

ITEM NO	25					
APPLIC NO	R/2014/0660/A		Advertiseme	DATE VALID	12/12/14	
COUNCIL OPINION	REFUSAL					
APPLICANT	Mr M Judge 7 Marguerite Close Newcastle		AGENT		Michael Smith Building Design 139 Ballydugan Road Downpatrick BT30 8HE NA	
LOCATION	43 High Street Ballynahinch					
PROPOSAL	Shop sign					
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	0	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1
- The retrospective shop sign relates to an unauthorised use and therefore cannot be granted consent.



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

Application Reference: R/2014/0660A

Date Received: 11th December 2014

Proposal: Retrospective shop sign.

Location: 43 High Street, Ballynahinch

Site Characteristics & Area Characteristics:

The site in question is a 3 storey terrace building located within the settlement development limits of Ballynahinch as defined in the Ards and Down Area Plan 2015. The building is in a terrace of buildings of a mix of uses at ground floor. The site is located within the town centre as defined in the Ards and Down Area Plan 2015. The historic use of this premises was for a carpet shop.

Site History:

R/2014/0528/F – 43 High Street, Ballynahinch – proposed alterations to shop façade 13-08-2015 – granted.

Pending enforcement also on site.

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015, PPS 17, Control of Outdoor Advertisements and SPPS will be considered as part of this application.

Consultations:

No consultations were carried out in relation to this application.

Objections & Representations

This application is for consent to advertise and no publicity is required as statutory requirement therefore no advertisement or neighbour notification took place on this application.

Consideration and Assessment:

The application is considered against PPS 17 Control of Outdoor Advertisements AD1, Amenity and Public Safety, the sign that has been erected is considered to be acceptable in that it respects amenity when assessed in general context and it is not likely to prejudice public safety. It is noted that the drawings submitted give 3 design styles in writing however the application relates to the retrospective application in situ.

Consideration is also given to the use that the signage relates to, the signage relates to the existing use of the building which is a café/bistro, the planning history of the lands in question shows no change of use application and given this is a sui generis use which would require planning permission it would not be acceptable to grant consent to advertise in relation to a use that is unauthorised.

The agent has been made aware that the change of use application is required and to date has not submitted an application therefore given the agent has been made aware this application cannot move forward until a change of use application has been made and has not chosen to do so this application must be refused.

Recommendation:

Refusal as signage relates to lands that do not have permission for the existing use.

Refusal Reasons/ Conditions:

The retrospective shop sign relates to an unauthorised use and therefore cannot be granted consent.

ITEM NO		26			
APPLIC NO		R/2015/0093/F		Full	DATE VALID 3/19/15
COUNCIL OPINION		REFUSAL			
APPLICANT		Kennedys Direct Catch Ltd C/O Agent		AGENT	Hillen Architect Ltd 87 Central Promenade Newcastle BT33 0HH
LOCATION		21 Enterprise Avenue Down Business Park Belfast Road Downpatrick			
PROPOSAL		Proposed Fitness Facility and Associated Parking			
REPRESENTATIONS		OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
		0	0	0	0
		Addresses Signatures Addresses Signatures			
		0	0	0	0
1	The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.				
2	The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that the site is located on land zoned for industrial use which should be retained to meet further demand.				
3	The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that the existing industrial land is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.				



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Application Reference: R/2015/0093/F

Date Received: 19th March 2015

Proposal: Proposed fitness facility and associated parking

**Location: 21 Enterprise Avenue, Down Business Park, Belfast Road,
Downpatrick**

Committee Meeting Date: 08th June 2016

Outcome: Deferred

for further information to be obtained. Details of employment creation to be obtained from agent. Clarification sought from Invest NI re ownership/leasehold arrangement and whether or not the proposed use would be contrary to terms of lease. Application to be presented back to PC.

Two points were raised at the previous Planning Committee meeting that need addressed.

In terms of employment the agent was asked to clarify the amount of employment forecast and the agent has advised 2 no members of staff are currently employed in the business in its current location and it is anticipated that another 2 no members of staff will be required to operate an enhanced location and longer opening times. Clarification of the existing business location was sought from the agent; the current business is located at the bottom of Bridge Street in the settlement development limits of Downpatrick.

The job creation would appear to be a maximum of 2 persons and this is based on business growth given the business already employs 2 people.

Invest NI has been contacted again in relation to the queries raised, a short written response was provided stating;

“Invest NI retains freehold ownership of the application site which is located within one of its business parks. The organisation is generally opposed to the loss of industrial property to non-industrial uses. The proposal may also run contrary to the terms of the Invest NI lease”.

Having spoken to an Invest NI representative it has been confirmed that the lease structure has changed since this parcel of land has been sold off and become more strict in relation to the use classes, under the old lease system there is the possibility this proposal could be constructed however Invest NI has not confirmed and would not be in a position to confirm if this would be challenged. Invest NI have indicated that there was a heavy reliance on planning policy to ensure that the correct type of development is permitted in such parks. This proposal is very much against the spirit of what invest NI wants in the park as it is designed to support business need and is not a commercial or retail park.

Invest NI would also be concerned that a precedent would be set and that lands zoned for business use would be lost.

The planning opinion remains unchanged and the previous recommendation of refusal still stands.

Reasons:

- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.
- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that the site is located on land zoned for industrial use which should be retained to meet further demand.
- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that the existing industrial land is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.

Case Officer:

Authorised By:

Date:

Application R/2015/0093/F – Proposed fitness facility and associated parking at 21 Enterprise Avenue, Down Business Park, Belfast Road, Downpatrick.

Supporting information.

This application aims to provide a Crossfit fitness facility to serve the employees in the Down Business Park, as well as the wider community. This facility is purpose designed and it is proposed this growing business to relocate from the existing sub-standard facilities within the town.

Crossfit facilities in Northern Ireland are becoming ever more popular and have now opened in most of the main towns and cities across the country. Nearly all of these are based in disused industrial units on industrial zoned land. Examples are as follows:

Reebok Crossfit Northern Ireland (In an industrial estate)
Linfield Industrial Estate
Linfield Gardens
Belfast
BT12 5LA

Bannside Crossfit (In an industrial estate)
Banbridge Business Centre
62 Scarva Road
Banbridge
Co Down

Crossfit 8020 (In an industrial estate)
Unit 12D Brownstown Business Centre
Brownstown Road
Portadown
Armagh
BT62 4EA

Crossfit Cookstown (In an industrial estate)
Unit 6 Kilcronagh Business Park
Cookstown
Co Tyrone
BT80 9HG

Crossfit Strabane (In an industrial estate)
Unit 3, Knockroe Business Park
Strabane
Co Tyreoe
BT82 9QR

Crossfit Omagh (In an industrial estate)
61 Dromore Road Retail Park,
Omagh
Co Tyrone
BT78 1RE

Crossfit Ballymena (In an industrial estate)
Unit 2 Crebilly Business Park
22 Bog Road
Ballymena
BT42 4HH

Crossfit Lurgan (In an industrial estate)
Unit 30 Cido Business Complex
Charles Street
Lurgan
BT66 6HG

Rockpit Fitness (In an industrial estate)
2190222 Enterprise Centre
Enterprise Crescent
Lisburn
BT28 2BP

Crossfit Belfast (In an industrial estate)
Unit 1, 6 Falcon Road
Boucher Road
Belfast
BT12 6RD

Crossfit Berserk (In an industrial estate)
Castlereagh Industrial Estate
34A Mountgomery Road
Belfast
Co Antrim
BT6 9HL

The above are all examples of Crossfit Centres established and growing in the heart of industrial areas, and there are many more. Crossfit was original established in an industrial area in Santa Cruz, and has thrived in this environment across the world.

Being more specific to the Down Business Park, Downpatrick, the use class of most of the units here are not considered industrial. Below is a summary of the businesses currently in the business park.

Mange Tout
Healthcare
Blue Moon Event Design
Advance Control Ltd
Howers Wheat Free
Healthy Choice Poultry
Carolines Parlour
Lucca Frames
E-Clip Hair Studio
New Look Blinds
Pro White
Pilot Construction Ltd
Fast Tyre Depot
Down Community Transport
Secrets of the earth
P & M Contracts

Healthcare facilities NI Ltd
 J & K Healthcare Facilities
 Small card application Ltd
 Premier Poultry
 Knowledge House
 Fleetwood Healthcare
 Castle Property Solutions
 DDPT
 PTB Design
 All Finance
 TM Hanna and Associates
 Learn it at work LTD
 Innovation House
 Good Morning Down
 Sale Force NI Ltd
 Sherridan Legal Consultants
 Down News
 Down District Courier
 Claim and Solutions
 Agricultural Insurance
 Home Start
 United Mortgages
 Bryson House Charity
 Crossgar Meats
 Finnabrogue
 Quinn Piling
 Ashvale Engineering
 Kennedys Direct Catch Ltd
 Loudon Guitars
 Refurbished Furniture

Many of the above are non-industrial, small businesses operating from Down Business Park.

This planning application is considered contrary to policy PED7 of PPS4 Planning and Economic Development in that it would result in the loss of land zoned for industry, and that while Sui Generis uses will be considered, leisure facilities will not be permitted.

In “The Planning (Use Classes) Order (Northern Ireland) 2015”, it states that, gymnasiums and areas for other indoor and outdoor sports and categorised under Sui Generis use class 3K.

The Ards Down area plan has proposed to zone some 19.7 hectares of industrial land within the settlement limit, including lands at Killough Road, Cloonagh Road and Brannish Road. This is in addition to the 34 hectares already zoned for industry in Down Business Park, which is outside the settlement limit, 19.83Ha of which remains un-developed (approx. 60%).

The 2009 Area Plan states that capacity still remains within the land zoned as industrial in the Down Area Plan 1982-1997 at Flying Horse Road, Brannish Road, Cloonagh Road, Killough Road and Ballydugan Road.

The proposal for this Crossfit Fitness Centre is actually on privately owned land in the industrial zoning, not on land owned by Invest NI, but on the site of Kennedy

Direct Catch Ltd who is the applicant in this case. It should be considered that this land will not be developed for any other purpose as it is a privately owned site.

Therefore, there remains in excess of 40 hectares of un-developed industrial zoned land in and around Downpatrick as listed below.

Industry Zoned Land

	<u>Total Area</u>	<u>Undeveloped Area</u>
Brannish Rd/Flying Horse Rd	10.79Ha	7.8Ha
Cloonagh Road	4.9Ha	3.1Ha
Killough Road	10.8Ha	10.6Ha
Ballydugan Road	3.5Ha	0.6 Ha
Down Business Park	34Ha	19.83Ha

Out of the circa 64Ha of industrial zones land in and around Downpatrick, at total of 41.94 Hectares remains un-developed, a total of 65.5%.

The amount of undeveloped industrial land in the area, and the fact that so many of the existing businesses currently based in these zoned industrial lands are not industrial businesses should be taken into consideration in assessing this application. We would argue that the “loss” of land zoned for industry is insignificant given the high percentage of unused industrial land.

We would ask that the Council consider this information when assessing the application.



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Application Reference: R/2014/05757/F

Date Received: 24th October 2014

Proposal: Part demolition, alterations and extension at Millbrook Lodge, new spa & site developments works including closing off existing hotel entrance to vehicles and creating revised access location and associated sightlines onto Drumaness Road.

Location: Millbrook Lodge Hotel, 5 Drumaness Road, Ballynahinch, BT12 6EQ

Site Characteristics & Area Characteristics

The site is located outside the Settlement Limit and to the south of Ballynahinch along the Drumaness Road (protected route). The surrounding area is predominantly rural in character with a number of single dwellings and farm complexes scattered throughout.

The site is currently occupied by a hotel with associated gardens and landscaping, car parking and driveway

The proposed works include for the existing hotel to be extended to provide additional conference rooms and bedroom accommodation. Sections of the existing hotel will be demolished and other internal areas will be reconfigured. In addition, a new stand along spa building will be constructed in the northern portion of the site with a lake formed within a section of existing paddock field to north of the hotel.

Consultations

NI Water – 11th Nov 2014 – no objections subject to conditions

Transport NI – 13th Jan 2015 – Transport Assessment form requested

14th Jan 2016 - additional information requested

29th March 2016 – requested drawing indicating visibility splays

24th March 2016 – no objection subject to conditions

Environmental Health – 19th December 2014 – concerns regarding proximity of conference/function room to residential development. A noise assessment was requested.

16th February 2015 – Env. Health concerns remain with regards impact on amenity of neighbouring private amenity

8th April 2016 – further consultation required regarding noise limiter, internal alterations to function room and introduction of self-closing doors.

23rd May 2016 – revised internal layout required

24th June 2016 – no objections subject to a number of specific conditions required to protect the amenity of neighbouring residents.

Rivers Agency – 26th November 2014 – requested a drainage assessment be undertaken

4th December 2015 – Rivers Agency advised that they are unable to make an accurate judgement on the submitted Drainage Assessment until evidence is submitted indicating that the proposed storm water run-off can be safely discharged into adjacent undesignated watercourse and the Ballynahinch River.

17th Feb 2016 – letter (and copy of e-mail to Rivers Agency dated 19th Jan 2016) received from agent advising that the a Schedule 6 has been submitted for consent to discharge to Rivers Agency

4th December 2014 – advised that evidence required to show that the proposed storm water run-off can be safely discharged.

12th February 2016 – additional information requested

Email received on 29th June confirming that consent to discharge had been received by Rivers Agency

NIEA Land & Resources -10th March 2015 – lands may be contaminated additional information requested

15th December 2015 – no objections subject to conditions

Water Management Unit – 25th November 2014 – reference made to proposed lake – clarification sought as to whether this forms part of the drainage solution for the site

15th December 2015 – no objections subject to conditions

Representations/ Objections:

4 neighbour notifications were issued on 10th November 2014 and again on 23rd March 2016 following receipt of amended plans. The application was advertised in accordance with the Councils statutory obligations on 19th November 2014 and again on 6th April 2016.

To date (6th July 2016) no representations have been received regarding the proposal.

Planning History:

On site

R/2014/0301/Pre App - Proposed extension & remodelling to existing hotel building including relocated hotel bar, toilets & new function suite along with new bedroom block, gymnasium & spa building - Approve

R/2007/1107 - 3 No. Proposed single storey smoking shelters – Approve

R/2004/1120 - Extension to form UFT Shaft, coldroom and staff room and staff toilets - Approve
 R/1994/0927 - Proposed conservatory and extension to ballroom plus - Approve
 R/1994/0371 - Extension to hotel to provide conference centre, lounge – Approve
 R/1991/1023 - Erection of New Ballroom, Toilets, Changing Rooms and Stage - Approve
 R/1983/0564 – Extension to hotel - Approve
 R/1979/0411 – Erection of building for vehicle sales and use of adjoining land – Refusal
 R/1975/0218 – Substation – Approval
 R/1975/0026 – Extension to hotel – Approval
 R/1974/0284 – Extension and alterations to hotel – Approval
 R/1974/0051

Policy Framework

Ards and Down Area Plan 2015
 SPPS Strategic Planning Policy Statement 2015
 PPS21 Sustainable Development in the Countryside
 PPS2 Natural Heritage
 PPS3 Access Movement and Parking
 PPS15 Planning and Flood Risk
 PPS16 Tourism

Policy Consideration & Assessment

Ards and Down Area Plan 2015

The proposal is located outside the settlement limits of Ballynahinch. The lands associated with the Millbrook Hotel abut LLPA 2 – Montalto Estates eastern boundary. The proposal does not conflict with any of the designations contained within the Area Plan.

The Strategic Planning Policy Statement 2015

The relevant chapters in the SPPS are outlined below.

Within the regional strategic objectives set for development in the countryside (Paragraph 6.66) one of the policy objectives outlined is to facilitate development which contributes to a sustainable rural economy.

Within the regional strategic objectives set for economic development, industry and commerce (Paragraph 6.82) reference is also made to sustaining a vibrant rural community by supporting rural economic development of an appropriate nature and scale

The aim of the SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations and sustaining a vibrant rural community by supporting tourism development of an appropriate nature, location and scale in rural areas.

Within Paragraph 6.260 it states that in the countryside planning authorities must carefully manage tourism development. This is necessary in the interests of rural amenity, wider sustainability objectives and the long term health of the tourism

industry. The guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside where this supports rural communities and promotes a healthy rural economy and tourism sector.

Para 6.265 states that a positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context. The SPPS would therefore allow for the current proposal.

PPS21 Sustainable Development in the Countryside

Non-Residential Development

Planning permission will be granted for non-residential development in the countryside for tourist development when the proposal is in accordance with the Planning Policy Statement 16 – Tourism.

PPS16 Policy TSM 3 and TSM 7 are applicable.

TSM3 'Hotels, Guest Houses and Tourist Hostels in the Countryside' provides for permission to be granted where the proposal is in keeping with specified criteria.

The following amendments and extension are sought as part of this proposal:

- Modification and reorganisation of existing core of hotel
- New conference/function facility & bedroom suites
- New standalone spa building
- New bedroom wing consisting of 24No. additional bedrooms – 12 ground floor & 12 on first floor

Within the redevelopment of the hotel the proposal seeks (in part) the demolition of the existing large storage area to the rear of the hotel and its replacement with a new 2 storey bedroom wing comprising of 24No. en-suite bedrooms (bringing total number of bedrooms to 43) and ancillary storage areas. All other elements of the proposed extension including the new function room, conservatory piano bar/pre-function space and new linking elements respect the scale, design and materials of the original building and this is clearly evident on Drawing Number LA07/2015/0575/07 which details all elevations and the proposed materials and finishes. It is my opinion that the proposed extension to the existing hotel and the new spa facility are both subsidiary in terms of scale and design and will therefore integrate appropriately into the existing setting which is a policy requirement under TSM3.

