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

January 25th, 2018

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 7th February 2018** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair:	**Councillor G Craig**	
Vice Chair:	**Councillor K Loughran**	
Members:	**Councillor C Casey**	**Councillor W Clarke**
	Councillor L Devlin	**Councillor G Hanna**
	Councillor V Harte	**Councillor M Larkin**
	Councillor J Macauley	**Councillor D McAteer**
	Councillor M Murnin	**Councillor M Ruane**

Agenda

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

Closing date for submissions.pdf *Page 1*

Committee Business

1.0 Apologies

2.0 Declarations of Interest.

3.0 Declarations in relation to paragraph 19 of Planning Operating Protocol - Members to be present for entire item.

- **Item No. 11 R/2014/0657/F** was previously presented at the Planning Committee Meeting on Wednesday 19 July 2017 - Members present were Councillors Clarke, Hanna, Larkin, Devlin, Ruane, Macauley and Loughran
- **Item No. 12 LA07/2016/0199/0** was previously presented at the Planning Committee Meeting on Wednesday 6 December 2017 - Members present were Craig, Loughran, Clarke, Devlin, Larkin, Macauley, Casey, Ruane, McAteer and Murnin. A site visit was also held on Wednesday 10 January and all above Members were present with the **exception of Councillor Macauley**.
- **Item No. 18 LA07/2017/1322/O** was previously presented at the Planning Committee Meeting on Wednesday 6 December 2017 - Members present were Councillors Craig, Loughran, Clarke, Devlin, Larkin, Macauley, Casey, Ruane, McAteer and Murnin. A site visit was also held on Wednesday 10 January 2018 and all above Members were present with the **exception of Councillor Macauley**
- **Item No. 28 P/2012/0743/F** was previously presented at the Planning Committee Meeting on Thursday 2 February 2017 - Members present were Councillors Clarke, Macauley, Casey, Devlin, Harte, Loughran, Murnin, Craig, Hanna, Larkin, McAteer and Ruane

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Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 10 January 2018. (Attached).

Planning Mins - 10.01.18.pdf *Page 2*

For Discussion/Decision

5.0 Addendum list - planning applications with no requests for speaking rights/written submissions. (To follow).

6.0 LA07/2017/0821/0 - Mr C Kane - proposed off-site replacement dwelling and garage - adjacent and east of 196 Dundrum Road, Dromara. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0821-O Mr C Kane.pdf ***Page 10***

7.0 LA07/2017/0909/0 - Mr R Carson - proposed dwelling and garage on a farm - 35m sw of 25 Dromara Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0909-O Mr R Carson.pdf ***Page 16***

8.0 LA07/2017/1021/F - Donna Rinnell - 2 storey extension to existing dwelling to accommodate a granny flat - 15 Leitrim Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1021-F Donna Rinnell.pdf ***Page 21***

9.0 LA07/2017/1369/0 - Mr J McMaster - dwelling and detached garage for private use - opposite 15 Ballymaglave Road, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2017-1369-O Mr J McMaster.pdf ***Page 26***

10.0 LA07/2017/1542/F - Arthur O'Kane - proposed erection of new fibre optic street cabinet for superfast broadband, cabinet dimensions 1300mm high x 1430 mm wide x 450mm deep - 40m sw of No. 1 Saul Mills Road, Saul, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

LA07-2017-1542-F Arthur O'Kane BT AONB.pdf ***Page 34***

11.0 R/2014/0657/F - Bluebuild Developments Ltd - proposed residential development comprising 11 No. dwellings (10 semi-detached and 1 bungalow) (amended proposal and landscaping details) - The Mourne Observer, The Roundabout, Castlewellan Road, Newcastle and lands adjacent to No. 10 Burren Park. (Case Officer report attached).

Rec: APPROVAL

R-2014-0657-F Bluebuild Developments Ltd.pdf ***Page 45***

12.0 LA07/2016/0199/0 - Liam and Siobhan Boylan - 15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received) - Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road Warrenpoint. (Case Officer report attached).

Rec: APPROVAL

LA07-2016-0199-O Liam and Siobhan Boylan.pdf ***Page 59***

13.0 LA07/2016/1069/F - Jim Rocks - Application to vary condition number 2 of planning permission reference P/2006/1110/ RM. Condition 2 states that The dwelling hereby permitted shall be occupied only by Mr B Dooley and his dependants for life, following construction and occupation. The application seeks the variation of this condition to The dwelling hereby permitted shall be occupied only by the owner/ manager or an emplyoee of the adjacent Mountain House public house, following construction and occupation. (

Rec: REFUSAL

LA07-2016-1069-F Jim Rocks.pdf ***Page 69***

14.0 LA07/2017/0545/0 - Elaine Binks - site for dwelling - No. 2 Belmont Lane, Ballyardle, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Raymond Binks, applicant, in support of the application.

LA07-2017-0545-O Elaine Binks.pdf *Page 79*

15.0 LA07/2017/0976/F - Stephen Campbell - Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works - Lands to the rear of No.26a-28 Water Street Rostrevor. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-0976-F Stephen Campbell.pdf *Page 87*

16.0 LA07/2017/1144/F - Mr and Mrs Conlon - proposed off site replacement dwelling - lands 150m south of No. 17 Limekiln Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1144-F Mr and Mrs Conlon.pdf *Page 99*

17.0 LA07/2017/1186/F - Wolfhill Developments Ltd - Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road - 4 Lurgancanty Road Clontifleece Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1186-F Wolfhill Developments Ltd.pdf *Page 105*

18.0 LA07/2017/1322/0 - Paul Hourican - infill dwelling, detached garage and associated site works - land 20m se of 24A Oldtown Road, Annalong. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1322-O Paul Hourican.pdf *Page 110*

19.0 LA07/2017/1496/F - DFI Roads Southern - construction of new park and ride/share car park facility for 106 spaces - approx 30m nw of 127 Belfast Road, Newry. (Case Officer report attached).

Rec: APPROVAL

LA07-2017-1496-F DFI Roads Southern.pdf *Page 117*

20.0 LA07/2017/1503/F - Newry, Mourne and Down District Council - Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road - Newry Town Hall, Bank Parade, Newry. (Case Officer report attached).

Rec: APPROVAL

LA07-2017-1503-F Newry, Mourne and Down District Council.pdf *Page 126*

21.0 LA07/2017/1504/LBC - Newry, Mourne and Down District Council - retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall, Bank Parade. Newry. (Case Officer report attached).

Rec: CONSENT

LA07-2017-1504-LBC Newry, Mourne and Down District Council.pdf *Page 135*

22.0 R/2014/0627/F - Newry, Mourne and Down District Council - Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include children's multi-play unit, additional on site parking, tree maintenance and perimeter fencing, on lands at 29 Belfast Road, Saintfield. (Case Officer report attached).

Rec: APPROVAL

R-2014-0627-F Newry, Mourne and Down District Council.pdf *Page 144*

23.0 LA07/2017/1720/F - Newry, Mourne and Down District Council - proposed storage building for storage of equipment by disabled users at Cranfield Beach - Ameracan Lane, Cranfield. (Case Officer report attached).

Rec: APPROVAL

LA07-2017-1720-F Newry, Mourne and Down District Council.pdf *Page 149*

24.0 LA07/2017/1621/F - NIHE South Region - proposed single

storey rear extension as well as new ramped access to the front of the dwelling - 47 Bearna Park, Meigh. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1621-F NIHE South Region.pdf ***Page 153***

25.0 LA07/2017/1788/0 - Louise McKeever - infill site for dwelling and detached garage - Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

LA07-2017-1788-O Louise McKeever.pdf ***Page 156***

26.0 P/2005/1354/F - Morgan Brothers Ltd - Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units) - Lands at Forth Road Warrenpoint (adjacent and North-East of 12 Forth Road adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road). (Case Officer report attached).

Rec: APPROVAL

P-2005-1354-F Morgan Brothers Ltd.pdf ***Page 160***

27.0 P/2005/1384/F - Rossvale Developments - erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road) - Lands fronting and at Burren Road and Smalls Road, Warrenpoint (opposite Conall Avenue, extending north-eastwards to opposite Woodbrook Park). (Case Officer report attached).

Rec: APPROVAL

P-2005-1384-F Rossville Developments.pdf ***Page 174***

28.0 P/2012/0743/F - Brian Cunningham - part change of use to tourism park incorporating 10 No. touring caravan pitches, 3

No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping - Valley Business Park, 48 Newtown Road, Rostrevor, BT34 3BZ. The site is located 1 mile NE of Rostrevor. (Case Officer report attached).

Rec: APPROVAL

P-2012-0743-F Mr Brian Cunningham.pdf ***Page 187***

For Noting

29.0 January 2018 Planning Committee Performance Report.

30.0 Record of Meetings between Planning Officers and Public Representatives.

31.0 January 2018 Appeals and Decisions.

Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
Cllr Gillian Fitzpatrick	gillian.fitzpatrick@nmandd.org
Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
Cllr Valerie Harte	valerie.harte@nmandd.org
Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
Cllr Kate Loughran	kate.loughran@nmandd.org
Cllr Jill Macauley	jill.macauley@nmandd.org
Colette McAteer	colette.mcateer@nmandd.org
Cllr Declan McAteer	declan.mcateer@nmandd.org
Cllr Oksana McMahon	oksana.mcmahon@nmandd.org
Cllr Andrew McMurray	andrew.mcmurray@nmandd.org
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Ms Carmel Morgan	carmel.morgan@nmandd.org
Cllr Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr Mark Murnin	mark.murnin@nmandd.org
Mrs Aisling Murray	aisling.murray@nmandd.org
Cllr Barra O Muiri	barra.omuiri@nmandd.org
Cllr Pol O'Gribin	pol.ogribin@nmandd.org
Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Michael Savage	michael.savage@nmandd.org

Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
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Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mr Adam Wilkinson	adam.wilkinson@nmandd.org

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

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

SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 7 FEBRUARY 2018

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

Wednesday 31 January 2018 by 5.00 pm

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

democratic.services@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 January 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance:

(Committee Members)

Councillor W Clarke	Councillor M Murnin
Councillor L Devlin	Councillor D McAteer
Councillor M Larkin	Councillor J Macauley
Councillor C Casey	Councillor G Hanna
Councillor V Harte	

(Officials)

Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Mr A Donaldson	Professional Technical Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/001/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillor Ruane. It was noted Councillor Casey was not present for the start of the meeting but would be in attendance later in the morning.

P/002/2018: DECLARATIONS OF INTEREST

No declarations were received.

P/003/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

No declarations were received.

P/004/2018: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 6 DECEMBER 2017

Read: Minutes of Planning Committee Meeting held on Wednesday 6 December 2017. **(Copy circulated)**

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 December 2017 as a true and accurate record.

P/005/2018: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 January 2018. **(Copy circulated)**

AGREED: It was unanimously agreed to remove the following Planning Applications from the Addendum List:-

- **Item 8 - LA07/2017/0545/O** - Elaine Binks – Site for dwelling – No. 2 Belmont Lane, Ballyardle, Kilkeel - **Removed from the addendum list at the request of Councillor McAteer for presentation at next Planning Committee Meeting.**
  REFUSAL

- **Item 12 - LA07/2017/1186/F** - Wolfhill Development Ltd. - Change of use and conversion of part of a former school building to provide a single detached dwelling - **Removed from the addendum list at the request of Councillor McAteer for full presentation at next Planning Committee Meeting.**
  REFUSAL

  Item 16 - LA07/2017/1369/O – Mr J McMaster – Dwelling and detached garage for private use – opposite 15 Ballymaglave Road, Ballynahinch - **Removed from the addendum list at the request of Councillor Macauley for full presentation**
  REFUSAL

- **Item 22 – LA07/2017/1788/O** – Louise McKeever – Infill site for dwelling and detached garage – adjacent to and between Nos 3 and 5 Drumboy Road, Culloville be removed for full presentation - **Removed from the addendum list at the request of Councillor Larkin for full presentation**
  REFUSAL

With regard to Item 16 – LA07/2017/1369/O, the Chairperson acknowledged that this application had been removed from the December 2017 addendum list but agreed to the request made by Councillor Macauley to extend this by an extra month due to the Applicant's personal circumstances.

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Macauley it was agreed to <u>approve</u> the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications on the Addendum List: -**

- **Item 6 -** LA07/2017/0082/O - Samuel & Rodney Murphy - Dwelling and domestic garage - approx 90m SW of 12 McClenaghans Hill, Newry.
  REFUSAL

- **Item 9 -** LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield
  REFUSAL

- **Item 17 -** LA07/2017/1388/O - Michael & Marion Young - Proposed domestic dwelling and garage - Adjacent to No. 24 Grange Road, Kilkeel
  REFUSAL

- **Item 19 -** LA07/2017/1444/O - Mr P McAleenan - Infill site for 1 detached dwelling and garage - 32m SW of 96 Newry Road, Benagh, Newry
  REFUSAL

- **Item 20 -** LA07/2017/1627/O - Mr Gerard Donnelly - Proposed 2 No. dwellings on an in-fill site - 20m East of 15 Newry Road and 45m North of 96 Maphoner Road, Mullaghbawn
  REFUSAL

P/006/2018: **<u>APPLICATIONS FOR DETERMINATION</u>**

AGREED: **On the advice of the Principal Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:**

- **Item 10 – LA07/2017/0976/F** – Stephen Campbell – erection of two semi-detached dwellings with integrated garages, landscaping and associated site works – to the rear of No. 26a-28 Water St., Rostrevor – **withdrawn from the schedule at the request of Planners and to be brought back to a future Planning Committee Meeting**

- **Item 11 – LA07/2017/1033/F – Raymond Reid –** Erection of dwelling – to rear of 7a Windmill Road, Newry – **withdrawn at the request of Councillor Ruane to consider new information.**

- **Item 14 – LA07/2017/1353/O –** Rob & Paige Jennings – demolition of former dwelling and agriculture shed and erection of new replacement dwelling – 97a Crossgar Road, Saintfield - **Removed from the schedule at the request of Councillor Murnin for full presentation at February 2018 Planning Committee Meeting.**

The following applications were then determined by the Committee:

(1) LA07/2015/0206/F – James McConnell

Location:
173 Head Road, Annalong

Proposal:
Erection of replacement dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Bertie Allen, Agent, in support of the application.

Councillor Hanna proposed and Councillor Larkin seconded to issue an approval in respect of Planning Application LA07/2015/0206/F contrary to officer recommendation on the basis that as indicated in the quotations provided, it would be too costly to refurbish the existing building. It was also proposed that the proposed replacement dwelling be as close to the original building in terms of design, scale and materials used. If Planning Officers were not satisfied with the proposed design and conditions, the application to come back to the Planning Committee Meeting for further discussion.

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

FOR:	**6**
AGAINST:	**4**
ABSTENTIONS:	**Nil**

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2015/0206/F contrary to officer recommendation on the basis that as indicated in the quotations provided, it would be too costly to refurbish the existing building, it was also agreed that the proposed replacement dwelling should be as close to the original building in terms of design, scale and materials used. If Planning Officers were not satisfied with the proposed design and conditions, the application to come back to the Planning Committee Meeting for further discussion.**

It was agreed Planning Officers be granted authority to impose any relevant conditions.

Councillor Casey joined the meeting at 10.15am but as discussions had already commenced on Application LA07/2015/0206/F, he withdrew from the table for the duration of the discussion on this Application.

(2) LA07/2017/1261/O – Mr Thomas Mageean

Location:
Site abuting 20 Junction Road, Saintfield

Proposal:
Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Sheila Curtin, Agent, in support of the application

AGREED: **On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2017/1261/O to allow for evidence to be provided to Planning Officials that would clarify ownership issues regarding the proposed site.**

(3) LA07/2017/1355/F – Sean Murphy

Location:
24 Head Road, Kilkeel

Proposal:
Erect replacement dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Brendan Quinn, Agent, in support of the application

Councillor Larkin proposed and Councillor Clarke seconded to issue an approval contrary to officer recommendation on the basis that the property was unfit for occupation. However, the proposed replacement dwelling plans submitted by the Agent were not acceptable and it was also proposed these should be revised to reflect the design and character of the original dwelling.

During discussion it was established that the applicant was not resident in the property but rather it was occupied by a tenant, thereby making the applicant a landlord. In view of this information, Ms Largey advised it was the responsibility of the Council to determine if the property was habitable and as such the Council's Environmental Health Department would be required to undertake an inspection of the property.

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

FOR: **8**
AGAINST: **3**
ABSTENTIONS: **NIL**

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2017/1355/F contrary to officer recommendation subject to the following:**

1. **An inspection of the property to be undertaken by the Council's Environmental Department to determine if the property was fit for occupation.**
2. **The proposed replacement dwelling should be as close to the original building in terms of design and materials.**
3. **Planning Officers be granted authority to impose any relevant conditions.**
4. **If Planners were not satisfied with the proposed design and conditions and continued to recommend refusal, the application be referred back to Committee.**

(4) **LA07/2017/1394/F 0 Mr B & Mrs A Gibney**

Location:
80m East of 89 Demesne Road, Edendarriff, Ballynahinch

Proposal:
Dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Ewart Davis Agent, and Mr Gibney, applicant, in support of the application

Councillor Clarke proposed and Councillor Hanna seconded that an inspection of the site be undertaken by an engineer to establish best location for proposed dwelling and garage. It was also proposed that a Planning Committee site visit take place.

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

FOR: **10**
AGAINST: **0**
ABSTENTIONS: **1**

The proposal was declared carried.

AGREED: **On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed that an inspection of the site be undertaken by an engineer to establish best location for proposed dwelling and garage. It was also agreed that a Planning Committee site visit take place.**

(5) **LA07/2017/1635/F – Mr and Mrs Brian Dickson**

Location:
7 Bannfield Road, Rathfriland

Proposal:
Replacement of non-listed vernacular dwelling with retention of existing dwelling for storage

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Ewart Davis, Agent, in support of the application

Councillor Casey proposed and Councillor Hanna seconded to issue an approval contrary to officer recommendation on the basis that a precedent had been set and also due to the unfit nature of the current structure, and subject to conditions being attached to ensure that the original dwelling at 7 Bannfield Road would be preserved and not allowed to deteriorate further.

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

FOR: **7**
AGAINST: **4**
ABSTENTIONS: **nil**

The proposal was declared carried.

AGREED: **On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to issue an approval contrary to officer recommendations with conditions attached to ensure the original dwelling at 7 Bannfield Road, Rathfriland was preserved.**

It was also agreed Planning Officers be granted authority to impose any relevant conditions.

FOR NOTING

P/007/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT DECEMBER 2017

Read: Planning Committee Performance Report December 2017. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report December 2017.

P/008/2018: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – December. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions December 2017.

Councillor Clarke said it was good to see that Planning Officers were making the correct decisions in relation to those applications subject to appeal, as it was noted all of the appeals taken against the Council had been dismissed.

P/009/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives 2017 -2018 **(Copy circulated)**

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

The Meeting concluded at 1.15pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 7 February 2018.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

ITEM NO	**3**			
APPLIC NO	LA07/2017/0821/O	Outline	**DATE VALID**	30/05/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr C Kane 101 Ballymacarn Road Ballynahinch BT24 8JS		**AGENT**	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA
LOCATION	123 Magherahamlet Road Moneynabane Ballynahinch Co Down BT25 2JS to location adjacent and east of 196 Dundrum Road Moneynabane Dromara BT25 2JX			
PROPOSAL	Proposed off site replacement dwelling and garage			

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

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

2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
- the proposed building relies primarily on the use of new landscaping for integration

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Application Reference: LA07/2017/0821/O

Date Received: 26th May 2017

Proposal: Proposed off-site replacement dwelling and garage

Location: Adjacent and east of 196 Dundrum Road, Dromara





Site Characteristics & Area Characteristics:

The site is comprised of a 0.29 hectare site which contains, within it a one and half storey dwelling and an existing agricultural field which is positioned approximately 200m from the location of the said dwelling.

The dwelling to be replaced is traditional in design and style and is currently located within an existing farm complex, within which there appears to be construction works underway for the erection of broiler houses.

The site within which the replacement dwelling is to be positioned is relatively flat and located slightly below road level. The site is defined at the roadside and along that boundary it shares with No 196 Dundrum Road with mature native species vegetation.

The site is located within the rural area, outside any settlement limit, as designated in the Ards and Down Area Plan 2015.

Site History:

Previous history on this site relates to the following

- LA07/2016/0699/F - Land at 123 Magherahamlet Road, Ballynahinch - Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers) – GRANTED 28.04.2017
- Q/2010/0042/F - Adjacent to 123 Magherahamlet Road, Ballynahinch - Erection of farm dwelling and garage – GRANTED 20.04.2010
- Q/2009/0328/O - 123 Magherahamlet Road, Dunbeg Upper, Ballynahinch - Site for replacement dwelling and garage – GRANTED 20.11.2009

Planning Policies & Material Considerations:
I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside Building on Tradition

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

Consultations:

- Transport NI – No objections
- NI Water - No objections
- NIEA: Water Management Unit – No objections, Standard informatives apply

Objections & Representations

The following neighbouring properties were notified on 6th June 2017:

- 196 Dundrum Road, Dromara Road, Minerstown

The application was advertised in the local press on 14th June 2017.

There have been no representations received in relation to this application.

Consideration and Assessment:

The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the proposal. The ADAP offers no policy or guidance in respect of the proposed development. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21). PPS 21 remains applicable to the proposed development.

Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development.

The proposal seeks full planning permission for a replacement dwelling, therefore Policy CTY 3 of PPS 21 is applicable which states that 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. The dwelling as shown below complies satisfactorily with this aspect of the policy. A visual inspection shows internal divisions and the presence of a staircase.



In addition, proposals for a replacement dwelling are required to meet the following additional criteria;

- The replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits

In assessment of this, the proposal seeks an off-site location, however, it is considered that the curtilage of the existing dwelling, which is defined by the agricultural buildings to the immediate north, south and west and the access lane to the immediate east, is sufficient in size to accommodate a modest dwelling. It is considered therefore that the proposal fails to comply with Criteria A.

