café is quite small and could not cater for large numbers at any one time which will keep noise levels to a minimum.
- Concerns about customer noise and the old buildings by their construction are not sound proofed.
In terms of noise I consider there will be no greater harm than the offices as the treatment rooms will require a quiet atmosphere and the café is quite small and could not cater for large numbers at any one time which will keep noise levels to a minimum. Environmental Health have not raised any concern regarding noise. There have been no noise complaints to date.
- Late night opening will disturb enjoyment of our home.
Environmental Health have recommended opening hours of 10am – 6pm Monday – Saturday. I am content this will ensure there is no late night noise to disturb residents.

- No systems in place to prevent nuisance from smells and fumes.
Equipment has been shown on the drawings. Environmental Health have been re-consulted on the amended drawings 01B, 02B and 03 and there are no further concerns raised.
- Sewerage infrastructure may not be fit for purpose.
NI Water (Strategic) have confirmed there is an existing water supply and available capacity.
- Concerns regarding parking demand in the area and proposal cannot handle the demand from the proposal.
This issue is dealt with under the heading "Traffic and Car Parking" within this report.
- Deliveries are made via the front entrance, delivery vehicles mount the footpath on double yellow lines and this presents a danger to our family who live adjacent.
There are on street parking spaces available in the vicinity which deliveries can use, this can be conditioned on any forthcoming approval.

Consideration and Assessment:

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement limits of Warrenpoint/Burren, it is within the Warrenpoint Town centre boundary (TC 98) and the Mournes AONB. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

Paragraph 4.12 gives an indication of amenity considerations such as a range of environment and amenity issues including noise and disturbance, smells and fumes.

Development Control Advice Note (DCAN) 4 Restaurants, cafes and fast food outlets

The purpose of this DCAN is to provide general guidance on proposals for restaurants, cafes and fast food outlets. Paragraph 4 assesses the locational considerations of restaurants, cafes and fast food outlets. Paragraph 4.5 states restaurants, cafes and fast food outlets can complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors and they also support tourism. Warrenpoint is a local seaside town where tourism is encouraged, it is considered this proposal supports tourism regeneration along the seafront. The proposal does not result in the loss of

retail space at ground floor as the previous use was offices and the proposal does not result in the proliferation of restaurants, cafes and fast food outlets on this part of the Town Centre. I am content the location is acceptable, amenity issues will be considered below.

Paragraph 5.1 of the DCAN states that in assessing the impact of proposals a number of factors need to be taken into account:

- Noise and disturbance
- Smells and fume
- Refuse and litter
- Traffic and car parking
- Provision for people with disabilities.

Noise and disturbance, Smells and fumes

I feel that the proposal will not have a detrimental impact on the amenity of this part of Seaview as there are similar developments in the surrounding area such as the Balmoral Hotel immediately adjacent and Whistledown Hotel 70m south of the application site. Environmental Health have recommended an opening hours condition is added (to any forthcoming approval) to safeguard residential amenity. I am content that this condition would be sufficient to protect the amenity of residents in the surrounding area. The agent's planning statement states cooking on site will be kept to a minimum as the majority of food is cooked off site and warmed on the premises. In terms of noise I consider there will be no greater harm than the offices as the treatment rooms will require a quiet atmosphere and the café is quite small and could not cater for large numbers at any one time which will keep noise levels to a minimum. No other concerns in regards to the amenity aspects of the proposal have been raised by Environmental Health.

Refuse and Litter

The agent's planning statement states that waste associated with the proposal will be stored in suitable bins within the enclosed rear yard and taken to the collection point on required days. This is considered acceptable as refuse is stored on site with adequate space and sufficient access available.

Traffic and Car Parking

A parking survey has been submitted by the applicant. I consider that on street parking requirements are sufficient to deal with proposal as it is unlikely to generate heavy volumes of traffic and the local streets in the vicinity of the site can adequately serve the proposal. A bus stop is also located opposite the application site which cater for those visiting the site via public transport.

Provision for People with Disabilities

Having considered the plans I feel that the proposal facilitates ease of access to the building for people whose mobility is impaired, as it is ground floor level and there are adequate on-street parking facilities available.

Addendum to Planning Policy Statement 6, Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character

"The Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

The Department will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development."

The proposal does not propose any demolition to the front elevation of the building nor are any alterations to this elevation proposed, the existing decorative features on the front of the building are to be retained. The only external alterations will be at the rear where a steel flue is installed. I consider this is acceptable. On site inspection the a sign is positioned on the front elevation of the building, this will require separate consent under the Advertisements Regulations and any sign must comply with the requirements of Policy ATC 3 of the addendum.

Planning Policy Statement 3 Access, Movement and Parking, Parking Standards

For the proposed use a parking provision of 1 space per 5 square metres of Gross Floor Area is stipulated, there are 105 square metres and the anticipated numbers of staff will be 2 (a reduction of 3), with 42 daily customers. This results in a requirement for 21 spaces. The site is located in the Town Centre which is readily served by public transport, there is parking available along Seaview, Queen Street and other streets in the vicinity of the site. A parking survey has been submitted by the applicant to support the same. I consider that on street parking requirements are sufficient to deal with proposal as it is unlikely to generate heavy volumes of traffic and the local streets in the vicinity of the site can adequately serve the proposal.

Recommendation: Approval

Conditions:

Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: Retrospective application.

The hours of operation should be restricted to 10:00 to 18.00 Monday to Saturday and closed on Sunday.

Reason: In the interests of amenity.

Delivery vehicles should utilise on street parking spaces only. Deliveries shall only occur Monday to Saturday 10.00 to 16.00 and no deliveries on Sunday.

Reason: In the interests of amenity.

Case Officer Signature:
Date: 11 March 2020
Authorised Officer Signature:
Date:

Request Speaking Rights for Meeting of Newry, Mourne and Down Planning Committee on June 3 2020: Summary of Submission

Speaker Objecting to approval of application - Item 19 LA07/2019/1258/F - Retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services - Ground floor unit, 12 Seaview, Warrenpoint.

I respectfully ask the committee not to approve this planning application.

I ask the committee to:

1. make a site visit
2. To investigate an irregularity in the transparency of this application.

A site will assist this committee to reach the right decision as the following unique issues arise in this application.

- a. **The impact of the Warrenpoint Town Centre Boundary.** The planning application is for the last house that falls within The Warrenpoint Town Centre Boundary. This fact has necessitated that the planning officer is guided by criteria in making a recommendation for approval that do not apply to the next house (13 Seaview) I ask the committee to invoke the spirit of the legislation and reject this application by treating number 12 Seaview and number 13 Seaview the same.
- b. **This planning approval will overturn 120 years of precedent for the location.** It directly impacts the vista of Victorian Town Houses echoing the shoreline on Warrenpoint Seafront. The first-hand experience of a site visit will be very insightful to the committee in evaluating this. I hope that the committee can use its power to see that the Warrenpoint Town Centre Boundary is not serving its correct purpose. It is an invisible line cutting through Seaview.
- c. **A rejection will protect the visual amenity of the front shore.** This will not only support its continued exploitation for tourism revenue for the whole of Newry, Mourne and Down District but also preserve this inheritance so it may be passed on to the children of our community intact as we received it.
- d. **A site visit will allow the committee to compare the carefully balanced planning approval currently in place for this site (an office) with the proposed use (A Café). The Café is operating in breach of current approval.** The committee is asked to consider specifically:
 - a. The Signage now compared to that currently approved,
 - b. The difficulties for deliveries to the address with double yellow lines to the front and no rear access,

- c. The impact on privacy to my home due to al fresco dining in the front of the Zone Café
- d. The age of the properties (circa 140 years old) and their lack of sound insulation
- e. The lack of provision for people with disabilities at the stepped entrance

In addition, I would like to raise an issue which I feel is of importance for the public record regarding the transparency of the Newry, Mourne and Down District Council planning process.