With regards to the proposed spa building it is to be constructed into the steep bank to the north and opposite the main entrance to the existing hotel. The building has been designed to front onto the proposed lake feature with a northern outlook onto the existing paddock. The building has a ridge height of 4.2m while the parapet of 6m and a frontage of approximately 41m with the majority of this elevation finished in glazing measuring 3.5m in height. All other finishes are detailed on Drawing number R/2014/0575/15 and are thought to be acceptable

PPS16 TSM 7 Criteria for Tourism Development

A proposal for a tourism use, in addition to the other policy provisions of this Statement, will be subject to the following design criteria:

Design Criteria

- The proposal is located at an accessible location with easy access to Public transport.
- The layout of the site is acceptable and the building design is in keeping with the existing building. Landscaping arrangements allow for car parking.
- Boundaries of the site are to remain unaltered as are the majority of the landscaped gardens. The site remains relatively enclosed and private
- The impacts of the proposal on the surface water environment have been considered and the relevant consultative bodies are content with the proposal subject to conditions
- The proposal is secure and designed to deter crime and promote personal safety.

Criteria (f) refers development involving public art – this is not applicable in this instance.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

The proposed extension has been assessed in terms of its compatibility with surrounding land uses.

(g) The overall proposal will neither detract from the landscape quality nor the character of this area of the surrounding countryside. The extension has been done in a sympathetic manner as has the new spa building albeit a more modern interpretation.

(h) As there are a number of residential properties surrounding the hotel measures have been taken to ensure their amenities have been protected. Throughout the processing of the application noise impact assessments were submitted to address concerns raised by Environmental Health as well as amendments being made to the internal layout of the proposed new conference/function room, associated lobby together with alterations to the proposed glazing and acoustics. In their most recent response dated 24th June 2016 Environmental Health have advised that they have no objections to the principle of the extension provided that a number of conditions are attached to protect the neighbouring residential properties from loss of amenity in terms of possible noise disturbance and to control and manage the usage of certain areas of the hotel to within specific timeframes.

It is therefore accepted that the design and layout will not create conflict with adjacent land uses as there are no unacceptable adverse effects on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The closest property to the hotel is No. 8 Spa Road and as outlined above following on from detailed noise surveys being carried out

Environmental Health as the experts in this field have no objection to the proposal in relation to noise emissions etc.

(i) The proposed extension does not adversely affect any features of the natural or built heritage. All boundaries are being retained to maintain the rural character and secluded nature of the site. The proposal will read as an extension to the existing building with the site accommodating the extension without detriment to the rural landscape.

(j) no objections have been issued by NIEA, NIW or Rivers Agency in relation to the above proposal. It is therefore accepted the proposal has put in stringent measures to ensure the proposal is capable of dealing with any emission or effluent in accordance with legislative requirements.

Further to receipt of amended drawings date stamped 21st March 2016 access arrangements have been made in accordance with the Department's published guidance which will not prejudice road safety or inconvenience the flow of traffic with regards to criteria (k) (l) (m) and (n). During the processing of the application the drawings were amended to indicate a new access 70m to the north of the existing.

The proposed new access was deemed necessary as the existing was considered to be sub-standard and dangerous in terms of road safety. This together with the removal of substantial mature trees and hedging along the Drumaness Road which would be required to create the upgraded sightlines could be considered as strong justification for creating a new access onto the Protected Route. All drawings have therefore indicated that the original existing access is to be permanently closed with the footway reinstated to Transport NI's satisfaction which in real terms will ensure only one vehicular access onto the Drumaness Road serving the Millbrook Hotel. It is felt that the positioning of the new access will not impact on any significant planting with all hedging being reinstated to the rear of the required sightlines. For all of the above reasons together with the positive impact the extension to the hotel complex will have on the local economy and the tourist industry of the District it was deemed appropriate to set part of Criteria d within Policy AMP3 – Access to Protected Routes as set out in Annex 1 of PPS 21 aside.

Criteria (o) is not applicable in this instance.

PPS3 Access Movement and Parking Policy.

The proposal is deemed acceptable when considered against the above policy and the parking standards as well as being in accordance with the Parking Standards documented issued by former Department of the Environment.

TransportNI have advised in their most recent response dated 5th April 2016 that they have no objections to the proposal subject to conditions.

It is acknowledged that there will be additional traffic attracted to the site as a result of this proposal but it is considered that the site offers substantial parking areas to

deal with the proposed increased traffic volumes. The site location plan indicates an additional 7 spaces located to the east of the Spa facility which should accommodate comfortably the additional traffic generated by this new development.

With regards to the additional parking required for the hotel extension the site location plan indicates a large area to the rear of the site as an 'existing overflow car park ' which can deal effectively with the additional 50 customer vehicles, 12 additional staff and the 3 additional goods vehicles indicated on the P1. Although this area has not been specifically marked out with individual car parking space dimensions the area will be able to contend with the increased vehicular movements.

PPS15 Planning and Flood Risk

Built development associated with the proposal is located outside the Floodplain therefore Rivers Agency would have no specific reason to object to the proposed development from a drainage or flood risk perspective. The agent confirmed in letter dated 17th November that the proposed lake is solely an aesthetic landscape design feature and does not form part of the drainage solution for the site as a sustainable drainage system component (please also see letter from Savage Consulting Structural/Civil Engineers dated 13th November 2015)

Conclusion

As the proposal is considered to comply with all the relevant planning policies as listed above I would recommend approval on this application.

Case Officers Signature:

Date:

Appointed Officers Signature:

Date:

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 building materials used in the construction of the extension and spa building hereby approved shall be as those shown on drawing R/2014/0575/07 & 15 date stamped the 14th October 2014.

Reason: In the interests of visual amenity

3. During the first available planting season after commencement of development the existing natural roadside banking and native species hedgerow shall be reinstated behind the required sight visibility splays along with the additional planting as indicated as shown on Drawing Number R/2014/0575/02 date stamped 21st March 2016.

Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.

4. 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.

5. 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.

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

Roads

6. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. JPC 002 bearing the date stamp 21 Mar 2016, 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.

7. The access gradient to the hotel 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.

Drainage and Water

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

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

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

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

Land Soil & Air

10. All fuel storage tanks (and associated infra-structure) to be removed as part of the demolition must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 2 will apply.

Reason: To ensure environmentally sensitive receptors including groundwater and surface water are protected from contamination.

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: To ensure environmentally sensitive receptors including groundwater and surface water are protected from contamination.

Env. Health

12.A noise limiter must be installed and set in conjunction with Environmental Health prior to the commencement of entertainment within the function area. All entertainment must be channelled through this limiter, including DJ's and bands. This will ensure the noise limit continues to be met.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

13.The internal layout of the proposed new conference/function room and associated lobby must meet the specifications shown in drawing R/2014/0575/04 date stamped 20th June 2016.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

14.The windows between the proposed new conference/function room and the external courtyard must be fixed glazing with no opening sections as shown in drawing R/2014/0575/04 date stamped 20th June 2016.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

15.There shall be no loudspeakers installed or used within the external courtyard;

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

16.The doors from the lobby to the courtyard must be self-closing;

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

17.The external courtyard walls should be acoustically treated as shown in drawing R/2014/0575/04 date stamped 20th June 2016

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

18. The external courtyard wall sound absorptive treatment must meet the specification shown in Appendix D of the Noise Impact Assessment produced by Marshall Day Acoustics and submitted in support of this application;

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

19. The external courtyard must not be used by patrons between 11pm and 7am.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

NIW

20. 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 watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

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

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

Reason: In the interests of visual amenity

22. None of the dwellings hereby permitted shall be occupied until the (sewage disposal/drainage) works have been completed in accordance with the submitted plans

Reason: In the interest of public health

23. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

Reason: In the interests of public health.

24. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

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

Informatives

NIEA - Water Management Unit

The applicant should refer and adhere to all the relevant precepts contained in the new DOE Standing Advice Notes:

DOE Standing Advice Note No.4 – Pollution Prevention Guidance (April 2015):

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_4_pollution_prevention_guidance.pdf

DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_5_sustainable_drainage_systems.pdf

DOE Standing Advice Note No.11 – Discharges to the Water Environment (April 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_11_discharges_to_the_water_environment.pdf

DOE Standing Advice Note No.18 – Abstractions & Impoundments (May 2015)

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_18_abstractions_and_impoundments_issue_01_may_2015-2.pdf

Effective mitigation measures must be in place to protect the nearby watercourse and surrounding water bodies from any discharge into them that may damage ecological status and to ensure that the Water Framework Directive (WFD) objectives for the water body are not compromised nor the WFD objectives in other downstream water bodies in the same and other catchments.

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.

Informatives detailed in Standing Advice Note 23

The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS), where practicable, in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

Should a sewage pumping station be required for this development then the applicant must apply to NIEA WMU for Water Order (1999) consent for an 'emergency overflow'.

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

The applicant must comply with the Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010.

The applicant should ensure that the management of all waste are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk>)

The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to DOE Standing Advice Note No. 4 – Pollution Prevention Guidelines (April 2015) for the demolition, construction and operational phases of the development.

Land, Soil and Air

The purpose of the Conditions 10 & 11 is to ensure that any 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

The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.

WM 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.

Transport NI

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any

opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is 129 Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.

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

NIW

Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.

The applicant is advised to contact NIW through its Customer Relations Centre on 08457440088 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. Water Supply Requirements 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.

Although it has been determined above if NIW infrastructure is within 20m of this proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how this proposal may be served.

ITEM NO	19				
APPLIC NO	R/2013/0217/F	Full	DATE VALID	5/9/13	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Tony Steel	AGENT	Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR 02840638842		
LOCATION	120m East Of No 18 Moneylane Road Dundrum BT33 0NR.				
PROPOSAL	Erection of agricultural shed (Amended Address).				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	1	0		0	0
			Addresses	Signatures	Addresses
			0	0	0
1	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.				
2	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.				
3	The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that • there are no suitable existing buildings on the holding or enterprise that can be used and • the proposal is sited beside existing farm or forestry buildings.				



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**Newry, Mourne
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District Council

Application Reference: R/2013/0217/F
Date Received: 09.05.2013
Proposal: Erection of agricultural shed.
Location: 120m East of No 18 Moneyslane Road Castlewellan.

Site Characteristics & Area Characteristics:

The site is located off the Moneylane Road outside of Dundrum. The site is accessed via an existing agricultural lane that runs along the boundary of the fields upwards to the rear of the site. There are agricultural lands and forestry areas on the land in question, the location of the shed is on an area that there appears to have been some excavation into rock and whilst the site is on elevated lands in part the lay of the land screens the site.

The site is located outside the settlement development limits of Dundrum as defined in the Ards and Down Area Plan 2015. The site is located in rural lands which are agricultural. The site is in an Area of Outstanding Natural Beauty and is located within a site of local nature conservation importance. (Shague Hill (SLNCI)).

Site History:

A history search has been carried out for the site and surrounds

R/2004/0096/O – lands 160 – 380m East of no 16 and opposite no 11 Moneylane Road Dundrum – rural style dwelling and garage – 6-01-2005 – granted
R/2005/0724/F – lands 160-380m E of no 16 and opposite no 11 Moneylane Road – proposed new dwelling (bungalow) 14-04-2006 – granted
R/1990/0827 – near 16 Moneylane Road – Dundrum – new entrance and new laneway across farm – granted – 20-12-1990

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Consultations:

TransportNI No objections in principle.

NIEA NH No objections in principle.

DARD The farm business has not been in existence for 6 years and that a single farm payment is not claimed for.

Objections & Representations

One non-committal letter of representation was submitted from the owner/occupier of 5 Kilmegan Road, Dundrum – the concern was that the shed would impact on the beauty of the area and also on the wildlife located in the area. The main concern is that the woodland area would not be able to remain.

It is noted that the wooded area is not to be altered as part of this application and consideration will be given to the overall visual impact of the shed on the local landscape noting the importance of the area.

Reps received from Sean Rogers MLA and Cllr Laura Devlin.

Consideration and Assessment:

There is no policy conflict between the SPPS and CTY 12.

Application was presented to Council in February 2014 with a recommendation to refuse.

A meeting was held with Principal Planning officer, applicant, agent and MLA in March 2014.

The application has been reviewed against Planning Policy Statement 21 CTY12 and the recently published Strategic Planning Policy Statement (SPPS).

The SPPS states in relation to Agriculture and forestry development: provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise.

New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise.

An alternative site away from existing buildings will only being acceptable in exceptional circumstances.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in

conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

DARD have confirmed that the Farm business ID 655683 has not been established for a period of 6 years. Date of allocation stated in P1c as 2011. 6 years would therefore be reached in 2017. The applicant does not claim SFP and has been unable to demonstrate active farming of the farm business for a period of 6 years. Holding size 9.99ha comprised in 2 no fields. Flock no 791337

It is unclear, from correspondence with DARD or from the evidence supplied by the applicant whether there is stock associated with the business. It does not appear that copies of any DARD flock returns have been supplied on the application to support the assertion that Mr Steel is engaged in sheep farming activity on the subject lands under the supplied business number.

Invoices from Livestock market/meat plant (ABP) /movement permit and feedstuffs show some farming activity into and out of the flock but these cover a snapshot in time covering 2012-2013.

On the basis that it has not been demonstrated that the farm business has been active and established for a period of 6 years and it cannot therefore be demonstrated that there is a need for the proposal, the proposal offends Policy CTY12 of PPS21.

Council have been advised that there are no other buildings on the holding, the holding being registered to 63 Newcastle Road Castlewellan, which is within the settlement limits of Castlewellan.

On the day of inspection 01/04/2016 there did not appear to be any sheep grazing the lands.

No objections were received on the application during its processing.

No further information has been submitted by applicant or agent on the application since Nov 2013. Notification of intention to refuse was relayed to MLA as agreed at meeting of 20/03/2014. No further correspondence has been received.

Recommendation:

Refusal

Refusal Reason

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.
3. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- there are no suitable existing buildings on the holding or enterprise that can be used and
- the proposal is sited beside existing farm or forestry buildings.

Signed

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Planning Committee Schedule of 3rd Aug 2016

Planning reference: **R/2013/0217/F**

Proposal: Erection of agricultural shed

Date Valid **5 September 2013**

Applicant: **Tony Steel**

Location **120m east of No18 Moneylane Road Dundrum**

Recommendation: **Refusal**

Reasons

1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.

2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the building is necessary for the efficient use of the agricultural holding.

3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- there are no suitable existing buildings on the holding or enterprise that can be used and**
- the proposal is sited beside existing farm or forestry buildings.**

Site Description

The site is located off the Moneylane Road outside of Dundrum a village as defined in the Ards and Down Area Plan 2015. The site is accessed via an existing agricultural lane that runs along the boundary of the fields to the rear of the site. There are agricultural fields defined by fencing and a forestry area on the holding, the proposed location of the shed is on a gravel area which is used for open storage and on which temporary sheep pens are erected during lambing season. The proposed shed is to be located in this area which affords protection from the elements for the landowners flock and is screened from view from surrounding viewpoints.

An Assessment of reasons for Refusal

1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the agricultural holding is currently active and established.

The applicant has been farming the land for over many years, keeping sheep as records already supplied to the Planning Department will show, he has also kept the land in good agricultural condition by maintaining the land in good condition providing separation paddocks and fencing the land with stock proof fencing (a considerable financial investment).

He currently keeps sheep on the holding and records can show that he has been involved in this activity for several years and he chose not to register his holding with the Department of Agriculture DOA.

Mr Steel lambs his sheep in the area where he proposes to erect his agricultural shed and currently has storage containers for the keeping of foodstuff and machinery with other farm machinery (tractors etc) having to be stored in open air areas.

Mr Steel upon advice from Ulster Farmers Union registered his holding with DOA and has received Single Farm Payment (SFP) from 2014.

The applicant has also maintained the forest area on his holding and maintained tracks which run through the forested area.

It should be noted that Mr Steel has also used his land for motorcycle scrambling for many years and this operates under Permitted Development as defined in The Planning General Development Order

2 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

the building is necessary for the efficient use of the agricultural holding.

Mr Steel made the planning application for an agricultural shed to help him with the storage of his farm machinery which is currently store in an open air area and more importantly for the health and wellbeing of his flock especially at lambing time which is between late December – March usually the harsher months of the year weather ways.

Mr Steel as a farmer has a responsibility to his animals to keep them in a manner which takes every opportunity provide good animal husbandry and keep them in a healthy manner and for this reason he wishes to construct a building capable of meeting his needs and that of his animals.

This building is definitely necessary for the efficient running of the farm and if it is not provided Mr Steel may be responsible for the loss of some of his sheep as he will not have the necessary building to allow him to carry out the necessary animal husbandry.

3 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that

- **there are no suitable existing buildings on the holding or enterprise that can be used and**
- **the proposal is sited beside existing farm or forestry buildings.**

There are no suitable buildings on the holding that can be used and it is for this reason that the applicant submitted this application to the then Department and now Council. Mr Steel has had to use metal storage containers to house his tools over the past 6 years while his livestock have to suffer the elements which is found to be unacceptable in terms of good husbandry.