The applicant, however, has provided a case for justification for the off site location on the grounds of Biosecurity given the recent approval of 2No broiler poultry sheds see LA07/2016/0699/F. It is noted from the approved drawings that the existing dwelling is shown retained on the plans, therefore, the presence of a dwelling was considered acceptable to the applicant during the processing of the poultry shed application and the justification provided regarding biosecurity and the possibility that the issuing of an IPPC permit would be jeopardised by the presence of a dwelling is not given determining weight. It is considered therefore that the proposal does not comply with Criteria B.

In addition, to the above, new dwellings are required to integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building. It is considered that a dwelling on the off-site location proposed would not integrate into the surrounding landscape due to the open, flat nature of the site, lack of mature vegetation to the east and the likelihood that the road frontage vegetation will be removed for visibility splays (2.4m x 70m).



The proposal is therefore considered to be unsatisfactory in that insufficient justification has been received to allow approval of an off-site replacement. In addition, a dwelling on the site proposed would lack integration and is therefore considered contrary to Policy CTY3 and 13.

Recommendation: REFUSAL

REASONS:

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

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
- the proposed building relies primarily on the use of new landscaping for integration.

Signed ..... Date .....

Signed ..... Date .....

ITEM NO	**4**			
APPLIC NO	LA07/2017/0909/O	Outline	**DATE VALID**	13/06/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr R Carson 25 Dromara Road Ballykine Upper Ballynahinch BT24 8JL		**AGENT**	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA
LOCATION	35.00 metrese SW of 25 Dromara Road Ballykine Upper Ballynahinch Co Down BT24 8JL			
PROPOSAL	Proposed outline planning application for a dwelling and garage on a farm			

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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS, in that the proposed site lacks long established natural boundaries is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

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Application Reference: LA07/2017/0909/O

Date Received: 12th June 2017

Proposal: Outline planning application for a dwelling and garage on a farm.

Location: 35m SW of 25 Dromara Road, Ballynahinch, Co Down.







Site Characteristics & Area Characteristics:
The site in question is located to the south west of the dwelling known as 25 Dromara Road. The site is located in an existing agricultural field with one boundary, the south, south eastern boundary is defined by the field boundary hedge. The site is not level with a rise and fall across the site.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, there are no site specific constraints to note on the site. The area is a rural area of drumlin type topography.

Site History:
There is no relevant site history for the site in question.
Planning history exists on lands on the DAERA farm maps but is not associated with the farm holding this application relates to.

Planning Policies & Material Considerations:
The application is considered against Ards and Down Area Plan 2015, PPS 3, Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:
DAERA was consulted on the application and responded stating that the farm business in question has been in existence for more than 6 years and has been in receipt of farm payments.

Transport NI was also consulted and responded with no objections, RS1 details were given in relation to splays to be provided if permission was granted.

NI Water was consulted and responded with no objections to the proposal.

Objections & Representations
No Neighbour notification was required in this instance as the property no 25 is within the ownership/control of the applicant as confirmed on the day of the site visit. The application was advertised in the local press on 28th June 2017 which expired 12th July 2017, to date there have been no representations made in relation to the application.

Consideration and Assessment:
Initial consideration is given to PPS 21 Sustainable Development in the Countryside CTY 10, Dwellings on Farms.

Planning permission will be granted under CTY 10 for a dwelling on a farm where the criterion has been met.

The business in relation to this application has been in existence for six years or more and has claimed single farm payments; this has been confirmed in the response given by DAERA upon consultation.

Having carried out a history search on the lands associated with this business, there does not appear to have been any development opportunities sold off from the farm holding since 25th November 2008.

The site chosen, although in proximity with the dwelling no 25 which sits to the front of the farm buildings does not appear to cluster with the farm buildings. The existing dwelling sits forward of the farm buildings, separated from the main farm buildings though accessed via the same lane. The proximity of the site to the farm buildings and the critical views of the site do not offer a visual linkage or a view of clustering. Given the planting that is required to create the boundaries of a site at this location and the use of a separate access the site will clearly appear separate from the

holding and will not read as a dwelling a farm and also has the potential to create ribboning which is offends policy 8 of PPS 21.

As such the siting chosen does not meet the requirements of CTY 10 point C in that the new building will not visually link or cluster with an existing group of buildings on the farm and does not make use of an existing access.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside.

The site could accommodate and appropriately designed dwelling without becoming a prominent feature in the landscape, conditions to restrict the height etc. of the building would be required.

The site lacks long established boundaries and would not be able to create a suitable degree of enclosure given the chosen site in an exposed agricultural field with only one existing boundary available. The site would result in a uncharacteristic gap between this site and the residential curtilage of no 25 Dromara Road. The site would rely on new boundaries in order to integrate into the landscape.

As this is an outline application the full design has not been submitted for consideration and would be considered at reserved matters stages provided the principle of the application is accepted.

The dwelling has no backdrop to be sited against, the site has differing levels and an appropriate design would be required to accommodate a dwelling.

The site also fails CTY 13 for reasons covered in CTY 10 in that the site does not allow for a building that would allow a visual linkage or clustering of the site.

The application is also considered against CTY 14 Rural Character and as previously stated the siting does have the potential to create a ribbon of development and as such is not in keeping with CTY 14 Rural Character.

The removal of visibility splays will impact on the rural character of the area and leave the site more exposed, this is not however contrary to CTY 14 as splays are listed as an exception.

The application is not considered acceptable, the red line of the site is specific and allows for no negotiation of siting and as the policy requirements of CTY 10 and CTY 13 have not been met this application is not considered acceptable.

Recommendation:
Refusal

Refusal Reasons

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Case Officer:

Authorised By:

Date:

ITEM NO	**6**			
APPLIC NO	LA07/2017/1021/F	Full	**DATE VALID**	05/07/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Donna Rinnell 15 Leitrim Road Castlewellan		**AGENT**	Mr Sean Gallagher 12 Old Road Upper Clarkhill Castlewellan BT31 9BW
LOCATION	15 Leitrim Road Castlewellan			
PROPOSAL	2 storey extension to existing dwelling to accommodate a granny flat			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

3 The proposal is contrary to NH 6 of Planning Policy Statement 2 Natural Heritage in that the scale of the extension and resulting dwelling is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty.

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Application Reference: LA07/2017/1021/F

Date Received: 5th July 2017

Proposal: 2 storey extension to existing dwelling to accommodate a granny flat.

Location: 15 Leitrim Road, Castlewellan







Site Characteristics & Area Characteristics:
The site in question is a single storey dwelling with a garage underneath due to the change in levels across the site. The dwelling is set up and back from the road and

has a slight front return. The site has a garden area and planting to the front of the site and a wall as a boundary which is a retaining type wall. There is a good back drop to the rear of the site however the site is highly visible.

The site is not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Area Plan 2015. The site is in the sphere of influence of a historic site and monument and is also within the Mourne Area of Outstanding Natural Beauty.

Site History:
Q/1976/0213 – Ballymaginaghy, Castlewellan – proposed bungalow – granted – 16-12-1976

Q/2004/0599/ F – adjacent to and south of 15 Leitrim Road – site for dwelling – granted – 7-03-2005

Q/2003/0253/O – adjacent to and south of 15 Leitrim Road – erection of dwelling – 20-06-2014.

Planning Policies & Material Considerations:
The application is considered against the Banbridge, Newry and Mourne Area Plan 2015 and also considered against PPS2, Natural Heritage, PPS6 Planning, Archaeology and the Built Heritage, Addendum to PPS 7 Residential Extensions and Alterations, PPS 21 Sustainable Development in the countryside and SPPS.

Consultations:
Historic Environment Division was consulted given the sites proximity to a monument and it is noted that HED have responded with no objections and are satisfied the application is in compliance with PPS 6.

Objections & Representations
The application was advertised in the local press 26th July 2017 which expired 9th August 2017 and neighbour notification issued on the application 17th July 2017 which expired 31st July 2017, to date no representations have been made in relation to the application.

Consideration and Assessment:
The extension is considered against Addendum to PPS 7 Residential Extensions and Alterations EXT 1.

The application seeks to extend the existing dwelling that has a current main ridge height of 4.5m with the section with a garage under measuring 6m in height and a length of 21.8m to a dwelling 26.2m in length and 6.3m in height of the extended section and also incorporates a balcony opening to the front at ground floor level with a lower ground section beneath.
The resulting dwelling has a considerable frontage which introduces living accommodation to the lower ground where previously there was a garage present.

The additional length and the introduction of windows at the lower ground level and the balcony to the upper ground are not in keeping with the original style and design of what essentially appears as a single storey dwelling with garage below. The length of the building at present is considerable and adequate with the additional extension presenting a dwelling that is extremely long and the scale and rhythm of the existing building being conflicted with the new elements of design. The proposed design is not considered to be sympathetic with the built form and appearance of the existing property and the additional length, and design will detract from the character of the surrounding area on this highly visible plot.

The proposal will not unduly affect the neighbouring properties privacy or amenity area, though it is noted that the number of openings on the side gable and the proximity to the neighbouring property will have a negative impact the extension looks onto amenity space to the front of the adjacent property no 11 Leitrim Road and will not have a demonstrable impact on the private amenity of no 11. The application does not detract or impact on any landscape features and adequate parking will remain within the curtilage of the dwelling for the turning and parking of cars.

The use of the proposed extension and alteration is for a "granny flat" and as such the extensions and alterations seek to provide an attached but clearly separate unit with the ground floor (lower ground area) consisting of three bedrooms and a separate bathroom, hall and storage area and 1st floor accommodation offering a fully appointed kitchen with dining area and separated lounge area. There is no internal link proposed and as such this is a separate unit attached to the existing dwelling and would be able to operate independently of the host dwelling.

Policy states (section 2.9) that ancillary accommodation should be subordinate to the main dwelling and its function supplementary to the main dwelling and internally accessible from the main dwelling.

The proposal is not supplementary to the main dwelling there is no internal link. The proposal can operate almost independently to the main dwelling and offers a level of accommodation that is far greater than what is considered necessary in order to provide accommodation for dependant relatives. The proposal offers no dependency on the main dwelling and does not offer limited accommodation with shared facilities that could later easily be incorporated as required by policy (justification and amplification A49 of Addendum to PPS 7)

There has been no justification put forward to support this application or the level of accommodation offered and given that the level of accommodation is not considered acceptable and also given the impacts visually in relation to character and appearance it is not considered that the proposal is acceptable and does not meet with policy provisions.

The application is also considered against PPS 2 Natural Heritage given that the application site is located within the Mourne Area of Outstanding Natural Beauty. Policy NH 6 advises of acceptable development within the AONB.
The proposal, as indicated above, is considered to offer a negative impact on the visual appearance of the area due the visual appearance of the resulting building, the introduction of the large lower ground area and the introduction of the balcony to

the front, as such it is considered that scale of the proposal is not appropriate development within the AONB.

Recommendation:
Refusal

Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (part a) of the Addendum to the Planning Policy Statement 7 in that the scale, massing and design of the proposal are not sympathetic with the built form and appearance of the existing property and detract from the appearance of the surrounding area.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 of the Addendum to the Planning Policy Statement 7, (justification and amplification part 2.9 and A49) in that the level of accommodation provided for is not subordinate to the main dwelling, and fails to provide an internal linkage to the main dwelling and offers no dependency on the main dwelling.

- The proposal is contrary to NH 6 of Planning Policy Statement 2 Natural Heritage in that the scale of the extension and resulting dwelling is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty.

Case officer:

Authorised by:

Date:

ITEM NO	**9**			
APPLIC NO	LA07/2017/1369/O	Outline	**DATE VALID**	05/09/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr J McMaster 165 Belfast Road Ballynahinch BT24 8UR		**AGENT**	C R Design 25 Glennor Crescent Carryduff Belfast BT8 8HW
LOCATION	Opposite 15 Ballymaglave Road Ballynahinch BT24 8LX			
PROPOSAL	Dwelling and detached garage for private use			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3 The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.

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Application Reference: LA07/2017/1369/O

Date Received: 05.09.2017

Proposal: The application is for outline planning permission for a dwelling and detached garage.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.





Site Characteristics & Area Characteristics:
The site is a triangular roadside plot located just off the Ballymaglave Road. The NE boundary is comprised of a laneway which serves another existing property and is bounded by well maintained hedging. The site is cut from a larger agricultural field and hence the SE boundary remains undefined. The western boundary is the roadside boundary and consists of roadside hedging. There is a field gate into the site to the northern portion of the site. The land falls in a north to south direction and the land rises from west to east (from roadside towards the laneway).





Site History:
R/1984/0835 NEAR TO 18 Ballymaglave Road, Ballynahinch. Bungalow And Garage. Application Withdrawn.

History of immediate area

R/2003/0431/F Adj 18 Ballymaglave Road, Ballymaglave South, Ballynahinch, Storage shed. PERMISSION GRANTED 27.01.2004

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections
Transport NI – No objections subject to conditions
DAERA – Yes farm is established for 6 years or more, applicant claims SFP or equivalent

Objections & Representations
In line with statutory requirements four neighbours have been notified on 15.09.2017. The application was advertised in the Mourne Observer and the Down Recorder on

17.02.2016. One letter of objection has been received from the occupants of No 18 Ballymaglave Road, I that they deem the application to be contrary to SPPS and CTY 1 of PPS 21 and CTY 8 as the dwelling does not link with any buildings on the farm.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals.
Other than an update in the definition of what constitutes "*agricultural activity*" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: *'Sustainable Development in the Countryside'* (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps, site location plan and road layout have been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (previously known)) business ID number along with other evidence to prove active farming over the required period.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant has had a business ID number for more than 6 years, and single farm payment or similar has been claimed within the last 6 years.

The policy, however, allows for other evidence to prove active farming over the required period. No other evidence in terms of receipts/invoices etc were presented.

The total area of land is 14.70 ha. This land is located at Ballymaglave South and Glasdrumman.

On the basis of the above information it has not been demonstrated that the farm business has been active and established for 6 years.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10. The applicant has confirmed this under Q5 of P1C form.

Criterion (c) of CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)".



Aerial view showing buildings at 165 Belfast Road

There are no buildings on the land at Ballymaglave South where the site is proposed to be located, and no other supporting information has been submitted as to why the dwelling requires to be sited at this location, therefore the proposal offends PPS 21 CTY 10 (c), in that there are no buildings to visually link or cluster with.

There do appear to be buildings associated with this farm business and these are located at 165 Belfast Road.(see above photograph taken from Spatial NI).

Accordingly on the basis of the information provided to date for the application site and adjoining fields, this proposal does not appear to comply with point (c) of CTY10.

Policy CTY 13 considers whether the proposal will achieve a suitable degree of integration. The plot is a roadside one and as mentioned previously is cut from a larger agricultural field. Once the roadside hedge is removed to accommodate the access and the lack of defined SE boundary, the only remaining boundary would be the one along the laneway, this, however, would not be sufficient to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition, as this is a case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on the farm.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. A dwelling on the site would result cause a detrimental change to a further erode the rural character of the area by resulting in suburban style build up of development when viewed with existing buildings.

Policy CTY16 - In order to comply with this policy the applicant must demonstrate a means of sewerage disposal that will not create or add to a pollution problem. It is considered the site is large enough to accommodate septic tanks and soakaways for a dwelling.

Conclusion
Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the proposal does not meet with policy.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted result in a suburban style build up of development when viewed with existing buildings and would therefore further erode the rural character of the countryside.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	**13**			
APPLIC NO	LA07/2017/1542/F	Full	**DATE VALID**	06/10/2017
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Arthur O'Kane BT AONB Planning Dept BT Waterside Tel. Exch. (DP PCP34) Irish Street Altnagelvin Derry BT47 2JA		**AGENT**	
LOCATION	40m south west of 1 Saul Mills Road Saul Downpatrick Co Down BT30 7JE			
PROPOSAL	Erection of new Fibre Optic Street Cabinet for Superfast Broadband. Cabinet Dimensions 1300mm high X 1430mm wide X 450mm deep			

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

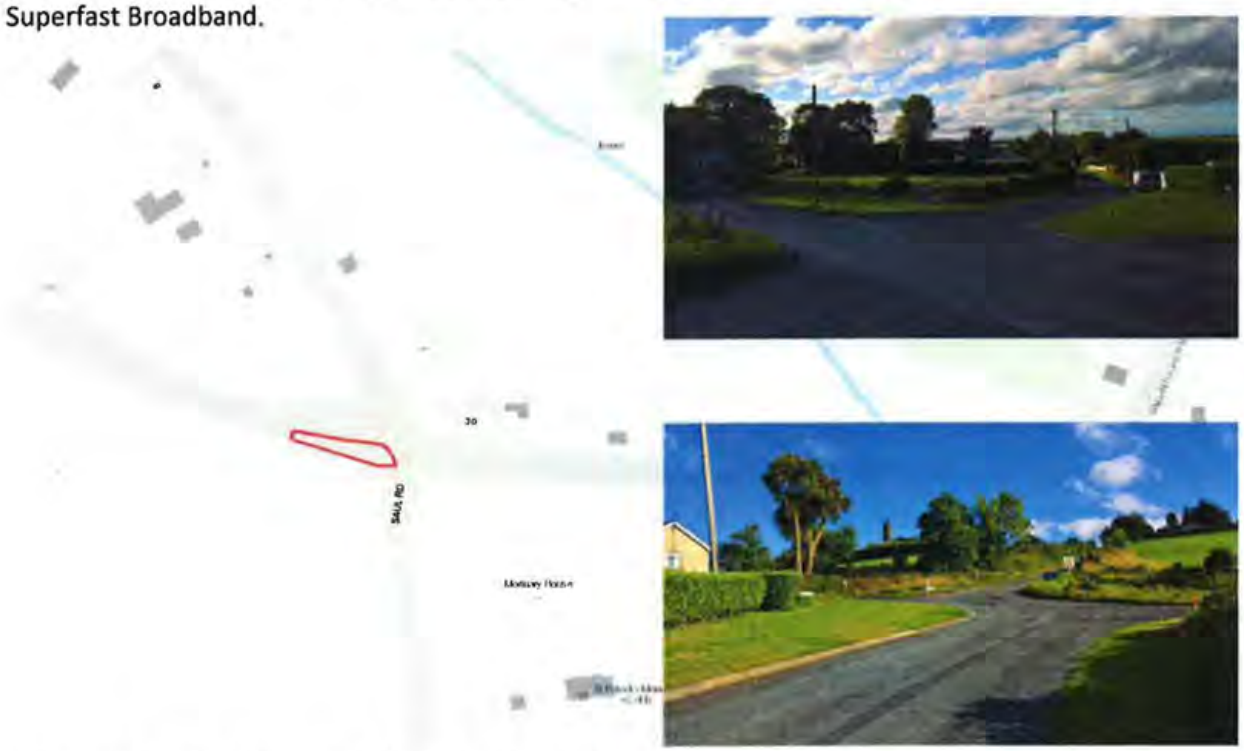
Application Reference: LA07/2017/1542/F

Date Received: 10.10.17

Date of site visit: 12.10.17

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

Proposal:
The Council has received an application seeking planning approval for proposed erection of for Superfast Broadband.



Location: 40m SW of No.1 Saul Mills Road, Saul, Downpatrick

Characteristics of site:
The site is located on the grass verge along the side of the Mearne Road at the staggered cross roads junction where the Saul Road meets the Mearne Road and directly opposite the junction with the Saul Mills Road. There are several private dwellings in the immediate vicinity and the site location contains some existing street furniture including road signs, timber telegraph poles, etc.

Characteristics of area:
The site is located in the countryside just outside of and bordering the settlement limit of the small rural hamlet of Saul, just outside Downpatrick. The site is also within a designated Area of Outstanding Natural Beauty and near to a Local Landscape Policy Area as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/039.

Site History:
LA07/2017/1096/F 30m SW of No.1 Saul Mills Road, Saul, Downpatrick
New Fibre Optic Street Cabinet for Superfast Broadband
Permission granted - 31.08.2017
LA07/2017/0170/F Adj to 4 Saul Mills Road Downpatrick BT30 7JE
Proposed 2 No new detached Dwellings with Garage.
Consultations Issued.
R/2007/1011/RM Adjacent to 5 Saul Mills Road & 30 Mearne Road, Saul
Proposed new dwelling and garage
Permission granted - 13.02.2008
R/2005/1000/O Adjacent To 4 Saul Mills Road, Saul, Downpatrick, BT30
Renewal of previous outline permission R/2002/0458/O which gave outline planning permission for a detached dwelling.
Permission granted - 12.11.2005
R/2004/1751/O Site next to 5 Saul Mills Road and 30 Mearne Road, Saul.
1 house and garage
Permission granted - 09.05.2006
R/2002/1259/F 5 Saul Mills Road, Downpatrick.
Proposed alterations and extension.
Permission granted - 04.12.2002
R/2002/0458/O Adj to 4 Saul Mills Road, Saul, Downpatrick.
Site for dwelling (renewal of R/98/0671).
Permission granted - 22.07.2002

Planning Policies & Material Considerations:
The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland
This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 3: Access, Movement and Parking
This Planning Policy Statement sets out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to road safety.

Planning Policy Statement 10: Telecommunications
Policy TEL 1 sets out the main considerations that the Council will take into account in assessing proposals for erection of Telecommunications infrastructure. The provisions of this policy will prevail unless there are other overriding policies or material considerations that outweigh it and justify a contrary decision.

Consultations:
Transport NI were consulted in respect of this proposal on 12.10.17 due to site locations proximity to public road and road junction and responded on 09.11.17 with no objections.

Historic Environment Division were consulted on 12.10.17 in respect of this proposal due to it's proximity to a nearby archaeological site and monument. HED Historic Buildings (HED:HB) has

considered the impacts of the proposal on the building and on the basis of the information provided, advise it has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Historic Monuments Unit responded on 24.11.17 and advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Objections & Representations:
2 No. neighbouring properties within proximity to this site (No. 1 Saul Mills Road and No. 30 Mearne Road) were notified on 13.10.17. This application was advertised in the local press on 25.10.17 and to date no objections or representations have been received.