In the Planning Statement for the Zone (see attached) received by the council on October 15, 2019 and published on The Planning Portal it states that a duty planner advised the owner of 12 Seaview (Ms McLarnon) that they did not envisage any problem to proceed with opening the restaurant in clear breach of the existing planning approval granted and to apply for a retrospective change of use. I raised this issue in an email with Claire McCoy, the planning officer, on October 25 when I read the submission. The key line from my email is *"If this is a true account then it appears that not only did Ms McLarnon knowingly breach planning conditions but she received approval from the duty planner to do so. This appears to be a serious matter. Can you confirm if the above account is true?"* I did not get a reply on this. Given that the current planning approval was carefully balanced with conditions because of the sensitive nature of the location and that these conditions have now been almost entirely overturned with the recommendation for approval of this new application by planning it appears to me that there is something malfunctioning in this planning process. I ask the committee to look at the decision path that starts with a recommendation to breach the existing planning conditions by a duty planner and continues by cynically exploiting a retrospective planning application that led to a recommendation for approval on this application. The notable significant loser in this process is the law abiding, home owner, who is the passive party in the whole thing. This cannot be fair! It cannot be just! It is not right!

I respectfully ask the committee to reject this application in order to restore the status quo and in doing so serve justice and our community.

Your Respectfully,

Mr. Colm McGuinness B.Sc (Eng), M.B.A.

The Zone

12 Seaview

Warrenpoint BT34 3NJ

PLANNING STATEMENT

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14TH OCTOBER 2019



The Zone

12 Seaview

Warrenpoint BT34 3NJ

PLANNING STATEMENT

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INTRODUCTION

The Zone is a café and holistic treatment centre in the ground floor unit at 12 Seaview, Warrenpoint. The restaurant proprietor has been operating her restaurant at the premises since August 2019 and is therefore making a retrospective change of use planning application.

The café and treatment rooms are open during the following hours:

Tuesday - Sunday	10am till 6pm
One evening during the week	7 till 9pm

The café is intended as a welcoming space, a positive addition to the town and open to all members of the community – a drop-in facility to bring local people and tourists together in a warm, safe, harmonious and inclusive environment. The owner hopes to open the café to the public for one evening during the week for coffee, cake and a chat, creating an alternative comfortable evening meeting place for members of the community who may not want to drink alcohol and who otherwise may not have the opportunity to socialise. She is keen for the café to be an information point for other local businesses and holistic treatments facilities as well as offering its own holistic treatments on site. There are currently no equivalent units in Warrenpoint offering the same scope of services to the public.

Seaview is known locally as an area with a popular eating-out and tourism culture, with the nearby Whistledown Hotel being a well-known local hospitality landmark most notably for wedding parties, and the unit at 12 Seaview would be regarded as a beneficial use of the existing premises. The café relies on its prominent location on the seafront and on the footfall from customers making use of the various services and retail traders in the nearby area. Any future tourist or commercial development at the old swimming pool opposite The Zone would benefit from the location of a café at 12 Seaview. The Balmoral Hotel adjacent to the Zone has recently closed, creating a greater need for a café to serve shoppers, office workers and tourists in this location.

As well as contributing to the range and choice of facilities available to local residents and visitors, and supporting tourism, the café is providing jobs for 3 members of staff and creating an opportunity for holistic practitioners to hire affordable treatment rooms in the Zone to offer their skills to the public.

All the food is pre-made off site by the proprietor - a trained nutritionist who offers a range of nutritional, vegan, and gluten free options using locally sourced ingredients as well as offering nutritional advice to her customers.

The Zone

12 Seaview

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The unit at 12 Seaview had been empty for 10 months since the previous financial services tenant moved out and was attracting little interest from other businesses, with the risk of the unit remaining empty for a long period of time. The owner was required to reduce the rent in order to attract interest.

The proprietor expects a maximum of 30 to 40 clients to come through the door during a day of trading. There are 20 seats available in the café.

SMELLS AND FUMES

A kitchen canopy and extract system will be provided to comply with the Environmental Health requirements as set out on the drawings. The extract fan from the servery area will discharge into the enclosed rear yard of the property which is separated from the neighbouring residences and their gardens by the 3 storey part of the building at 12 Seaview. The cooking at 12 Seaview is kept to a minimum of toasting bread, the heating of food and the making of coffee. Hot food is not cooked on the premises but cooked off site and heated up in the servery area of the café.

TOURISM

The building at 12 Seaview includes 2 holiday apartments to the floors above **The Zone** – parking for these is a usually a maximum of 1 car per flat on most occasions, and no more than would be present should these be private residential homes. Please refer to the tourism statement provided by the building owner in Appendix 3.

DELIVERIES

The only regular deliveries are made by the owner, each morning before the café is open. The owner currently parks her car for a few minutes on the street outside the premises to unload the pre-prepared food for the day. She is careful to avoid parking in front of any neighbouring residences. She has asked the advice of a traffic warden on the street and was informed that there was no problem with her parking to unload for a few minutes. The alleyway to the rear of the property is currently inaccessible to traffic due to a bollard that has been put up by a local resident, therefore necessitating the use of the street for unloading.

REFUSE

Bins are kept in the enclosed yard to the rear of the property and taken to the collection point on the required days. The owner has confirmed that the current bin provision is adequate for the needs of the café.

The Zone

12 Seaview

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TAKEAWAYS

There is no takeaway price advertised for food or drinks on offer i.e. the café is not marketed as a takeaway café and the owner has only provided take away food at the most, twice in one day on request. The café can provide packaging for takeaway food on request but this is an ancillary service. All packaging is biodegradable. There are existing rubbish bins along the seafront for any waste – should the owner notice any problems with waste from her customers she will not hesitate to provide a bin outside her premises but is aware that a bin may be detrimental to the image of the street frontage.

NOISE

Double glazing is provided to the front elevation of the unit. The seating area is not located against the residential party wall of the property – the entrance lobby to the café and apartments and the stair to the apartments are the only areas which are located next to the party wall with no. 11 Seaview on the ground floor.

The café closes at 6pm on all but one day a week, minimising any disruptive noise for neighbours in the evening.

There is no live music played in the café.