There are no buildings on the holding beside which he can locate this proposal thus the need for this building, and if there were this application may not have been necessary..

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant a planning approval for the proposed development and allow the applicant to develop his farming enterprise to the maximum.

ITEM NO	20				
APPLIC NO	R/2013/0441/O		Outline	DATE VALID	10/9/13
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr C Lavery and Miss R O'Higgins 17 Ballymoney Road Kilcoo Newry BT34 5HU		AGENT	K'Lar Consultancy 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822	
LOCATION	50m North East of No 19 and 60m North of No 17 Ballymoney Road Kilcoo Newry BT34 5HU.				
PROPOSAL	Proposed new dwelling on a farm under policy CTY10 of PPS21.				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	
			Addresses Signatures Addresses Signatures		
			0	0	0 0

- 1
- The proposal is contrary to the SPPS 2015 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.



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Application Reference:	R/2013/0441/O
Date Received:	09.10.2013
Proposal:	Proposed new dwelling on a farm under policy CTY10 of PPS21.
Location:	50m North East of No 19 and 60m North of No 17 Ballymoney Road Kilcoo Newry

Site Characteristics & Area Characteristics:

The site comprises a field off the Ballymoney Road, accessed via an existing laneway which appears to be private. This laneway serves 2 dwellings at present (No.17 and 19), both of which are within the blue line. The field comprising the application site is set back approx 100m from the road, is rectangular in shape and is located to the side of no.17 and rear of no.19, and slopes up to the Northern boundary. This field is bounded by a stone ditch, post and wire fencing and scattered planting.

The site is located in the countryside, north of the village of Kilcoo This area of land is rural in character

Site History:

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

R/2000/0907/O- Immediately West of 19 Ballymoney Road, Dwelling, Outline, Approval, 24-11-00, Applicant: Mr M Fettes.

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015. Area of Constraint on Mineral Developments

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

Planning Strategy for Rural NI DES 4 AoNB's

PPS 15 Planning and Flood Risk

Consultations:

TransportNI	No objections in principle.
NI Water,	No objections in principle.
NIEA WMU,	No objections in principle.
NIEA PHM	No objections in principle
Rivers Agency	Proposal is contrary to PPS15 /FLD 5
DARD	The farm business has not been in existence for 6 years and that a single farm payment is not claimed for. Also there is no business number rather there is an applicant ref number.

Objections & Representations

3 neighbours notified and no objections received.

Representation made by Cllr Laura Devlin and Sean Rogers MLA.

Consideration and Assessment:

There is no policy conflict between the SPPS and CTY 10.

Based on the information provided it is considered this application seeks Outline permission for a dwelling on a farm, and therefore Policy CTY10 of PPS21 applies.

As part of this application a P1 form, P1C form, Supporting Statement and site location plan have been submitted.

Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where the farm business is currently active and has been established for a period of 6 years.

The information provided on the submitted P1 and P1C form states that the applicants are Mr C Lavery and Miss R O'Higgins of 17 Ballymoney Road, while the owner of the farm business is Mrs Fettes of 19 Ballymoney road, the farm business was established more than 30 years ago, they have a DARD Business Number (117991), the date of allocation was 2005, while a single farm payment is not claimed for. In addition the land is let in con-acre to a local farmer.

The Dept of Agriculture were consulted with this information who have advised the farm business has not been in existence for 6 years and that a single farm payment is not claimed for. They note there is no business number rather there is an applicant ref number, while it is noted the planning applicant and DARD applicant are not the same person.

DARD have advised that the holding on which the appeal site is located is not registered with it as a farm business, thus does not have a business ID number for the purposes of Policy CTY10.

While it is stated that the land has been taken in conacre since 2005, there is no farm business to relate this to thus this is not suffice to demonstrate that the lands have been taken for this period of time. It is also noted no details have been supplied as to what the lands have been used for during this period, although the agent advises additional evidence can be provided. The agent was given a reminder in August 2015 to have any further information submitted. Agent advised in October 2015 that there was nothing further to submit.

As this is an Outline application only a site location plan has been submitted which extends to include the existing laneway and a field to the side of no.17 and to the rear of no.19.

This field is set back from the Ballymoney road is not readily visible from this road, however more distant views are available of the site.

Although visible it is considered a dwelling on this site will visually link and cluster with the existing buildings on these lands. In addition it is considered a well-designed dwelling would not create any unacceptable prominence or integration issues.

It is also noted the plot size of this site is similar to that of the existing dwellings adjacent, and is considered to be large enough to accommodate a dwelling with sufficient space available for parking, turning and amenity space, while there are also sufficient lands available for the proposed bio-disc.

It is also considered a dwelling can be sited in this area without resulting in any unacceptable impact on any adjoining property.

During the processing of the application Rivers Agency were consulted with regard to the proximity of the proposal to Lough island Reavy Reservoir. They have recommended refusal of the application being contrary to FLD 5 which refers to development in proximity to Reservoirs. Policy FLD5 refers to the Strategic flood map, it is noted that these maps are not yet in the public domain. FLD 5 also makes reference to the forthcoming Reservoirs legislation. This legislation has not as yet been implemented. It is therefore considered that the imposition of this Policy is premature and has not been given determining material weight.

Recommendation:
Refusal

Refusal Reason

1. The proposal is contrary to the SPPS 2015 and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Signed
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ITEM NO	8			
APPLIC NO	LA07/2015/0639/F	Full	DATE VALID	7/15/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs P McMillan 22 Rosemount Crescent Newtownabbey BT37 ONH		AGENT	8a Architects Ltd 8a Catherine Street Killyleagh BT30 9QQ NA

LOCATION Site 45metres East of 55 Rossglass Road Killough

PROPOSAL Replacement Dwelling and conversion of former mill to ancillary accommodation

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

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside,
 - in that all external structural walls are not substantially intact.
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building,
 - the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting and
2. The proposal is contrary to the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building to be a locally important building.
3. The proposal is contrary to the SPPS and Policies CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - (a)it is a prominent feature in the landscape;
 - (b)the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - (c)it relies primarily on the use of new landscaping for integration;
 - (d)ancillary works do not integrate with their surroundings;
 - (e)the design of the building is inappropriate for the site and its locality; and
 - (f)it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is
 - (a) unduly prominent in the landscape;
 - (b) results in a suburban style build-up of development when viewed with existing and approved buildings; and
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
5. The proposal is contrary to the SPPS 2015 and Planning Policy Statement 2 Natural Heritage policy NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of design; size and scale for the locality and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0639/F

Date Received: 15.07.2015

Proposal: Replacement Dwelling and conversion of former mill to ancillary accommodation

Location: Site 45metres East of 55 Rossglass Road Killough

Site Characteristics & Area Characteristics:

Site is located 45m east of 55 Rossglass Road. Roadside plot with associated building to the east. Site is located in open countryside and AONB as defined in the in the Ards and Down Area Plan 2015. Rural windswept and highly scenic coastal area. The site containing the ruinous structure is rough and overgrown. Separate building included within the proposal is a stone building and referred to as a mill building. This separate building is located in a grazed field.

Ards & Down Area Plan – 2015: Rossglass is not designated in the Area Plan. Site is located within the Countryside and Strangford and Lecale AONB.



Site History:

A history search has been carried out for the site and surrounds: No relevant planning history

Planning Policies & Material Considerations:

SPPS 2015

Ards and Down Area Plan 2015.

PPS 21 Sustainable Development in the Countryside CTY3 and CTY4

Consultations:

TransportNI: No objection

EHO: No objection but make reference to the fact that a wind turbine has been approved in close proximity to the proposal and that an informative should be attached to any permission highlighting this to the applicants.

NIEA: No objections subject to the agent submitting biodiversity check list.

SES were consulted in relation to impact of the proposed development on the Murlough SAC, and Killough SPA/Ramsar site they returned stating there was not likely to be any significant effect on the designations.

From a site inspection, while the site is quite overgrown, there was no evidence of any Badger activity on site, similarly the dwelling to be replaced has no roof and there was no evidence of any bat activity on site. The “mill building” has a partial roof but no evidence of any bats. A biodiversity checklist was requested from agent on 10 March 2016 but was never submitted.

Objections & Representations

3 no neighbours notified. No reps received.

Consideration and Assessment:

SPPS – Strategic Planning Policy Statement for Northern Ireland states

The requirements for replacement dwellings as contained within the SPPS are mirrored in the current policy basis of PPS21 CTY3. However there is a strengthening up in the SPPS in terms of the requirement that a replacement **must** (my emphasis) be located within the curtilage of the original dwelling where practicable and that the replacement **must** (my emphasis) not have a visual impact significantly greater than the existing building.

Similarly in the requirements for conversion in the SPPS there is a strengthening in that there is no reference to a suitable building as there is in PPS21 CTY4, but instead refers to a locally important building. This is a higher test as required in the SPPS and which must demand determining weight in the consideration of this proposal.

The current proposal entails the replacement of one of the structures on the site and conversion of the “mill” building as referred to as an integral part of the redevelopment.

From a site inspection, the building to be replaced while it does have characteristics of a dwelling, ie remains of internal divisions evident, windows/door on rear elevation, remains of

internal chimney breast, fireplace, however the front wall of the building is almost completely absent. In this regard the proposal fails this policy test which requires that as a minimum ***all*** (my emphasis) external structural walls are substantially intact.



The replacement is proposed to be in-situ, there are no concerns in this regard, however the size and scale of the proposed replacement causes concerns in terms of its greater visual impact. The proposed replacement will necessitate cut/fill and under build which is inappropriate to this site. It is considered that the proposed replacement will have a greater visual impact than the existing building. The design of the proposal is not sympathetic and does not respect the site and its attributes.



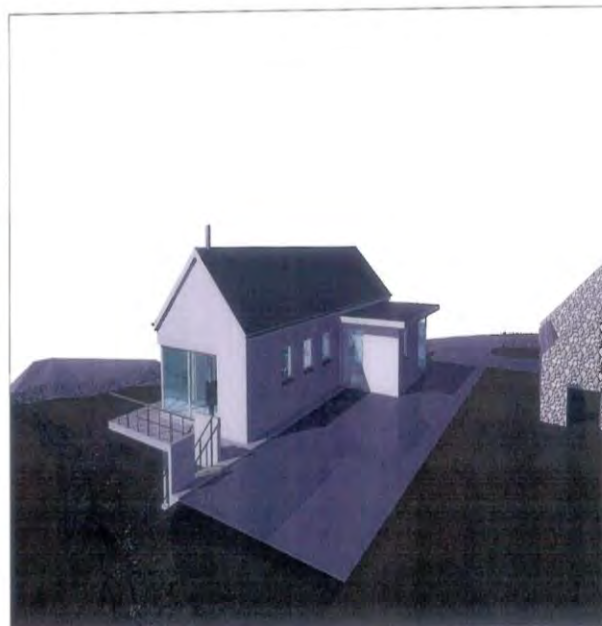
3D VIEW 1



3D VIEW 2



3D VIEW 3



3D VIEW 4

An integral part of the proposal is the conversion of the separate building referred to as a mill building. Policy clearly states that provision will be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building, examples are provided such as older traditional barns and outbuildings. It is not considered that this is a locally important building. It does not appear as an important building in the landscape and fails to exhibit any special characteristics of a old traditional outbuilding. There are many examples of such outbuildings in the countryside.

No recording of this "mill" building with any authorities as an industrial building of any merit or status.



It is considered that the conversion of this building in its own right would create the appearance of a separate dwelling and therefore the proposal as a whole would contribute to a build-up of development at this location to the detriment of rural character.

The proposed internal layout of this conversion would also allow it to function as a separate residential unit which is unacceptable.

Proposal would be contrary to CTY13 in relation to a new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Proposal would be contrary to CTY14 in terms of erosion of character and is

- (a) unduly prominent in the landscape;
- (b) results in a suburban style build-up of development when viewed with existing and approved buildings; and

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Planning Policy Statement 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design; size and scale for the locality and all the following criteria are met:

a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and

The proposal fails to satisfy the above in terms of the inappropriate scale and design of the proposal.

Agent was informed of the likely recommendation to refuse on the 10 March 2016 and again on the 8 April 2016.

Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that all external structural walls are not substantially intact and the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the proposed replacement dwelling is not of high quality appropriate to its rural setting.
2. The proposal is contrary to the SPPS and Policies CTY1 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is not considered to be a locally important building.
3. The proposal is contrary to the SPPS and Policies CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - (a) it is a prominent feature in the landscape;
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - (c) it relies primarily on the use of new landscaping for integration;
 - (d) ancillary works do not integrate with their surroundings;
 - (e) the design of the building is inappropriate for the site and its locality; and
 - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - (a) unduly prominent in the landscape;
 - (b) results in a suburban style build-up of development when viewed with existing and approved buildings; and
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
5. The proposal is contrary to the SPPS and Planning Policy Statement 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty in that the proposal is inappropriate in terms of design; size and scale for the locality and is not sympathetic

to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Consideration of Additional Information

Additional supporting information was submitted on 3 May 2016 following presentation to Council on the delegated list of 14/04/2016 as refusal.

This supporting information provides a rebuttal of the case officers report. No amendments have been proposed.

In response to the matters raised in the submission, the following is offered:

- The buildings on site do not represent an entity in the landscape, there is no perception of an old farmstead/farmyard or small holding. The site is in a dilapidated state with no significant presence in the landscape as stated by the agent.
- Agent makes reference to CTY2a Cluster development and CTY8 Ribbon Development. The site cannot be considered as cluster development for the purposes of CTY2a nor an infill under CTY8.
- The “mill building” for conversion may be vernacular in form however it is not a locally important building in the landscape.
- Agent maintains that 80% of front wall is intact. This is not accepted and is evident from the photographs that there is very little front wall remaining. Therefore all external walls are not substantially intact for the purposes of the policy.

To conclude the points raised in the rebuttal statement have been considered. The opinion of planning remains one of refusal based on the fact that all external walls are not substantially intact on the structure to be replaced. The proposed design scale and mass of the replacement dwelling and how it can be accommodated onto the site in this locality remains unacceptable.

In terms of the conversion of the “mill building” as referred to. The building is not locally important. The buildings on site do not make a statement in the landscape at this location.

The proposal would not be compliant with Policy CTY2a in terms of cluster development.

The conversion/replacement scheme as proposed does not represent an improvement to the immediate area or to the wider AONB.

Signed

.....

Replacement dwelling and conversion of former mill to ancillary accommodation, at Rossglass Road, Crolly's Quarter, Rossglass, Downpatrick.

Applicants: Mr and Mrs P McMillan

Paper for Council Members in respect of LA07/2015/0639/F 25th July 2016



Photomontage of proposal in context from the west



Photomontage of proposal in context from the east

Replacement dwelling and conversion of former mill to ancillary accommodation, at Rossglass Road, Crolly's Quarter, Rossglass, Downpatrick.

Applicants: Mr and Mrs P McMillan

Paper for Council Members in respect of LA07/2015/0639/F 25th July 2016

Preliminaries

- 1 It is taken that all Council Members have seen all material submissions from the applicant. Should this not be so, appended are;
 - o The Concept Statement which accompanied the submission. This gave detailed information of the site and buildings and alternative policies under which the proposal could be considered; and
 - o The rebuttal of the Case Officer's report and reasons for refusal, when it first became available. This pointed out factual errors and disregard of material aspects of the proposal (open countryside, photographic evidence of agricultural/industrial heritage...)
- 2 The latest Planning Submission to appear in EPICs has been read.
- 3 New, more realistic images of the proposal are contained below.
- 4 The manner in which Planning has dealt with the application has been so fraught with error, omission, speculation, misinterpretation and misrepresentation that time does not allow a full exposition. (but see Appendix 1) This paper therefore concentrates issues of principle, in the belief that subsequently matters of detail – i.e. siting, design, materials – can be resolved.

Introduction

Mr Canice O'Rourke stated at a recent meeting with Agents that there will be changes from the old institutional mindset of refusal to a more positive attitude , responding to local need, approving proposals where and when policy allows a positive outcome and where there are no obvious harmful consequences for third parties.

Mrs McMillan, applicant, is from the Rossglass Area. The farm on which the site is located is family land. She went to the local primary school where her Grandfather was Headmaster. With a growing family, she and her husband wish to re-locate to Rossglass so the children can avail of the same grounding.

The Proposal

This is as it reads, *'Replacement dwelling and conversion of former mill to ancillary accommodation.'* It was predicated upon the following Planning Policies:-

Strategic Planning Policy Statement 2015

PPS 21, Sustainable Development in the Countryside

- o CTY 2a – New Development in Existing Clusters
- o CTY 3- Replacement Dwellings
- o CTY 4 – The Conversion and Reuse of Existing Buildings
- o CTY 8 – Ribbon Development

PPS 6, Planning, Archaeology and the Built Heritage

- o BH 15 – The re-use of Non-listed Vernacular buildings

SPPS changed the emphasis in some policies e.g. 'locally important building' instead of 'suitable building' when proposal is conversion and reuse as a single dwelling ... seen as a greater test.

Consideration

Planning initially considered the application under CTY3, and CTY 4.

The critical wording of Policy CTY 3 is:-

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Planning acknowledged the building has 'characteristics of a dwelling', naming internal divisions, windows/doors on rear elevation, internal chimney, fireplace.' Adding fired clay tiled floor throughout, hearth, wall niches, intact sliding sash window, indents for thatched roof, domestic store and kitchen garden may give a fuller description.