Consideration of the proposal:
The Council has received an application for the erection of a new Fibre Optic Street Cabinet to facilitate the provision of the new Superfast Broadband infrastructure across the BT network. This submitted application proposes to provide a new BT Street Cabinet placed to the inner side of wide verge along the Mearne Road directly opposite the staggered junction with the Saul Road and the Saul Mills Road.

The location of proposed cabinet is to back onto existing 1.2m timber post and stock proof fence with 1.2m high mature hedge to the boundary of the adjacent agricultural field which will act as a backdrop. Proposed location is set back approximately 4.0m from roadside along the Mearne Road, 20.0m to the R.H.S of junction with Saul Road, 2.0m to the R.H.S of concrete corner fence post. This cabinet is to be dug down into the bank which will reduce its profile.

The proposed cabinet is 1300mm (height) x 1430mm (length) x 450mm (width) and will sit on a concrete base/plinth. Cabinet is to be made from 2.0mm thick stainless steel, coloured green and constantly kept locked. This proposal is typical of what is seen throughout the district and is necessary to facilitate the enhancement of BT services.

With regard to PPS3 – Access, Movement and Parking it is my assessment that this proposal will cause no risk or hazard to vehicular or pedestrian traffic. With regard to policy TEL 1 as set out in PPS 10 Telecommunications the Council is satisfied that this application has been sited and designed to minimise any visual and environmental impact nor will it cause any negative impact on the surrounding properties.

Recommendation:
After consideration of all relevant planning policies and other material considerations this proposal satisfies the requirements of the policies and it is therefore recommended that this application is approved.

Signed: **Date:** 17.01.2018

Date: 17-01-2018

Department for
Communities
www.communities-ni.gov.uk

Historic Environment Division
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Tel: 028 9082 3100
Email:
HEDPlanning.General@communities-ni.gov.uk

Date:24 November 2017

Dear Sir/Madam

Planning Application Ref.:	LA07/2017/1542/F
Location:	40m south west of 1 Saul Mills Road Saul Downpatrick Co Down BT30 7JE
Proposal:	Erection of new Fibre Optic Street Cabinet for Superfast Broadband. Cabinet Dimensions 1300mm high X 1430mm wide X 450mm deep

The Planning (General Development Procedure) Order (NI) 2015

As amended by The Planning (General Development Procedure) (Amendment) Order (Northern Ireland) 2016

Thank you for your consultation on the above application, received by DfC on 12/10/2017

Historic Environment Division (HED) has reviewed the details of the application and provides summary comments as follows:

Archaeology and Built Heritage
HED Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise it has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM have concerns regarding the potential impact of the development upon critical views of Saul Abbey when approaching from the west on Mearne Road. When approaching from the west this is one of the remaining open public views of the monument for visitors to appreciate Saul Abbey and its setting. HED: HM consider that this proposal could be made acceptable should the proposed cabinet be relocated to the western end of the application site. This will minimise any potential impact upon public views of Saul Abbey. Should an acceptable site layout be submitted HED: HM would advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Should you seek further clarification on any of the issues raised in this response, please do not

hesitate to contact the HED Planning Team.

Kind Regards

Historic Environment Division

Issued on behalf of Department for Communities

Archaeology & Built Heritage

Section Reference SM11/1 DOW 031:042

Considerations

The proposed development site is located a short distance north-west of Saul Abbey, an early medieval ecclesiastical site scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 refers in this case.

Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM have concerns regarding the potential impact of the development upon critical views of Saul Abbey when approaching from the west on Mearne Road. When approaching from the west this is one of the remaining open public views of the monument for visitors to appreciate Saul Abbey and its setting.

HED: HM consider that this proposal could be made acceptable should the proposed cabinet be relocated to the western end of the application site. This will minimise any potential impact upon public views of Saul Abbey.

Should an acceptable site layout be submitted HED: HM would advise that any approval should be subject to archaeological mitigation, as per Policy BH 4 of PPS 6.

Explanatory note

The proposed development site is located in close proximity to Saul Abbey, an early medieval ecclesiastical site scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 refers in this case.

Saul is said to have been the landing place of St. Patrick. The site includes the gable end of a medieval building west of the modern church, a medieval graveyard and a small gabled mortuary building.

Archaeology & Built Heritage

Section Reference: HB18 08 130

Considerations

The application for 'Erection of new Fibre Optic Street Cabinet for Superfast Broadband. Cabinet Dimensions 1300mm high X 1430mm wide X 450mm deep', 40m south west of 1 Saul Mills Road Saul Downpatrick Co Down (LA07 2017 1542 F) is in proximity to St Patricks Memorial C of I Church (Grade B+) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the building and on the basis of the information provided, advise:

- It has no comment to make under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Explanatory note

The proposal is sufficiently removed in situation and scale from the listed building as to have no impact.

Informatives

Additional information/advice (e.g. on legislation, guidance, contacts, etc.) for planning officer and applicant's awareness:

Legislation & policy

1. The Planning Act (NI) 2011
2. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage.
3. Strategic Planning Policy Statement for Northern Ireland (SPPS NI) – Planning for Sustainable Development.

Guidance

4. Consultation Guide - A guide to consulting HED on development management applications- https://www.communities-ni.gov.uk/publications/guide-consulting-hed-development-management-applications
5. Please also see new HED guidance https://www.communities-ni.gov.uk/sites/default/files/publications/communities/our-planning-services-and-standards-framework.pdf
6. Technical Notes - https://www.communities-ni.gov.uk/publications/11%2B14/11%2B14/type/guidance/topic/10295?search=technical
7. British Standard - BS 7913:2013 Guide to the conservation of historic buildings

HED:HB response: 31 10 2017
HPRM container: CO1-17-23028

Archaeology & Built Heritage

Other informatives

8. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal or external/setting).

HED:HB response: 31 10 2017
HPRM container: CO1-17-23028

ITEM NO	**20**			
APPLIC NO	R/2014/0657/F	Full	**DATE VALID**	12/12/2014
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Bluebuild Developments ltd C/O 91 Main Street Bangor BT20 4AF		**AGENT**	LIKE Architects Like Architects 3 Linenhall Street West Belfast BT2 8DY
LOCATION	The Mourne Observer The Roundabout Castlewellan Road Newcastle and Lands Adjacent No 10 Burren Park BT33 0JX			
PROPOSAL	Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	18	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference:	**R/2014/0657/F**
Date Received:	**12.12.2014**
Proposal:	**Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)**
Location:	**The Mourne Observer The Roundabout Castlewellan Road Newcastle and Lands Adjacent No 10 Burren Park**

Consideration following Committee

The application was presented to the July 2017 meeting of NMD Planning Committee with a recommendation to approve. The following is an extract from the minutes of that meeting

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application, as per the Development Management Officer Report, subject to Planning Department imposing relevant conditions and carrying out the following:

(a) To re-engage with Rivers Agency regarding the drainage assessment which was carried out for this application, to ensure drainage issues raised by Councillor Devlin and Councillor Clarke, had been adequately addressed.

The Chief Planning Officer to update Councillor Devlin and Councillor Clarke on progress regarding this issue.

(b) To investigate issues relating to a boundary wall at No. 10 Burren Park.

(c) To carry out necessary consultations regarding a review of landscaping arrangements for amenity at No 9 Burren Park.

(d) Conditions to be fulfilled prior to commencement of development.

A meeting was convened with the agent on the 03/08/2017.

In relation to drainage issues on site the site does not lie within a Flood Plain. Therefore Policy FLD3 of PPS15 is relevant and a Drainage Assessment was submitted in November 2016 the content of which was agreed by Rivers Agency in February 2017. Contact was made with a rep in Rivers Agency who maintain their position in accepting the contents of drainage assessment as submitted. In terms of the Food defences on the Burren River, they advised that there was no proposal for any works to the existing Flood defences on the Burren River. On the basis of discussion with Rivers Agency there do not appear to be any drainage related issues affecting the site.

In terms of the boundary wall with No.10 Burren Park. This was discussed with the agent, who advised that in order to construct a wall along this boundary with the necessary foundations; they would not have the space available to do this. Also they did not have the authority to remove No.10 existing boundary fencing to replace with a wall. This matter is considered outside the control and remit of planning to negotiate on.

The agent therefore suggested the construction of a 1.8m close board fence with landscaping running alongside the existing fence with No.10, I consider this to be a suitable solution in the circumstances.

In relation to No.9 and its amenity and landscaping arrangements. It was acknowledged that it would not be possible to include landscaping along this boundary given the distance between the proposed gable of Site 11 and no.9 rear boundary of 1.2m.

In order to allow for access to the rear of Site 11, to facilitate servicing arrangements landscaping was not possible. The Planning Office in making its recommendation to the PC had no concerns with regard amenity impacts on No.9 as a result of the proposal. The agent suggested an alternative was to provide a solid boundary of a 2m close board fence which may afford comfort to the PC and No.9 in terms of amenity.

The proposed dwelling at site 11, the gable elevation contains a 1st floor ensuite obscure window. This does not present an overlooking issue. Creating Places is silent on recommended distances between side gables of dwellings to rear boundaries of neighbouring properties in terms of residential amenity. It is acknowledged that the distance between side gable of Site 11 and the boundary with No.9 rear is small at approx. 1.2m, however the distance of the gable to the rear of the dwelling at No.9 is 17.4m which is a sufficient separation distance to ward against any inacceptable amenity impacts.

For this reason I am content given the restrictive nature of the site at No.11, that landscaping cannot be accommodated along the boundary with No.9 while allowing for servicing arrangements at the same time, that a solid boundary fence with hedging is sufficient to create a boundary with the residential properties ofNo.9/10/8/7 Burren Park.

The drawings submitted 25 August 2017 show a 1.8m high fence along the boundary with a hedge along the inside.

Neighbour notification has been carried out on the amended drawings of 26 August 2017. At the date of writing no representations have been received.

In light of the above I am recommending that the drawing of 25 August 2017 showing boundary fencing and hedging treatments be accepted and conditioned as part of this approval.

Recommendation: Approval

Signed .....

.....

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

Application Reference: R/2014/0657/F

Date Received: 12th December 2014

Proposal: Proposed Residential Development Comprising 11 No. Dwellings (10 Semi-Detached and 1 Bungalow) (Amended proposal and landscaping details)

Location: The Mourne Observer, The Roundabout, Castlewellan Road, Newcastle and Lands Adjacent No 10 Burren Park
This site is located in Newcastle Town within the Mid-East coastal portion of the District.
Site detailed below, note red line is approximate and is a visual aid, see plans for accurate details.



Site Characteristics & Area Characteristics:
The site is a roadside site located within Newcastle. The site is relatively flat and unprofiled and divided into 2 portions consisting of an open greenfield site within the smaller northern section and the larger rectangular southern portion which houses a large building which is the site of the Mourne Observer office with parking and a security fence. The site fronts onto the roundabout and Castlewellan Road and

situated between 2 storey detached dwelling of 10 Castlewellan Road and the single storey dwellings of Burren Park. The site can be viewed from the Dundrum Road and Castlewellan Road.



View from adj to
10 Castlewellan Road



View from adj to 12 Burren Park

The area has a mixed use with a heavy residential influence within the immediate vicinity of the site.

Site History:
R/1975/0008, Erection of steel frame single storey storey for paper and generator at Castlewellan Rd, Newcastle, Approval 11.3.1975
R/1980/0885, extension to printing works at Castlewellan Road, Newcastle, Approval 14.05.1981
R/1993/1064, 2 pairs semi-detached dwellings (amended plans) site at junction of Burren Park and Castlewellan Road, Newcastle Granted 21.12.1994

Planning Policies & Material Considerations:
The proposal will be considered in relation to the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking, PPS12 Housing in Settlements, PPS15 Planning and Flood Risk as well as guides to include Parking Standards, Creating Places, Living Spaces and DCAN 15 Vehicular Access Standards. The site is within the settlement limits of Annsborough village however it is also within the AONB and therefore PPS2 Natural Heritage will also be considered.

Consultations:
NI Water, public water sewer, foul sewer and surface water sewer available within 20m of the proposal and the Waste Water Treatment Works has available capacity. Information for the applicant is included within their response

Transport NI, layout considered unsatisfactory and amended plans sought in comments returned 15th January 2015. Plans amended and re-consultation with Transport NI returned comments 29th February 2016 to request an amended layout. Ameneded plans submitted 17th November were acceptable in terms of layout for Tramnsport NI and drawings to facilitate Private Streets Determination (PSD's) were requested within their response dated 16.1.2017.

NIEA Water Management Unit, no objection as the sewage element disposal terminates at Newcastle Waste Water Treatment Works and provides information for the applicant.

DAERA Rivers agency – 24.12.2014 requested a Drainage Assessment as site is for more than 10 units and surface water run-off may have an impact on other development. Drainage Assessment provided 17.11.2016. Response received 18.1.2017 which advised the site does not lie within the 1 in 100year fluvial plain, and accept the details of the Drainage Assessment provided which advises of a 22% decrease in surface water run-off from the site post development. Rivers Agency did request more information due to Policy FLD5 in that the Development is in close proximity to reservoirs. However this was discussed with Senior Officers and as this refers to Lough Island Reevy in Kilcoo, a considerable distance from the site (Approx 6 miles) it was set aside due to low risk of impact on the site.

Objections & Representations
The site was originally advertised in Mourne Observer and Down Recorder on 07.01.2015 for total of 13 units (6 semi-detached and 7 townhouses).
Amended plans were received and the scheme was readvertised in the MNourne Observer on the
The scheme was reduced to 11 units (10 semi-detached and 1 detached dwelling) on the 17th of November 2016 and the application was readvertised in the Mourne Observer on the 30.11.2016.

A total of 36 neighbouring dwellings were notified.

A number of representations have been received – total 18. The following is a brief overview of the objections raised concerning planning matters:

- Concern relating to the access proposed and available sight lines
- The development would result in increased traffic at this busy roundabout adjacent to the site
- Impact on the character of the area and reference to the proposed 2 storey semi-detached nature of the dwellings proposed as they neighbour single storey detached dwellings of Burren Park

- Impact the proposal has in terms of loss of light and overlooking of the dwellings of Burren Park
- Impact on the character of the area in terms of density for 13 units on the site
- Impact of proposal in terms of flooding and response from NI Water

Consideration and Assessment:

The proposal has been amended during the processing of the application. It has been reduced from 13 units to 11 units. The layout details 10 semi-detached dwellings and a detached dwelling. The following impact is taken from the proposed landscaping plan which accompanies the proposal:



The semi-detached dwellings on sites 2 to and including 11 are 2 storey with a height of approx. 8.6m. The corner site opposite 12 Burren Park is site 1 within the application, this is a storey and a half hipped roof dwelling with roof dormers on the front and rear elevation. It stands at approx. 5.6m high and the elevation facing Burren Park is finished with a projecting bay window.

The proposal includes a mix of finishes with red brick, reflecting the finishes of No 10 Castlwellan Road, and render which reflects the finishes of Burren Park.



The proposal has railings along the elevation fronting onto Castlewellan Road with pedestrian access only. The proposal will have a central access to the public road through Burren Park and each unit can accommodate 2 car parking spaces within their curtilage.

The principle for development is largely acceptable as the site is within the settlement limits of Newcastle. The site is the current Mourne Observer site therefore the proposal would potential result in re-development of a Brownfield site within Newcastle. Both the SPPS and PPS7 support sustainable development. Housing will only be granted where it would create a quality and sustainable residential environment.

Considering the proposal in relation to the surrounding context of the site. This is a roadside site which will front onto the Castlwellan Road. The site neighbours established housing to the side and rear. The site will share access, onto the Castlewellan Road, through Burren Park. This is an established residential development of single storey dwellings with a density of approx. 19 units per hectare (12 units within 0.64Ha). The site shares its southern boundary with the detached 2 storey dwelling of 10 Castlewellan Road which has a large plot and the dwelling itself is set back behind a 1.8m high red brick wall. To the rear of the site is the high density development of Dunwellan Park which consist of a mix of terrace dwellings . This has a density of 49 units per hectare which is 70 units within 1.44Ha.

The proposal will create an attractive front onto the Castlwellan Road. The proposal also addresses frontage onto Burren Park as the unit proposed within site 1 is storey and a half with a hipped roof. This will create a step in height from the 2 storey proposed dwellings to the single storey Burren Park dwellings. This unit will also have 3 public frontages (Castlewellan Rd, Burren Park and the internal layout itself) which has been reflected in the design of the dwelling proposed.

While the development has a higher density than the neighbouring Burren Park, the density is balanced between the high density development of Dunwellan Park and the lower density development of Burren Park, not forgetting No 10 Castlwellan Road. On balance, the development proposed reflects the surrounding context and would be appropriate to the character and topography of the site. The proposal is in keeping with Policy QD1 (a) of PPS7 and LC1 of PPS7 Addendum safeguarding the character of established residential areas.

The site is a brownfield site and therefore while it contains the Mourne Observer, a local newspaper, it does not contain features of archaeological or built heritage. The proposed layout includes a detailed landscape plan which will soften the appearance of the development. There are no landscape features within the current site that would be necessary to protect or accommodate within the proposal. Each dwelling has a suitable amount of amenity space and while sites 2-6 average 56sqm of amenity space this does not highlight that the dwellings will also accommodate in-curtilage car parking and a small front garden. The front garden of unts on sites 1-7 provide a set back from Castlewwellan Road. The set back from 12 Burren Park from Castlwellan Road is the side gable wall, while the proposal provides a frontage onto Castlwellan Road, as well as the dwelling of site one accommodating a frontage onto Burren Park. The dwellings on sites 1-6 share their rear boundaries with the internal access road of the development which prosents difficulties for ensuring the

rear amenity space remains private. The units accommodate this through the use of a 1.8m hi wall with planting to soften the appearance. The landscaping plan and details will be conditioned. This is in keeping with Policy QD1 (b) and (c).

The proposal has a legible site layout and there are no public rights of way within or affecting the site. The site layout also accommodates 2 parking spaces within the curtilage of each of the 11 units proposed. This is in keeping with parking standards and planning policy. Policy QD1 also requires that new development is designed to deter crime and promote personal safety. The proposal includes an internal footpath which accommodates safety for pedestrians.

Transport NI initially had some difficulties with the scheme in its original form. However the applicants planning agent addressed the concerns and as a result Transport NI is content to provide Private Streets Determination on the scheme. Concersn have been expresse3d in representations relating to road safety. These concerns can be eased through the favourable response the application, in its current form, has from Transport NI.

In relation to the impact on neighbouring residents representations have been received. The proposal would create no conflict with No 10 Castlwellan Road or the dwellings within Dunwellan Park. This is visible through the landscaping details proposed. Unit 8 shares its rear boundary with Dunwellan Park which will be protected by 1.8m high screen wall. The boundary of No 7 and No 8 as shared with No 10 Castlwellan road is defined by a hedge and the car parking between the units divided by a hedge.

The proposal is accessed through Burren Park. The side boundary of N0 10 Burren Park will be shared with the internal access of the proposal. This boundary is currently defined by a close board fence which appears to be within the ownership of No 10 Burren Park. To soften this boundary the applicants propose a hedge and planting. This continues around the turning area adjacent to unit 11. The established dwellings of No7, 8, 9 and 10 Burren park share their rear boundary with the side boundary of the proposed site and unit 11. The dwelling proposed on site 11 is a 2 storey semi-detached dwelling and its side gable will be approx. 1.5m from the boundary shared with no 8 and 9 Burren Park. This side gable has a 1st floor ensuite window however due to the generous rear amenity space of Nos 8-10 Burren Park with average rear garden depth of 16m the potential for overlooking is minimised. The 1st floor rear gable wall includes master bedroom window and bathrooms, however due to the orientation and separation distance the proposal would not result in overlooking of the rear amenity space of No 7 and 8 Burren Park. Planting along the shared boundary will also protect the privacy of the established dwellings. The distance between the proposed units and the existing dwellings of Burren Park will also ensure there would be no loss of light to the private amenity of the dwellings.

It must be noted that while the dwelling at No 10 Burren Park sought a solid wall definition along the boundary shared with the site. Council would note that this boundary is currently defined within No 10 Burren Park with a 1.8m high close board fence. The applicant proposes hedges and heavy tree planting along the boundary shared with No 10 Burren Park.

Rivers Agency raised the issue of Lough Island Reevy Resevior in Kilcoo, however, this is 6 miles from the site and it is not considered necessary for the applicant to amend the Drainage Assessment to reflect this distanct resevior. Rivers Agency accepted the details of the Drainage Assessment and noted the proposal would result in a reduction of surface water. The proposal is in keeping with PPS15.

Recommendation:
Approval - The proposal is in keeping with planning policy.

Refusal Reasons/ Conditions:
Conditions as recommended by case officer and consultees, can be subject to change prior to issuing decision;

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

All planting indicated on site layout plan R/2014/0657/13 bearing the date stamp 321 DEC 2016, shall be carried out during the first available planting season following the commencement of the development.
REASON: To ensure the development integrates into the countryside.

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.

CONDITIONS RECOMMENDED BY NI WATER
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.

All services within the development should be laid underground.
REASON: In the interests of visual amenity.

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 Council.
REASON: In the interests of public health.

Development, hereby permitted, shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Council.
REASON: To safeguard the site and adjacent land against flooding and standing water.

RECOMMENDED TRANSPORT NI CONDITIONS
The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017.
REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be commenced until the works necessary for the improvement of the public road have been completed in accordance with the details outlines blue on Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017. The Department hereby attaches the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).
REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

The visibility splays of 2.0metres by 33metres at the junction of the proposed access with the public road shall be provided in accordance with Drawing No. JPC002 Revision B bearing the date stamp 05 APR 2017, prior to the commencement of any other works or development.
REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.
REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Notwithstanding the provisions of the Planning (General Development Procedure) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown, (in verges/service strips) determined for adoption.
REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

Notwithstanding the provisions of the Planning (General Development Procedure) Order (Northern Ireland) 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in (verges/service strips) determined for adoption.
REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 space(s) per dwelling.
REASON: To ensure there is a suitable provision of car parking for each dwelling.