PRIVACY

The proprietor is very aware that the neighbouring properties have a right to enjoy privacy in their homes. The seating area within the front curtilage of the property takes advantage of the uninterrupted sea views, and does not allow for any views into the neighbouring properties' front windows. (Refer attached Photo 1). The neighbouring property's windows are not bay windows and do not project out beyond the front façade of the street front elevation of the terrace and, therefore, the only location from which there is a direct view into the neighbouring properties is from the pavement directly outside no.1 Seaview.

FAÇADE TREATMENT

Please refer to attached Photo 2 to illustrate the window treatment at The Zone – the window stickers on a single pane of glass are there for information as required by customers and is kept to a minimum.

HISTORICAL CHARACTER

The façade of the historical properties along Seaview is a major benefit to this Area of Townscape Character. The proprietor of **The Zone** is very conscious of the visual amenity of the street and the heritage of the building in contrast to the modern façade of the adjacent Balmoral Hotel. No changes have been made to the street front elevation of the building, and the owner of no.12 Seaview has restored the interior historical features of the building.

The Zone

12 Seaview

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The proprietor has used a fascia sign which she understood to have deemed consent as set out in The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 and has attempted to use colours which do not detract from the front elevation of the property, and have no impact on the period features to the front elevation of the property. The proprietor is very sensitive to any objections to signage and will make any changes necessary to signage so as to be in line with legislative requirements.

ACCESS

A level entrance is provided and parking is available permanently to the rear of the property as indicated on the drawings but, as stated previously, the alleyway to the rear of the property is currently inaccessible due to a bollard that has been put up. Temporary ramped access can be provided as required by the use of a portable ramp which is located in the premises, ready for use when needed. An on-street disabled parking bay is located on nearby Queen Street outside the Whistledown Hotel.

PARKING

The ground floor unit at 12 Seaview had been operating as a financial office for 5 years previous to *The Zone* taking over the premises and we would ask for this to be taken into account when assessing the parking provision for this 'change of use' application. This application is assessing the parking standards for a change from A1 use to Café use. The office staff regularly parked between 5 and 8 cars on a daily basis.

12 Seaview is within the Warrenpoint Town Centre boundary. It is 50 metres from the corner of the busy commercial Queen Street. Local residents make use of the nearby hotels, restaurants and shops in the area.

The Zone would have a regular local pedestrian customer base, along with some customers who arrive by bus and car. Most customers who drive to 12 Seaview would not make a single journey to the café but would also take walks along the beachfront directly opposite the café, and visit other retail units along Queen Street.

Space for 4 parked cars is provided to the yard in the rear of the property but is currently inaccessible due to a bollard. We would also ask for this fact to be considered when assessing this application.

The Zone

12 Seaview

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Extract from PPS 3 Policy AMP 7:

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- (a) where the development is in a highly accessible location well served by public transport; or*
- (b) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- (b) where shared car parking is a viable option; or*
- (c) where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

In this proposal:

- (a) The cafe is well served by a bus stop opposite the cafe, which has a regular bus service to Rostrevor and Newry - both 10 minute journeys.
- (b) Visitors to The Zone make use of the plentiful on-street parking bays opposite the café on Seaview and round the corner on Queen Street. During the working day, when residents' parking requirements are reduced, on-street parking on nearby residential streets adjacent to Seaview could also be taken advantage of. The Zone is only open during working hours during the week (10 till 6pm) excepting a single weekday evening and therefore cafe customers impact on parking to residential streets during the weekday evenings would only be limited to one day. Please refer Appendix A for a survey of available parking spaces and for customer travel and parking habits.
- (c) Staff parking for 4 cars is available to the rear of the premises, accessible via an alleyway off the Seaview roadway. This alleyway is used by local residents to access their own private parking to the rear of the residences at 8, 9, 10 and 11 Seaview. The alleyway to the rear of the property is currently inaccessible due to a bollard that has been put up by a local resident.
- (d) A parking survey has been carried out and can be found in Appendix 1.

The Zone

12 Seaview

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Existing Parking Demand

As determined in the Planning Service Parking Standards Document:

Class A2:

Financial services

Non-Operational Parking Space: **1 space per 20 m²**

Operational Parking Space: **GFA 1 lorry space per 750 m² of GFA**

Cycle Parking Standard: **Minimum of 2 per unit or 1 per 500 m² GFA which**

GFA = 100m²

Therefore existing demand equals:

- **5 non-operational parking spaces**
- **1 lorry parking space**
- **2 cycle parking spaces**

The Zone

12 Seaview

Warrenpoint BT34 3NJ

PLANNING STATEMENT

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Proposed Parking Demand

As determined in the Planning Service Parking Standards Document:

There is no café parking standard so I have assumed restaurant standards in this case:

Restaurants

Outside development limit:

Non-Operational Parking Space: **1 space per 3 m²**

Operational Parking Space: **GFA 1 lorry space when >500 m²**

Cycle Parking Standard: **Minimum of 2 per unit**

NFA of seating, serving area and access to WC = 65m²

Therefore proposed demand equals:

- **21 non-operational parking spaces**
- **0 lorry parking space**
- **2 cycle parking spaces**

The increased parking demand for the café is therefore as follows:

- **16 non-operational parking spaces**
- **0 lorry parking space**
- **0 cycle parking spaces**

The Zone

12 Seaview

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Photo 1: Street frontage – note large signage to adjacent Balmoral Hotel in contrast to small fascia sign to **The Zone**



Photo 2: View from street front curtilage of The Zone – note there is no view into the windows of adjacent property at No. 11 Seaview



Photo 3:
No windows to front or right hand side windows



Photo 4:
Small information stickers to left hand side window



Photo 5 and 6:
Bollard and signage to alleyway access to parking / yard at rear of The Zone and to parking / yard to rear of no. 11 Seaview. This was not located here by owner or tenants of no. 12 Seaview.