S/S window on front elevation



Other front return

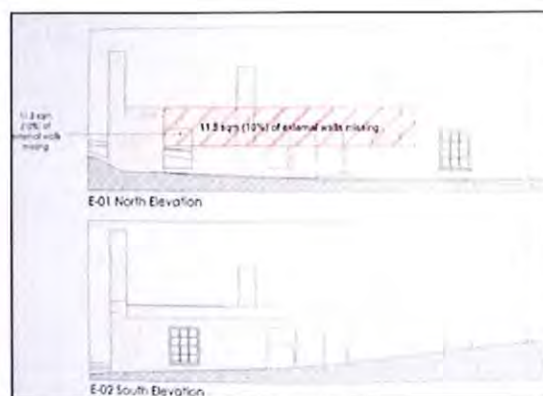
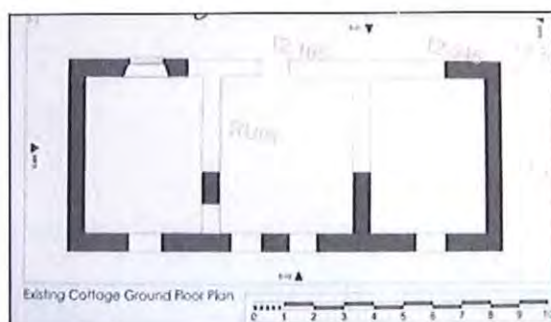


Rear wall and gable



Fired clay tile floor

Sketches showing floor plan and existing walls



However, refusal was recommended because 'the front wall of the building is almost completely absent. In this regard the proposal fails this policy test which requires that *all** (Case Officer's emphasis) external structural walls are substantially intact'... not so; rear wall and gables are as built, on the front there are substantial returns from the gables, one containing a timber window, and a thorough site inspection would reveal the intervening wall (including 2 windows and door) at about a metre high. Fresh re-survey of the building shows that, in fact, more than 90% of the wall fabric remains *in-situ*. That other 10% includes the 2 windows and the front door threshold.

90% external wall fabric *in-situ* equates to 'substantially intact'; therefore, it is held that the existing structure fulfils the policy requirements for Policy CTY 3 - Replacement Dwelling.

In respect of the Mill Building, ie proposed ancillary use thereof, the critical wording for CTY 4 is:-

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria: (permanence, sympathetic scheme, access,)

Planning offers the view that SPPS has replaced 'suitable building' with the more stringent test 'locally important building', and contemptuously dismisses the Mill Building thus:-

'It is not considered that this is a locally important building in the landscape and fails to exhibit any special characteristics of an old traditional outbuilding. There are many examples of such outbuildings in the countryside'

The subject building was erected early in the C19th. It is a very finely built structure of vernacular provenance, with projecting flat stone eaves. Unusually there are radiused pillars and a matching radiused projection on the adjoining gable. It was a Threshing Mill and various stages of its evolution can be read from the changes in the North wall structure. The mechanics are still there; externally the horse walk, horse halter and underground gearing drive is in place (though bent) internally, the Threshing Machine is still there - now overgrown, apparently last used in mid-C20th.



Horse walk track, halter, hub and gearing, rear wall of Mill



Threshing Machine



Radiused masonry elements



Front wall, eaves and gable 'knee'

Primarily built to serve the host farm, such a facility would inevitably be used by surrounding farmers becoming, as many did, a work and social focus for the community. Furthermore, it occupies a locally prominent site ... to which photographs attest.

To dismiss this building as unimportant, is to not understand the role and significance of such in cultural, historical and architectural development ... in short, their heritage value and the role of Planning in promoting it. More of this later.....

The Mill Building is 'a locally important building'; early C19th fine vernacular building, focus of work and social congress, visually prominent; it fulfils the requirements of **Policy CTY 4 – Conversion**

(Note: Whilst the proposal would pass the greater test comfortably, one is obliged to pointed out that, in fact, the lesser policy test was the appropriate one; **SPPS** requires the subject to be a '*locally important building*' only when the proposal is to convert and use as a single dwelling; this proposal is for use ancillary to the host dwelling.)

Only in response to the paper rebutting the Reasons for Refusal, did the Case Officer (fleetingly) address **Policies CTY 2a, and CTY 8**

Policy CTY 2 – New Development in Existing Clusters reads:-

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*
- *the cluster appears as a visual entity in the local landscape;*
- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*
- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*
- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and*
- *development would not adversely impact on residential amenity.*

Hurriedly penned to the ending of Planning's latest EPIC statement under, '*Consideration of Additional Information*' (which was, in fact provided in the Planning Statement submitted with the application) is, '*The site cannot be considered as cluster development for the purposes of CTY 2a.*'

The site, the old cottage and the Mill Building lie within the grouping defined adjacently by the blue line. The grouping complies with the qualifying criteria listed above so may reasonably be described as a **Development Cluster** for the purposes of **Policy CTY 2a**. That the application is for a replacement and a conversion is immaterial; both elements qualify as new development.



The critical content of Policy CTY 8 – Ribbon Development reads as follows:-

Planning permission will be refused for a building which creates or adds to a ribbon of development.

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Again, hurriedly penned under 'Consideration of Additional Information', again, provided with the original submission is, 'The site cannot be considered ... as an infill under CTY 8'.

The site, old cottage and the Mill Building are integral to 'a line of 3 or more buildings along a road frontage' – confirmed by the map above. The proposed replacement and conversion proposal lies comfortably within the bounds of development permitted within a ribbon ... and without material change.

Yet to be addressed by Planning is the proposed consideration of the Mill Building under PPS 6, Planning, Archaeology and the Built Heritage. As allude to above, this is pertinent to CTY 4. Chapter 7 of PPS 6, opens with a paragraph, entitled, 'The importance of vernacular buildings'. This may offer help in defining 'a locally important building' :-

The vernacular buildings of Northern Ireland have developed as a response to local economic and social circumstances, using simple styles and largely local materials. They have a natural place in our towns, villages and smaller settlements and help give the countryside its personality. While the Department operates a general presumption in favour of the preservation of buildings listed as being of special architectural or historic interest there is growing concern about the continuing loss of those traditional buildings with historical associations and local character, which are not listed, particularly in rural areas. A report published in March 1998 by the Environment and Heritage Service entitled "A Sense of Loss" highlights the severe decline in the number of rural traditional buildings of Northern Ireland in recent years. Buildings of character which display local traditions of architecture and design are an important part of our heritage and regional identity. It is therefore sensible to sympathetically rehabilitate and improve such vernacular buildings, rather than replace them or allow them to fall derelict.

The critical passage of BH 15 – The Re-use of Non-listed Vernacular Buildings reads:-

The Department will normally permit the sympathetic conversion of non-listed buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element in the landscape and of local architectural or historic interest. All proposals for conversion will normally be required to meet all of the following criteria:(structurally sound, sympathetic scheme, no extensions ..)

Planning has not responded to PPS 6, BH 15 (reuse of vernacular) but its policy content is clearly supportive of conversion of the Mill Building as proposed. It is;

- A vernacular building (agreed by Planning) of some quality and significant distinction it is elevated prominently above the roadway in a tourist area and ANOB;
- An old Mill Building with the original mechanics – threshing machine, horse walk, halter and drive gear – all in place;
- Clearly of architectural and historic interest ... add cultural and educational.
-

By many measures, it is a locally important building ... and deserving of a sustainable future.

BH 15 offers another route to approval.

Conclusion

Planning has mustered a range of Planning Reasons for refusal, some conflating issues of principle with matters of detail, but all of those dealing with the fundamentals of principle readily rebutted.

In regard to the Replacement Dwelling the only issue in principle is whether ***'all external walls are substantially intact.'*** A verifiable 90%+ of external walls *in situ* must equate with the term 'substantially intact'

In regard to consideration under CTY 2a (Clusters) and CTY 8 (Infill) planning managed only a belated negative response without explanation or justification. This paper shows that these are alternative means whereby overall approval can be considered.

In regard to the conversion and re-use of the Mill Building as ancillary to the host dwelling the case presented here under CTY 4 overcomes any negative conclusions of Planning.

Finally, again in regard to the Mill Building, the case under PPS, Planning, Archaeology and the Built Heritage, Policy BH 15 (Conversion of vernacular buildings) remains unanswered. Whilst Planning has failed to comment, the case put here is unassailable.

As explained at the beginning, this paper has concentrated of issues of principle. Hopefully these will be resolved positively, allowing the opportunity for subsequent resolution of the details – i.e. siting, design, character, materials etc..

2. ... all

This term addresses the collective 'external walls'. The Case Officer seems to attach an alternative meaning to that intended. However, if CTY 4 meant individual walls, the policy would have read, ***'each external wall is substantially intact.'***

Appendix 1

"The manner in which Planning has dealt with the application has been so fraught with error, omission, speculation, misinterpretation and misrepresentation."

These are addressed in reverse order, potentially the most serious first. Below are examples only.

"misrepresentation"

In its latest document Planning presented undeniably distorted images of the '3D Views' submitted ... this is not good practice.



Planning's distorted representation, left, of 3D Views submitted, right.

"misinterpretation"

....of SPPS requirement for more rigorous test in regard to 'conversion and re-use' of Mill Building. The lesser test was appropriate in this case, as the proposal was for ancillary use, not as a 'single dwelling'

.... apparently , of meaning of phrase, '*all external walls substantially intact*' in CTY 4

"speculation"

... about ultimate use of Mill Building ... application for '*ancillary use*'

"omission"

.... consideration of proposal under CTY2a, New Development in Existing Clusters and CTY 8, Infill Development. Following a critical rebuttal of the Case Officer's Report both omissions were hurriedly corrected by an addendum entitled, '*Consideration of Additional Information*'.

.... consideration of proposal under PPS 6, BH 15 Reuse of Non-listed Vernacular Buildings.

In fact, all of these policies were promoted for consideration in the Planning Statement submitted with the application

"error"

... site said to be in '*open countryside*'. Not so, it is part of the built up littoral, or shoreline.

... unaware of 'industrial/agricultural' history of Mill Building, despite photographs and physical presence of artefacts on site

... conversion of Mill Building assuming characteristics of 'separate dwelling' ... to the contrary !

.....

APPENDIX 2
ORIGINAL PLANNING STATEMENT

Replacement dwelling and conversion of former Mill to ancillary accommodation (... to form single residential Unit), at Crolly's Quarter, Rossglass, Co Down.



Rossglass

Preface:

This is a mixed scheme; 'mixed', in the sense that there is a 'practical' element, the Replacement Dwelling, and a 'less practical' cultural element, the restoration of an industrial heritage artefact, the former Corn Threshing Mill.

A wide range of Planning Policies – from replacement, through rounding off and consolidation of development clusters, to protection of cultural heritage - provide justification. The plan is to roof the former Corn Mill, use as a building store while work proceeds on the 'replacement', and when latter is complete, restore fully as guest accommodation for the host dwelling.

The area lies within the *Strangford and Lecale Area of Outstanding Natural Beauty*, within which it is a particularly noted beauty spot ... see below – now much in need of nurture.

One of many lanscape paintings

Feeding the Chickens, Rossglass

J Bannon



Rossglass

Winter 1947



Replacement dwelling and conversion of former Mill to ancillary accommodation (... to form single residential Unit), at Crolly's Quarter, Rossglass, Co Down.

Background

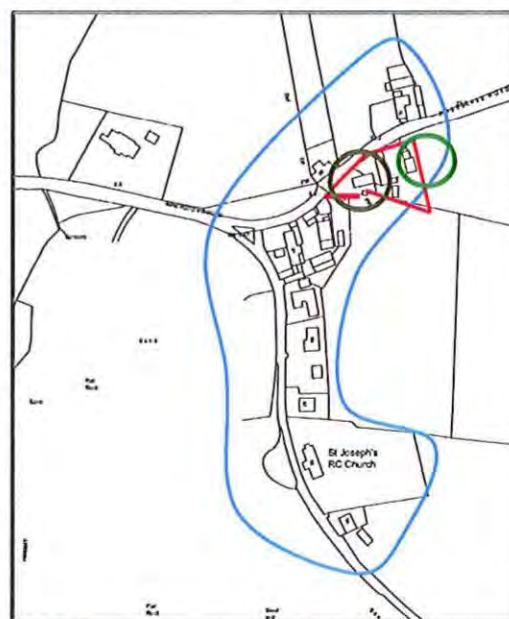
This is a proposal for a single residential unit comprising a (new) replacement dwelling and ancillary accommodation; the latter being provided by the restoration and conservation of a historic Mill building. The original dwelling to be replaced and the former Mill are the physical presence of an old farmstead and define the farmyard of a smallholding. They are known locally as Venny's Farm and Venny's Corn Mill.

The farm is situated on higher ground overlooking Rossglass and Dundrum Bay to the West. Rossglass offers shelter from this harsh marine environment to the old farm house and former Mill.

Site and Surrounding Area

Located North East of the junction of Rossglass Road and Rossglass Road South, both buildings form the western and eastern limits of the old farm yard of Venny's Farm, a smallholding of some 11 hectares. Additionally, they comprise part of a development cluster known as Rossglass, which draws its identity from Rossglass Beach, Rossglass Chapel and Graveyard.

On higher ground, the Corn Mill is the more exposed to the elements but clearly a constituent part of both the farmyard and development cluster. Other than the absence of the main roof this building remains practically intact ... such was the quality of its traditional construction, linear in form constructed in mass field rubble and cut stone bonded by lime mortar. Between the Mill and the public road is a smaller roofed open shed with unusual radiused roof supports and gable. The milling paraphernalia is still in place; so too are the mechanics of the horse walk and drive; and there are some architectural elements which set it apart. The masonry work is first class and sound. It was not a large Mill but would have served the local Rossglass farming community and thus have been a focus for local community life, as these buildings tended to be.



-  Rossglass Development Cluster
-  Application Site ... Farmyard
-  Former Mill
-  Dwelling to be replaced

The house to be replaced lies on lower ground, sheltered behind buildings overlooking the littoral of Dundrum Bay to the West. Its aspect is open to Rossglass Road and, whilst the roof is no longer in place, the gables, internal transverse walls, front and back walls to eaves height are extant. There is also a small outhouse to the rear. Clearly of some age it is a traditional rural cottage – linear in form, single room depth, constructed with mass field rubble bonded by lime mortar. The gable form indicates that the original was thatched. The old farm yard rises towards the Corn Mill to the East.

The base map shows a third building, gable onto Rossglass Road, between the old house and Mill. Only the foundations remain.



Above: Panoramic view of Rossglass from West

Below: Enlarged view showing Corn Mill and old Dwelling Gables



History of Smallholding

The smallholding comprises land lying East of the dotted line. The buildings comprising the farm yard pre-date the Townland Survey of mid-1830s. The contemporary 1834 OS Base Map shows the old dwelling and a substantial outbuilding (since removed). The Corn Mill is yet to be built.

The Map, the first OS Series, shows the junction of the Minerstown Road, Rossglass Road and Rossglass Road South, and other buildings, including Rossglass Church, which together formed the basis on which 'Rossglass' coalesced.



The Survey (1830s) described the land (51 acres); *'Strong sharp friable loamy clayey arable; upon a brown open gravelly subsoil; the whole very even in quality, and conveniently situated.'*

The buildings were described as *'house and offices'*, occupant was Hugh Venney. The dwelling was deemed to have been of sufficient quality to have passed the threshold to be rated.

The Griffiths Valuation of *circa* 1860 and the associated (revised) OS Map show the farmyard buildings more clearly (see below) and that the Corn Mill had been constructed in the interim. The holding was listed as *'House, Offices and land'*, the land take had reduced to about 28 acres, the occupant was Patrick Venny and the landlord Lascelles.



Farmyard as on 'Griffiths' Map

The Proposal

Clearly the proposal has two elements, albeit, those two creating only a single dwelling;

1. The principal component, the replacement dwelling, and,
2. The restoration and conservation of the historic Corn Mill; it is envisaged that the Mill initially be used as storage for building materials and tools, then ultimately as ancillary guest accommodation to complement the host dwelling, and as an industrial heritage artefact.

However, in terms of Planning Policy the proposal draws on a wide range

Firstly, PPS 21, *'Sustainable Development in the Countryside'*,

Policies

CTY 1 *'Development in the Countryside'*,

CTY 2a, *'New Dwellings in Existing Clusters'*,

CTY 3, *'Replacement Dwellings'*,

CTY 4. *'The Conversion and Re-use of Existing Buildings'*, and

CTY 8, *'Ribbon Development'*.

Secondly, PPS 6, *'Planning, Archaeology and the Built Heritage'*

CH 8 *Industrial Heritage ... The Importance of Industrial Heritage*

Policy BH 15 *'The Re-use of Non-listed Vernacular Buildings'*.

In terms of execution of, and inspiration for, the scheme, design guidance was sought from the DOE Publication ;

'Building on Tradition – a Sustainable Design Guide for the Northern Ireland Countryside'

The Replacement Dwelling

The proposal complies principally with the eponymous policy, CTY 3, '*Replacement Dwellings*', but also draws support to be considered positively under either '*New Dwellings in Existing Clusters*' or '*Ribbon Development*'.

Details of Farmhouse

Gable, internal tranverse walls and gable.