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

Rivers Agency will require to be consulted regarding the discharge of any storm water into an existing water course prior to commencement of building works on site.
REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Any telegraph poles/ street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of Transport NI.
REASON: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.
REASON: Road safety and convenience of traffic and pedestrians.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section.
(These works will be carried out entirely at the developer's expense.)
REASON: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

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

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

The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.
REASON: In the interest of Road Safety.

The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Department of Regional Development Transport NI for agreement in writing.
REASON: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

The developer/applicant will contact Transport NI Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.
REASON: In the interests of road safety and traffic progression.

_____

Case Officer DATE

_____

Appointed Officer DATE

ITEM NO	**1**			
APPLIC NO	LA07/2016/0199/O	Outline	**DATE VALID**	11/02/2016
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Liam and Siobhan Boylan and family 10 Avoca Lawns Warrenpoint BT34 2RJ		**AGENT**	Quinn Design and Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3YP
LOCATION	Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road Warrenpoint			
PROPOSAL	15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	35	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: LA07/2016/0199/O

Date Received: 16th February 2016

Proposal: 15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands

Location: Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road, Warrenpoint

Site Characteristics & Area Characteristics:
The site occupies a steeply sloping vacant plot of land within the development limits of Warrenpoint. It overlooks the harbour and the Cooley Mountains and is surrounded by residential dwellings. The land is currently overgrown grassland with ferns, scrub and some mature trees along the boundaries. The site is located adjacent to the Woodlands development which is also has a steep topography. A narrow overgrown access to the site is also adjacent to 132 Lower Dromore Road.



Site History:
P/2009/1064/F – Residential Development of 17 dwellings and site works - Lands to the rear and East of 46-132 Lower Dromore Road, Warrenpoint – Withdrawn

WB 18 Housing – Banbridge Newry & Mourne Area Plan 2015 – 1.37 hectares (key site requirements include gross density of 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn land on Lower Dromore Road junction with A2 however these works have already been carried out).

Planning Policies & Material Considerations:
Regional Development Strategy 2035
SPPS – Strategic Planning Policy Statement
PPS 2 – Natural Heritage – NH 6 – AONBs
PPS 3 – Access, Movement and Parking
PPS 6 – Planning, Archaeology and the Built Heritage
PPS 7 – Quality Residential Environments
PPS 8 – Open Space, Sport and Outdoor Recreation
PPS 12 – Housing in Settlements
PPS 15 – Planning and Flood Risk

Supplementary Guidance:
DCAN 8 – Housing in existing urban areas
Creating Places

Consultations:
Transport NI – No objections in principle – subject to conditions.
NIW – informatives supplied including early predevelopment enquiry to NIW to determine how proposal may be served. WWTW at Warrenpoint are presently available to serve this proposal.
Environmental Health – No objections providing proposal is connected to public sewerage system as stated in application.
HED: Historic Monuments – content with location of site away from inauguration stone of the Clan McGuiness.
Rivers Agency – accepted the logic of the drainage assessment. Implementation of this assessment and flood risk measures lies with the developer and his/her professional advisors.
DAERA Drainage and Water – content subject to conditions;
DAERA Natural Heritage and Conservation Areas (NED) – refers to standing advice in relation to badger activity and if found a survey is required. Standing advice is also provided for wild birds.
Loughs Agency – Condition attached re discharge of storm water.

Objections & Representations
64 neighbours notified and the proposal advertised in 5 local papers on the 1st, 3rd and 4th March 2016. Vast amounts of objection letters were received. The main issues referred to road safety and the safety of residents within The Woodlands due to its existing construction and the proposed increase in traffic. Other objections raised included safeness of existing retaining walls and proposed ones; disruption/loss of wildlife including birds, bats.

Consideration and Assessment:
Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies inside the town of Warrenpoint and also within a designated Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP). It also zoned in the area plan under WB18 for housing. The requirements of the plan state:

1.37 hectares (key site requirements include gross density of minimum 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn lane on Lower Dromore Road junction with A2 however these works have already been carried out as part of a different scheme).



The zoning of land provides a basis for rational and consistent decision on planning applications and provides a measure of certainty about which types of development will and will not be permitted.

The current statutory development plan refers to policy for the control of development on zoned sites being contained in Policy SMT2 in Volume 1 of the plan.
Policy SMT2 – Development on Zoned Land
Planning permission on zoned sites will be granted for the specified uses as well as any range of uses included in the key site requirements and any specified complementary uses.

The development proposals will also be considered in the context of all prevailing regional planning policy and any relevant plan policies and proposal, including, where specified, key site requirements.

PPS 7 – Policy QD1 – Quality in New Residential Development

Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. This policy lists 9 criterions to comply with:

(a) A concept layout has been provided showing 15 dwellings including 3 detached and 6 pairs of semis however, these are only indicative and full details will be provided at any Reserved Matters/Full stage. Housing on the concept plan is however shown towards the upper parts of the site with woodland planting towards the lower slopes. The site has been included with the Area Plan as land zoned for housing, and through suitable and skilful design due to the site's steepness, housing on this land could respect and the surrounding context as well as being appropriate to the character and topography.



(b) The site lies within an AAP and NED:HM were consulted and responded that they are content with location of site away from inauguration stone of the Clan McGuiness. No archaeological mitigation is therefore required. New landscaping is proposed and existing vegetation can be conditioned to be retained and augmented.

(c) 15 dwellings are proposed which although is the minimum per hectare (site measures 1.37 hectares) it is 6 houses short of what the development plan is suggesting in the key site requirements. However I believe given the gradient of the site and the proposal to plant trees is an acceptable proposal for this site. Through careful design there should be sufficient space to each dwelling for private amenity space. The number of dwellings proposed falls short of the open space requirement as per PPS 8 Policy OS 2 (Open Space in New

Residential Development). Taking into account the steepness of the site, land remains towards the lower slope/south west and it is here that a woodland area is proposed as per the concept plans which would assist in the 'greening' of the area. Any approval would be conditioned to provide high quality landscaping to be maintained and retained in perpetuity.

(d) Due to the scale of the proposal, and the site's location within an existing and well established residential area, no local neighbourhood facilities are required.

(e) Any RM/Full application would have to design a scheme that would support walking, cycling and meet the needs of people whose mobility is impaired and this would include traffic calming measures, ensuring access to public transport is achievable and no rights of way are disrupted. This is possible on this site through careful design.

(f) Due to the size of the site and the number of dwellings proposed, there should be ample space within the curtilage of each dwelling for the parking of private cars of at least 2 per dwelling. Any RM/Full application would have to ensure this is presented at the design stage.

(g) Partial details of the house types have been supplied however this is an outline application and applicable conditions relevant to this site and locality will be imposed regarding design, form and material finish on any approval notice.

(h) The housing density on this site is acceptable even if it's under the minimum key site requirements due to the site's steepness. Although the gradient of the site could pose tricky, a quality residential environment is achievable through careful design and landscaping that would also minimise any issues regarding overlooking, loss of light, overshadowing, noise or other disturbance.

(i) Through careful design and siting, the development could deter crime and promote personal safety.

PPS 12 – Policy Planning Control Principle (PCP) 1 – Increased Housing Density without Town Cramming.

This policy supports an increase in density of housing development within town and city centres and other locations which benefit from high accessibility to public transport facilities without eroding local character, environmental quality and amenity. New design should also respect adjacent housing and safeguard their privacy. The proposed site lies within the development limits of Warrenpoint and contains land zoned within the statutory development plan for housing under WB18.

PCP 2– Good Design

Any RM/Full application would have to ensure good design is proposed.

PCP 3– Sustainable Forms of Development

The proposed site would be a sustainable form of development in that it is located within an existing well established residential area, involves the completeness of the residential area and is within land zoned for housing in the area plan.

PPS 3 – Access, Movement and Parking

A vast number of objections were received regarding the access arrangements and TNI initially responded stating that the road network within The Woodlands could cope with the extra traffic that the development would bring; that the horizontal and

vertical alignment of the road (Woodlands) was not untypical of the area and that the proposal will complete housing on the zone.

A final consultation was issued to DFI Roads on 11th October 2017 and the response was the considered professional opinion on the proposal from the Principal Roads Engineer/Network Planning Manager and included:

- Site and surrounding area was inspected/site history and area plan zoning considered as well as acquaintance with appeal history on nearby planning application site at Warrenhill (a separate matter);
- Housing density is less than the minimum yield stipulated in current area plan zoning therefore comments apply to the limited development proposed;
- Geometry, gradient and alignment of the existing public road which whilst steep, is not atypical of the topography of the area;
- Would not be unreasonable to construct a further 15 dwellings and aware of residents views but any possible significant disruption will be during the house building process – which it is hoped will be of limited duration. The present housing road is lightly trafficked and no expectation there to be any traffic progression or safety issues once the houses are occupied, assuming normal courteous driving;
- Satisfied that the proposed 15 dwellings is, on balance, acceptable in terms of the existing adjacent roads infrastructure.



PPS 2 – Natural Heritage

A biodiversity checklist was completed and indicated no concerns however NED referred to standing advice and the need for surveys to be completed should badgers or wild birds be found. As part of any approval notice, an informative will be attached to highlight the legislation of protected species and need for survey should

badgers be found on site. The planting of native trees will however assist the areas biodiversity.

PPS 2 – NH 6 – Areas of Outstanding Natural Beauty
In terms of the site's location within the AONB, careful design and respectfulness of the locality, its architectural and environmental characteristics and qualities as well as historical features and assets, a suitably designed housing layout could be accommodated on this site without causing detriment to the area.

PPS 15
Rivers agency accepted the logic and no reason to disagree with the conclusion of the drainage assessment prepared for this site under policy FLD 3. Rivers Agency have indicated that the responsibility for justifying the drainage assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (paragraph 5.1 of revised PPS 15).

Recommendation:
Approval

The chosen site has been zoned in the Banbridge Newry & Mourne Area Plan 2015 as land identified for housing. The number of houses proposed is acceptable to the key site requirements and the access road involved is through The Woodlands which is also identified within the plan. The plan refers to access through the small adjacent site however this smaller site has been fully developed. Although a vast number of objections have been received with the majority relating to the site's access via The Woodlands, and its ability to cater for increased traffic, senior management in Transport NI has assessed the proposal, and in accordance with current planning policy, deem the access suitable to accommodate a further 15 dwellings which in their words would '*complete housing in the zone*'.

This is an outline application, therefore in principle, the proposal for 15 dwellings and landscaping including the planting of native trees is acceptable on land zoned for housing.

Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of

access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from the Council, in writing, before any development is commenced.

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

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

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

5. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed ground levels, the finished floor levels of the proposed buildings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

6. At the Reserved Matters stage a plan indicating full details of all proposed tree and shrub planting and a programme of works, shall be submitted to and approved by the Council. All tree and shrub planting shall be carried out in accordance with those details and at those times.

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

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

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

8. 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 shall 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.

   Informative:

   The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the Badger. It is also an offence to disturb these animals or obstruct access to their place of refuge, or destroy or damage anything which conceals or protects their place of refuge. If there is evidence of badgers found, a survey is required which should comply with British Standard 42020:2013, which came into effect on 31st August 2013. The British standard provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or enhancement of biodiversity.

Standing Advice Badgers:
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_8_badgers.pdf

Standing Advice Wild Birds
http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_17_wild_birds_issue_01_may_2015.pdf

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

ITEM NO	**1**			
APPLIC NO	LA07/2016/1069/F	Full	**DATE VALID**	11/08/2016
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Jim Rocks 8 Sturgan Road Camlough Newry		**AGENT**	Quinn Design and Engineering Services 36 Carrogs Road Burren BT34 3PY
LOCATION	Mountain House Drumilly 37 Newry Road Belleeks Newry.			
PROPOSAL	Application to vary condition number 2 of planning permission reference P/2006/1110/RM. Condition 2 states that The dwelling hereby permitted shall be occupied only by Mr B Dooley and his dependants for life, following construction and occupation. The application seeks the variation of this condition to The dwelling hereby permitted shall be occupied only by the owner/ manager or an emplyoee of the adjacent Mountain House public house, following construction and occupation. (Amended description)			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and and policy CTY 1 of PPS 21 in that it has not been demonstrated that the development, as approved under P/2002/1865/O and P/2006/1110/RM, has lawfully commenced within the prescribed statutory period and there are no overriding reasons why the proposal is essential in this rural location.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: LA07/2016/1069/F

Date Received: 11 August 2016

1.0. Proposal:

1.1. To vary condition 3 on P/2002/1865/O and Condition No 2 on P/2006/1110/RM.

2.0. Location:

2.1. Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry.

3.0. Site Characteristics & Area Characteristics:

3.1. The site is in the open countryside adjacent to an existing public house.

4.0. Site History:

P/2002/1865/O: Site for dwelling for manager of adjacent premises. Outline Approval, 12 May 2003.

P/2006/1110/RM: Erection of Dwelling. Reserved Matters Approval, 12 February 2007.

LA07/2016/1070/LDE: An application for a Certificate of lawfulness for an Existing Use or Development (CLUD) confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the prescribed timeframe.

5.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement; Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 21, Sustainable Development in the Countryside.

6.0. Consultations:

None

7.0. Objections & Representations

7.1. Details of the application were advertised in the local press on 26 August 2016 and neighbourhood notifications letters were issued on 17 August 2016. No objections were received.

8.0. Consideration and Assessment:

8.1. The application initially sought the removal of a planning condition attached to the previous outline and reserved matter approvals referred to above. The planning permission, referred to, was granted at outline stage on 12 May 2013 and at Reserved Matters stage on 12 February 2007. The application was subsequently amended to vary the wording of the planning condition.

8.2. There are 2 issues to be considered:

- is it appropriate to amend the planning condition attached to the previous planning approvals; and secondly,
- does the planning application, the subject of this application remain extant or has it expired. i.e. is there a valid approval to vary.

8.3. I will deal with proposed variation of the planning condition initially. The planning condition read,

The dwelling hereby permitted shall be occupied only by Mr Dooley and his dependents for life, following construction and occupation.
Reason: The site is located within a Countryside Policy Area where it is the policy if the Department to restrict development and the consent hereby permitted is granted solely because of the applicant's special circumstances.

8.4. In support of the application, the applicant states that Mr Dooley, the then applicant, no longer owns the public house or the adjacent building site and therefore can no longer comply with the planning condition. Similarly the new owner, Mr Rocks, cannot comply with the planning condition which restricts occupancy to Mr Dooley.

8.5. The agent initially sought the removal of the planning conditions on both previous approvals. He subsequently amended the application from removal of the planning conditions to a variation of Condition No 3 on the OPP and Condition No 2 on the RM approval in a manner which restricts the occupancy of the dwelling to the owner /manager or an employee of the public house.

8.6. The planning conditions referred to was imposed in the context of the previous rural planning policy contained within 'A Planning Strategy for Rural NI'. Policy HOU 11 of that document permitted a dwelling house in the countryside required for the essential needs of an established commercial enterprise. Such approvals were subject to a condition restricting occupation to an employee of the firm. The prevailing policy for the rural area is provided by Planning Policy Statement 21 'Sustainable Development in the Countryside'. Policy CTY 7 of PPS 21allows for dwellings for non-agricultural business enterprises located beside the boundaries of the enterprise. Such

approvals are also subject to an occupancy condition restricting occupation of the dwelling for the use of the business.

8.7. Within the terms of this changing policy context, it is appropriate to retain the occupancy condition. It is also considered appropriate to vary the wording of the condition along the lines suggested by the applicant. This would link the condition to the business, the basis for the approval, and not a named individual. The new condition would read,

The dwelling hereby permitted shall be occupied only by the owner of the adjacent licensed premises, currently known as The Mountain House or to any employee of that business, following construction and occupation.

Reason: It is the policy if the Planning Authority to restrict development and the consent hereby permitted is granted solely because of the applicant's special circumstances.

8.8. As stated above, the Planning Department must also consider the status of the previous planning approvals on the site. In this context, this application is also related to a parallel application for a Certificate of Lawfulness for an Existing Use or Development (CLUD), also received on 11 August 2016, Ref No LA07/2016/1070/LDE, (see appendix a, Case officer Report, attached).

8.9. This application seeks a CLUD confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the statutory timeframes of those approvals.

8.10. In summary, outline planning approval, for the dwelling, was granted on 12 May 2003. Reserved Matters approval was subsequently granted on 12 February 2007. The pre-commencement conditions attached to those approvals and other related development should have been carried out by 12 February 2009 to ensure that the planning approval had lawfully commenced.

8.11. The Planning Department has completed its assessment of this application, see Appendix A, and has concluded that while the works carried out on site related to those previous approvals, i.e. site levelling and clearance, is lawful in that it was carried out more than 5 years ago, the overall development, approved under planning reference P/2002/1865/O & P/2006/1110/RM, has not lawfully commenced within the statutory period of the approvals on site. This is due to the fact that pre-commencement conditions have not been complied with within the prescribed period. This follows from the fact that Transport NI has confirmed, in its response, dated 4 November 2017, that the access details, currently on site, have not been provided in accordance with approval issued in P/2006/1110/RM.

8.12. On this basis while it may be appropriate to vary the terms of the planning condition, as requested, the fact remains that since the development, as approved, has not been commenced on site, the approval has lapsed. There is no valid approval in place, to attach or to vary a planning condition.

9.0. Recommendation

9.1. Refusal of the variation of the previous planning conditions. The proposal is contrary to SPPS and CTY 1 of PPS 21 in that it has not been demonstrated that the development, as approved under P/2002/1865/O and P/2006/1110/RM, has lawfully commenced within the prescribed statutory period and there are no overriding reasons why the proposal is essential in this rural location.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

Appendix

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

Application Reference: LA07/2016/1070/LDE.

Date Received: 11 August 2016

1.0. Proposal:

1.1. This application seeks a Certificate of lawfulness for an Existing Use or Development (CLUD) confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the prescribed timeframe.

2.0. Location:

2.1. Adjacent to Mountain House, Drumilly, 37 Newry Road, Belleeks, Newry.

3.0. Site Characteristics & Area Characteristics:

3.1. The site is in the open countryside adjacent to an existing public house.

4.0. Site History:

P/2002/1865/O: Site for dwelling for manager of adjacent premises. Outline Approval, 12 May 2003.

P/2006/1110/RM: Erection of Dwelling. Reserved Matters Approval, 12 February 2007.

LA07/2016/0691/F: To remove condition 3 on P/2002/1865/O and Condition No 2 on P/2006/1110/RM.

5.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement; Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 21, Sustainable Development in the Countryside.

6.0. Consultations:

DFI Transport NI: 4 November 2017: No objections in principle to this proposal. It should be noted that the access has not been constructed in accordance with approval issued in P/2006/1110/RM.

7.0. Objections & Representations - None.

8.0. Consideration and Assessment:

8.1. Section 169 of the Planning Act (NI) 2011 provides for a 'Certificate for an Existing Use or Development' (CLUD) and Section 170 provides for a 'Certificate of lawfulness of proposed use or development (CLOPUD). This application has been lodged as an application for a 'Certificate for an Existing Use or Development'.

8.2. This wording of the application description seeks a CLUD confirming that the construction of the dwelling approved under planning reference P/2002/1865/O & P/2006/1110/RM can lawfully continue because a material start was made within the statutory timeframes of those approvals. The certificate is sought on the grounds that the use, operation or activity benefitted from planning permission granted under the Planning (NI) Order 1991.

8.3. The application therefore relates to the lawfulness of the works undertaken and also with the lawfulness of future development in respect of the proposal to complete the dwelling approved in accordance with P/2002/1865/O and P/2006/1110/RM. The Planning Appeals Commission (PAC) has previously taken the view that the lawfulness of future development in respect of a proposal to complete an approved dwelling should be considered in the context of Section 170 relating to a Certificate of Lawfulness of proposed use or development (Appeal Reference 2016/E0045). In this context this proposal cannot be considered under the terms of this application. That said, for the purposes of completion I will consider both the lawfulness of the existing works on the site and the issue of whether the dwelling, as approved, can lawfully continue on the basis that it has commenced within the statutory prescribed timeframe.

8.4. I will deal, initially, with the lawfulness of the existing works on the site. The purpose of this type of CLUD application is to establish if works, carried out,

are lawful by virtue of the fact that they have been carried out more than 5 years ago and are immune from enforcement action.

8.5. In support of the application, the applicant has included: details of the previous approvals; a copy of a letter, dated 5 January 2007, addressed to the previous planning authority DoE Planning Marlborough House, accompanied by photographs showing works related to these approvals carried out on site. Google maps, dated January 2009, also appear to show that the frontage of the site had been cleared to provide the visibility splays and that works had been carried out to clear and level the site.

8.6. In this context it is accepted that the works, on site, have been carried out more than 5 years ago, are immune from enforcement action and are therefore lawful.

8.7. I will now deal with the alleged lawfulness of future development on the site in respect of the proposal to complete the dwelling approved in accordance with P/2002/1865/O and P/2006/1110/RM.

8.8. Article 34 of the Planning NI Order, (as repeated in Section 61 of the Planning (NI) Act 2011), relates to the duration of a planning permission. Its purpose is to limit the life of permissions to a specified period in order to prevent an accumulation of unimplemented permissions and to allow proposals to be reviewed periodically in the light of changing circumstances. In line with Article 34, development, on site, should take place, in accordance with the formal approval, within 5 years from the date of the outline approval or 2 years after the granting of the reserved matters application. Article 36 of the Order, (as repeated in Section 63 of the Planning (NI) Act 2011), set out how Article 34 was to be interpreted. In accordance with Article 36 (1) development was taken to have begun on the earliest date on which any one of four specified operations began to be carried out. One such operation was specified in sub section (a) of Article 36 (1), which stated that development is begun 'where the development consists of or includes the erection of a building, any work of construction in the course of the erection of a building.