The Zone

12 Seaview

Warrenpoint BT34 3NJ

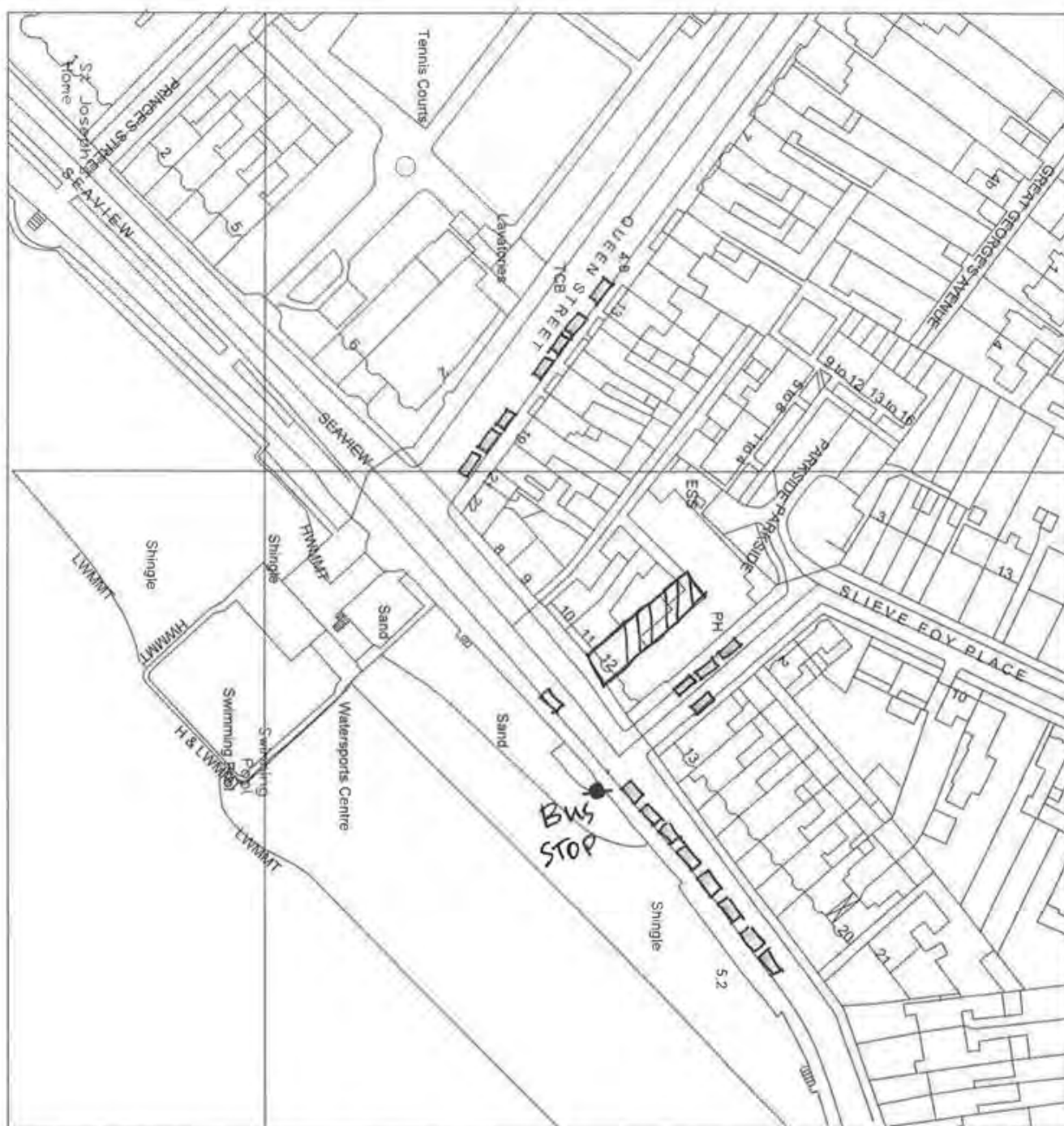
PLANNING STATEMENT

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Appendix 1

PARKING SURVEY

The Zone
 12 Seaview
 Warrenpoint BT34 3NJ
PLANNING STATEMENT



PARKING SURVEY

AVAILABLE PARKING SPACE



TOTAL SPACES

19 SPACES AVAILABLE

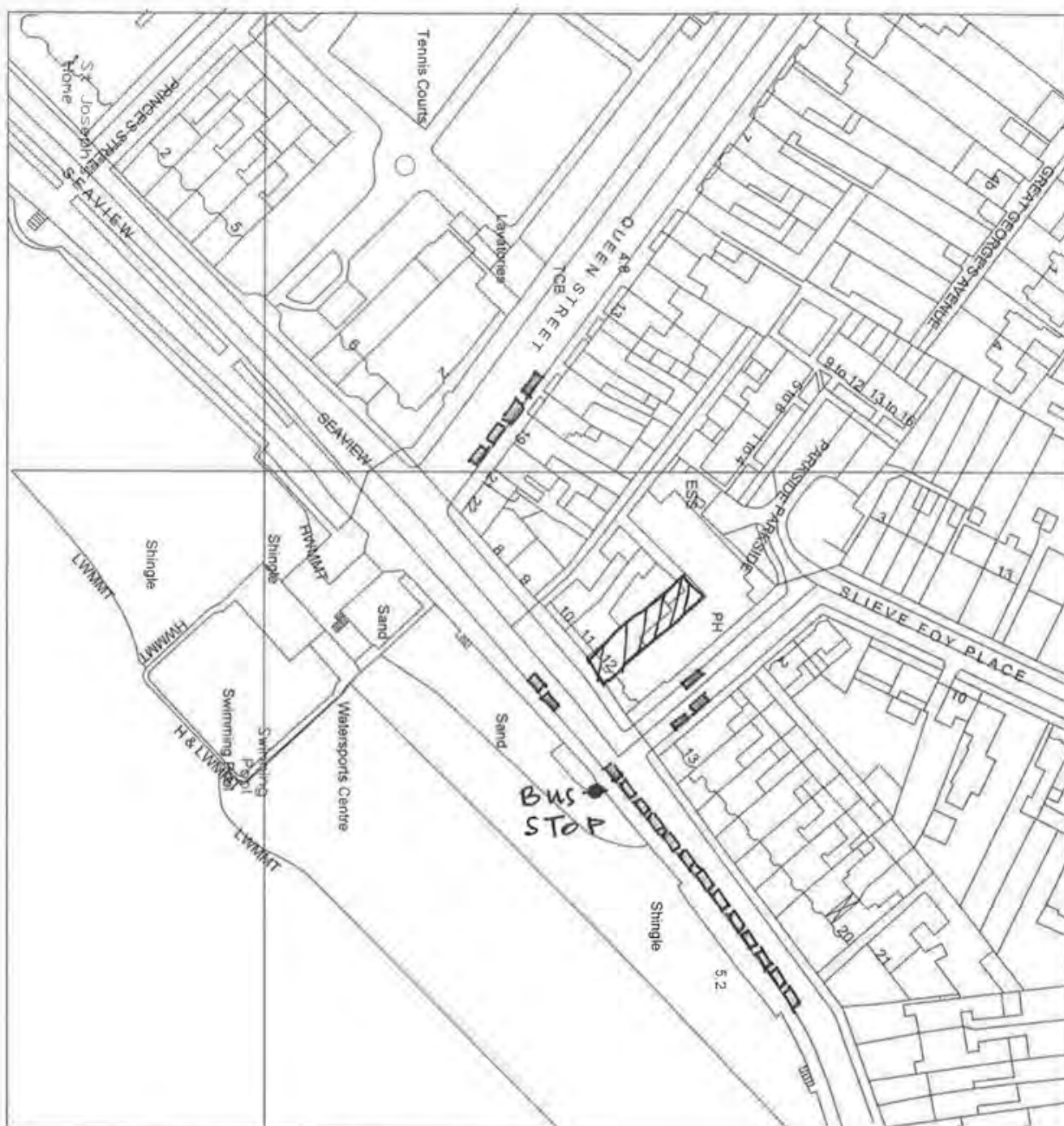
DATE TUESDAY 8th OCTOBER 2019

TIME 11.30 am

NOTES

The Zone
 12 Seaview
 Warrenpoint BT34 3NJ
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PARKING SURVEY

AVAILABLE PARKING SPACE



TOTAL SPACES 22 AVAILABLE SPACES

DATE SATURDAY 12 OCTOBER 2019

TIME 3.30 pm

NOTES WHITE VAN PARKED ON DOUBLE YELLOW LINES OUTSIDE NO. 11 SEAVIEW. THIS WAS NOT ASSOCIATED WITH CAFE IN ANY WAY.