Rear and front walls.

Gates to kitchen garden to right.



Rear wall intact to eaves level



Front wall from inside, South gable in distance



Below: Sliding sash window to front elevation and Hearth in same room, with wall niche. Latter often housed a Religious Icon



The new dwelling addresses Rossglass Road gable-on, reflecting the previous building whose footprint it occupies, the old Corn Mill and other buildings in the immediate vicinity. It is partially built on the higher ground to facilitate views of the Dundrum Bay littoral and the distant Mourne Mountains.

In terms of scale and proportion it assumes those of a traditional vernacular dwelling but in a contemporary style. Materials and finishes accord with policy. (see Building on Tradition)



Site Layout Plan

The site presents itself openly along a fair stretch of the public road, sufficient to accommodate/provide adequate sight lines splays. Furthermore, land to the East outside the site boundary (red line) can be incorporated if required.

Ancillary Accommodation Restoration and Conservation of the former Corn Mill

The building already exists as a significant element in the cultural landscape, defining a clear boundary of a significant development group. The scheme of restoration and conservation is predicated upon its heritage value, its vernacular character and contribution to the local landscape and background of the Rossglass area. (It is this building typology, moreso than the listed 'educated' buildings, that create the distinct character of the Ulster landscape and for that reason their continued presence through re-use ... if necessary by a change of use ... is paramount.)



East (Field) elevation



West (Farmyard) elevation

Right:

Note....

- o Plumb wall and gable lines
- o Fine projecting eaves and gable 'knee'
- o Quoin stones
- o Parapet gables
- o External harling



The mechanics ... fulcrum, armature and halter in horse walk which powered the thresher inside.

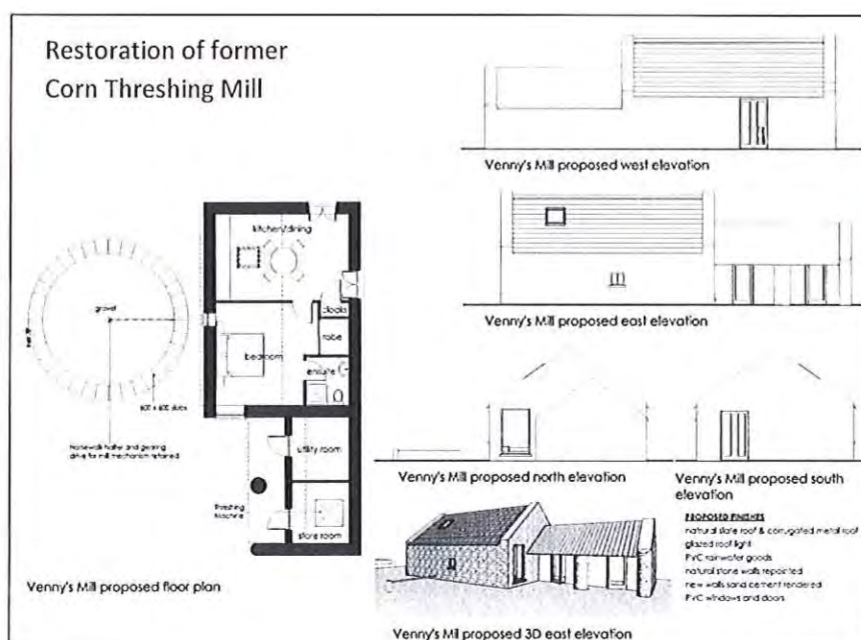


Radiused roof supports;
note projection in gable wall

The building is certainly of the 'vernacular' tradition ... proportions, materials, manner of build, siting and relationship to host farm yard are all characteristic, just as the interventions on the East elevation (closed openings) explain a reorientation towards the farm yard. The mechanics, quality and 'sophistication' show it was built for a specific purpose. The existing form will be retained. Rooves will be reinstated – slate to the body of the Corn Mill, and Corrugated 'Onduline' (mimicking the traditional corrugated iron) to the outside stores.



Walls will be inspected and made good with traditional lime mortar, with traditional detailing retained (e.g. pediment gables). The external horse walk and Milling paraphernalia will be restored and made good as associated garden amenity space. The thresher will be restored and retained for viewing in one of the stores. All work will be carried out in accordance with BS Conservation Standards, Protocols and Practices as annotated on the accompanying drawings.



Conclusion

The site is on the littoral of Dundrum Bay in the Strangford and Lecale Area of Outstanding Natural Beauty. At present it is largely unused, overgrown and unkempt and the former Corn Threshing Mill is approaching an existential crisis. It is considered that the overall scheme will effectively and appropriately consolidate the 'Rossglass Development Cluster'. The replacement farmhouse is of a scale, proportions and design to fit in , even enhance, the present scene, and Venney's Corn Mill itself represents a significant cultural asset worthy of retention for architectural, building, heritage, educational and other social and cultural values.

The scheme will secure the environmental and landscape value of this maritime AONB, and the identity of a significant industrial heritage artefact.

8a Architects

July 2015

APPENDIX 3
REBUTTAL OF CASE OFFICERS REPORT

Rebuttal of Case Officer's Report

Highlighted and numbered items in the COR are addressed first, followed by omissions in the report and then a general summing up.

1. ***"Site is located in open countryside"*** page 2
 This is not so. It is on the littoral of the Lecale, a shoreline characterised by its tourist popularity and moderate scale of development.
 The site, comprising a former farmyard, is part of the well defined cluster of development focused on St Joseph's Church at Rossglass

 2. ***"... the front wall of the building.....as a minimum all external structural walls are substantially intact."*** page 4
 Well over 80% Of the external walls exist to eaves or barge level. Of the remainder all exist from foundation up to about 1metre with the fallen fabric lying about. This must register as being, ***"substantially intact"***.
 Note: the requirement is not that 'each' wall be substantially intact; rather it is the walls.

 3. With respect to the Mill building, ***"It is not considered that this is a locally important building ... There are many examples of such outbuildings in the countryside."*** page 4
 Has the Case Officer read the Development Concept Statement, looked at the photographs or observed the 'horse walk' and 'threshing mechanism' on site ?????

 4. ***"No recording of the 'mill' building with any authorities as an industrial building of any merit or status."*** page 4
 This was a farm based Corn Threshing Mill, the use of which would have been shared by many local farmers. The quality of the build, distinguishing stonework and the mechanical artefacts endow merit and local status rendering the building worthy of retention.

 5. ***"It is considered that the conversion of this building in its own right would create the appearance of a separate dwelling"*** page 4
 Has the Case Officer read the DCS ? Has the Case Officer looked at the Plans ? The proposal is restoration of 'Corn Threshing Mill' without meaningful external alteration. The building exists as a separate entity, the aim is for its retention for cultural and heritage reasons, with its (conditioned) use as ancillary to host dwelling.

 6. ***"... allow it to function as a separate residential unit ..."*** page 4
 The proposal is for the Mill to be used as 'ancillary guest accommodation'. (.... can be conditioned)

 7. References to CTY 13 and CTY 14 , ***'Integration and Character.'*** page 4
 In the context of this application the view is that these, unlike 1 to 6 above, are matters of detail – siting and design - and can be resolved. To reject the Mill proposal would be inimical to rural character. However, no regard has been had to the fact that the site already possesses distinct boundaries, a land form favourable to integration, built artefacts, a substantial backdrop, etc.; in effect, it has its own identity – it is not a virgin site. Furthermore it is part of an existing cluster of development known locally, and more widely afield, as Rossglass. Accordingly, integration is more readily achieved.
-

Omissions

The DCS suggested a range of Planning Policies under which an approval might be predicated.

The Case Officer has failed to consider the proposal under the following policies, namely:

1. PPS 21, "Sustainable Development in the Countryside" and SPPS 2015

o Policy CTY 2a, "New Dwellings in Existing Clusters."

The site, and its buildings – Mill and old dwelling – lie within the built footprint of the existing cluster of development known as Rossglass, focussed on the local Church and graveyard.

o Policy CTY 8, "Ribbon Development"

A ribbon of development stretches from the foreshore up to the Mill building, with the opportunity for 'infill' where the replacement is proposed. This is complemented by a recent replacement dwelling and an old farm yard opposite and North of the carriageway.

2. PPS 6, "Planning, Archaeology and the Built Heritage" and SPPS 2015

o Chapter 8, Industrial Heritage

"The Importance of Industrial Heritage"

There are reminders everywhere of the industrial changes which have influenced the social and economic development of Northern Ireland in recent centuries. Features of this industrial heritage include the remains of small, local enterprises, such as the corn, flax and beetling mills, many still visible as ruins in the countryside, and more significant buildings or complexes, such as the multi-storey cotton and linen mills that characterise parts of our cities, towns and villages.

o Chapter 9, Non-listed Vernacular Buildings

"The Importance of Vernacular Buildings"

The vernacular buildings of Northern Ireland have developed as a response to local economic and social circumstances, using simple styles and largely local materials. They have a natural place in our towns, villages and smaller settlements and help give the countryside its personality. While the Department operates a general presumption in favour of the preservation of buildings listed as being of special architectural or historic interest there is growing concern about the continuing loss of those traditional buildings with historical associations and local character, which are not listed, particularly in rural areas. A report published in March 1998 by the Environment and Heritage Service entitled "A Sense of Loss" highlights the severe decline in the number of rural traditional buildings of Northern Ireland in recent years. Buildings of character which display local traditions of architecture and design are an important part of our heritage and regional identity. It is therefore sensible to sympathetically rehabilitate and improve such vernacular buildings, rather than replace them or allow them to fall derelict.

o Policy BH 15, "The Re-use of Non-listed Vernacular Buildings."

The Department will normally permit the sympathetic conversion of non-listed vernacular buildings to other appropriate uses where this would secure their upkeep and retention. In the countryside conversion to residential use will normally only be considered appropriate where the building to be converted is an important element in the landscape and of local architectural merit or historic interest. All proposals for conversion will normally be required to meet all of the following criteria:

- a) the building is structurally sound and capable of conversion;*
- b) the scheme of conversion will not have an adverse effect on the character or appearance of the locality and safeguards the form, character and architectural features, design and setting of the existing building. This will involve retention of existing door and window openings and minimising the number of new openings. Details such as door and window design, external surfaces, rainwater goods and means of enclosure should be of traditional or sympathetic design and materials;*
- c) the new use would not cause unacceptable adverse effects on the amenities of nearby residents or other land uses;*
- d) normally no new extensions are involved; and*
- e) access and other necessary services are provided without adverse impact on the character of the locality.*

The lack of recognition of the Mill building being of vernacular provenance, of significant industrial heritage and of local importance, and the manner in which it was dismissed by a public body charged with protection of such artefacts, is worrying. It appears not much has been learned from the severe decline in these traditional buildings highlighted in *"A Sense of Loss"* (EHS).

Concluding remarks

Being of the opinion that matters of detail, design, siting, etc., are matters capable of resolution, this paper has concentrated on fundamental issues which may be seen as matters of principle.

1. The Replacement House

Regarding the original dwelling it is acknowledged that it *'exhibits the essential characteristics of a dwelling.'* With over 80% of external walls being complete to eaves and barge levels, with the remainder present from foundation level up to door threshold, window cill and otherwise to about 1 metre, and the original built fabric present, this must equate to *'all external structural walls are substantially intact'*

The case for Replacement complies

2. The Mill building

This is a fine and well built vernacular building, whose longevity is testament to those qualities. It is of mass load bearing construction, field rubble bonded with lime mortar. It is linear in form, with Mill enclosure and outdoor storage bays co-joined by a gable. The roof over the bays is extant and the former Mill roof was duo-pitched, timber construction with slate covering. Original fine detailing exists in the eaves/roofplates, wall openings and bays. Changes evident in the fabric reveal its story through the years. (See Annex 2, Vernacular Buildings PPS 21)

That it was a Mill is patently clear from the existing artefacts; the horse walk, the halters, and the thresher. It was a Local Corn Threshing Mill. It would have provided utility for many of the local farmers and acted as a spur to local social intercourse, as all such focal points did.

As PPS 6 makes clear these are the buildings which add local character, personality and interest to the local landscape, not the Listed statements. Their loss is to the detriment of the rural landscape and community.

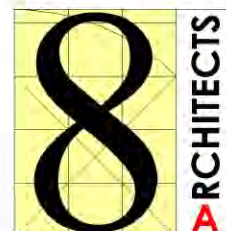
The essence of the scheme to restore and re-use the Mill building is that it retains its present form and character ... vernacular provenance with history as a threshing Mill. This complies with all policies.

The dispassionate reader might reasonably be forgiven were he to conclude the Planning Authority had approached this application with a characteristic mindset of refusal, then, as a *post hoc* rationalisation, cherry picked the policies for negative input, ending with the scatter gun approach in regard to detailed impact.

Our Ref: 14/036

Your Ref: LA07/2015/0639/F

Newry, Mourne and Down District Council
Planning Office
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ



8a Catherine
Street
Killyleagh
Co. Down
BT30 9QQ

T: 02844821323
F: 02844821752

E: info@8aarchitects.co.uk

Date: 27 July 2016

FAO Annette McAlarney,

Replacement dwelling and conversion of former mill to ancillary accommodation, Site 45 metres East of 55 Rossglass Road, Killough, BT307QZ.

Please find herewith documents for consideration at the Council Meeting of 3RD August 2016. I apologise for the amount of material submitted but the manner in which this Planning Application has been managed forces me to review all the issues since submission. The amount of reading material may seem daunting. Councillors are urged to read carefully the most recent submission dated 25th July and its Appendix. The Planning Statement and the Rebuttal of the Case Officer's Report are included for reference purposes.

Documents enclosed include:

- Report dated 25th July detailing the application. This also includes an appendix containing the initial planning statement and rebuttal of the case officers report

Drawings Enclosed include 4 copies of the following:

- PL-02A Existing Site Plan revised to show extent of existing site boundaries, planting and neighbouring dwellings.
- PL06C Proposed Site Layout Plan revised to show extent of existing boundaries and planting and how these are retained and added to, to integrate the proposals into the landscape
- PL-12 Existing and Proposed Site Sections showing extent of existing boundaries and planting and how these are retained and added to, to integrate the proposals into the landscape
- PL-13 Proposed photomontage images showing the proposal in context.

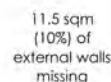
Should you require any additional information please contact us.

Yours faithfully,

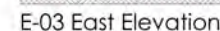
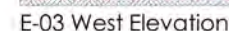
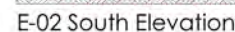
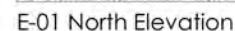
8A Architects Ltd
Encl.

CC. Client
Margaret Ritchie MP

PL-02A  RIBA CHARTERED PRACTICE



ANALYSIS OF EXTERNAL WALLS HAS SHOWN THAT 90% OF THE EXTERNAL WALLS OF THE EXISTING COTTAGE ARE PRESENT ON THE SITE



- Walls: Natural stone
- Doors & Windows: Timber

Back to Agenda

HEALTH & SAFETY
This contract is a new addition to the *Health and Safety* section of the *Standard Contract Documents for Construction*. It is designed to address the requirements of the *Health and Safety Regulations 1995* and other relevant legislation or codes of practice. On a domestic project the contractor will be responsible for informing the *Health & Safety Executive* for the relevant authority of the project. For a commercial project, notification of Project (N) 101 forms, which informs the Executive of details of the client, the contractor, the personnel involved and the project, must be submitted to the Executive. On a domestic project, the contractor will be responsible for providing information to access the contractor's compliance with the *Health and Safety Regulations 1995* (COSHH) and Approved Code of Practice (ACOP) for Managing Construction for Health and Safety. The contractor should also produce a *Construction Health & Safety* form to address the inspection of these works and the contractor, design and construction team. This information is to be submitted and approved by the *Health & Safety Consultant* at least two weeks in advance of the start of the construction work. On completion of the works the contractor shall produce two copies of the *Health and Safety* file to the completion of the construction of the works. The contractor shall provide detail of all relevant documentation. One copy shall be retained by the client, the other by the *Health & Safety Consultant*. NOTE: all building sites to be treated as hard hat areas.

GENERAL NOTES: - (IMPORTANT)
 Client, Contractor and/or Developer to ensure the project is carried out in accordance to the approved planning and Building Regulations and all other applicable codes, orders and byelaws. It is the responsibility of the Client, Contractor and/or Developer to ensure that there is no contravention of planning approval and non-compliance with Building Regulations for existing and proposed works. The Contractor is to ensure that the proposed works are carried out in accordance with the approved planning and Building Regulations, resulting in fines and/or removal of unapproved works.

Any work commencing on site prior to the issue of Planning Permission at Building Control constitutes a risk and will be the responsibility of the Client.

The architect will bear no responsibility for any changes made on site by the client or contractor, from those information that has been approved by the local District Planning Authority. The local District Planning Authority will be responsible for the local planning and Building Regulations which will result in non-certification of mortgage by the architect due to non-compliance.

The architect shall retain the right of supervision to the Planning Service and Building Control for their approval, prior to continuing work.

The architect's Footnote to specify and make themselves aware of all dimensions, boundaries, existing & proposed site, the conditions, around topography, existing structures, and the environment. The architect shall ensure that the project is satisfied that the project can be executed as drawn & specified and any discrepancies to be notified to the architect immediately.

All drawings and specifications referred to this building project are copyright of the Architect and are not to be copied or reproduced without the written permission of the Architect.