8.9. As required by the prevailing legislation, Article 34 of the Planning (NI) Order 1991 and Condition No1 of Planning permission P/2002/1865/O and Condition No 2 of P/2006/1110/RM, development on site should have commenced before the expiration of 5 years from the date of the outline approval or 2 years after the granting of the reserved matters application, whichever is the latest. In the case of this application, in order to have lawfully commenced, the development should have commenced on site by 12 February 2009, 2 years after the granting of the reserved matters application.

8.10. As stated above, in support of the application, the applicant has included: details of the previous approvals; a letter, dated 5 January 2007 to the

Divisional Planning Office, accompanied by photographs showing works related to these approvals carried out on site; and a letter from an Officer in the previous planning authority, dated 11 February 2009, which states that 'the provision of visibility splays in accordance with those specified in the approval would constitute the commencement of development'.

8.11. Google maps, dated January 2009, also appear to show that the frontage of the site had been cleared to provide the visibility splays and that works had been carried out to clear and level the site.

8.12. I will deal firstly with the provision of the visibility splays on the site. On a general point, pre-commencement conditions frequently form part of a planning approval and until pre-commencement conditions have been fully complied with, a planning permission cannot be implemented. In this instance conditions attached to both the outline approval and reserved matters approval required that the provision of visibility splays, in accordance with details specified by DRD Roads Service and on detailed approved plans, prior to the commencement of any other works approved on the site. The agent has also stated that the provision of the visibility splays were a pre-commencement requirement of both the outline and RM approvals on the site. Under the terms of the approval, the visibility splays should have been in place prior to the commencement of any other works approved by those previous approvals to ensure that the development, as approved, had lawfully commenced. In this context, the opinion expressed in the letter from an Officer in the previous planning authority, dated 11 February 2009, as referred to by the agent in support of the application, is therefore incorrect in that compliance with a pre-commencement planning condition does not constitute the commencement of development. In addition, other works, directly related to the approval, should also have been carried out, within the stipulated time scales of the approval, to ensure that the development had commenced.

8.13. In this instance outline planning approval, for the dwelling, was granted on 12 May 2003. Reserved Matters approval was granted on 12 February 2007. The pre-commencement conditions and other related development should have been carried out by 12 February 2009 to ensure that the planning approval had lawfully commenced.

8.14. The letter, with accompanying photographs, dated 5 January 2007, suggests that the splays, together with other works on site, have been carried out within the prescribed periods. Images on google maps, dated January 2009, would also support this.

8.15. Transport NI has been consulted to establish if the sight splays, as provided, comply with the previous approvals. In its response, dated 4 November 2017, it has confirmed no objections in principle to this proposal. However, critical to this application, it also stated that the access has not been constructed in accordance with approval issued in P/2006/1110/RM.

8.16. In the light of these comments, the access details have not been provided in accordance with the approved plan and prior to the commencement of other approved works.

8.17. Turning to the other development carried out on site, as described by the agent and shown in accompanying photographs. This relates to the levelling and clearance of the site. While the works on site are partially overgrown, due to the passage of time, it is still evident that clearance and levelling operations have been carried out on the site. It is also reasonable to assume that this work would have been carried out in line with previous approvals on the site and would constitute 'work of construction in the course of the erection of a building' as specified in Article 36 (1) of the Planning Order.

8.18. Accordingly, notwithstanding the fact that other related works appear to have been carried out within the prescribed time period, the development has not been lawfully commenced as the access details have not been provided, in accordance with the terms of the approval, prior to the commencement of development.

8.19. It must also follow that the application proposal, as described, must fail in that the construction of the dwelling approved under planning reference /2002/1865/O & P/2006/1110/RM cannot lawfully continue because a material start was not made within the prescribed timeframe.

9.0. Recommendation

9.1. Refusal of the CLUD Application, as proposed

It has not been demonstrated that the works on site have been lawfully carried out, in accordance with the approved plans and the construction of the dwelling approved under planning reference /2002/1865/O & P/2006/1110/RM cannot lawfully continue because a material start was not made within the prescribed timeframe.

ITEM NO	**2**			
APPLIC NO	LA07/2017/0545/O	Outline	**DATE VALID**	10/04/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Elaine Binks 7 Ardallan Park Warrenpoint BT34 3JA		**AGENT**	
LOCATION	No2. Belmont Lane Ballyardle Kilkeel BT34 4LA			
PROPOSAL	Site for dwelling			

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

1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.

3 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.

5 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

6 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development and would therefore further erode the rural character of the countryside.

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and Down
District Council

Application Reference: LA07/2017/0545/O

Date Received: 02.05.2017

Proposal: Site for dwelling

Location: No2. Belmont Lane, Ballyardle, Kilkeel, BT34 4LA

Site Characteristics & Area Characteristics:
The application site is located off the Belmont Lane, Kilkeel. This area is rural in character with a number of outbuildings and rural dwellings. The site is located at No2. Belmont Lane. The application site as outlined in red is triangular in shape with the topography of the land level. It contains an existing semi-detached dwelling, a grassed area and a driveway leading to a detached garage.

The boundaries of the site are defined by a stone wall ranging from 2-3m in high along the northern, southern and eastern boundaries with 2½m high hedgerow along the western boundary. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

LA07/2016/0747/F
Alterations and extension to existing dwelling
Permission Granted: 05.08.2016

Planning Policies & Material Considerations:
Regional Development Strategy
Banbridge/Newry & Mourne Area Plan 2015
Strategic Planning Policy Statement of Northern Ireland

PPS 2- Natural Heritage (AONB)
PPS 3- Planning Policy Statement 3 – Access, Movement and Parking
AMP 2- Access to Public Roads
AMP 3- Access to Protected Routes
AMP 7 Car Parking and Servicing Arrangements
PPS 6- Planning, Archaeology and the Built Heritage
PPS 21- Sustainable Development in the Countryside
CTY 1- Development in the Countryside
CTY2a – New Dwellings in Existing Clusters;
CTY 8- Ribbon Development
CTY13- Integration and Design of Buildings in the Countryside;
CTY14- Rural Character
CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:
Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
Historic Environment Division: Has no objections to the proposal
NI Water: Has no objections to the proposal

Objections & Representations
4 Neighbours was notified on 08.11.2017 and the application was advertised on 19.04.2017. No objections or representations received.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider the proposed development complies with criteria 1 of CTY2a

Officers do not consider No.11 Ballyarde Road, Kilkeel and the associated agricultural outbuildings part of the cluster, as the cluster must lie outside of a farm. The below drawing illustrates this with the area highlighted in green what officers consider part of the existing cluster and area highlighted in red constitutes development on the farm.



The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no. 2 Belmont Lane (and detached garage), no. 4 Belmont Lane (and outbuilding), no. 6 Belmont Lane (and outbuilding) and no. 8 Belmont Lane (and outbuilding). Officers consider from the different viewpoints along Belmont Lane and Belmont Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. Although there is a junction south west of the application site, there is no focal point where the actual cluster is located. Therefore the proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The proposal is bounded on the eastern side by no.04 Belmont Lane (and outbuilding), the remaining boundaries are unbounded by other development in the cluster and front on to Belmont Lane and Belmont Road respectively. The site is therefore very exposed and does not have a suitable degree of enclosure. The proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Although this application is an Outline officers feel that any development will fail to integrate into the existing pattern of settlement. Any proposed development along the eastern section of the application would be limited due to the existing dwelling (no.02 Belmont Lane), its detached garage and private laneway to it. The remaining site is very much open and exposed creating a visual intrusion into the open countryside. Its position would significantly alter the existing character of the area. The proposal does not meet the definition and is not considered acceptable in principle against this policy test

The sixth criterion requires that the development would not adversely impact on residential amenity. The particulars of the design and layout of the site are not determined until the Reserved Matters stage. Therefore the impact cannot be determined until then. The proposal therefore complies with this policy test until the design and layout is determined. However the proposal fails to meet all six criteria test of CTY2a and CTY1.

CTY 8 -Ribbon Development

Policy CTY 8 of PPS 21 states 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. The application site is located adjacent to No2 & No.4 Belmont Lane which is semi-detached dwellings. No.6 Belmont Lane is located further north east of the application site. Agricultural buildings are located southwest of the application site.

Whilst the site is large enough only to accommodate two dwellings comfortably it does not sit between buildings. The Belmont Road which is a public road is located between the agricultural buildings and application site, therefore is not classified as a continuously build up frontage as illustrated below.



Officers consider that the application site does not constitute a gap site in an otherwise substantial and continuously built up frontage, and the proposal would instead add to a ribbon of development and therefore the proposal fails to meet the policy test of CTY 8.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

In the opinion of Officers the proposal is a prominent feature in the landscape and is very much open and exposed creating a visual intrusion into the open countryside. Also given its position it would significantly alter the existing character of the area.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, a dwelling would be unduly prominent in the landscape, would add to the impression of suburban style build up and would add to a ribbon of development.

PPS 2 Natural Heritage

The application is within the Mourne Area of Outstanding Natural Beauty and is considered against PPS 2 Natural Heritage, NH6 Areas of Outstanding Natural Beauty. This area is of particular scenic quality and any development should respect the locality and conserve its natural features that add to its attractiveness. This application is outline planning application therefore no design has been put forward, however careful consideration must be given at the Reserve Matters stage with any proposed design to be similar to existing and surrounding buildings and must be of an appropriate design for the locality and sympathetic to the special character of the area.

Impact on road safety and parking

Transport NI have recommended that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the (visibility/junction stagger/forward sight distance) of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15. However a safe and well designed access can be achieved onto Belmont Road within the applicant's control. The applicant was invited to address this point and submitted a drawing on 8th August, but this was not to scale and cannot be considered. Therefore the proposal remains contrary to PPS 3.

Conclusion
Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility/junction stagger/forward sight distance of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, and would instead add to a ribbon of development.

5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

6. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would add to the impression of suburban style build up and would add to a ribbon of development and would therefore result in the rural character of the countryside.

Case Officer Signature **Date**	
Appointed Officer Signature **Date**	

ITEM NO	**5**			
APPLIC NO	LA07/2017/0976/F	Full	**DATE VALID**	26/06/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr Stephen Campbell 45 Fairy Hill, Church Street Rostrevor BT34 3BB		**AGENT**	Blackgate Property Services Ltd Mourne House 41-43 Downshire Road Newry BT34 1EE
LOCATION	Lands to the rear of No.26a-28 Water Street Rostrevor Co Down N Ireland BT34 3BE			
PROPOSAL	Erection of two semi-detached dwellings with integrated garages, landscaping and associated site works.			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	6	0	1		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			17	18	0	0

1 The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:
- the applicant has failed to demonstrate that the proposal would create a quality residential development;
- the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
- the development fails to protect features of archaeological and built heritage and landscape features.
- appropriate provision has not been made for parking; and
- the design of the development does not draw upon the best local traditions of form, materials and detailing

2 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

3 The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated as a Local Landscape Policy Area under Designation RR09.

4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15.

5 The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Section 80 of the Planning Act (Northern Ireland) 2011 in that the proposal is out of keeping with the character, setting, scale and height of the listed buildings and the surrounding area.

6 The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area, its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.

7 The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

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and Down
District Council

APPLICATION REFERENCE: LA07/2017/0976/F

DATE RECEIVED: 30.06.2017

1.0. PROPOSAL: Erection of two semi-detached dwellings with integrated garages, Landscaping and associated site works.

2.0. LOCATION: Lands to the rear of No.26a-28 Water Street, Rostrevor, Co Down, BT34 3BE

3.0. SITE CHARACTERISTICS AND PLANNING CONTEXT:

3.1. The site is situated to the rear of houses fronting onto Water Street, Rostrevor, (Nos26a-28) and adjacent to the Rostrevor River. The application site measures approx. 0.15Ha. The site outlined in red can be defined by two parts with the north western section of the site forming part of the private car park to the residential development (26a-28 Water Street). The remaining site, which is located to the rear and above the car park, is somewhat overgrown with vegetation. The proposed dwellings are located within this area. This part of the site is elevated in comparison to the surrounding dwellings. The site gradually slopes downwards towards the southern/eastern boundary and the Rostrevor River.

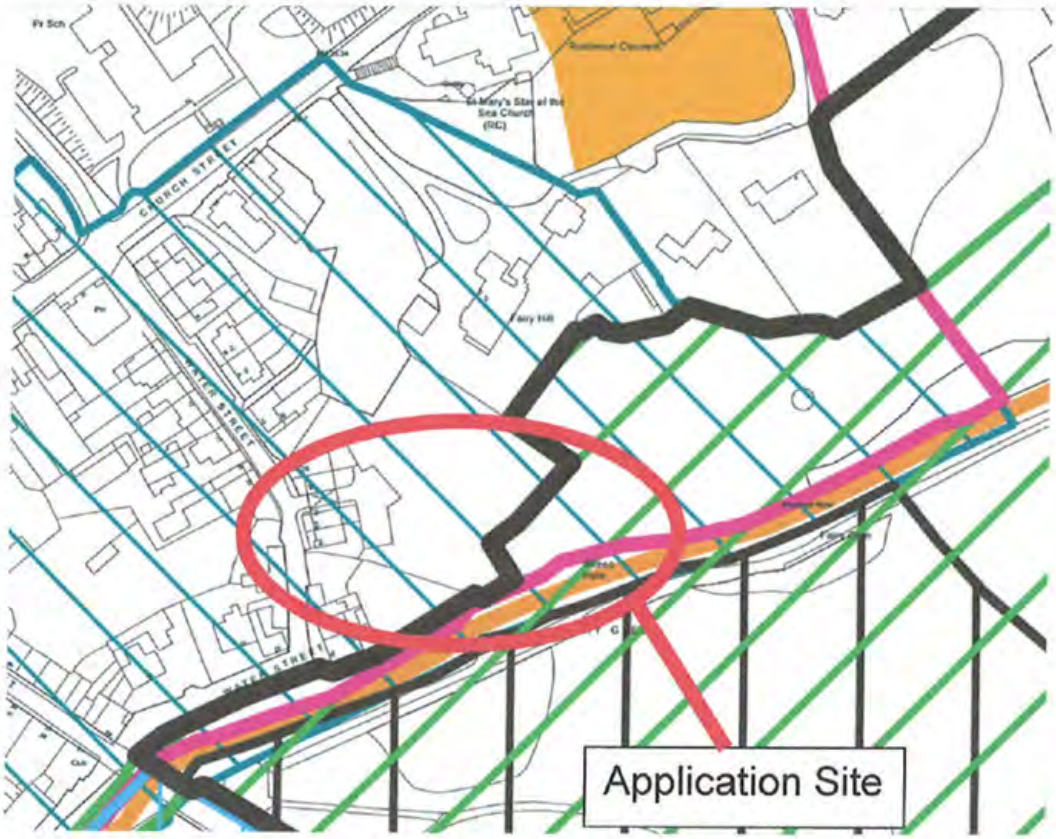
3.2. The boundaries of the application site consist of mature trees along the southern, northern and part along the eastern boundaries. The western boundary consists of 1.8m high wooden fence and private archway of the residential development (26a-28 Water Street), to which the application site can be accessed. Directly adjacent and south west of the application site a number of listed buildings are located no(s) 28, 30 and 32 Water Street are Grade B and no.34 is Grade B and directly northeast of the application site is 45-47 Church Street which is Grade B1.

3.3. Part of the southern boundary of the site is bounded by the Rostrevor River, with Kibroney Park located further south. The surrounding area is a mixture of residential, education, open space and outdoor recreation with the Forest Glen Circular walk, listed buildings, river and park within the immediate vicinity, all contributing to the area being a tourist attraction.



Application site

3.4. The majority of the site is located within the settlement limit of Rostrevor, as designated within the Banbridge, Newry and Mourne Area Plan 2015, the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB) and an Area of Archaeological Potential. A small section of the site (far eastern) is located outside the settlement limit and within a Local Landscape Policy Area (LLPA). The site is located within the boundary of a designated conservation area, as also identified in the statutory plan.



Map no.03/18 Rostrevor Settlement limit

4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

Regional Development Strategy

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland

Planning Policy Statements

PPS 2- Natural Heritage

PPS 3- Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

Addendum to PS6- Areas of Townscape Character

PPS 7- Quality Residential Environments

PPS 8- Open Space, Sport and Outdoor Recreation

DCAN 8- housing in Existing Urban Areas

PPS12- Housing in Settlements

Further Guidance

A Planning Strategy for Rural Northern Ireland (policies DES2 & SP18)

Living Places Urban Stewardship and Design Guide.

Creating Places "Achieving quality in residential developments"- May 2000.

5.0. ADJACENT SITE HISTORY:

P/1996/0555- Site for 5No terraced two storey dwellings-
Permission Granted: 04.12.1996

P/1999/0284- Erection of housing development (5 no. two storey)
Permission Granted: 05.08.1999

6.0. CONSULTATIONS:

Environmental Health- There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

Rivers Agency- There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The undesignated 'Rostrevor River' runs along the southern boundary of the site. The site may be affected by other undesignated watercourses of which we have no record.

Transport NI- The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Historic Environment Division (HED)- HED Historic Buildings has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning,

Archaeology and the Built Heritage. HED Historic Monuments would require additional information from the developer to permit an informed and reasonable planning decision to be taken. A visual impact assessment (to include photomontages) is therefore requested as per Policy BH 3 of PPS 6. If this additional information is not submitted as requested the proposal could prove contrary to policy.

7.0. OBJECTIONS & REPRESENTATIONS:

7.1. 37 Neighbours notified on 14.08.2017 and 04.10.2017 and the application was advertised on 03.07. 2017.

7.2. Five letters of objections have been received from separate addresses in addition 1 petition has been submitted with 17 signatures of which 14 are from

separate addresses. The objectors have raised a number of concerns outlined below:

- Access through car park and archway- Concerns regarding public health and safety.
- Right of way and loss of existing car parking space to create access
- Inaccurate plans- the plans submitted shown 6 car spaces instead of 5 along the north-east all and the southern wall shows 4 car spaces instead of 3.

The issues raised are considered as part of the planning assessment and consideration below.

8.0. PLANNING ASSESSMENT & CONSIDERATION

8.1. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Para 3.4.

8.2. RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity if these areas. Therefore while the development is mostly within the settlement area it is considered that the application is contrary to RG8 of RDS in that it would damage the local conservation area for the reasons outlined below.

8.3. The SPPS sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3)

It is considered that the proposal is contrary to the principles set out in the SPPS for the reasons set out below.

PPS 12- Housing in Settlements

8.4. Planning Control Principle 2- Good design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

Planning Control Principle 3- Sustainable forms of development.

8.5. While the site is within the settlement area, the development would harm the character of the Conservation Area, therefore it is not considered to be a sustainable form of development. There is further consideration of these issues below.

PPS 7 Quality Residential Environments, Policy QD1

8.6. Policy QD 1 od PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

8.7. The dwellings proposed are located at lands to the rear of No.26a-28 Water Street; the building would have a height of 7.5m and total width of 19.30m. The proposed dwellings would have a Finish Floor Level (F.F.L) of 10.05 with ridge height of 16.50m. The existing dwellings at No.22-28 Water Street have a FFL of 8.39m and ridge height 17.94m and 28-32 Water Street have a FFL of 7.62 and ridge height of 12.89m. The proposed finishes reflect modern design.

8.8. It is considered that the proposal fails to comply with Policy QD1 of PPS 7 and to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character environmental quality of the established residential area. It is also considered that the principle fails to maintain and enhance the distinctive character and appearance of the Rostrevor Conservation Area. In particular the proposal is contrary to criteria A, B, F and G of Policy QD1 in that:

A) The proposal would have a negative impact on the natural setting, including the Rostrevor River, a designated LLPA. The proposal fails to respect the surrounding context and is not appropriate to the character and topography of the site. The topography of the land is elevated in comparison to adjacent dwellings along Water Street (no(s) 28-32 Water Street). The proposal will also involve excavation of the site to secure access and levels, the provision of unacceptable retaining walls and would visually intrude into the natural setting. It is further considered that the layout, appearance and design detailing of the proposed buildings, landscaping,, INTERNAL road/layout, car parking arrangements and hard surfacing areas are inappropriate and fail to respect the surrounding context. The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.

B) The proposed development would have a negative impact on the archaeological and built heritage (Full outline of these issues; see 'PPS 6: Planning, Archaeology and Built Heritage' below).

F) The location and distribution of the proposed car parking provision, beyond the cutillages of individual dwellings, is inappropriate. .

G) The proposed development, in particular the design, location and layout of the dwellings together with the proposed internal access arrangements, car parking and level of hard standings is inappropriate and does not draw upon the best local traditions of form, materials and detailing of the surrounding area. It is also contrary to the principles set out in the 'Rostrevor Conservation Area' booklet: February 1979'.

Access and Parking

8.09. The application proposes to use an existing access from Water Street, used by the residents at 26a-28 Water Street and through a rear parking area. Transport NI was consulted and has confirmed that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

8.10. The application proposes 6 spaces; a mixture of internal garages, in-curtilage spaces and communal visitors parking. While the amount of proposed parking is satisfactory, it is considered that its location and layout is unacceptable and would not create a quality residential development.

8.11. The proposed layout also includes 2 access points to further development beyond the application site which would be unacceptable in planning policy terms.

PPS 6: Planning, Archaeology and Built Heritage, (Policies BH 11 and BH 12)

8.12. It is considered that the application is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage. The application is located within Area of Archaeological potential, Historic Environment Division (HED) has stated that the proposed development would have an adverse impact on the following listed buildings.

- HB16/06/032 A- no.28 WATER ST. ROSTREVOR CO.DOWN- GRADE B
- HB16/06/032 B- no.30 WATER ST. ROSTREVOR CO.DOWN- GRADE B
- HB16/06/032 C- no.32 WATER ST. ROSTREVOR CO.DOWN- GRADE B
- HB16/06/032 D- no.34 WATER ST. ROSTREVOR CO.DOWN- GRADE B1
- HB16/06/005 - FAIRY HILL CHURCH ST. ROSTREVOR CO.DOWN (45-47 CHURCH STREET) - GRADE B1

8.13. Historic Environment Division, Historic Buildings (HED:HB) has considered the impacts of the proposal on the buildings and on the basis of the further information provided (18 Oct 2017), advise that the proposals have an adverse impact, on the listed buildings under 6.12 of SPPS (NI) and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

8.14. HED:HB states that the information provided does not consider the proposal is adequately represented in the setting of the listed buildings. HED:HB consider that vegetation cannot necessarily be relied upon to mitigate adverse impacts on the developments.