The Zone
 12 Seaview
 Warrenpoint BT34 3NJ
PLANNING STATEMENT

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PARKING SURVEY

AVAILABLE PARKING SPACE



TOTAL SPACES

18 SPACES AVAILABLE

DATE

FRIDAY 11th OCTOBER 2019

TIME

10 am

NOTES

THE ZONE SURVEY

SATURDAY 12th OCTOBER 2019. 10am - 2pm.

name	how did you travel here today?	where did you park?
Margaret	car	along seafront
	walked	
	walked	
	car	around corner from Balmoral.
	walked	
John	car/walked	along seafront.
	parked then walked	along seafront
	walked	
Amanda	car	along seafront
	walked	
	bus	

The Zone

12 Seaview

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Photo 1: Parking available on the seafront on Seaview 11.30am - Tuesday 8th October



Photo 2: Parking available on the seafront on Seaview 10am - Tuesday 8th October



Photo 3: Parking available on the seafront on Seaview 10am - Friday 11th October



Photo 5: Parking available on the seafront on Seaview 2pm - Saturday 12th October



Photo 4: Parking available on Slieve Foy Place alongside the Balmoral Hotel 10am - Friday 11th October



Photo 6: Parking available on Slieve Foy Place alongside the Balmoral Hotel 3.30pm - Saturday 12th October



Photo 7: Van parked outside no.11 Seaview 2 – 3.30pm - Saturday 12th October. No association with café staff, customers or deliveries.

The Zone

12 Seaview

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Appendix 2

PROPRIETOR STATEMENT

'The Zone premises is in the process of complying with the requirements laid out by Health and Safety, particularly the erection of a lobby at the entrance to the toilet facilities. The 'kitchen' area of the The Zone is used expressly for small food item washing as well as dishwashing. No food is actually cooked on the premises –it is cooked and prepared at my residential premises which have been inspected and approved by the Health Department. The hours of operation of both the shop and treatment rooms at The Zone are from 10am to 6pm. We offer light fare, hot beverages, and a relaxing ambience. Soft music plays throughout in the tearoom and relaxation therapies take place in the treatment rooms in the rear of the premises as appointments are made.'

Paula O'Hare 01.10.19

NOTE: AS OF 12.10.19 IT HAS BEEN DECIDED BY THE PROPRIETOR THAT THE STORAGE AND PREPARATION OF ALL FOOD AND WASHING UP WILL TAKE PLACE ONLY IN THE SERVERY AREA AND THE 'STAFF ROOM' AREA WILL BE USED FOR STORAGE ONLY.

The Zone

12 Seaview

Warrenpoint BT34 3NJ

PLANNING STATEMENT

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Appendix 3

BUILDING OWNER STATEMENT



MourneVacation.com

Julie McLarnon
48 Drumdreenagh Rd
Newry, BT34 5NG
t. 07970705198

Ref : Change of Use 12 Seaview, Warrenpoint, Ground Floor premises.

Dear Planning Dept,

In October 2018 my tenant, Navigator Financial Planning broke their 5 year contract and vacated the premises with 1 months notice owing me rent, I am still pursuing them for payment. I actively marketed the premises for 8 months, I offered a rent reduction of £3500 p/a. Paula O'Hare was my only applicant. I am a single mother of 3 young children and Paula has been God send both to me and to the Warrenpoint community.

12 Seaview is registered with NI Tourism due to the 2 apartments being run by myself as holiday lets. With the ongoing Brexit situation I currently have zero bookings from Europeans. I still have some bookings from the UK, US and Canada but nothing from Europe which translates as business is down 40%. The Balmoral hotel has just closed its doors, tourism is struggling. Paula's treatment rooms and tea shop is an added attraction to my potential guests and to all potential visitors to Warrenpoint.

As well as being a good fit for the town masterplan the business also helps the local community. The walls and shelves are covered in local artists works for sale, there is a waiting list to display. Any left over food goes to the homeless via a charity connection of Paula's. She also offered free stress management and massage therapies to women from the domestic abuse shelter.

Just last week figures were released that showed Ireland has an epidemic problem with alcohol, this is the only alcohol free establishment on the sea front that the community can socialise in and it is much needed.

As I said I run the 2 apartments so I am in and out of the building daily. I can see that most of the Zone's customers walk there, often with baby buggies or dogs. I have also noted that the loss of the 9am – 6pm parking of the 6 Navigator staff cars along the sea front has freed up more than enough space for The Zone.

If the residents at number 11 could stop being unreasonable and remove their bollard allowing free access to the rear, both myself and Paula could take deliveries in via the back. They have claimed that whole area and placed a bollard and they park outside my gates leaving us no access.

I did call and speak to the duty planner ahead of agreeing to this lease and she was very receptive and encouraging. She explained that this process would take at least 5 months and I explained I could not afford to have no rental income for a further 5 months and January is not a good time to open a business on the seafront. She did not envisage any issues so it was decided that Paula would apply for retrospective change of use. Please feel free to visit the premises or call me anytime, I am happy to work with you to help keep this business going through these difficult times.

Yours sincerely,

Julie McLarnon



(Owner of 12 Seaview, Warrenpoint)



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

Application Reference: LA07/2019/1563/F

Date Received: 21/10/2019

Proposal: Renewal of P/2012/0873/F- Proposed replacement of existing garage and store with new garage and apartment over.

Location: To the rear of No. 51 Seaview, Warrenpoint, BT34 3NJ.

Site Characteristics & Area Characteristics:

The application site comprises No 51 Seaview, its rear curtilage and existing garage and store building. The dwelling is part of a terrace which fronts onto Seaview whilst the rear garage fronts onto Springfield Road. The surrounding area is residential consisting of a mix of house types on varying plot sizes particularly along Springfield Road. The application site is located within the settlement limit of Warrenpoint/ Burren as defined within the Banbridge/ Newry and Mourne Area Plan 2015 and within an Area of Outstanding Natural Beauty.



View of site from Springfield Road

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The NI Regional Development Strategy 2035
- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 3- Access, Movement and Parking
- DCAN 15- Vehicular Access Standards
- Parking Standards
- PPS 7- Quality Residential Environments
- Addendum to PPS 7- Safeguarding the Character of Established Residential Areas
- DCAN 8- Housing in Settlements
- Planning Policy Statement 15- Planning and Flood Risk
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 15- Planning and Flood Risk
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Creating Places
- Living Places Urban Stewardship and Design Guide

Site History:

- **P/2012/0873/F**- Proposed replacement of existing garage and store with new garage and apartment over to the rear of No. 51 Seaview, Warrenpoint, BT34 3NJ. This application was refused by the Department of the Environment on 15th November 2013 for the following reasons:
 1. The proposal is contrary to Policy LC1 of the addendum to Planning Policy Statement 7 in that the proposal will lead to a density that is significantly higher than that found in the established residential area; and the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
 2. The proposal is contrary to Policy LC2 of the Addendum to Planning Policy Statement 7 in that there would be an adverse effect on the local character, environmental quality and residential amenity of the surrounding areas; the proposal does not maintain or enhance the form character and architectural features, design and setting of the existing building; and the building to be converted falls below the requires standard of 150 square metres gross internal floorspace.
 3. The proposed development is contrary to Policy QD1 of the Departments Planning Policy Statement 7 Quality Residential Environments and associated guidance in that it would, if permitted result in unacceptable damage to the local character and general amenity of an established residential area through overdevelopment and inappropriate siting, layout, scale, massing and design and the proposed development would result in inadequate viable amenity space for prospective

residents of the proposed residential unit and the existing residential unit.