COMPLETION OF WORKS
Property owner to be aware that if a Building Control Completion certificate has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

INSURANCES
If it is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site, confirm this with their property insurance company prior to any works commencing on site that insurances are in place before / during and after construction.
All contractors and sub-contractors to have insurance prior to entering site.

NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS

Prior to commencing work on site Property / site owner to make themselves familiar with Health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive. Tel: 028 90 233383 or on their website at www.hseni.gov.uk <http://www.hseni.gov.uk>

NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS

The position of the proposed building and levels shown on the approved site plan are for the building / building services to be placed and **not** to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved. If the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at risk to client / applicant and the architect / client will bear no responsibility for these actions.

NOTE TO CONTRACTOR & SUB-CONTRACTORS
All contractors and sub-contractors are to be familiar with Health and safety requirements and obligations as stipulated in the relevant regulations. A copy of the Health and safety guidance booklet, which can be obtained from the Health and safety executive, Tel: 028 90 23383 or view on their website at www.hse.gov.uk should be available to all.
Contractors and sub-contractors are to visit the site prior to submitting a final price and to familiarise themselves with the site conditions, including the location and proposed drainage layouts, identify hazards, boundary locations and conditions, site restrictions and any other additional work not included in the contract. Contractors are to ensure that they can complete the project. Additional works identified, to be notified immediately to the Architect for his further instructions. Contractors are to ensure that they are familiar with the Regulations. It is to submit to the Council of appropriate forms, notices relating to commencement, certain stages, and completion of work.
Contractor to carry out an environmental survey at least 30 days commencing. Contractors to be provided to architect for completion of a Land Use Assessment and site investigation on completion of work.

Do not idle from drawings.
Builder to check all dimensions
on site.
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Keywords:

8

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Ph. 028 4482 1323 F. 028 4482 1752
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Replacement dwelling and conversion of former mill to ancillary accommodation

JOB No. 14/036 drawing scale 1:100/A3 1:50/A1

Client Mr & Mrs P McMillan drafted DM

Address Rosigun Road, checked JW

Downpatrick DWG issue 27/07/2016

Status: Planning

PL-03A 
ACCREDITED PRACTICE



SPECIES	SIZE	STOCK	DENSITY
COMMENTS			
Acer Campestre (field maple)	3m, 3.5m high	C.G multi stem	as shown
Betula pendula (silver birch)	3m, 3.5m high	C.G multi stem	as shown
Prunus Serula	3m, 3.5m high	C.G multi stem	as shown

<i>Alnus glutinosa</i>	60-90 cm	borefor	1/4m	groups to b/bed
<i>Cornus alba 'spæthii'</i>	60-90 cm	2 Ltr. C.G	3/4m	groups to f/bed
<i>Cornus alba 'westonbirt'</i>	60-90 cm	2 Ltr. C.G	3/4m	groups to f/bed
<i>Ilex aquifolium</i>	60-90 cm	2 Ltr. C.G	1/4m	groups to b/bed
<i>Prunus Padus</i>	60-90 cm	borefor	1/4m	groups to b/bed
<i>Pyraegantha 'orange glow'</i>	45-60 cm	2 Ltr. C.G	2/4m	groups to b/bed
<i>Ribes odoratum 'buffalo current'</i>	45-60 cm	2 Ltr. C.G	2/4m	groups to f/bed
<i>Salix alba chermesing</i>	45-60 cm	borefor	2/4m	groups to f/bed
<i>Salix caprea</i>	60-90 cm	borefor	1/4m	groups to b/bed
<i>Viburnum Tinus</i>	60-90 cm	2 Ltr. C.G	2/4m	groups to b/bed

<i>Chaenomolles speciosa</i>	45-60cm	1.5 Ltr. C.G	4/sqm	groups torn/bed
<i>Escallonia 'donard seedling'</i>	45-60cm	2ltr. C.G	3/sqm	groups torn/bed
<i>Fuschia 'riccartonii'</i>	45-60cm	1.5 Ltr. C.G	3/sqm	groups torn/bed
<i>Hebe 'white gem'</i>	30-45cm	1Ltr. C.G	3/sqm	groups to 1/bed
<i>Hedera helix 'colchica'</i>	30-45cm spread	1 Ltr. C.G	4/sqm	groups to 1/bed
<i>Lavandula Vera</i>	30-45cm	1 Ltr. C.G	5/sqm	groups to 1/bed
<i>Lonicera pileata</i>	30-45cm spread	2 Ltr. C.G	3/sqm	groups to 1/bed
<i>Mahonia aquifolium</i>	45-60cm	2ltr. C.G	3/sqm	groups torn/bed
<i>Potentilla 'elizabeth'</i>	30-45cm	1 Ltr. C.G	4/sqm	groups to 1/bed
<i>Pieris japonica 'forest flame'</i>	30-45cm	2 Ltr. C.G	4/sqm	groups torn/bed
<i>Prunus laurocerasus otto luyken</i>	30-45cm	1.5Ltr. C.G	4/sqm	groups torn/bed
<i>Senecio 'sunshine'</i>	30-45cm	1.5 Ltr. C.G	5/sqm	groups to 1/bed

<i>Clematis montana</i>	60-90cm	2ltr. C.G.
<i>Lonicera periclymenum</i>	60-90cm	2ltr. C.G.

The area within the visibility plays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter. Any pole or column materially affecting visibility must also be removed. No work shall commence on site until the visibility plays have been provided. The line of any new fence or wall must be positioned behind the visibility plays. It is recommended that any new trees or shrubs be planted at least 3.0 metres back from the visibility plays to allow future growth and some species will require additional set back. All existing planting must be kept trimmed behind visibility plays.

Drainage shall be provided where necessary to prevent water from the access flowing onto the public road. Similarly the existing road drainage must be accommodated where appropriate and measures must be taken to prevent road surface water from flowing onto the access. The appropriate drainage arrangements must be detailed on the plan.

Any open drains in the road verge shall be piped to the satisfaction of DOE Roads Service. Open drains behind the fence/redgline shall be piped to the satisfaction of the Department of Agriculture Watercourse Management Division.

Where vehicular access crosses a footway, the access gradient shall be between 4% (1:25) maximum and 2.5% (1:40) minimum and shall be formed so that there is no abrupt change of slope along the footpath.

Entrance gates, where erected should be sited at least 5.0 metres from the edge of the carriageway. Where this is not possible, they shall be sited so that when open they do not project over the footway, verge, sight line or carriageway.

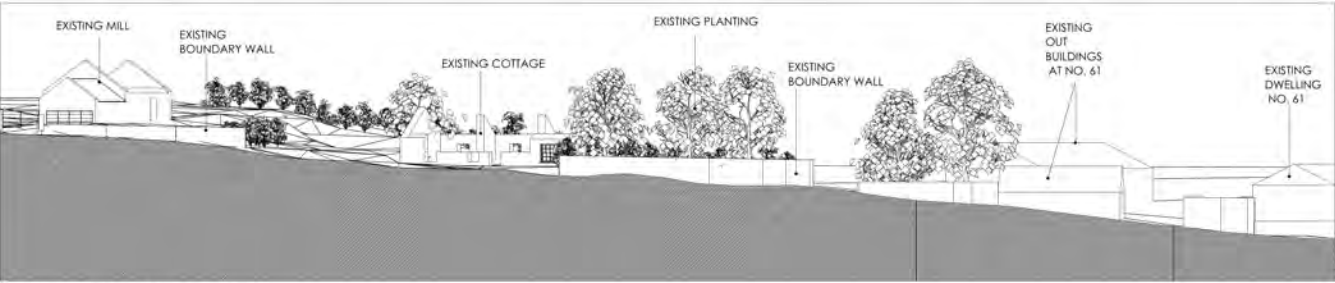
In the case of industrial premises or other major accesses, gates or security barriers shall be located at a distance from the edge of the carriageway that will allow the largest vehicle likely to use the access to stop clear of the carriageway when the gates or barriers are closed.

Do not scale from drawings.
Builder to check all dimensions
on site.
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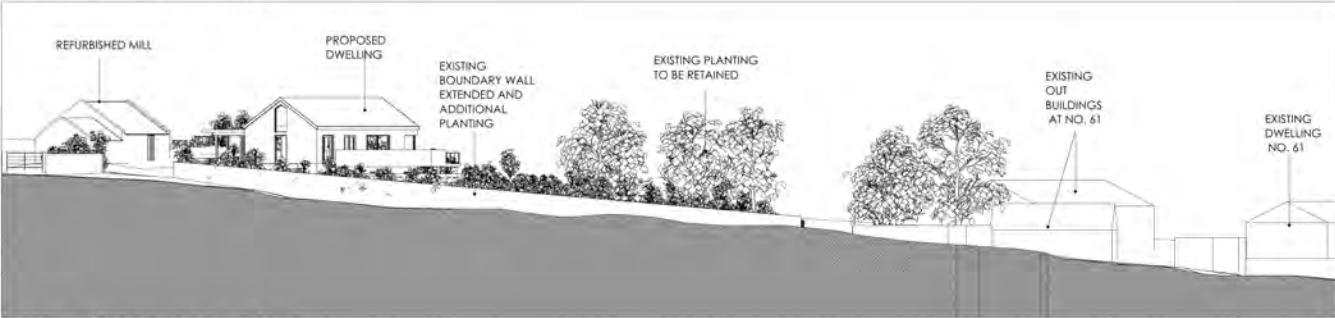
Status: Planning

JOB No. 14.036	drawing scale 1:500B43 1:250B4
Client Mr & Mrs P McMillon	drafted DM
Address Rosignol Road	checked JW
Downpatrick	DWG issue 27/07/2016

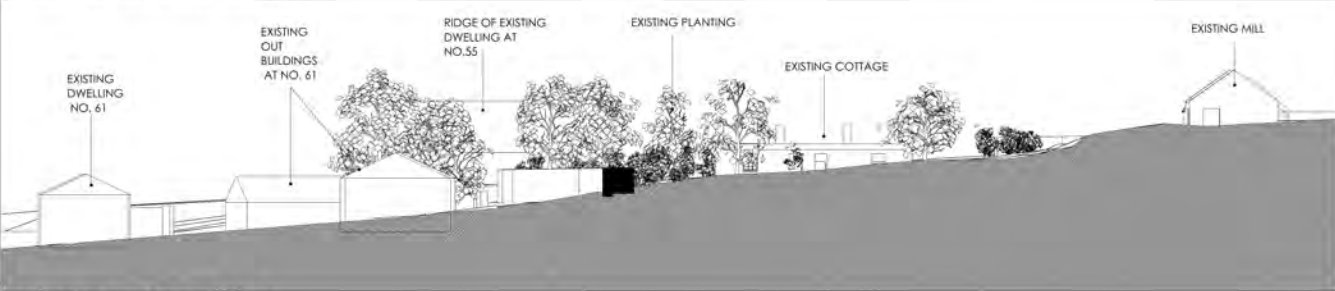
PL-06 C 



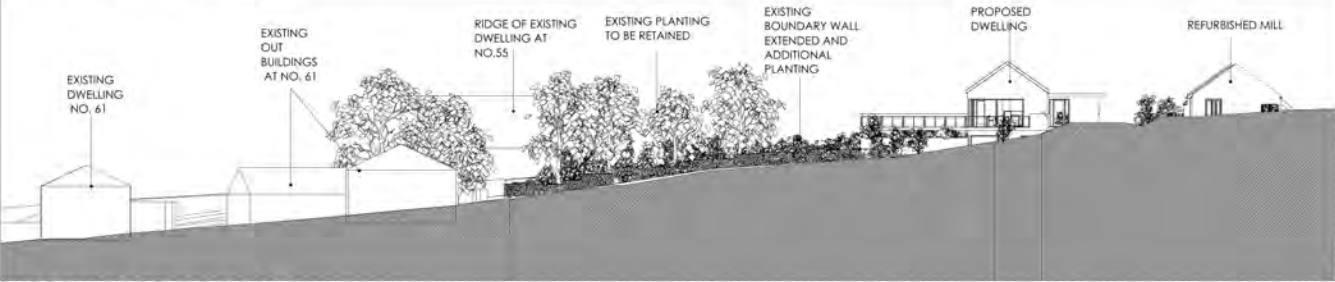
EXISTING SITE SECTION XX



PROPOSED SITE SECTION XX



EXISTING SITE SECTION YY



PROPOSED SITE SECTION YY

Health & Safety
The contractor shall ensure that the Health & Safety Executive (HSE) Regulations 1972 and other relevant legislation or codes of practice. On a domestic project the contractor will be responsible for informing the Health & Safety Executive for Northern Ireland, 83 Lonsdale Drive, Belfast, BT6 1WR, with a Notification of Project (NIP) Form, which informs the Health & Safety Executive of details of the client, the contractor, the proposed site and specific details in relation to the site.
On a commercial project, the contractor shall inform the Health & Safety Executive of details of the client, the contractor, the proposed site and specific details in relation to the site.
On completion of the works the Contractor shall produce two copies of the Health and Safety file to the complete satisfaction of the Health & Safety Consultant, enclosing detail of all relevant documentation. One copy shall be retained by the client, the other by the Health & Safety Consultant.
NOTE: all building sites to be treated as hard hat areas.

GENERAL NOTES - (IMPORTANT)
Client, Contractor and/or Designer to ensure the project is built in accordance to the approved planning and Building Control drawings and approval notices, otherwise they may be in contravention of planning approval and non-compliance with Building Regulations for carrying out unauthorised works and be subject to an enforcement procedure, resulting in fines and/or removal of unauthorised works.
Any work commencing on site prior to the issue of Planning Permission or Building Control approval is not advised and will be done at total risk to applicant and contractor.
The architect will bear no responsibility for any changes made on site by the client or contractor, from that information which has been approved by the local District Planning Office and/or the local Council Building Control Department, which will result in a non-certification of mortgage by the architect due to non-compliance.
Changes made on site will require submission to the Planning Service and Building Control for their approval prior to continuing work.
Contractor / Owner / Purchaser to verify and make themselves aware of all dimensions, boundaries, existing & proposed site, such as site conditions, ground topography, existing services, etc. prior to commencement of any work on site and to be satisfied that the works can be executed as shown & specified and any discrepancies to be notified to the architect immediately.
All drawings and specifications related to this building project are copyright of the Architect and are not to be copied or reproduced in any way without written consent.

COMPLETION OF WORKS
Property owner to be aware that if a Building Control 'Completion certificate' has not been issued prior to occupation then it is likely that the building will not be covered by insurance and the building could be occupied at risk which is not recommended. The property owner will need to check this with their insurance company prior to completion of construction and any occupation of property.

INSURANCES
It is the sole responsibility of the property owner to obtain insurance for new building works or renovation / extension works prior to work commencing on site, confirm this with their property insurance company prior to any work commencing on site that insurances are in place before / during and after construction.
All contractors and sub-contractors to have insurance prior to entering site.

NOTE TO PROPERTY / SITE OWNER & REGARDING HEALTH AND SAFETY REQUIREMENTS
Prior to commencing work on site Property / site owner to make themselves familiar with Health and safety requirements as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive, Tel: 028 90 233383 or on their website at www.hse.gov.uk or <http://www.hse.gov.uk>

NOTE TO GROUNDWORK CONTRACTOR / PROPERTY / SITE OWNER REGARDING THE POSITIONING OF BUILDINGS
The position of the proposed building and levels shown on the approved site plan drawings are where the building / buildings are to be placed and not to be moved at the discretion of the groundwork / digging contractor or applicant from that which is already approved. If the groundwork contractor moves the position of buildings on site contrary to the approved position, it will be done at risk to client / applicant and the architect / agent will bear no responsibility for these actions.

NOTE TO CONTRACTOR & SUB-CONTRACTORS
All contractors and sub-contractors to be familiar with Health and safety requirements and obligations as stipulated in the HSE 'Health and Safety in Construction in Northern Ireland' booklet, which can be obtained from the Health and safety executive, Tel: 028 90 233383 or view on their website at www.hse.gov.uk or <http://www.hse.gov.uk>
Contractors and sub-contractors are to visit the site prior to submitting a fixed price and to familiarise themselves with the proposed and existing structure, existing services and proposed drainage layouts, identify hazards, boundary locations and conditions, site restrictions and any additional work not identified on the drawings that requires to be undertaken to complete the project. Additional works identified, to be notified immediately to the Architect for his further instructions.
Advisory Note: Attention is drawn to the requirements of Regulation A11, to submit to the Council of appropriate firms notices relating to commencement, certain stages, and completion of the work.
Contractor to carry out an asbestos survey prior to any works commencing. Certificates to be provided to architect by the contractor.
Hazard / Health / Safety / Electrical and gas installation on completion of works.