8.15. The proposal also alters the understanding of the historic setting of the listed buildings, and Fairy Hill especially. Aside from the visual aspect of the

intrusion to the setting, against which mitigation through existing screening is proposed, HED:HB consider the less tangible elements of historic setting are eroded by the proposal.

8.16. HED HB also state that the historic landscape surrounding Fairy Hill has been compromised through previous development; HED:HB considers this additional compromise of the landscape and asset extents would be further detrimental and would cumulatively represent an inappropriate impact on the settings.

8.17. HED:HB also has concerns regarding the visual impact on the setting of HB16 06 032 A-D, 28-34 Water Street and the new proposal's visual permeability. HED:HB states that it remain to be convinced that the proposal will not detract from the prominence of the heritage assets in this setting and will not detrimentally alter the general character of their wider setting. This wider setting includes 31, 33 & 37 Water Street. (HB16 06 031, HB16 06030 & HB16 06 029) respectively.

Policy BH 12 New Development in a Conservation Area

8.18. It is considered that the application is contrary to the SPPS and Policy BH 12 of PPS 6 Planning, Archaeology and the Built Heritage. BH 12 states that any proposed development within the conservation area will only be permitted where all the following criteria are met:

(a) the development preserves or enhances the character and appearance of the area

(b) the development is in sympathy with the characteristic built form of the area;

(c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;

(d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;

(e) important views within, into and out of the area are protected; officers consider that the proposed development would affect the views of the listed building

(f) trees and other landscape features contributing to the character or appearance of the area are protected;

(g) the development conforms with the guidance set out in conservation area documents.

The proposed development would have a negative impact on the character and appearance of the area and is not sympathetic to the historic setting of adjacent listed buildings or Rostrevor Conservation Area for the reasons previously discussed, including: the proposed design detailing and layout; the

location and level of the prosed buildings which are higher than adjacent buildings, including the listed buildings along Water Street; the proposal will have to rely on existing mature trees to mitigate against adverse impacts on the natural and built setting, some of which some are located outside the application boundary. In addition the site had mature trees located throughout the site however some have been cleared.

PPS 2- Natural Heritage

8.19. Policy NH 6 of PPS 2 states that 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. It is considered that the design does not respect the special character of the Area of Outstanding Natural Beauty in regard to location, layout and scale, as outlined above. It is therefore contrary to policy NH6 of PPS 2.

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015 - Designation Policy CVN3 and RR09- Local Landscape Policy Area- Rostrevor

8.20. The application is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would have a negative impact on the environmental quality, integrity and character of a number of listed buildings with associated views and settings of historical interest and the setting of adjacent Rostrevor River which are designated as a local landscape policy area in the Plan.

9.0. RECOMMENDATION:

9.1. It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons

1. The proposal is contrary to the SPSS and Policy QD 1 (Criteria A, B, F & G) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that:

   - the applicant has failed to demonstrate that the proposal would create a quality residential development;
   - the development does not respect the surrounding context and is inappropriate to the character and topography of the site in terms of layout, scale and appearance of buildings, structures and landscaping and hard surfacing areas and detailing;
   - the development fails to protect features of archaeological and built heritage and landscape features.
   - appropriate provision has not been made for parking; and

- the design of the development does not draw upon the best local traditions of form, materials and detailing

2. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

3. The proposal is contrary to Policy CVN3 of the Banbridge, Newry and Mourne Area Plan 2015 in that it would adversely affect the environmental value and character of the Rostrevor River which is designated in the Local Landscape Policy Area under Designation RR09.

4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

5. The proposal is contrary to the SPPS and Policy BH 11 of PPS 6 Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of HB 16 06 005- Fairy Hill Rostrevor and HB 16 06 032- 28-34 Water Street listed under Article 42 of the Planning (NI) Order 1991 in that the proposal is out of keeping with the character, setting, scale and height of the listed building(s) and the surrounding area.

6. The proposal is contrary to Policy BH12 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Rostrevor Conservation Area and the development would, if permitted, detract from its character, appearance and setting as it is not in sympathy with the characteristic built form of the area. Its scale, form and height does not respect the characteristics of adjoining buildings and would interrupt important views within and out of the conservation area and does not conform with the guidance set out in the Rostrevor Conservation Area document.

7. The proposal is contrary to Policy DES 2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

ITEM NO	**7**			
APPLIC NO	LA07/2017/1144/F	Full	**DATE VALID**	31/07/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Mr & Mrs Conlon 3 Canal Quay Newry BT35 6BP		**AGENT**	Gray Design Ltd 5 Edward street Newry BT35 6AN
LOCATION	Lands 150m south of No. 17 Limekiln Road Camlough Newry BT35 7EF			
PROPOSAL	Proposed off-site replacement dwelling			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

2 The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- the proposed building is a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape;
- ancillary works do not integrate with their surroundings; and
- the design of the building is inappropriate for the site and its locality.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted

- be unduly prominent in the landscape;
- the impact of ancillary works would damage rural chracter and would therefore result in a detrimental change to further erode the rural character of the countryside.

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

Application Reference: LA07/2017/1144/F

Date Received: 31.07.17

Proposal: Proposed off-site replacement dwelling

Location: Lands 150m south of No. 17 Limekiln Road, Camlough, Newry

The application site spans from the building to be replaced situated on the side of Camlough Mountain to the proposed site on the Limekiln Road. Access to the building to be replaced is extremely restricted due to the steep incline. The building to be replaced has window and doorway openings and two chimney breasts. To the side of the building there is a single storey 3 sided structure of stone construction. The proposed site along the Limekiln Road is positioned on the side of a drumlin. The site extends across two grass fields which are divided by an internal hedgerow. The site rises quite steeply towards the top field. The top field has a more level plateau with the south east portion rising towards the brow of the hill beyond the site boundaries. Access to the site is via an existing agricultural access. By way of an Area Plan definition, the site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

LA07/2016/1645/O- An off-site replacement dwelling and garage was approved on the site on 13rd February 2017.

Objections & Representations

No. of neighbours notified=18
No representations received= 0
Advertise expiry= 31stAugust 2017

Consultations

TransportNI- No objections
NIWater- No objections

Water Management Unit – No objections
Historic Environment Division – No objections.

Consideration and Assessment:

The key policy test for the principle of a replacement dwelling under CTY 3 is that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It has already been accepted under planning approval LA07/2016/1645/O that the dwelling to be replaced meets this key policy test. The principle of an off-site replacement has also been accepted under the former approval as it was and still is considered that the proposed site would result in demonstrable access and amenity benefits given the existing site restrictions and isolated position of the building to be replaced. The outline application which was approved in February 2017 was carefully conditioned (16 conditions) to ensure that any proposal submitted at reserve matters stage would comply with all the other policy criteria under CTY 3, CTY 13 and CTY 14. Conditions imposed under the outline approval included a ridge height of less than 5.5 metres above finished floor level, dwelling to be single storey and designed according to Building on tradition guidance document, a curtilage and siting restriction, a restricted driveway/ access position, retention of boundaries and improved landscaping. However, this proposed full application fails to comply with the vast majority of the 16 conditions on the outline approval and consequently fails to comply with policies CTY 3, CTY 13 and CTY 14, all of which will be considered below.

CTY 3 (Criteria 2) states that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. This proposal is for a replacement house measuring approximately 1107 square metres (11,915 square foot) and the dwelling to be replaced is approximately 92 square metres (990 square foot). This proposal therefore equates to a 1,100 % percent increase in floorspace or more simply put is 12 times the size of the dwelling to be replaced. The increase in floorspace, together with the scale/ massing (main house approximately 10 metres in

height) and elevated nature of the siting means that the proposal would have a significantly greater visual impact than the existing dwelling and is contrary to criteria 2 of CTY 3. Additionally, the proposed design is not considered to be appropriate to the rural setting and is not reflective of the Departmental Design guide – Building on Tradition and therefore contrary to criteria 3 of CTY 3.

Replacement dwellings must also be assessed against policies CTY 13 and CTY 14 of PPS 21. This proposal is considered to fail five of the criteria under CTY 13 in that the proposed dwelling if approved will be a prominent feature in the landscape, 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, it relies primarily on the use of new landscaping for integration, ancillary works do not integrate with their surroundings and the design of the building is inappropriate for the site and its locality. The sheer scale of the proposed building will mean that it will be extremely prominent with views of the building stretching across as far as Kidds Road (Doctors Hill). Given the scale of the proposal and the elevated nature of the site, neither the retention/ augmentation of existing landscaping on the site and the proposed new landscaping will be unable to overcome difficulties surrounding prominence or integration. The issue of prominence is exacerbated by the site levels with certain parts of the site some 10-13 metres above the level of the Limekiln Road. Additionally, the curtilage of the proposal now overs both the top and bottom fields, contrary to the outline condition restricted the curtilage to the top filed and this causes further issues with regards prominence. Ancillary works with regards to the excavation required to facilitate the proposed dwelling and in particular the long sweeping driveway/ access are considered to be unacceptable in integration terms. The initial outline approval required the driveway to be sited tightly along the southern boundary of the site to facilitate integration and to avoid such a sweeping open driveway as now proposed.

Consequently, the proposal also fails to comply with CTY 14 as if approved, it will be unduly prominent in the landscape and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the area.

The key issue with this proposal is not the principle of a replacement dwelling on the site, it is the full details of the proposal which concern the Planning Department. The Planning Department would not have any issues with regards to approving a replacement dwelling on the site which complies with all the conditions of the outline approval. The Planning Department and the agent have actively sought to get an agreement with regards to an acceptable scheme on the site which complies with all planning policy, however a solution could not be reached on this occasion. In light of the above, refusal is recommended for the reasons stated below.

Recommendation:
Refusal.

Refusal Reasons:

1. **The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that**
- the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

2.The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
- the proposed building is a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape;
- ancillary works do not integrate with their surroundings; and
- the design of the building is inappropriate for the site and its locality.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted

- be unduly prominent in the landscape;

- the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.

ITEM NO	**8**			
APPLIC NO	LA07/2017/1186/F	Full	**DATE VALID**	04/08/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Wolfhill Developments Ltd 4 Lurgancanty Road Clontifleece Warrenpoint BT34 3QW		**AGENT**	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ
LOCATION	4 Lurgancanty Road Clontifleece Warrenpoint			
PROPOSAL	Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.			

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 SPPS, Policy CTY 4 (Criteria b and c) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2: Natural Heritage in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.

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

Application Reference: LA07/2017/1186/F

Date Received: 24 August 2017

Proposal: Change of use and conversion of part of former school building to provide a single detached dwelling including alterations and extensions and provision of an elevated walkway from Carrick Road.

Location: Clontifleece Primary School, 4 Lurgancanty Road, Clontifleece, Warrenpoint, BT34 3QW. The site is located approximately two miles north of Warrenpoint.

Site Characteristics & Area Characteristics:
The site contains a vacant former primary school, set in a steeply sloping curtilage and surrounded by beech trees. The school building comprises two main blocks: the original two-roomed single storey building with a hipped roof dating from 1839 and a relatively recent two storey block set at a lower level to the south. They are connected by a flat-roofed link. The building is smooth rendered and painted yellow with a natural slate roof and white PVC windows. There is also a temporary mobile to the west of the building. The site is accessed from the Lurgancanty Road at the NE corner and the road curves around the northern edge of the site. The land slopes steeply from north to south. The site is located in a rural area at the edge of the Mournes approximately two miles north of Warrenpoint. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There is limited development in the surrounding area.

Site History:
The original school building was erected in 1839 when Belfast-based Landlord and Banker Narcissus Batt gifted the land and built the school to help educate local children. An extension was approved under application P/1998/1400 to provide a new staff-room, medical inspection room, toilets and stores. The larger two storey extension to provide 2 class rooms, office, toilets, and store was approved under application P/2003/2741/F on 30.06.2004.

More recently the following approvals were granted:

LA07/2016/1435/F - Change of use and conversion into single dwelling, Permission granted 17 January 2017. This application related to the more modern two storey extension to the school house and allows for conversion to a dwelling house.

LA07/2016/1518/F - Change of Use and Conversion into 2 dwellings, Permission granted, 06 March 2017
This permission allows for two separate dwellings on the site. One in the more modern extension to the school house (similar to that approved under LA07/2016/1435/F) and one in the converted old school house building. No significant changes to the exterior of the school house are approved under this application.

Planning Policies & Material Considerations:
The Strategic Planning Policy Statement for Northern Ireland (SPPS) Banbridge, Newry & Mourne Area Plan 2015
PPS2 – Natural Heritage
PPS3 – Access, Movement & Parking
DCAN15 – Vehicular Access Standards
PPS21 – Sustainable Development in the Countryside

Consultations:
Transport NI - no objections provided Planning are satisfied that there will be no intensification of use.
NI Water – no objections
Loughs Agency – no objections

Objections & Representations
1neighbour notification was issued on the 21 August 2017.
The application was advertised in local papers on 23 August 2017.
No objections or representations have been received in relation to this proposal.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is 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. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Policy CTY1 of PPS21 states that a range of types of development are acceptable in principle in the countryside. This includes the conversion of a non-residential building to a dwelling in accordance with policy CTY4. The more recent publication of the

Strategic Planning Policy Statement for Northern Ireland (SPPS) introduces a change to the policy as expressed in policy CTY4. Paragraph 6.73 of the SPPS states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.

In accordance with paragraph 1.12 of the SPPS, the new provisions of the SPPS must be given greater weight in this case than the retained policy. It is clear that this building is of local importance and historic value, having an original section dating from the 1830s and having been used as a school by the local community until relatively recently (2014). This meets the new higher test of the SPPS for conversion to a dwelling. The principle of conversion of this building to a dwelling has been established under planning approval LA07/2016/1518. However, whereas LA07/2016/1518 met the additional criteria set out in the SPSS and CTY 4, the current proposal fails to meet these criteria as set out below.

The SPSS allows for "sympathetic conversion" "where this would secure its upkeep and retention" with adaption if necessary. The proposal is not considered to be sympathetic to the existing building. The built form, character and architectural features of the building will not be retained and will be almost totally lost.
The proposal is to add an entirely new floor to the existing building. As a result the size and scale of the building, roof form and character would be significantly altered from the original. The drawings show raising of the roof, removal of the original slate roof and replacement with man-made slate, loss of existing chimneys and the introduction of a balconies, altered windows and dormers as well as a raised walkway. The proposed extensions – an additional floor and rear return (on the Carrick Road side of the site) would be finished with wet dash render. Cumulatively these alterations would make the building unrecognisable from the original and the overall design and use of materials are not sympathetic to the existing built form. The proposal alters the appearance of the original building to such an extent that it is not considered that the proposal secures its retention.

In addition, the adaptions proposed are not "necessary" as planning approval LA07/2016/1518 demonstrated that the old school house could be converted to a dwelling house (helping secure its upkeep) without the need for the extensions proposed.

The proposal can now be considered against the remaining criteria of policy CTY4 which covers detailed design and site specific issues.

- The proposal meets criteria a in that the building is of permanent construction.

- The proposal fails on criterion b as the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building. It would also have an adverse effect on the character and appearance of the locality due to the loss of a locally significant building and as the proposed altered building would be more prominent than the original and is of a design that is not appropriate in this rural setting.

- The proposal fails on criterion c as the proposed new extensions are not sympathetic to the scale, massing and architectural style and finishes of the existing building.

- The proposal fails on criterion d as the proposal would unduly affect the amenities of nearby residents of the dwelling approved under planning application LA07/2016/1518/F and LA07/2016/1435/F to the south of the site through overlooking and loss of privacy through the introduction of an additional floor with four dormer windows facing this property and in close proximity.

- The proposal meets criteria f and g as the school is connected to existing services which can be re-used. While the access is sub-standard, it will serve much less traffic than when the building was operating as a school. Therefore there will be no intensification of use and no prejudice to road safety or traffic flow.

The existing septic tank is to be used for sewage disposal. This is likely to require an updating of the Discharge Consent for this site. Policy CTY16 states that Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. None of the supporting evidence referred to under policy CTY16 has been submitted. However it would be possible to impose a negative condition that evidence of consent to discharge be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. It is considered that the proposal would harm the special character of the AONB through the loss of a building that is of importance to the heritage of the local area. The design of the proposed extended building is inappropriate in the AONB.

Recommendation:
Refusal

Refusal Reasons:
1. The proposal is contrary to the SPPS, Policy CTY 4 (Criteria b, c and d) of Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside and Policy NH6 of PPS 2 in that the proposed extension and conversion is not sympathetic to the existing building, would have a detrimental impact on the amenity of the adjacent property and would have a detrimental impact on rural character and on the special character of the AONB.

Case officer: _____

Authorised officer: _____

ITEM NO	**10**			
APPLIC NO	LA07/2017/1322/O	Outline	**DATE VALID**	30/08/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Paul Hourican 100 Tullybrannigan Road Newcastle BT33 0PW		**AGENT**	Fletcher Architects (N.I) LTD 25 Main Street Castlewellan BT31 9DF
LOCATION	Land 20m SE of 24A Oldtown Road Annalong			
PROPOSAL	Infill dwelling, detached garage & associated site works			

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

1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.

3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

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

Application Reference: LA07/2017/1322/O

Date Received: 31.08.2017

Proposal: Infill dwelling, garage and associated site works.

Location: Lands 20m South East of 24a Oldtown Road, Annalong

Site Characteristics & Area Characteristics:
The application site is located off the Oldtown Road, Annalong. This area is rural in character with a number of outbuildings and rural dwellings. The site is located 20m South East of 24a Oldtown Road, Annalong. The application site as outlined in red can be accessed via an agricultural gate north of the site. The topography of the land sees a slight slope downwards from the western to roadside boundary.

The boundaries are defined by a 1m high stone wall along the northern, southern and eastern boundaries. The western boundary consists of mature trees and scattered vegetation. The application site is located outside any settlement development limits as designated within then Banbridge, Newry and Mourne Area Plan 2015 and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty.



Application site

Site History:
P/2000/0405/O
Site for dwelling
Permission Refused- 27.06.2000
Reasons: Integration, Built-up and creation of Ribbon Development

P/2001/1596/O
Site for dwelling and garage
Permission Refused- 05.12.2001
Reasons: Integration, Built-up and creation of Ribbon Development, inadequate slight lines at access

P/2006/1469/O
Site for dwelling
Permission Refused- 30.11.2011
Reasons: CTY 1, Integration, creation of Ribbon Development.

Planning Policies & Material Considerations:
Regional Development Strategy
Banbridge/Newry & Mourne Area Plan 2015
Strategic Planning Policy Statement of Northern Ireland
PPS 3- Planning Policy Statement 3 – Access, Movement and Parking
AMP 2- Access to Public Roads
AMP 7 Car Parking and Servicing Arrangements
PPS 6- Planning, Archaeology and the Built Heritage
PPS 21- Sustainable Development in the Countryside

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:
Transport NI- Has no objections to the proposal subject to conditions.
NI Water- Has no objections to the proposal.
Historic Environment Division (HED)- Has no objections to the proposed development

Objections & Representations
4 Neighbours was notified on 13.09.2017 and the application was advertised on 04.09.2017. No objections or representations received.

Principle of Development

The site is not located within a development limit identified within the Banbridge, Newry and Mourne Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes

the development of a small gap site within an otherwise substantial and continuously built up frontage. The application will be assessed under CTY 1 Development in the countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

CTY 1

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for an infill dwelling in accordance with Policy CTY 8.

CTY 8

Policy CTY 8 of PPS 21 states 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.

A substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. For the purposes of this policy, a road frontage includes a footpath or private lane, as in this case.

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

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

This approach will be followed below; the infill in this case is Lands 20m South East of 24a Oldtown Road. In this instance these are four buildings (Three dwellings and one detached garage) with road frontage, no.24a is a two storey detached dwelling located north of the application site. Further north of the application site is no.26 which is a two storey detached dwelling with detached garage. No. 18 is a story and half dwelling located south east of the application site. All buildings have a clear frontage and access onto Oldtown Road. Officers consider that no.24 is partly located to the rear of the application site and is not considered part of the same built up frontage; however this is not fatal to the proposal as there is a frontage of three dwellings. Officers consider the first test is met.

Design and Scale- The site currently sits between an existing two storey dwelling north of the site (No.24a) and a story and half dwelling south east of the site (no.18).

To ensure any dwelling on this site would be keeping with the existing character a storey and half dwelling would be acceptable provided the additional policy tests are met.

Plot size- The overall plot depth is comparable with that of no's 16, 18, 24a and 26. The average plot width along the existing frontage is approx 27m, with plot widths varying from 24m to 35m. The gap between the buildings is 90 metres, therefore it is considered to be big enough to accommodate 3 dwellings.



The gap cannot be classed as a small gap as the space between the buildings is 90 metres and could accommodate three dwellings, and it is instead an important visual break in the otherwise development appearance of the locality that helps maintain its rural character. Officers consider that the site does not meet the merits of an exception as a small gap site against the criteria of policy CTY8 and development on this site would further add to the existing ribbon along the Oldtown Road.

Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

Whilst the site benefits from established boundaries by existing stone walls officers consider these to provide little screening to the site when travelling along both directions of the Oldtown Road, with the site relatively exposed to public view. Development on this site would primarily rely on new landscaping to provide a suitable degree of integration, with the site lacking mature boundaries.



View looing south taken along the Oldtown Road

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY8, any dwelling in the opinion of Officers would significantly alter or harm the rural character of the area. It would also add to the impression of suburban style build up when viewed with existing buildings.