4. The proposed development is contrary to Policy QD1 of the Departments Planning Policy Statement 7 Quality Residential Environments and associated guidance in that it would, if permitted result in unacceptable damage to the local character of an established residential area through overdevelopment and inappropriate density, scale, form, layout, massing and design and would harm the living conditions of adjacent residents by reason of overshadowing and loss of privacy.
5. The proposal is contrary to Policy QD1 (criteria a, c, f, g and h) of Planning Policy Statement 7: Quality Residential Environments in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.

This decision was subsequently appealed and on 18th November 2014 the Planning Appeals Commission allowed the appeal and full planning permission was granted subject to the conditions below:

1. The new, raised upper section of the eastern gable wall of the development that extends along the party boundary with No. 52 Seaview, Warrenpoint shall be finished in a fair-faced building block, or other appropriate finishing material subject to agreement in writing with the Planning Authority.
2. The development shall be begun before the expiration of five years from the date of this permission.

Consultations:

- **NI Water-** Generic response provided.
- **DFI Roads-** The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the –
 1. Parking
 2. Turning
 3. loading and unloading

of vehicles which would be attracted to the site.

- **Historic Environment Division- Archaeology and Built Heritage**
HED (Historic Buildings) has considered the effects of the proposal on the listed building and on the basis of the information provided give the following advice: HED (Historic Buildings) considers the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, subject to conditions.
- **DFI Rivers-** Informative's have been provided along with the following response:
FLD1 - Development in Fluvial and coastal Flood Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year

coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses, which are designated under the terms of the Drainage (Northern Ireland) Order 1973, within this site.

FLD3 - Development and Surface Water – A Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

FLD4 - Artificial Modification of watercourses – Not applicable to this site based on information provided, in the event of an undesignated watercourse being discovered, Policy FLD 4 will apply.

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 Donaghaguy Reservoir Fishing Stands.

It has not been demonstrated to DfI Rivers that the condition, management and maintenance regime of Donaghaguy Reservoir Fishing Stands is appropriate to provide sufficient assurance regarding reservoir safety, as required under Policy FLD 5, so as to enable the development to proceed.

However, in relation to this site, DfI Rivers has carried out an assessment of flood risk to people (based on the Defra / Environment Agency's "Hazard to People Classification using Hazard Rating") for an uncontrolled release of water emanating from Donaghaguy Reservoir Fishing Stands.

The overall hazard rating at this site is considered as low. As the overall risk at this site is low, it is considered to be an acceptable combination of depth and velocity. DfI Rivers has provided the above assessment of flood risk to people as a material consideration for the Planning Authority in its decision making process.

Objections & Representations:

Five neighbours were notified of the application and it was advertised within three local newspapers initially. Following receipt of amended plan and description the application was readvertised and further letter of notification issued. Three letters of objection have been received raising the following concerns:

- There has been no change made to the scheme from the previous application and this application should be declined for precisely the same reasons.
- Road safety issues to use the ground floor garage as a parking space and visitors will be

forced to park on street.

- Legal issues relating to new raised eaves running along the raised party wall and queries over the red line extending to centre of party wall now in ownership of applicant.
- A revised plan should be submitted showing all land which will be affected by the application and a revised P1 and P2A Form notifying residents their land will be used within the application.
- Drawings show new walls to be finished in render, such works will not be undertaken without neighbours consent.
- Concerns regarding parking and were the residents of the proposed apartment will park when the existing road is already congested.

Assessment

Section 45(1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The site lies within the settlement limit of Warrenpoint/ Burren and is unzoned, as depicted in the Banbridge/ Newry and Mourne Area Plan 2015. This application seeks to renew a planning permission which was extant at the time the application was submitted. Under Article 3(5) of the General Development Procedure Order allows for the renewal of a planning permission where a planning permission was previously granted for development which has not yet begun and the time limit imposed has not yet expired. Development Management Practice Note 04 (Types of Planning Applications) states that as a general rule of thumb applications for renewal should be considered and only refused where there has been some material change in planning circumstances since the original permission was granted, continued failure to begin the development will contribute to uncertainty about the future pattern of development in the area, the application is premature because the permission has a reasonable time to run. It is further stated that this is not an exhaustive list and each application must be considered on a case by case basis.

This application is for the first renewal of the previous approval and was made within one month of the expiry of the previous approval. There has been no material change in planning circumstances since the previous approval and this extant approval is a material consideration.

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

The SPSS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPSS also addresses housing in settlements. It

repeats the planning control principles set out within PPS12.

Planning Policy Statement 7

The planning context is also provided by PPS7 and its Addendum with the guidance contained in Creating Places also applicable.

Whilst, there is a need to provide more development in existing urban areas, this must be balanced with sensitivity to the character and amenity of the existing and proposed properties. Policy QD1 of PPS7 requires that proposals in established residential areas should not result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

All proposals for residential development will be expected to conform to all of the following criteria.

- a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;***

The established residential area comprises the rear of Seaview and the dwellings along Springfield Road which contains a variety of house types and plot sizes. The proposal would not be at odds with the existing building types in terms of its scale, massing and finishes. Under 2013/A0192 the Commissioner determined that the pattern of development would be in keeping with the overall character and environmental quality of the established residential area and the proposal does not offend criterion a and g of Policy QD1 nor criterion a or b of Policy LC1.

- b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;***

The application site is within proximity of Listed Buildings and within an Area of Outstanding Natural Beauty. Historic Environment Division (Historic Buildings) have been consulted on the application and has considered the impacts of the proposal on the listed building and on the basis of the information provided considers the proposal satisfied the policy requirements of SPPS Para 6.12 and BH11 of PPS6, subject to conditions. In terms of Policy NH6 of PPS2 it is not considered the proposal would have any impact on the AONB.

- c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;***

The guidance in Creating Places allows for lower levels of private open space provision in

the case of apartment or flat developments, or small 1 and 2 bedroomed houses on small urban infill sites. Reference is made to provision ranging from 10 sqm to 30sqm, the proposal would have approximately 10sqm of private open space. The Commissioner determined under 2013/A0192 that *"As the development would constitute an apartment on a small urban site, I accept that this level of provision would be within the guidance contained in CP"*.