PHOTOMONTAGE OF PROPOSAL IN CONTEXT FROM THE WEST



PHOTOMONTAGE OF PROPOSAL IN CONTEXT FROM THE EAST

Do not scale from drawings.
Builder to check all dimensions
on site.
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**Replacement dwelling and conversion of former mill to
ancillary accommodation**

JOB No.	14.036	drawing scale
Client	Mr & Mrs P McMillan	drafted DM
Address	Rossglass Road	checked JW
	Downpatrick	DWG issue 27/07/2016

Status: Planning

PL-13





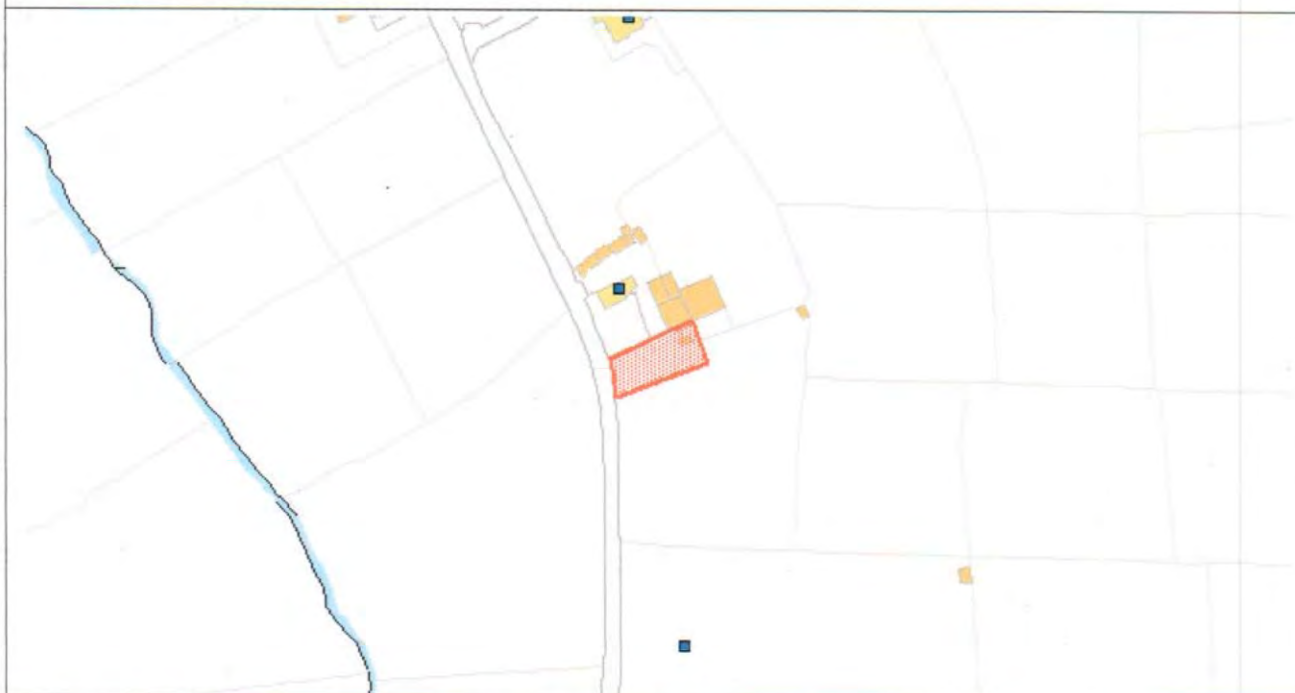
Newry, Mourne and Down District Council
 Planning Office
 O'Hagan House
 Monaghan Row
 Newry
 BT35 8DJ

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Kerr		
Application ID: LA07/2015/0090/F		Target Date:
Proposal: Retrospective extension of curtilage and change of use of land to facilitate parking of vehicles in relation to a coach hire business and proposed improved entrance and new stone wall boundary		Location: 49 Ballyveaghbeg Road, Ballymartin
Applicant Name and Address: A J Coaches 49 Ballyveaghbeg Road Ballymartin		Agent Name and Address: Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
Date of last Neighbour Notification:		22nd May 2015
Date of Press Advertisement:		29th April 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	Approve subject to conditions
Statutory	NIEA	No comment
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: The plans indicate that the northern section of the site has been used for parking for over 5 years and permission is sought for the newer section to the south. It is proposed to improve the site entrance as part of the application with visibility splays of 2.4m x 45m. The main issues to be considered are the principle of the business use in the countryside, road safety and impacts on amenity.		

Site Visit Report

Site Location Plan:



Date of Site Visit: 14th October 2015

Characteristics of the Site and Area

The site consists of a hardcored yard which is used for the parking and servicing of vehicles (mainly buses). It fronts onto Ballyveaghbeg Road to the west. It is bounded to the north and west by a traditional Mourne granite dry stone wall. The site has been extended into the field to the south and is separated from it by a 1m high post and wire fence. The eastern site boundary is undefined on the ground. To the north of the site is an existing dwelling and a group of sheds. The land slopes gently from NE - SW.



The site is located approximately 1.5 miles north of Ballymartin. It is a rural area outside settlement limits on the Banbridge / Newry and Mourne Area Plan 2015. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and Ballymartin Moraine Site of Local

Nature Conservation Importance (a geological feature). The landscape of the area is comprised of a coastal plain between the Mourne Mountains and the Irish Sea coast. It is heavily built up with single dwellings of various sizes. The dominant land use is agriculture.

Planning Assessment of Policy and Other Material Considerations

The application has been assessed under the Strategic Planning Policy Statement for Northern Ireland (SPPS), the Banbridge / Newry & Mourne Area Plan 2015, PPS2 – Natural Heritage, PPS3 – Access, Movement and Parking, and PPS4 – Planning and Economic Development.

Planning History

There have been no previous planning applications relating to the site. There is an ongoing enforcement investigation (P/2013/0191/CA).

Use Class

This application is for a commercial activity in a rural area. The policy context to be applied to the proposal will be determined by the Planning (Use Classes) Order (Northern Ireland) 2015. Use of land for a business for the hire of motor vehicles is a 'no class specified' use under Article 3 (4) (I) of the above Order, so any changes will require planning permission. The application will be assessed under the SPPS and PPS4 – Planning and Economic Development.

The Banbridge / Newry & Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and a Site of Local Nature Conservation Importance. There are no specific policies in the Plan for economic development that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS4.

Principle of Development

There is no previous planning permission for the use being carried out. The P1 Form indicates that the business has been parking coaches on a part of the site for more than 5 years, though no supporting information has been submitted to substantiate this. As there is no previous planning permission on the site, the use as a coach park is not established. Section 169 of the Planning Act (Northern Ireland) 2011 sets out a mechanism whereby a person can establish the lawfulness of an existing use or development (by applying for a Certificate of Lawful Use or Development - CLUD). The Council wrote to the agent on 19th October 2015 to advise that a CLUD application should be made to establish the lawfulness of the business, before the proposed extension to its footprint would be considered. It was made clear that in the absence of a valid CLUD, the extension to the business would be contrary to PPS4 and would be refused. Despite having ample opportunity (6 months) to make a CLUD application, none has been forthcoming. Therefore there is no established use on the site and the Council must determine the planning application on its own merits.

The SPPS will facilitate economic development proposals in the countryside that are likely to benefit the rural economy and support rural communities, while protecting and enhancing rural character and the environment. This is similar to the intent of policy PED2: Economic Development in the Countryside in PPS4. As the SPPS is less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. This proposal does not meet any of the four criteria in policy PED2 where economic development uses in the countryside will be permitted. It does not comprise the

expansion or redevelopment of an established economic development use, it is not a major industrial development, and it would not qualify as a small rural project having regard to site selection or proximity to a settlement. Policy PED2 states that all other proposals for economic development in the countryside will only be permitted in exceptional circumstances. No such circumstances have been advanced in this case, so the application is contrary to policy PED2 of PPS4 and paragraph 6.87 of the SPPS and should be refused.

General Criteria for Economic Development

Policy PED9 is also applicable to the development. It is unlikely to harm any surrounding land uses or the amenity of nearby residents as activities on the site are unlikely to generate a lot of noise. There are no natural or built heritage features that would be adversely affected - see below. It will not exacerbate flood risk. There will be no polluting discharges. The proposed access improvements are acceptable to TransportNI under PPS3, subject to standard conditions to ensure the access is built according to the plans. There will be no impact on public rights of way. The site layout is functional, and should not harm the amenity of the AONB under PPS2. The proposed boundary treatments are acceptable, and will aid integration of the development. Therefore the development is not contrary to policy PED9.

Natural Heritage

The site is within SLNCI 156 - Ballymartin Moraine. NIEA declined to comment on this designation and recommended that their biodiversity checklist is applied. However, the SLNCI designation relates to the geological make-up of the landscape rather than a habitat or feature specifically found on this site, and so there are no likely impacts on the designation features of the SLNCI, and the proposal is not contrary to policy NH4 of PPS2.

Representations

No third party objections or representations were received.

Case Officer Recommendation – Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

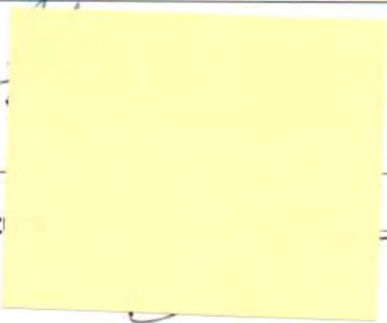
As the use of this site is not established (through a valid CLUD), the proposal for a business use in the countryside is contrary to the SPPS and policy PED2 of PPS4.

Reasons for Refusal:

1. The proposal is contrary to paragraph 6.87 of the Strategic Planning Policy Statement for Northern Ireland and Policy PED2 of Planning Policy Statement 4, Planning and Economic Development, in that the site lies in the open countryside, the development does not meet the criteria where economic development uses in the countryside will be permitted, and no exceptional circumstances have been demonstrated.
2. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that an application for a Certificate of Lawfulness is required to establish the use of this site, and having not received such an application, the Council refuses this application as it is the opinion of the Council that a Certificate of Lawfulness is material to the determination of this application.

Application ID: LA07/2015/0090/F

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Case Officer Signature: Date: 18/4/16	
Appointed Officer Signat Date: 21/4/16.	

ITEM NO		3	
APPLIC NO	LA07/2015/0130/F	Full	DATE VALID 4/3/15
COUNCIL OPINION REFUSAL			
APPLICANT	Calmor Properties Ltd C/O Agent	AGENT	Calmor Properties Ltd. 62a Drumlough Road Rathfriland Co. Down BT34 5DP 02830851663
LOCATION	Lindsay's Hill Approximately 60m South East of 53-55 North Street Newry		
PROPOSAL	Non compliance with condition 2 of P/2011/0340/F - application to remove social housing occupancy clause		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	0	0	0 0
	Addresses Signatures Addresses Signatures		
	0	0	0 0

- 1
- The proposal is contrary to Policy QD 1 (Criteria f) of Planning Policy Statement 7, Quality Residential Environments, in that the approved layout cannot accommodate the level of car parking provision required for a private housing development, so the scheme would not be a quality and sustainable residential environment.



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

Delegated Application

Development Management Officer Report		
Case Officer: Gareth Kerr		
Application ID: LA07/2015/0130/F		Target Date:
Proposal: Non compliance with condition 2 of P/2011/0340/F - application to remove social housing occupancy clause		Location: Lindsay's Hill, Approximately 60m South East of 53-55 North Street, Newry
Applicant Name and Address: Calmor Properties Ltd C/O Agent		Agent Name and Address: Calmor Properties Ltd. 62a Drumlough Road Rathfriland Co. Down BT34 5DP
Date of last Neighbour Notification:		1st July 2015
Date of Press Advertisement:		6th May 2015
ES Requested: No		
Consultations:		
Consultation Type	Consultee	Response
Statutory	TransportNI	No objections
Non-statutory	NI Housing Executive	No objections
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: Planning Permission was granted on 08.02.2012 under application P/2011/0340/F for a housing development of 14 units. The houses were to a high conservation area specification, but as they had limited parking provision, the approval was granted only on the basis that they were for social housing which would traditionally have a lower car ownership rate. It is now argued that the high conservation area specification of the dwellings makes the scheme unviable for a housing association to develop. It is now proposed to develop the scheme without compliance with the social housing occupancy condition, so the units would be for private rental or sale. This would have implications for road safety and parking. In the previous application, greater weight		

PLANNING HISTORY

Outline planning permission was granted on 24.05.2010 for a housing development on this site under application P/2008/1329/O. The outline approval was conditional upon a maximum of nine units being provided (as TransportNI had stated that this was the maximum that could be allowed without triggering the need to improve the junction of St Clares Avenue and High Street, through which the site is accessed).

Full Planning Permission was granted on 08.02.2012 under application P/2011/0340/F for a housing development of 14 units. The houses were to a high conservation area specification, but as they had limited parking provision, the approval was granted only on the basis that they were for social housing which would traditionally have a lower car ownership rate. The traffic that would be attracted to 14 social housing units was considered equivalent to the 9 private units previously approved.

CONSULTATIONS

The Housing Executive was consulted as required on social housing sites. They stated that there was a projected need of 550 social housing units in Newry City to 2019, but that as development costs on this site had proved prohibitive for a housing association, so they had no objection to the removal of the social housing occupancy condition. This agrees with correspondence received from Helm Housing Association through the agent.

TransportNI was consulted and they responded with no objections to 14 units using the High Street / St. Clare's Avenue junction. This overcomes any road safety issue at the junction itself. However, their comments are on the basis that the Council determines the off-street parking requirement.

CONSIDERATION

As there is no change to the previously approved plans, the access arrangements or the conservation area specification of the dwellings, there is no need to review the scheme against regional and local area plans and some other regional policy including conservation area requirements. It is acknowledged that the site will be expensive to develop as approved due to the bridge and retaining structures required and the conservation area specification of the dwellings. The key issue is whether reverting to 14 private housing units is contrary to policy.

With regard to parking provision, each dwelling has one off-street parking space on the approved plans. While this was considered acceptable for social housing which has a lower car ownership rate, it does not meet the policy requirements for a private housing scheme. The approved dwellings are a mix of 2- and 3-bedroom semi-detached units. According to Creating Places and the Department's Parking Standards, a minimum of 2.25 spaces per dwelling would be required. The guidance states in Annex A1 that lesser provision may be acceptable in inner-urban locations and other high density areas. In the previous application, weight was given to the site's inner-urban location, though the main reason the overall parking requirement was reduced was the social housing occupancy restriction. It is considered that given the location of the site in an inner urban area within walking distance of the city centre, it would be appropriate to allow some reduction in the parking requirement - to say 2 spaces per dwelling. But a private development will always attract more cars than a social housing one and it would be unacceptable to relax the standard further. Parking Standards further states at A4, "A carriageway width of 5.5m is intended to allow for parking by casual callers". The carriageway width in this case is 6.0m, however, its layout with a series of tight turns is not conducive to regular parking along it, parking spaces are not indicated on the submitted layout plan as required, and parking here would inevitably obstruct entrances to driveways. There is also no footpath that passengers could step onto if a car was parked on the road and such parking would dominate the residential environment. For these reasons, there is no prospect that on-street parking in the development could make up for the shortfall in overall parking provision for a private development. Policy QD1 of PPS7 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. Nine essential criteria are set down including criteria (f), that adequate and appropriate provision is made for parking. The parking provision on this site for a private development is neither adequate nor appropriate for the reasons set out above, and therefore the proposal to remove the social housing occupancy condition would not create a quality and sustainable residential environment. The proposal is contrary to policy QD1 and should be refused.

It is recognised that the site may not be developed as approved if the present application is refused. However, this is preferable to a situation where there is insufficient parking space in a new private development, potential road safety conflicts as a result of unsuitable on-street parking, and harm to the character of the conservation area through car parking dominating the development. If social housing is not viable on the site, a more suitable solution would be to submit a reduced scheme for a lesser number of private dwellings with additional in-curtilage parking provided.

REPRESENTATIONS

No third party objections or representations were received.

RECOMMENDATION: Refusal

Neighbour Notification Checked

Yes

Summary of Recommendation

The removal of the social housing occupancy condition is unacceptable under policy QD1 of PPS7 as the approved layout cannot accommodate the level of car parking provision required for a private housing development, so the scheme would not be a quality and sustainable residential environment.

Reasons for Refusal:

1. The proposal is contrary to Policy QD 1 (Criteria f) of Planning Policy Statement 7, Quality Residential Environments, in that the approved layout cannot accommodate the level of car parking provision required for a private housing development, so the scheme would not be a quality and sustainable residential environment.

Case Officer Signature:

Date:

19/4/16

Appointed Officer Signatu

Date:

21/4/16.

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

15th June 2016

Dear Sir / Madam,

Ref: LA07/2015/0130/F
Location: Lindsay's Hill Approximately 60m South East of 53-55 North Street Newry
Proposal: Non compliance with condition 2 of P/2011/0340/F - application to remove social housing occupancy clause

1. I refer to the above mentioned planning application, which has recently been recommended for refusal, for the following reason:

The proposal is contrary to Policy QD 1 (Criteria f) of Planning Policy Statement 7, Quality Residential Environments, in that the approved layout cannot accommodate the level of car parking provision required for a private housing development, so the scheme would not be a quality and sustainable residential environment.

2. By way of introduction, I have been requested to comment upon the refusal recommendation and to outline the reasons why the application should be approved.
3. I can hereby confirm that I have previously been employed as a planning officer by the Department of the Environment. In the course of my employment I processed the original outline planning application and the subsequent application for full planning permission. Notwithstanding my previous involvement in the case, I am content that there is no conflict of interest insofar as the critical issues herein had not arisen at the time of the earlier planning applications and because circumstances have now changed insofar as Transport NI is no longer opposed to this scheme.