Access and Parking

The proposal must accord with AMP 2 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and therefore officers consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

Conclusion
Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage, as the total gap would accommodate three dwellings, and the proposal would instead add to a ribbon of development.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

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

Case Officer Signature **Date**	
Appointed Officer Signature **Date**	

ITEM NO	**10**			
APPLIC NO	LA07/2017/1496/F	Full	**DATE VALID**	02/10/2017
COUNCIL OPINION	**APPROVAL**			
APPLICANT	DFI Roads Southern Marlborough House Central Way Craigavon BT64 1AD		**AGENT**	DFI Roads Marlborough House Central Way Craigavon BT64 1AD
LOCATION	Approximately 30m North West of 127 Belfast Road Newry BT34 1QT			
PROPOSAL	Construction of a new park and ride/share car park facility for 106 spaces.			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	4	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference:
LA07/2017/1496/F

Date Received:
02/10/2017

Proposal:
Construction of a new park and ride/share car park facility for 106 spaces.

Location:
Approximately 30m North West of 127 Belfast Road, Newry, BT34 1QT

Site Characteristics & Area Characteristics:
The site is located approximately 4.5 miles north of Newry along the Belfast Road, approximately 0.5 miles from Sheepbridge Roundabout off the A1 (Protected Route) some 200m north east of the existing Sheepbridge Park and Ride facility. The site forms an existing grass (and partially paved) road verge along the Belfast Road, located between the Belfast Road and A1 corridor. There are a number of dwellings and existing farm buildings in the immediate vicinity; opposite the site including there are 4 dwellings / associated building groups which are accessed via an established laneway, including No.125 Belfast Road, or 'Sheepbridge House' which together with its curtilage (part of which comes to within 10m east of the site) are listed. In addition, No.132 Belfast Road is located some 70m North East of the site on the same road side. Part of the Clanrye River (running NE-SW) is also located 40m east of the site.

Site history / relevant surrounding history:
There have been no previous planning applications on this site. Of relevance to this application is the former full planning approval for an extension to the existing park and share car park approximately 200m south west of this site under application reference P/2013/0582/F, which was granted on 25/09/2013.

Planning Policies & Material Considerations:
- Regional Development Strategy 2035 (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP) and Technical Supplement 7: Transportation
- PPS 3 'Access, Movement and Parking'

- DCAN15 'Vehicular Access Standards'
- PPS 6 'Planning, Archaeology and Built Heritage'
- PPS15 'Planning and Flood Risk'
- PPS 21'Sustainable Development in the Countryside'
- Material issues within objections / representations received

Consultations:

Transport NI (response dated 26/10/2017

No objections to this proposal

DfI Rivers Agency (responses dated 27/10/2017, 17/01/2018)

No issues in terms of Policies FLD1, FLD2, FLD4 and FLD5 revised PPS15. Policy FLD3 however stipulates that a drainage assessment is required due to additional hard-surfacing in excess of 1000m². Further to receipt of the required Drainage Assessment, DfI Rivers (while not being responsible for the preparation of the Drainage Assessment) accepts its logic and has no reason to disagree with its conclusions.

DfC Historic Environment Division (response dated 30/10/2017)

The proposal exerts no greater demonstrable harm on the setting of Sheepbridge House (HB16/14/020) and Sheepbridge (HB16/14/019) than the existing environment under Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

Newry Mourne and Down District Council - Environmental Health Department (response dated 23/01/2018)

The Environmental Health Department was consulted in the progression of this application given the concerns raised by objectors in terms of residential amenity (noise / light pollution, privacy etc.) Environmental Health has no objections in principle however advises the Planning Department to consider the comments raised by objectors and measures which could be taken to reduce any potential anti-social behaviour. In addition, lighting layout should be designed to reduce any impact on nearby properties (including regulation of switch on / off time.)

Objections & Representations

The application was advertised in 3 local papers (Crossmaglen Examiner 17/10/2017, Mourne Observer 18/10/2017 and Newry Reporter 19/10/2017 (Statutory publication period expired 02/11/2017) and five neighbouring properties were notified (No's 121,123,125,127and 132, Belfast Road) as required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, with the statutory neighbour consultation expiry date 06/11/2017.

Four objections have been received: three from the residents of properties along Belfast Road and one Councillor Representation, who has requested that the application is considered and determined by the Planning Committee, as per the

Council's current Scheme of Delegation. The issues raised in these objections and the Planning Department's consideration of them may be summarised as follows:

Objectors Issues raised	Planning Department Consideration
Road Safety	
- Increased traffic congestion – including disruption to third party gateways, pedestrian and residential access	- Transport NI, the statutory body in this regard has no objections to the proposal in terms of PPS3 and road safety requirements. - Department for Infrastructure are responsible for gritting of road surfacing. This is not material to this planning application. - The proposal seeks to improve the current position of cars parking on the road verge and tackle the overspill / congestion problem at the existing facility.
- Increased traffic jeopardising the safety of young families surrounding	
- This section of road is inadequately gritted during winter, resulting in increased risk to traffic using the facility and residents given the contours of the road	
- Major accident black spot adjacent to the proposed facility	
- Cars parking on the Belfast road / verges	
Environmental	
Litter from park and ride users	- Littering is not a material planning consideration to this application. - Landscaping proposals to reduce any visual detriment include a grassed buffer area between the Belfast Road and car park area bound by a timber post and rail fence, with the existing trees along the NW boundary to be retained. The suitability of this will be assessed further below.
Visual impact and disruption to the rural character of the area	
Residential Amenity	
Encouraging anti-social behaviour at off-peak times / increased security risk to residents	- The site in its current form lends itself to anti-social behaviour. An appropriate lighting / security strategy would discourage anti-social behaviour. - Proposal not expected to generate issues of privacy given the scale and nature of development, together with proximity from closest dwelling. - The Council's Environmental Health Department do not object to the principle of the proposal however the traffic calming measures and appropriate lighting measures should be included.
Unacceptable levels of noise pollution from early morning to late night	
Impact upon residential privacy given proximity of site to surrounding dwellings	
Impact upon general quality of life	
Suitability of the site	
Too far from the Belfast Road bus stop – will not improve the overspill of	- A new bus stop is proposed on site to encourage use of new facility.

existing site	- Visibility concerns whilst not a material planning matter, can be overcome with appropriate signage measures.
Site not visible from the Main Road – people will be unaware of the facility	
Sustainability	
The average overflow of cars at the existing facility is approximately 25 cars showing no demand for a further 106 spaces. The main users of the new facility would be lorries and comfort break usage	These figures / claims are given without any unsubstantiated in evidence. The transport assessment submitted with this application indicates the justification behind the proposal is linked to a wider need along the A1 corridor.
No value for public money – would provide little contribution to the aim of reducing traffic in urban areas.	

In summary, the Council acknowledges the material concerns raised, particularly in respect of potential residential amenity and environmental issues. Environmental Health has advised that they do not object to the principle of the proposal and there would appear to be the potential to alleviate any detriment by way of negative conditions, investigated further below.

Consideration and Assessment:

Policy Context

The proposal seeks full planning permission to construct a new park and ride / share car park facility for 106 spaces as an extension to the current Sheepbridge Park and Ride / Share facility, to be developed in 2 phases. The existing facility, which operates as both a park and ride / share facility, with the bus stop located approximately 200m away from the site is oversubscribed, creating a multitude of road safety and wider issues in the locality. Given the proposed facility is located approximately 400m from the existing bus stop facilities on the A1, a new bus stop is proposed on site to promote uptake of patronage and encourage car share / public transport use.

Two of the 8 aims of the RDS include taking actions to reduce our carbon footprint and improve connectivity to enhance the movement of people, goods, energy and information between places. Policy RG2 of the RDS seeks to deliver a balanced approach to transport infrastructure. To achieve this, it requires improved connectivity, social inclusion and using road space more efficiently and sustainably.

This strategic need for more sustainable transportation is echoed in the SPPS - Paragraph 6.293 emphasises the key role Planning has in improving connectivity and promoting more sustainable patterns of transport / travel. The aim of the SPPS in this regard is to secure improved integration with land use planning, consistent with the regional aims and to facilitate safe and efficient access, movement and parking. In assessing such applications, the Council should be satisfied that there is a need for the development (in reference to the overall parking strategy) and should

consult with the relevant transport authority and consider the environmental impacts and compatibility of the scheme with adjoining land uses.

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 BNMAP 2015 and whilst rural in classification, is within the locality of the Sheepbridge Park and Ride / Share zoning (NY103) of the BNMAP 2015. The aims of the RDS resonate through the BNMAP 2015 by seeking to balance the requirement for sustainable transport infrastructure whilst protecting the natural environment and the needs of local residents. As this area is designated for the proposed use within the local plan, the BNMAP 2015 together with PPS21 and PPS3 will be given determining weight in this assessment, together with the provisions of PPS15 and material representations that have been made.

Principle of Development

Under Policy CTY1 of PPS21, non-specified development will only be permitted where there are overriding reasons why the development is essential and could not be located within a settlement, or it is otherwise allocated for development in a development plan. The subject site as aforementioned is identified in the BNMAP 2015 as a Park and Ride / Share locality. Policy AMP10 of PPS3 in principle supports public / private car park development provided the listed criteria are met. In principle, the proposal would appear to be supported by the BNMAP2015 and determining policies of PPS21 and PPS3. Nonetheless, all proposals must be sited and designed to integrate sympathetically with their surroundings (including compatibility with surrounding uses) and meet other planning and environmental considerations including those for drainage, access road safety, which are considered below in more detail against the merits of PPS3 and PPS15.

PPS3 – Access, Movement and Parking

Under policy AMP10 (Provision of Public and Private Car Parks,) planning permission will only be granted for the development or extension of public or private car parks, including park and ride / park and share schemes where it is demonstrated that:

- *They do not significantly contribute to an increase in congestion;*

The Transport Assessment provided (in line with Policy AMP6) confirms that the Belfast Road can accommodate the volume of traffic expected to be generated by the proposal (233 car journeys per day.)

- *Are not detrimental to local environmental quality;*

The proposal forms part of wider objectives to increase sustainable travel habits and reduce carbon footprint. Locally, the existing site comprises a disused road bed of little landscape value. The proposed landscaping measures which will help to

integrate the proposed scheme are considered to have no greater demonstrable harm on the character of this rural area and include the retention of the mature trees between the A1 corridor, which currently provide a natural visual and noise buffer between the A1 and Belfast Road.

- *They meet a need identified by DRD in Transport Plans;*

The need for this proposal has been identified through a review of DRD's Regional Transport Strategy and subsequent Strategic Review of Park and Ride facilities. The proposal includes an extension of an established use in this locality. A preliminary assessment of alternative sites has been conducted by Transport NI, with the subject site deemed to be the only suitable site due to land availability and its proximity to the A1. The site is designated in the BNMAP2015 as a suitable locality for a park and ride facility.

- *They are compatible with adjoining land uses.*

In terms of compatibility of surrounding uses, concerns have been raised by surrounding residents and Council representatives as tabled above. Environmental Health do not object in principle to the proposal, though advise the Planning Department to consider measures which could be taken to reduce any potential anti-social behaviour. In addition, lighting layout should be designed to reduce any impact on nearby properties (including regulation of switch on / off time.) These matters will be addressed by way of time-bound negative conditions.

Proposed Access

The proposal includes the creation of two new access points onto Belfast Road each with 4.5m x 160m visibility splays (developed in two phases.) Policy AMP2 (Access to Public Roads) only permits development involving direct access or the intensification of the use of an existing access onto a public road where the access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP3 Access to Protected Routes. The Transport Assessment form states that the proposed access standards are in accordance with DCAN 15. Transport NI, the competent statutory authority in this regard has no objections to the proposed access points in terms of PPS3 requirements.

Proposed Design / Layout Details

Policy AMP9 (Design of Car Parking) stipulates the design and layout requirements for parking proposals. The landscaping proposed includes the retention of the existing mature trees along the NW site boundary, which is encouraged in terms of retention of rural character. The proposed details are not considered to result in any greater demonstrable harm in terms of local landscape and visual amenity in the existing context. The proposed layout has been designed to ensure direct and safe movement of pedestrians within the site in line with Policy AMP1. The layout proposals include the provision of 6 accessible car parking spaces towards the SW

area of the site. As outlined above, a lighting scheme will be conditioned to ensure the layout is sufficiently illuminated to increase safety in and around the site and to prevent any light pollution to surrounding residential properties.

PPS15 – Planning and Flood Risk

DfI Rivers Agency Flood Risk maps indicated that the site may be subject to potential surface water (pluvial.) Whilst proposed drainage measures have been provided, Policy FLD3 of the revised PPS15 requires a Drainage Assessment where the level of hard surfacing in these areas exceeds 1000m². A full Drainage Assessment has been provided (date stamp received 08 January 2018) which DfI Rivers Agency have no objections to in regards to Flood Risk. Informatives will be attached to any decision to ensure the applicant is aware of their responsibility for implementation and management of the proposed flood risk measures.

Recommendation: Approval

Summary of recommendation:

Principle of proposal is supported within the SPPS, BNMAP2015 and local policies PPS3, PPS21 and PPS15. Proposed scheme is acceptable subject to conditions in relation to landscaping, lighting and operation to protect the character of this area and ensure the proposal is compatible with the surrounding area.

Conditions:

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

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

2. Prior to operation of the development hereby approved, a street lighting scheme shall be submitted to and approved by the Council appropriate to Category E2 (rural, small village or relatively dark urban locations) of the UK Street Lighting Classifications. This information shall set out the proposed position of lighting, operational and management details, including proposed timings of illumination.

Reason: In the interests of Residential Amenity

3. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season following completion of development as approved.

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

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.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

ITEM NO	**11**			
APPLIC NO	LA07/2017/1503/F	Full	**DATE VALID**	27/09/2017
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Newry, Mourne and Down District Council Haughey House Greenbank Industrial Estate Newry BT34 2QU		**AGENT**	Estates Section (NMDDC) Haughey House Greenbank Industrial Estate Newry BT34 2QU
LOCATION	Newry Town Hall Bank Parade Newry BT34 1DQ			
PROPOSAL	Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road.			

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

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

Application Reference:
LA07/2017/1503/F

Date Received:
27/09/2017

Proposal:
Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall with new galvanized steel staircase with timber cladding and to include alterations to existing footpath and access road.

Location:
Newry Town Hall, Bank Parade, Newry, BT34 1DQ

Site Characteristics & Area Characteristics:
Newry Town Hall, is located within Newry Conservation Area and comprises a grade B1 listed two storey Victorian building with brick finish and granite dressings. The building occupies a prominent location in Newry City Centre and is unique in straddling a county boundary on the Armagh Down Bridge, which is grade B+ listed.



Site History:

There have been a number of former planning applications concerning Newry Town Hall. Most recently, Listed Building Consent (LBC) was granted for internal refurbishment works to the existing auditorium, stage and back stage areas, including the removal of the existing control room, installation of new control room and installation of new light fittings and support rigs, as approved by application reference LA07/2016/1660/LBC on 26/05/2017. Prior to this, full planning permission and LBC were granted for external refurbishment works by virtue of application references LA07/2015/0476/F and P/2015/0028/LBC respectively on 10/08/2015 (including waterproofing of the flat roof and inner parapet between the auditorium and stage, repairs/refurbishment works to facades, including brickwork, stonework and windows.) A number of earlier approvals are also listed below, many of which concern repair / essential maintenance works:

P/2006/2201/F	Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre - permission granted 16/07/2010
P/2006/2161/LB	Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure - permission granted 16/07/2010
P/2005/1560/LB	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings, and solar panel installation to roof - permission granted 15/03/2006
P/2005/1559/F	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings and solar panel installation to roof - permission granted 12/11/2005
P/1992/1108	Alterations and renovations to Town Hall - permission granted permission granted 24/12/1992
P/1992/1109	Renovations and alterations to Town Hall (Listed Building Consent) – permission granted 24/12/1992

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP 2015)
- PPS 3 'Access, Movement and Parking'
- PPS 6 'Planning, Archaeology and the Built Heritage'
- DOE 'A Planning Strategy for Rural Northern Ireland' (PSRNI)
- DOE 'Newry Conservation Area Design Guide'

Consultations:

DfC Historic Environment Division (HED) response dated 30/10/2017

HED Historic Monuments (HED:HM) has assessed the application and due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

HED Historic Buildings (HED:HB) considers that the proposal has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building).

DfC Historic Environment Division (HED) response dated 19/12/2017)

HED:HB acknowledge receipt of the revised Design and Access Statement and P1 form stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED:HB still considers the proposal to have an adverse impact under Paragraph 6.13 of the SPPS and Policy BH8 (Extension or Alteration of a Listed Building.)

Objections & Representations:

- 24 neighbouring properties were notified on 11/10/2017 (statutory expiry date 25/10/2017)
- Application advertised in 3 local papers (statutory publication expiry 02/11/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. There are a number of designations over the subject site as identified by the BNMAP 2015 including; Newry City Centre (NY75), Newry Conservations Area (NYCA01), Local Landscape Policy Area (NY114) and lies close to an Newry Canal Area of Archaeological Potential (NYAAP01 /DOW046:500). In addition, the Town Hall building (including steps and railings) and adjacent Armagh / Down Bridge, are both listed (HB Reference numbers HB16/28/018/B and HB16/28/018/A respectively.) In this policy context, the retained policy of PPS6 will be given determining weight in this assessment, together with PPS3 and the PSRNI, together with any relevant material considerations.

Background Context of Planning Application

This application seeks temporary permission to replace the external fire escape staircase adjoining the North Western elevation of Newry Town Hall, as pictured below. As indicated, recent planning approvals have been obtained for both internal

and external refurbishment works to the Town Hall, as part of a phased programme of improvement works, with phase 3 subject to obtaining the necessary approvals.



Nearing completion of phase 2 works and the reopening the building, a structural assessment of the existing fire escape was conducted as part of the overall Fire Risk Assessment, which resulted in the existing fire escape being condemned due to significant deterioration. At this time, contractual commitments were already confirmed for shows commencing early December 2017, with the 500 seated auditorium sold to maximum capacity.

As the existing fire escape could no longer be used, an assessment was carried out as to how this would affect the numbers in the auditorium which was found would reduce the numbers to a maximum of 110. After reviewing the structural Engineer's Report, the Council considered whether limited remedial works could be carried out in the interim to enable the already contracted productions to go ahead. A report was produced with proposed remedial works with temporary supports in place, however due to the uncertainty of the extent of the corrosion to the existing stair case, the legalities surrounding this approach were uncertain. This left one option – i.e. demolish and replace the existing fire escape.

Due to the imminent time scales before the planned building re-opening and contractual commitments in place, a small temporary design was considered, which would extend up to the auditorium floor and exclude the balcony level. This proposal was further assessed by Building Control and was deemed unsatisfactory against

current Regulations (this proposal included no cover or roof structure, no enclosure or adequate lighting.) Fundamentally, by not extending the stairwell to the balcony area, this space could not be used for public seating, reducing the internal seating capacity by 120 seats (which were already fully booked.)

Following further consultation with Building Control, Structural Engineers, user groups and other stakeholders, the Council's Estates Department felt they were left with no alternative option than to act on the inadequacies of the former staircase and to address the health and safety / regulatory issues. As a result, the current proposal was devised which extends the replacement stairwell to the upper balcony level and is almost fully enclosed, with timber slats chosen to 'break up' the façade, rather than using sheeted material.

The long term strategy is to replace the external staircase with a purpose built extension to house the escape stair and to provide a combined hoist / lift to improve access to all levels of the building. The Planning application for phase 3 is due to be submitted to the Planning Department in early 2018. The current proposal is therefore a temporary interim solution until the Phase 3 works are commenced (subject to the necessary approvals.) It is an attempt to meet the fire safety requirements of the Town Hall by providing a safe access from the building without detrimentally impacting upon the architectural integrity of the Listed Building, which is a highly valued asset of Council.

In terms of progression, this application was received by the Planning Department on 27/09/2017. A site inspection was subsequently carried out on 11/10/2017, at which time the former stair case was still in place. Sometime after this, the original staircase was removed and works started on the development currently under consideration, as a result of the above, varying the nature of the planning application to retrospective.

Principle of Development / Proposed Works

Under Para 6.12 and 6.13 of the SPPS, works to a Listed Building may be permitted provided the development respects the essential character and architectural / historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. The proposal in terms of detailing comprises stair columns rising from ground level to balcony level enclosed by a profiled enclosure measuring 8.3m in length, 10.9m in height and which projects 3m from the NW elevation of the building. This enclosure is comprised of section metal sheeting angled, with guttering to the downpipe at the leading edge, supported with galvanised steel sections. Externally, it is cladded with hard wood vertical slats, which are staggered to 'break down' the visual bulk of the 'enclosed' element.

The proposal also involves a minor extension and realignment of the footway along this side of the building to accommodate the structure, with the footway extended in

length by 13m at its maximum point, improving accessibility and safety surrounding the building. Policy AMP1 of PPS3 seeks to create a more accessible environment for all users. Where appropriate, it seeks to integrate accessible solutions into new development, including convenient movement along pathways and an unhindered approach to buildings. The proposal has taken the opportunity to improve the access surrounding the Town Hall as part of the overall scheme, which is acceptable against the merits of Policy AMP1.

PPS6, Policy BH8 (Extension or Alteration of a Listed Building) considers extension or alteration works to Listed Buildings. Consent will be granted for works to a Listed Building where criteria a) to c) are met. The use of timber cladding is not considered an appropriate material and the scale and overall bulk of the overall enclosure detracts from the character of the Listed Building, in particular with the upper floor elegant tall arched windows obscured by the height of the enclosure.

At the aforementioned meeting, concerns were raised by HED and Council Planning representatives to this effect, where it was agreed that alternative proposals for the timber slats would be considered to address these concerns (i.e. setting the guttering and roofing behind the timber to improve this edge and breaking up the length of timber slats into shorter sections which may improve the scale and detailing and wouldn't require seamless jointing.) In response to this, the vertical slats have been staggered to break up the verticality of the material and the guttering detailed to sit behind these slats, as shown below.