The Commissioner further states that:

"No. 51 itself would lose approximately half of its amenity space to the new property, with a remaining private area of approximately 10 sq m, with a 1m wide alleyway left for bin access for both No. 51 and the new apartment. However, the existing amenity area is already relatively small with much of the existing curtilage taken up with the existing garage and store. The existing yard area is entirely hard surfaced, is not used by the occupants aside from for bin storage and is in a somewhat dilapidated state. The subdivision of the curtilage to facilitate the new development would leave the two storey dwelling with the same minimum space as CP deems acceptable for a small urban apartment. Although No. 51 is not urban infill per se, but an existing property, CP allows for the same minimum amenity space for small 1 or 2 bedroom dwellings as apartments. Whilst ordinarily such a reduction in amenity space may not be an acceptable scenario, several factors that must be considered. The host dwelling will retain a store room area under part of the new apartment. Given the relatively small size of the dwelling itself and its limited amenity area, I consider it unlikely to be suitable for use as a family sized dwelling. I also note the nearby properties where there are small residential units backing onto the dwellings along Seaview, even if the separation distances vary somewhat. When account is taken of the condition and underuse of the existing amenity area, the density and pattern of existing development in the immediate area, as well as the technical compliance with the guidance in CP, I consider that on balance the host property would have an acceptable level of remaining private amenity space. I consider that the proposed development would satisfy criterion (c) of Policy QD1".

- d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;**

Given the location and size of the site this is not considered necessary.

- e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates**

traffic calming measures;

This criterion is met with through the provision of links to existing footpaths.

f) Adequate and appropriate provision is made for parking;

Through the consideration of the previous Planning Appeal, it was determined that:

"The proposal would result in the loss of the one existing off street space for No. 51 Seaview, with the proposed apartment essentially gaining this space. According to the Appellant the existing garage has not been used for the parking of a vehicle but for storage. From my own inspection of the site I do not disagree with this statement. Whilst the proposed development would result in potentially higher car use in the area, I note the location of a bus stop within several minute's walking distance and I accept that the site is in a highly accessible location within Warrenpoint. The Appellant carried out a parking survey which was submitted in her Statement of Case. Whilst not all of the parking identified within the Appellant's survey would be readily available at all times of the day, with some utilising parking partially on pavements, from the information provided and my own observations on several occasions, I nonetheless consider that there is sufficient on street parking within the surrounding area to accommodate the development and the loss of the one existing space for No. 51 Seaview. I note that DRD Roads Service initially raised no objection to the development but following the submission of an objection letter, revised its opinion and recommended refusal. I have not been persuaded by the Department's or Objector's evidence that approval of the development would prejudice road safety or significantly inconvenience the flow of traffic. As I consider there is sufficient parking with the context of this development, I find that the proposal would not offend Policy AMP7 of PPS3 or criterion (f) of Policy QD1 of PPS7. The Department's additional reason for refusal and the related concerns of the Objector are not sustained". The Planning Department are minded to agree with the PAC decision and as planning policy has not changed since the granting of the approval on the site, the proposal is considered to be in accordance with criterion f.

g) The design of the development draws upon the best local traditions of form, materials and detailing;

"In respect of the physical design and appearance of the proposed structure, the overall ridge height of the main frontage is to remain the same as the existing structure, albeit set back further from the Springfield Road by approximately 1.6m. It would also have a shallower roof pitch than the existing structure. The eaves and ridgeline of the annex area to the rear of the appeal structure would be approximately 4 courses of building block higher than the existing structure in order to create the shower room and second bedroom. This would necessitate the raising of the party wall that extends along the boundary with No. 52 Seaview. It was stated that this wall would be finished in fair faced blocks to avoid the need for rendering the wall, as access would not be permitted through No. 52. It is

proposed that 3 new dormer windows would be set into the eaves line along the frontage of the appeal building, with a single roller shutter door for the garage and two pedestrian doors, one to serve the new apartment and the other to afford rear access to No. 51." (PAC 2013/A0192). As outlined within criterion a, the design is not at odds with the surrounding area of mixed house types with varying scales, massing and design. The proposal is considered to be in accordance with criterion g.

- h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and**

The PAC provided a comprehensive assessment of the proposal in terms of criterion h which is outlined below, the Planning Department are in agreement with this consideration.

"The development would have no windows overlooking on to No. 52, but would entail the raising of an existing party wall by approximately 4 courses of building blocks. Whilst the party wall itself would be higher, I am not persuaded that its increased height would create an unacceptably dominant or overbearing effect on No. 52 or its amenity area, including the raised decking area. Whilst I accept that when the sun is to the south / south-west of the site there would be a degree of overshadowing during part of the afternoon, I am not persuaded that this would be to an unacceptable degree or that it would warrant the withholding of planning permission. In respect of the appearance of the raised portion of wall, whilst the existing wall is rendered and the use of fair faced blocks would introduce a new material, I consider that this type of material could still be utilised and respect visual amenity. Whilst I accept that it is unlikely that it could be rendered without consent from the owner of No. 52, in the event of planning permission being granted, a condition could still be imposed that would allow for the potential rendering of the new section of wall if the parties were to come to such an agreement. 17. With regard to noise and disturbance, I note that that the Council's Environmental Health Department raised no objections to the development. Whilst any new dwelling will result in a certain degree of noise, the site lies in an urban area where there already exists a certain level of background noise arising from normal urban activities. I am not persuaded that the introduction of a single apartment will appreciably add to this and result in an adverse impact on either the amenity of No 51 or 52 Seaview. Whilst a certain level of noise arising from building work is inevitable, was this to exceed acceptable levels or occur outside normal hours of construction, there are separate statutory powers that could address this. This issue would not warrant the withholding of planning permission. 18. In respect of the relationship with No. 51, there are only first floor bedroom windows in the proposed apartment that could overlook the amenity for space No. 51 and likewise from the host dwelling onto the amenity area for the new apartment. The rooms at the rear of No. 51 are a kitchen, utility area and bathroom, not habitable rooms. I note that dwellings situated further along Springfield Road that back onto Seaview also possess similar or slightly larger separation distances between their rear and the terrace of dwellings along Seaview. In this context I find that

the development does not offend criterion (h) of Policy QD1".

i) The development is designed to deter crime and promote personal safety.

The proposal is for a dwelling within the curtilage of an existing dwelling and it is felt there can be measures put in place to deter crime and promote personal safety.

The proposal is considered to be in accordance with the criterion of Policy QD1.

Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas

Policy LC1 is an amplification of Policy QD1 and is intended to strengthen existing policy criteria to ensure that the quality of residential areas is maintained, if not enhanced. Policy LC1 states:

"In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

The ERA is considered to comprise the rear of Seaview and Springfield Road which contains a mix of dwelling types and plot sizes. Nos 50a and 50b are in close proximity and are small residential sites as are 46a and 46b which all occupy small lots of land. The proposed density would not be significantly higher than that found in the ERA and would not present as overdevelopment.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

As outlined elsewhere in this report, the proposal is considered to be in keeping with the overall character and environmental quality of the established residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A."

The living space proposed is contained within a single storey containing two bedrooms for 3 persons requiring 60/65sqm internal floor space. The proposal meets these requirements.