4. The application stems from a previous outline planning approval that was conditional upon an upper limit of 9 dwellings because it was then felt by (Transport NI) that any further development would have triggered the need for junction improvements at St Clares Avenue / High Street. The outline planning approval was followed with an application for full planning permission for 14 no. social housing units. At that time, it was recognised that the traffic associated with 14 social housing units would be no greater than the traffic associated with 9 private dwellings. On that basis, Transport NI offered no objections to the application for full planning permission.
5. It is evident that Transport NI has not opposed the current proposal, indicating that the development of 14 no. private houses will not in fact necessitate junction improvements at St Clares Avenue / High Street.

Stated Concerns with the Current Proposal

6. At the outset, it is noteworthy that the application has been recommended for refusal on the grounds of PPS 7, and not PPS 3. The failure to allude to, or to appraise the proposal against PPS 3, is considered a significant omission on the Council's part. This omission could potentially carry significant ramifications in the event of a judicial review or even a planning appeal (at which awards for costs can now be made in respect of unnecessary appeals, or where parties have ignored matters of fact).
7. In response to an early stated concern regarding the quantum of car parking spaces provided, it appears that an amended plan was provided, showing an adjustment to the car parking layout. The response received was that the "proposed alterations you have made to parking are operational development and cannot be considered under an application for variation of conditions. You would need to make another full application for the housing scheme to have this assessed. However, I would advise that this parking layout would not be acceptable under PPS6 and PPS7. If the site is to be for private housing, we would only accept a maximum of 9 units with proper in-curtilage parking to the sides of the houses so that it does not dominate the whole streetscape. I trust that this information is of assistance".

8. In terms of operational development, the changes referred to were minor works, which could have been dealt with under the de minimis procedures rather than necessitating a new application for full planning permission. There was also potential to amend the description to reflect the minor changes to the layout (to accommodate more parking spaces thereby addressing the additional parking requirements pursuant to the change in tenure from social to private housing).
9. Despite the reference to this type of parking arrangement purportedly being contrary to PPS 6, it is noteworthy that there has been no suggestion it will be to the detriment of the character or appearance of the conservation area and there has been no appraisal undertaken in respect of PPS 6.
10. It appears to have gone unnoticed that this site is located on the periphery of Newry City Centre. The host environment is inner-urban and the character of the surrounding area is typified by terraced housing. It would appear irrational to seek semi-detached housing (it is assumed this is what is being inferred since only a semi-detached or a detached house could have parking at both sides) in this context. The topography of the site is such that if it were to be developed with semi-detached housing there would be a requirement for additional retaining structures between dwellings. This would appear unsightly, to the detriment of the Conservation Area, and it would also make the development of this site less financially viable.
11. The site is not on zoned housing land. Therefore, housing density ought to be considered objectively, through the assessment of the specific details of the proposal rather than by arbitrarily attempting to restrict the number of units to be constructed or define the prevalent development pattern i.e. houses with parking at the sides. It is noteworthy that a similar sized area of land to the immediate east of this site includes 30 houses (80-98 High Street plus 2-21 St Clares Avenue), whereas 14 units are proposed on this site. The density is therefore not out of character with the street from which the site is to be accessed.
12. It is also worth noting that the reason the condition was attached to the original permission concerned traffic volume and access issues. There was no suggestion that the density of the development had to be controlled for townscape reasons. To suggest so at this stage would be unreasonable given the site's position on the edge of the city centre, on sloping terrain and being surrounded by terraced buildings as it is. As has been outlined above, to opt for an arrangement of dwellings with parking up both sides

would necessitate the creation of prominent retaining structures between each dwelling, to address changes in levels. This would actually be to the detriment of the character of the area.

13. Looking at the Council's planning report, it is clear that the key issue with the current proposal was the matter of car ownership (for private dwellings in comparison to social housing). It was acknowledged that the houses had a high specification, in keeping with the conservation area designation of part of the site. This specification means that a higher density is required to make the site financially viable. In proposing a higher yield of private dwellings than hitherto, it must be recognised that the proposal is entirely in keeping with the adjacent street. The terrain itself also demands a higher than normal density, because to develop the site otherwise will only necessitate further retaining walls (as things stand one substantial wall is proposed to retain the roadway within the site, and this is to be finished to an extremely high specification).
14. It appears to have been accepted that the high specification makes the proposal unviable for social housing. In that respect, it is difficult to fathom how it could be viable if developed privately, at the original, lower, density, since new residential properties at this location are unlikely to command premium prices. Even if that were the case, the development would then be beyond the reach of first time buyers and there would be no element of affordable housing therein.
15. The planning report indicates that the proposal would have implications for road safety and parking. However, Transport NI has no objections to the proposed scheme, even if developed for private housing. Also, it cannot have gone unnoticed that the original proposal was faced with multiple objections, whereas the current proposal has been unopposed.
16. It is important to recognise that the original outline permission was conditional upon a maximum of nine dwellings only because Transport NI stated this was the maximum number of dwellings that could be approved without triggering the need to improve the junction between High Street and St Clare's Avenue. However, Transport NI has retracted from that position, and it has no objections to the current proposal.
17. These issues are absolutely irrelevant to the Council's present desire to introduce car parking up the sides of houses, which would effectively mean a low density development of semi-detached houses.



RTPI
Chartered Town Planner



18. The planning report states that the approved 14 houses had limited car parking provision, but this was deemed acceptable because social housing is deemed to attract lower levels of car ownership than private housing. The report also acknowledged the expense in developing the site due to the access bridge, retaining walls and a high conservation specification, while stating that the key issue is whether changing from 14 social to private houses is “contrary to policy”. However, this analysis is flawed because “Parking Standards” is supplementary planning guidance and not operational policy. Contrary to the planning report, the prevalent policy is AMP 7 of PPS 3 and not QD 1 of PPS 7. AMP 7 states that “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”.
19. The key requirement in this instance is to provide adequate provision for car parking. The specific amount of car parking required is not dictated exclusively by Parking Standards. The Council’s planning report has failed to take account of the specific characteristics of the development and its location, while Transport NI has confirmed that the proposal will not inconvenience the free flow of traffic nor will it prejudice road safety.
20. The specific characteristics of this development have been outlined above, but an analysis of the planning report confirms that these were not weighted against the published standards for parking spaces. Of greater concern is the fact that the location was not taken into consideration (this locality is characterised almost exclusively by on street car parking). In legal terms, this shortcoming would be sufficient to call into question the validity of the decision.
21. The planning report acknowledges that each dwelling has one off-street parking space, albeit it indicates that this is inadequate. However, in actual fact the proposed arrangement of parking spaces is superior to that witnessed throughout this locality.

22. The report acknowledges that Parking Standards (Annex A1) accepts lesser provision in inner-urban areas locations and other high density areas. However, therein there has been no attempt to outline why these provisions cannot apply to this case.
23. The planning report acknowledges that some reduction in parking standards could be justified, from 2.25 to 2 spaces per dwelling (however it does not clarify whether these should be on-street or off-street, and it must be emphasised that 2 spaces per dwelling are being provided albeit not all in-curtilage). In townscape terms, it is practically impossible to provide 2 in-curtilage parking spaces per dwelling in inner urban areas, particularly those on sloping sites or those requiring substantial ancillary works (and high construction specifications).
24. The planning report does not explain how it is deemed that a reduction to 2 parking spaces could be justified but that a reduction to one cannot. There has been no analysis of the potential effects upon road safety, or upon the character of the streetscape (existing or proposed).
25. The concerns set out in the planning report, about overspill cars parked on the carriageway, are noted. However, there will be limited overspill parking because designated spaces have been assigned, notwithstanding that just as social housing will be characterised by lower ownership than private housing, private housing in inner urban areas will be characterised by lower car ownership than private housing elsewhere (where the standards outlined in Parking Standards would normally apply).
26. In the planning report, it is stated that “the proposal is contrary to Policy”. However, the pertinent policy actually refers to the circumstances under which a reduced level of car parking provision may be acceptable. The planning report makes no mention of these circumstances. It has ignored the facts that:
 - the development is in a highly accessible location well served by public transport; and
 - that the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking.
27. Each of these considerations, on their own, would merit a reduction in parking standards so there is no set formula for reducing from 2.25 to 2 in curtilage spaces, as seems to have been done in the planning report, notwithstanding that dedicated parking areas are provided as an integral part of the development.

28. The policy also makes provision for a reduction in parking standards where the exercise of flexibility would assist in the conservation of the built or natural heritage or would facilitate a better quality of development. It is alarming to note that these factors have been given no weight in the decision to refuse the application.
29. The planning report sets out concerns about pedestrian safety, however these have not been substantiated by Transport NI, who are appropriately qualified to comment on these matters but whom expressed no objections to the current proposal.
30. The planning report's concluding remarks are disconcerting insofar as it is suggested that the non-development of the site is preferable than the current proposal. However, such an understanding is at odds with prevailing planning policy relating to derelict or vacant sites in Conservation Areas. Additionally, it is irrational to suggest that if a higher density of development cannot be completed due to higher specification and the cost of ancillary works, the solution is to reduce the density of the development for the sole purpose of providing all parking spaces within proposed dwellings' curtilages.
31. It is only in the final section of the planning report that it is inferred that the character of the conservation area could be undermined through on street car parking dominating the development. However, this issue had been given no consideration beforehand, and indeed it is worthy of noting that no concerns had been expressed in relation to PPS 6 or indeed PPS 7, other than the purported dominance of parking on the street (even though for every car parked on the street there is a space reserved within a dwelling's curtilage, notwithstanding that on street parking is entirely consistent with the pattern of development throughout the Conservation Area).
32. The planning report referred to potential damage to the character of the conservation area through the dominance of on street car parking. However, no reference was made to the Newry Conservation Area booklet and in fact there is nothing within the conservation area booklet to suggest that development in this area should be characterised by off-street car parking, with cars parked at the sides of dwellings.



RTPI
Chartered Town Planner



33. In light of the above points it is hereby argued that the refusal recommendation is not well founded because the assessment of the application has failed to acknowledge some of the important tests set out within the pertinent policy. It is clear that there has been an absolute reliance upon a policy's supplementary planning guidance document's published standards, whereas the proper approach should have been to apply the other tests set out within the relevant Policy. On that basis, it is hoped that the Council will reconsider the proposal and reverse its opinion. In the event that the Council requires additional information, clarification or amended plans, please do not hesitate to contact the applicant, his agent or the undersigned.

Yours faithfully,



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

Appendix 1

Examples of other modern developments in Newry dominated by massed on-street parking areas



Fig. 1 Chequer Court, Armagh Road, Newry (Inner Urban area)



Fig. 2 Bracken Grove, Armagh Road, Newry (outer urban)



Fig. 3 Carraig Mhuire, Temple Hill Road, Newry



Fig. 4 Knocknahorna, Barley Lane / O'Neills Avenue, Newry.



Fig. 5. Aerial view of the site, taking in the surrounding context, which is characterised, almost exclusively, by terraced buildings with no in-curtilage parking provision and almost all parking provided on-street.

ITEM NO	5				
APPLIC NO	LA07/2015/0402/F	Full	DATE VALID	6/1/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Glyn Mitchell O'Hagan Construction Ltd 63 Newry Road Rathfriland BT34 5AL		AGENT		
				NA	
LOCATION	Opp and 25m E of No 16 Chancellors Hall Chancellors Road Newry Co Down				
PROPOSAL	Proposed erection of dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking.
- 2 The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.



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

Application Reference: LA07/2015/0402/F

Date Received: June 1st 2015

Proposal: Erection of two storey dwelling

Location: Opposite and 25m east of 16 Chancellor's Hall, Chancellors Road, Newry

Site Characteristics & Area Characteristics:

The site is an area of vacant ground located close to the entrance to the Chancellors Hall housing development. The site slopes sharply down as it moves away from the estate road within the development, the ground level dropping from 58.288 adjacent to the road to 54.3 at the rear boundary. Most of the site is a banked slope covered in grass; it is currently surrounded by a temporary fence. Part of the site has been included in the various historical approvals for the development of Chancellors Hall as an area of open ground adjacent to the access road.





The surrounding area is residential; the remainder of Chancellors Hall lies to the west and north of the site, to its east and south is Heslip's Court which is currently under development. The greater part of the site has been included in the approvals for this development, as either a dwelling or area of amenity space

The latest version of this application seeks Full Planning Permission for the construction of a two storey detached dwelling that will be constructed on an area of ground created by artificially infilling the ground up to the same level in Chancellor's Hall, retaining walls of up to 2.1 metres in height will be constructed around the site boundary into Heslip's Lane. The dwelling will have a ridge height of 7.6 metres above ground level.

Site History:

The site has been the subject of a number of planning applications for the development of Heslip's Court

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 7 Quality Residential Environments.

Consultations:

Transport NI No objections

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:

Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, the site is in an approved residential development and therefore there are no implications for this site from the SPPS.

Banbridge/Newry and Mourne Area Plan 2015.

The site straddles the boundaries between zonings NY 24 (Chancellors Hall) and 26 (Heslips Court) in the area plan. Both are identified as committed housing zonings and no KSR's are included.

PPS7 Quality in Residential Developments Policy QD1

The policy sets out a number of criteria which proposals for new residential developments must comply with, criterion (a) requires that the development must respect the character and scale of surrounding buildings, in this case the context is provided by the two surrounding developments which consist of two storey semi-detached dwellings.

The proposal will involve the creation of two inappropriate retaining walls of 2.1 metres in height on the southern and eastern boundaries of the site facing into Heslips' Court. These will face into the rear gardens of two of the dwellings, limiting their amenity space and creating an unattractive residential environment, due to their scale, massing and appearance and resulting dominance. The proposal is therefore contrary to Criterion (a) in that it does not respect the surrounding context.

The amended design omits windows on the rear elevation, this appears to be an attempt to minimise overlooking of the gardens of the dwellings in Heslips' Court. This, however, is insufficient and does not overcome the other issues of the poor residential amenity caused by inappropriate retaining walls in such close proximity to the dwellings and the resulting dominance and over shadowing this will cause. This will be contrary to Criteria (h) of the policy in that the design and layout will create conflict with adjacent land uses and it will create an unacceptable adverse effect on existing properties in terms of loss of amenity.

PPS7 Addendum on Safeguarding the Character of Existing Residential Areas Policy LC1

Criterion (b) of this policy requires that development proposals be in keeping with the overall character and environmental quality of the established residential area. In this case the majority of the site was developed as part of Heslips' Court. The proposal intends to change the existing development pattern through an engineering operation and the construction of inappropriate retaining walls and the raising of existing ground levels. The proposed sites would then read with Chancellor's Hall. It is considered that the proposal would erode the local character and environmental quality and would not respect the existing housing pattern.

It is considered that this proposal, as a result, would create unacceptable damage to the local character, environmental quality and residential amenity of the established residential area. It is also considered that this would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

Recommendation:

The proposal is for a two storey dwelling on a site which will largely be created through the raising of the ground level of an adjacent development which will feature the use of retaining walls. The proposal will not respect the settlement pattern as it

effectively involves the creation of a site through the infilling of ground and the use of retaining walls which will create an unattractive residential environment for the neighbouring residents, the presence of a two storey dwelling at a significantly higher site level .

Therefore refusal is recommended.

Refusal Reasons/ Conditions:

1. The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking and the creation of retaining walls in close proximity to adjoining dwellings.
2. The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.

Case Officer

Authorised Officer

APPLICANT'S RESPONSE TO RECOMMENDED REFUSAL REASONS

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PROPOSED ERECTION OF DWELLING

OPPOSITE AND 25M E OF NO 16 CHANCELLORS HALL, CHANCELLORS ROAD, NEWRY, CO DOWN

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There are two recommended refusal reasons:

1. *The proposal is contrary to Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (h), in that the applicant has failed to demonstrate that the proposal would create a quality residential environment and that the proposal would, if permitted, adversely affect the amenity of adjoining residents by reason of overlooking.*

The rear of the adjoining properties are already overlooked. There is a direct and unscreened view into their rear windows and back gardens from the road serving the Chancellors Hall housing development:



As this viewpoint is near to the main entrance of Chancellors Hall from Chancellors Road, there is a substantial amount of passing traffic – almost all of the residents of Chancellors Hall pass and have a clear view into the back of these houses.

The application seeks permission to erect a dwelling and provide landscaping in the raised area of land in the foreground of the above photograph. This will screen the adjoining properties from passing traffic on Chancellor's Road.

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The proposed dwelling has also specifically been designed with no upper floor windows looking into the rear of the existing adjoining properties. When the proposed dwelling and landscaping is completed on the site, there will therefore be significantly less overlooking of the adjoining properties than there is now.

The proposal therefore will not adversely affect the amenity of adjoining residents by reason of overlooking and this refusal reason should not be sustained.

2. ***The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criterion (b), in that the proposal does not respect the existing settlement pattern in the area.***

The planner's committee report explains that this refusal relates to the raising of land and the retaining wall that forms part of the proposed development. This work has already been completed, as can be seen in the above photograph, and the adjoining houses and gardens have already been sold, leaving the application site as vacant land.

Chancellors Hall sits at a higher level than the adjoining Heslips Court and a retaining wall was approved as part of the development in this general location to account for this change in level.

The proposed retaining wall that has been erected is slightly higher at 2.1m and in a slightly different location to that approved. However, this makes no material difference to the relationship of Heslips Court with Chancellors Hall – regardless of this proposal, the two existing housing developments will always be at different levels and there will always be a retaining wall required to account for this change in level.

The proposal does not change this fact and therefore has no impact whatsoever on the character of the area. The second recommended refusal reason should not be sustained.

Given the above, we respectfully ask the committee to approve the application.