Planning Policy Statement 3- Access, Movement and Parking

DFI Roads have provided a consultation response stating that the proposal is contrary to PPS3, Policy AMP7. This was the case under the extant approval P/2012/0873/F (PAC 2013/A0192)

where the Commissioner was not persuaded by the Department or objector's evidence that the proposal would prejudice the road safety or significantly inconvenience the flow of traffic. The extant approval is a material planning consideration and as policy has not change this renewal application must also be considered to be in accordance with the requirements of PPS3.

Planning Policy Statement 15- Planning and Flood Risk

DFI Rivers response is detailed elsewhere in this report, the renewal application is considered to be in accordance with the policies contained within PPS15.

Planning Policy Statement 6- Planning, Archaeology and the Built Heritage

Historic Environment Division have been consulted on the application and acknowledge the previously approved application, HED consider the proposal does not represent a demonstrable negative impact on the listed asset and consider the proposal to be in accordance with the SPPS Para 6.12 and Policy BH11 of PPS6.

Land Ownership

Issues of landownership and boundary disputes have been raised by objectors to the proposal. Any infringement on neighbouring properties, including the maintenance of rain water goods, or damage to property would be a civil matter and not warrant the withholding of planning permission. The PAC deemed it suitable to condition the finish of the raised section of the party wall to be of fair-face building block or other appropriate finishing material subject to agreement in writing with the Planning Authority

Recommendation: Approval

Conditions:

1. The new, raised upper section of the eastern gable wall of the development that extends along the party boundary with No. 52 Seaview, Warrenpoint shall be finished in a fair-faced building block, or another appropriate finishing material subject to agreement in writing with the Planning Authority.
Reason: In the interests of neighbouring residents
2. The development shall be begun before the expiration of five years from the date of this permission.
Reason: Time limit.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

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 – 09 MAY 2018			
LA07/2017/1721/F	Millvale Services Ltd – proposed parking for neighbouring Millvale Service Station – Millvale Road, Bessbrook	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.	Pat Rooney	21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18. Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity. Approved as Delegated Matters	Y
		PLANNING MEETING – 1 AUGUST 2018			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
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 submitted to planning. In line with Committee wishes we have to	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				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. No application submitted to date 04/06/2019	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Application for poultry houses received LA07/2019/0953/F on 13/06/2019 Being processed.	
		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 return to May 2019 Committee – DEFER	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Application has been amended again by applicant 25/02/2020 Application will be presented back to next meeting of Committee due to level of reps received	
		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	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 can be agreed and decision making	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				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			
LA07/2017/1235/F	Demolition of No. 31 and erection of two shop units on ground floor with 4 No. apartments on first and second floors – No. 31 Cardinal O’Fiaich Square, Crossmaglen	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson	Approved as Delegated Matters	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/1670/F	Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Road Road – 30m NE of 6 Main Street, Camlough	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson	Approved as Delegated Matters	Y
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. Further supporting info now received for consideration.	N
		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	Withdrawn from addendum list and re-present at February Meeting	A McAlarney	Site visit to be arranged – 6 March 2020	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	nos 65-69 South Promenade Newcastle			Site visit held. To be presented back to Planning Committee	
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 site works – land 10m NW of 180 Tullybrannigan Road, Newcastle	Defer for site visit and further discussion to take place with 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	A McAlarney	Withdrawn from February agenda for more work to be done on the proposal Agent has submitted additional info. Application is under consideration.	N
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		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
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	
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	Defer for a site visit – date to be agreed	M Keane		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	previously approved conversion LA07/2015/1030/F – Lands 10m NW of 56 Levellyreagh Road, Rostrevor				
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		

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



Comhairle Ceantair

an Iúir, Mhúrn agus an Dúir

Newry, Mourne and Down

District Council

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SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 3 JUNE 2020

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

Wednesday 27 May at 5.00 pm

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

democratic.services@nmandd.org

PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES (AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED). **ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE DISREGARDED.**

ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION (POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION AT LEAST 5 WORKING DAYS IN ADVANCE OF THE DATE OF THE MEETING AT WHICH THE APPLICATION WILL BE CONSIDERED.

"Please note that the protocol applicable to the audio-recording of Planning Committee meetings has been amended following recommendation and ratification by Council. The legal basis on which audio-recording takes place no longer requires the consent of speakers at Planning Committee. Accordingly, the consent of speakers will no longer be requested. Audio-recording will continue to take place of all Planning Committee meetings subject to the exemption in Schedule 6 of the Local Government Act (NI) 2014".



SCHEDULE OF PLANNING APPLICATIONS

Planning Committee Meeting on 3 June 2020

Application Reference Number	Site Location	Proposal	Officer Recommendation
R/2015/0126/F	Lands at 56/60 Lisburn Road Ballynahinch	127 dwellings	Approval
LA07/2016/0438/F	Site of No 26 Derryboy Road Carnbane Industrial Estate Newry	Retrospective change of use from approved industrial unit to gymnastic facilities	Approval
LA07/2018/1529/F	Junction of Derrybeg Lane and Craigmores Way, approximately 135m SW of 12 Craigmores Way Bessbrook Newry	Proposed residential development comprising 74 dwelling units	Approval

SCHEDULE OF PLANNING APPLICATIONS

Planning Committee Meeting on 3 June 2020

Application Reference Number	Site Location	Proposal	Officer Recommendation
LA07/2018/1939/F	80m NW of 37 Cregganduff Road Cullyhanna	Retention of house as constructed under P/2006/1849/RM	Approval
LA07/2019/0796/O	Land between Knocknagoney Heights and The Demesne Carnagat Road Newry	Proposed housing development	Approval
LA07/2019/0850/F	10 Meetinghouse Lane Kilkeel	Erection of house and the demolition of existing house	Refusal
LA07/2019/1117/F	Chapel Road / Church View Bessbrook Newry	4 detached dwellings	Approval

SCHEDULE OF PLANNING APPLICATIONS**Planning Committee Meeting on 3 June 2020**

Application Reference Number	Site Location	Proposal	Officer Recommendation
LA07/2019/1258/F	Ground floor unit 12 Seaview Warrenpoint	Retention of change of use for ground floor café with two treatment rooms and ancillary services	Approval
LA07/2019/1371/F	62 Aughlisnafin Road Castlewellan	Extension to existing factory with provision of 80 car parking spaces	Approval
LA07/2019/1418/F	48 Liscalgot Road Crossmaglen	Farm dwelling	Refusal
LA07/2019/1563/F	Rear of 51 Seaview Warrenpoint	Renewal of P/2012/0873/F. Proposed replacement of existing garage and store with new garage and apartment over	Approval
LA07/2019/1633/LBC	10 The Green Irish Street Downpatrick	Change of use from dwelling to extended doctor's surgery	Refusal

SCHEDULE OF PLANNING APPLICATIONS**Planning Committee Meeting on 3 June 2020**

Application Reference Number	Site Location	Proposal	Officer Recommendation
LA07/2019/1635/F	10 The Green Irish Street Downpatrick	Change of use from dwelling to extended doctor's surgery	Refusal
LA07/2019/1837/F	21 Blacks Lane Glassdrumman Ballynahinch	Agricultural shed	Refusal
LA07/2020/0133/F	130 Camlough Road Camlough	Vehicular access to existing dwelling.	Refusal