In their initial consultation response, HED: HB considered that the proposal would have an adverse impact under Paragraph 6.12 & 6.13 of the SPPS and Policy BH8 of PPS6 due to its impact which obscures, overlaps and does not respect architectural detailing. In particular, the top floor theatre windows and brick detailing above these are significant to the building and are concealed by the proposal

(materially and because of sight lines from ground). The additional bulk to the stair visible from Bank Parade should be minimised so as not to detract or distract from the historic form of the building. Repair rather than replacement offers a less onerous solution for the building in terms of impact and would be preferable for HED.

Following this response, it was brought to the Planning Department's attention that works had started on site, with the removal of the existing stair case. Given this, a meeting with Council Estates, Building Control, Historic Environment Division and Planning representatives was arranged to discuss the progression of this application given the current context and long term future plans for the building. A meeting was subsequently held on 29/11/2017 where HED expressed the above concerns. In addition, the health and safety challenges and context of the application were discussed. It is noted that in Building Control terms, the slatted sheltered arrangement is a compromise, with full enclosure preferable to prevent any potential wind driven rain causing slips, potentially if frozen. In terms of actions, HED agreed to reconsider their response given the significant health and safety issues and Council Estates were to make available the contextual information in an amended 'Design and Access Statement,' in addition to reconsidering the detailed elements of concern.

Following receipt of additional information and further consultation, a final response dated 19/12/2017 has been issued by HED:HB which acknowledges receipt of the revised Design and Access Statement and P1form, stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB's advice remains unchanged from its previous response and considers that the proposal still has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of PPS6. Despite the overall view, HED reference the pressing health and safety issues in relation to means of escape in the event of a fire and strongly advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

In addition to Policy BH8, Policies BH12 of PPS6 (New Development in a Conservation Area) and Policy DES2 (Townscape) of the PSRNI are applicable to this proposal. Under Policy BH12 there are 7 criteria to be met including the preservation or enhancement of the area and for development to be sympathetic with the surrounding characteristic built form. Policy DES2 also requires the highest standards of architectural design and detailing in all new developments within Conservation Areas, with the primary concern to ensure new development neither conflicts with or detracts from the character, amenity and design of such areas, with

an emphasis placed on the use of appropriate materials and detailing. For the reasons outlined above in the assessment of Policy BH8, the proposal in its current form does not satisfy the requirements of Policies BH12 or DES2 in terms of its impact upon the character of the Listed Building and consequently Newry Conservation Area.

In considering all aspects pertaining to this application, the Planning Department agree with the view of HED:HB that the proposal in its current form is contrary to Policies BH8 and Para's 6.12 and 6.13 of the SPPS, in addition to Policies BH12 of PPS6, DES2 of the PSRNI. However the overriding health and safety justification behind this proposal is a material consideration in this assessment. A temporary approval for a maximum of 2 years is considered a reasonable solution, with conditions attached to ensure an appropriate long-term solution is achieved and that this temporary approval does not become the established development outcome. In addition, pre-application discussions with both the Planning Department and HED for phase 3 works would are necessary going forward to ensure the long term solution is acceptable in the context of this architecturally sensitive Listed Building and protected Conservation Area.

Recommendation: Approval

Summary recommendation:

Proposal on balance is deemed an acceptable *temporary* solution to meet health and safety requirements and regulations, subject to the conditions and informatives attached to this decision.

Condition:

1. The retrospective permission hereby granted is issued under Section 55 of The Planning Act (Northern Ireland) 2011 and shall be for a limited period of two years only and shall expire two years from the date of this permission and the structure removed.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

ITEM NO	**12**		
APPLIC NO	LA07/2017/1504/LBC Listed Buildi	**DATE VALID**	27/09/2017
COUNCIL OPINION	**CONSENT**		
APPLICANT	Newry, Mourne and Down District Council Haughey House Greenbank Industrial Estate Newry BT34 2QU	**AGENT**	Estates Section (NMDDC) Haughey House Greenbank Industrial Estate Newry BT34 2QU
LOCATION	Newry Town Hall Bank Parade Newry BT34 1DQ		
PROPOSAL	Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall.		

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

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

Application Reference:
LA07/2017/1504/LBC

Date Received:
27/09/2017

Proposal:
Retrospective and temporary replacement of existing metal fire escape staircase to the side of the Town Hall.

Location:
Newry Town Hall, Bank Parade, Newry, BT34 1DQ

Site Characteristics & Area Characteristics:
Newry Town Hall which is located within Newry Conservation Area comprises a grade B1 listed two storey Victorian building with brick finish and granite dressings. The building occupies a prominent location in Newry City Centre and is unique in straddling a county boundary on the Armagh Down Bridge, which is grade B+ listed.



Site History:

A corresponding application seeking full planning permission for the temporary replacement of existing metal fire escape staircase to the side of the Town Hall including alterations to existing footpath and access road is currently being assessed in parallel with this application (planning application reference LA07/2017/1503/F.)

There have been a number of former planning applications concerning Newry Town Hall. Most recently, Listed Building Consent (LBC) was granted for internal refurbishment works to the existing auditorium, stage and back stage areas, including the removal of the existing control room, installation of new control room and installation of new light fittings and support rigs, as approved by application reference LA07/2016/1660/LBC on 26/05/2017. Prior to this, full planning permission and LBC were granted for external refurbishment works by virtue of application references LA07/2015/0476/F and P/2015/0028/LBC respectively on 10/08/2015 (including waterproofing of the flat roof and inner parapet between the auditorium and stage, repairs/refurbishment works to facades, including brickwork, stonework and windows.)

A number of earlier approvals are also listed below, many of which concern repair / essential maintenance works to the building:

P/2006/2201/F	Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre - permission granted 16/07/2010
P/2006/2161/LB	Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure - permission granted 16/07/2010
P/2005/1560/LB	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings, and solar panel installation to roof - permission granted 15/03/2006
P/2005/1559/F	Roof repairs including installation of lead lined tapered parapet gutters, replacement of existing rainwater goods with new cast iron replacement of existing terracotta coping with new ashlar copings and solar panel installation to roof - permission granted 12/11/2005
P/1992/1108	Alterations and renovations to Town Hall - permission granted permission granted 24/12/1992
P/1992/1109	Renovations and alterations to Town Hall (Listed Building Consent) – permission granted 24/12/1992

Planning Policies & Material Considerations:

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

Consultations:

DfC Historic Environment Division (HED) response dated 30/10/2017

HED Historic Buildings (HED: HB) considers that the proposal has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building).

DfC Historic Environment Division (HED) response dated 19/12/2017 under respective application reference LA07/2017/1503/F

HED:HB acknowledge receipt of the revised Design and Access Statement and P1 form stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. Having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB still considers the proposal to have an adverse impact under Paragraph 6.13 of the SPPS and Policy BH8 (Extension or Alteration of a Listed Building.) HED are however aware of the pressing safety issues in relation to means of escape in the event of a fire and would strongly advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

Objections & Representations:

- Neighbour notification is not a statutory requirement for Listed Building Consent applications;
- Application was advertised in 3 local papers 17/10/17, 18/10/17 and 19/10/17 (statutory publication expiry 02/11/2017)
- 0 objections or responses have been received.

Consideration and Assessment:

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. There are a number of designations over the subject site as identified by the BNMAP 2015 including; Newry City Centre (NY75), Newry Conservations Area (NYCA01), Local Landscape Policy Area (NY114) and lies close to an Newry Canal Area of Archaeological Potential (NYAAP01 /DOW046:500). In addition, the Town Hall building (including steps and railings) and adjacent Armagh / Down Bridge, are both listed (HB Reference numbers HB16/28/018/B and HB16/28/018/A respectively.) In

this policy context, the retained policy of PPS6 will be given determining weight in this assessment, together with the relevant planning history and material considerations.

Background Context of Planning Application

This application seeks (retrospective) Listed Building Consent for the temporary replacement of the external fire escape staircase adjoining the North Western elevation of Newry Town Hall, as pictured below. As indicated, recent planning approvals have been obtained for both internal and external refurbishment works to the Town Hall, as part of a phased programme of improvement works, with phase 3 subject to obtaining the necessary approvals. Nearing completion of phase 2 works and the reopening the building, a structural assessment of the existing fire escape was conducted as part of the overall Fire Risk Assessment, which resulted in the existing fire escape being condemned due to significant deterioration. At this time, contractual commitments were already confirmed for shows commencing early December 2017, with the 500 seated auditorium sold to maximum capacity.



As the existing fire escape could no longer be used, an assessment was carried out as to how this would affect the numbers in the auditorium which was found would reduce the numbers to a maximum of 110. After reviewing the structural Engineer's Report, the Council considered whether limited remedial works could be carried out in the interim to enable the already contracted productions to go ahead. A report was

produced with proposed remedial works with temporary supports in place, however due to the uncertainty of the extent of the corrosion to the existing stair case, the legalities surrounding this approach were uncertain. This left one option – i.e. to demolish and replace the existing fire escape.

Due to the imminent time scales before the planned building re-opening and contractual commitments in place, a small temporary design was considered, which would extend up to the auditorium floor and exclude the balcony level. This proposal was further assessed by Building Control and was deemed unsatisfactory against current Regulations (this proposal included no cover or roof structure, no enclosure or adequate lighting.) Fundamentally, by not extending the stairwell to the balcony area, this space could not be used for public seating, reducing the internal seating capacity by 120 seats (which were already fully booked.)

Following further consultation with Building Control, Structural Engineers, user groups and other stakeholders, the Council's Estates Department felt they were left with no alternative option than to act on the inadequacies of the former staircase and to address the urgent health and safety / regulatory issues. As a result, the current proposal was devised which extends the replacement stairwell to the upper balcony level and is almost fully enclosed, with timber slats chosen to 'break up' the façade, rather than using sheeted material.

The Council's long term strategy is to replace the external staircase with a purpose built extension to house the escape stair and to provide a combined hoist / lift to improve access to all levels of the building. The Planning application for phase 3 is due to be submitted to the Planning Department in early 2018. The current proposal is therefore a temporary interim solution until the Phase 3 works are commenced (subject to the necessary approvals.) It is an attempt to meet the fire safety requirements of the Town Hall by providing a safe access from the building without detrimentally impacting upon the architectural integrity of the Listed Building, which is a highly valued asset of Council.

Following HED's initial consultation response on this application, it was brought to the Planning Department's attention that works had started on site, with the removal of the existing stair case. Given this, a meeting with Council Estates, Building Control, Historic Environment Division and Planning representatives was arranged to discuss the progression of this application given the current context and long term future plans for the building. A meeting was subsequently held on 29/11/2017 where HED and Planning representatives expressed their above concerns. In addition, the health and safety challenges and context of the application were discussed. It is noted that in Building Control terms, the slatted sheltered arrangement is a compromise, with full enclosure preferable to prevent any potential wind driven rain causing slips, potentially if frozen. In terms of actions, HED agreed to reconsider their response given the significant health and safety issues and Council Estates

were to make available the contextual information in an amended 'Design and Access Statement,' referencing the application as 'retrospective' in addition to reconsidering the detailed elements of concern.

Principle of Development / Proposed Works

Under Para 6.12 and 6.13 of the SPPS, works to a Listed Building may be permitted provided the development respects the essential character and architectural / historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. PPS6 Policy BH8 (Extension or Alteration of a Listed Building) considers extension or alteration works to Listed Buildings. Consent will be granted for works to a Listed Building where the following criteria are met:

a) *The essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;*
b) *The works proposed make use of traditional and / or sympathetic building materials and techniques which match or are in keeping with those found on the building and;*
c) *The architectural details match or are in keeping with the building.*

The proposal comprises stair columns rising from ground level to balcony level enclosed by a profiled enclosure measuring 8.3m in length, 10.9m in height and which projects 3m from the NW elevation of the building. This enclosure is comprised of section metal sheeting angled, with guttering to the downpipe at the leading edge, supported with galvanised steel sections. Externally, it is cladded with hard wood vertical slats, which are staggered to 'break down' the visual bulk of the 'enclosed' element. The proposal also involves a minor extension and realignment of the footway along this side of the building to accommodate the structure, improving accessibility and safety surrounding the building.

In their initial consultation response, HED: HB considered that the proposal would have an adverse impact under Paragraph 6.12 & 6.13 of the SPPS and Policy BH8 of PPS6 due to its impact which obscures, overlaps and does not respect architectural detailing. In particular, the top floor theatre windows and brick detailing above these are significant to the building and are concealed by the proposal (materially and because of sight lines from ground). HED advised that the additional bulk to the stair visible from Bank Parade should be minimised so as not to detract or from the historic form of the building. The Planning Department shares these concerns with this proposal and would add that the use of excessive timber cladding is inappropriate and is unsympathetic with the detailing and materials of the building.

Following the aforementioned meeting, it was agreed that alternative proposals for the timber slats would be considered to address these concerns (i.e. setting the guttering and roofing behind the timber to improve this edge and breaking up the length of timber slats into shorter sections which may improve the scale and detailing

and wouldn't require seamless jointing.) In response to this, the vertical slats have been staggered to break up the verticality of the material and the guttering detailed to sit behind these slats, as shown below.





Following receipt of additional / amended information and further consultation under the respective full planning application reference LA07/2017/1503/F, a final response dated 19/12/2017 has been issued by HED: HB which makes reference to this application, a copy of which has been also placed on this file. This consultation response acknowledges receipt of the revised Design and Access Statement and P1 form, stating that the application is retrospective, that the proposed staircase is for a temporary period of five years and that there will be no artificial illumination in addition to the existing emergency lighting. However, having reconsidered the impacts of the proposal on the buildings and on the basis of new information provided, HED: HB's advice remains unchanged from its previous response and considers that the proposal still has an adverse impact under Paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 8 (Extension or Alteration of a Listed Building) of PPS6.

Despite this opinion, HED acknowledge the pressing health and safety issues surrounding this proposal and advise that if the council are minded to approve this application, then the consent should be limited to two years to ensure that the timber clad enclosure is replaced with a more appropriate permanent solution as soon as possible.

Considering all aspects pertaining to this application, the Planning Department agree that the proposal in its current form is contrary to Policies BH8 and BH12 of PPS6 and Para's 6.12 and 6.13 of the SPPS. However the overriding health and safety justification behind this proposal is a material consideration in this assessment. A

temporary approval for a maximum of 2 years is considered a reasonable solution, with conditions attached to ensure a more appropriate long-term solution is achieved and that this temporary approval does not become the established outcome. In addition, pre-application discussions with both the Planning Department and HED for phase 3 works are essential to ensure the long term solution is acceptable in the context of this Listed Building and Conservation Area.

Recommendation: Approval

Summary recommendation:
Proposal on balance is deemed an acceptable *temporary* solution to meet health and safety requirements and regulations, subject to the conditions and informatives attached to this decision.

Condition:

1. Consent is hereby granted in retrospect under Section 85 (3) of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this consent and shall last for no more than two years. After this period, the structure shall be removed from the site.

Reason: Time limit.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

ITEM NO	**19**			
APPLIC NO	R/2014/0627/F	Full	**DATE VALID**	21/11/2014
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Newry, Mourne And Down District Council Downshire Civic Centre Downshire Estate Ardglass Road Downpatrick BT30 6GQ		**AGENT**	
LOCATION	29 Belfast Road Saintfield BT24 7EP			
PROPOSAL	Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include childrens multiplay unit, additional on site parking, tree maintenance and perimeter fencing. (Amended plans/proposals received)			

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

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

Application Reference: R/2014/0627/F

Date Received: Nov 2014.

Proposal: Full permission is sought for a Change of use of 2 of the 3 existing vacant industrial warehouses to a community centre and indoor sports facility with changing rooms. External works to include children's multi-play unit, additional on site parking, tree maintenance and perimeter fencing, on lands at 29 Belfast Road, Saintfield.

(NOTE: This application was received in 2014, whereby the proposal was originally for a change of use of all existing vacant industrial warehouses to indoor leisure/community centre. This application was recommended for approval in Jan 2015, whereby the former DDC had agreed with the recommendation, however the application was held at the request of the Council as amended proposals were being considered. This amended scheme was then received in Sept 2017, on which the proposal is now based).

Applicant: Newry, Mourne and Down Council

Location:
The site is located within the development limits of Saintfield, towards the northern end of the village, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. It is also noted this stretch of the Belfast Road is a Protected Route, while a watercourse runs along the southern boundary.
This area includes a mix of uses including warehousing and retail units, housing, and a school opposite to the far side of the Belfast Road.

Site Characteristics & Area Characteristics:
The site comprises the grounds of a distribution factory (vacant) off the Belfast Road, Saintfield. This site is irregular in shape with one central access point and parking to the front whereby the large building is set back from the road. This roadside boundary is marked by a low wall and fencing with planting behind. The grounds of Saintfield High School are also located opposite the site. The site is bounded by Millpond Business Park to the south, whereby the watercourse appears to form the boundary. The site is also bounded by housing to the north whereby this boundary includes fencing and planting. The boundary is marked by a wall with a field beyond,

whereby this field includes the remains of an old windmill. The site appears relatively flat although slopes gently down towards the southern boundary.

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

R/13/0085- 29 Belfast Rd, Change of use of current industrial warehouse to indoor Leisure Centre together with associated elevational amendments parking and landscaping, Full, Approval, 10-07-13, Applicant: DDC.
As part of this application consultations were undertaken with Roads Service, NIW, WMU, Rivers Agency, DDC Public Health and HED (formerly PHM), while it is also noted several representations were also received.

This site has a history of distribution warehousing, while the adjoining Millpond business Park site also comprises retailing and warehousing.

Consultations:
Having account the nature of this proposal, existing land use and constraints of the site and area, and site history, consultation has been undertaken with Transport NI, NI Water, NIEA, Environmental Health, Rivers Agency, PHM, whereby it is considered no objections are offered in principle to the development, whereby the comments can be dealt with by way of conditions/informatives.

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

Objections & Representations
Having account the red line of the application site, neighbour notification was carried out with a number of properties along Belfast Road, Windmill Hollow, Comber Road, and Cotswold initially in Dec 2014 (on the basis of the original proposals), and again in Oct, Nov and Dec 2017, following receipt of the amended scheme and associated information. The application was also advertised in the local press in Dec 2014 and again in Oct 2017.

During the processing of this application Representation has been received from the owner of no.4 Windmill Hollow and also Flanagan Distributors from Millpond Business Park.
While neither of these interested parties object to the proposals, the owner of no.4 was querying the boundary proposals adjacent to this property, while Flanagans queried the red line and extent of ownership of the site.
The red line was subsequently amended and reduced in response to this while the owner of no.4 was contacted regarding the boundary proposals, which can be dealt with by condition.

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

As stated above the site is located within the development limits of Saintfield, towards the northern end of the village, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. It is also noted this stretch of the Belfast Road is a Protected Route, while a watercourse runs along the southern boundary, which is identified as a LLPA.
This area includes a mix of uses including warehousing and retail units, housing, and a school opposite to the far side of the Belfast Road.

It is clear from the history outlined above there is a recent approval on this site for an indoor leisure centre, the details of which are outlined above.

As stated above the site is regarded as white-land in an existing urban area which includes a mix of uses. It is noted this site is industrial in use at present whereby the Ministers Statement of Sept 2011 protects unzoned industrial lands and uses. However taking into account the nature of this proposal which will provide significant employment implications while also providing a much needed community facility, and also previous permission, on balance it is considered the principle of this use is acceptable in this location.
The content of PPS4 Planning and Economic Development is also noted.

Assessment
This proposal is for the change of use of the existing industrial warehouse to indoor Leisure/Community centre, which is effectively an amendment to the previous approval R/13/0085.
The previously approved indoor leisure centre comprised the change of use of Warehouse A building, while the remaining warehouses were shown to be demolished and the land made good.

This current proposal originally sought to change the use of all 3 warehouse buildings (A, B, C).
Warehouse A is located towards the northern end of the site adjacent to Windmill Hollow, while Warehouse B is in the middle of the site with Warehouse C towards the southern boundary adjoining the Business Park.
It was initially proposed to change Warehouse A to a new covered playing surface, Warehouse B would comprise plant rooms, changing facilities, reception, toilets, multi use rooms at ground floor, with a spectator deck, multi use rooms, free weights area, kitchen, break out area, gym and terrace at first floor level. Warehouse C would comprise a new multi use sports hall. The existing lean-to return to the north side of Warehouse A, comprising a dispatch area and store were to be removed as part of this proposal.

This revised scheme now proposes again changing Warehouse A to a new covered sports pitch (3G), whereby the existing lean-to return to the north side is now largely to be retained and used for changing rooms and a store. Warehouse B is no longer changing and being used as part of this scheme. Warehouse C is being sub-divided,

whereby approx half is no longer changing and being used as part of this application, while the remaining part is being changed to a hall, studio, reception and break out area, and associated facilities. A new multi-play playground activity area is now also being provided to the side of Warehouse C.
These change of uses will result in a number of alterations to the elevations of the building, including existing openings being closed ,new openings and changes in height, however the overall height of the buildings will remain largely as per existing. Parking is again being provided to the front of the units, while the existing entrance is to be retained and improved. In excess of 100 parking spaces are being provided for this development

It is considered the change of use and associated amendments will not result in any significant or unacceptable impact on any adjoining property or character of the area. The separation distances to adjoining developments are noted and are considered sufficient to prevent any unacceptable amenity issues in this urban context. It is also noted Environmental Health offer no objections. The previous use of the site as a factory is also noted.

The site plan provided indicates a new 2.4m high paladin fence will run along the boundaries of the site, although the portions which comprise an existing boundary wall, including along a portion of the rear and also northern boundary, and also side gable of the building in the northern corner adjoining no.4, are to be retained. Planting proposals including maintenance and removal of existing trees have also been provided. The lands to the rear of the site and building are also to be landscaped in place of the existing area of hard-standing. Levels have also been provided.

The principle of this type of development has already been accepted on this site, and having account the comments above, it is considered the proposed works will not result in any unacceptable impact on any adjoining property or the character of the area in this urban environment.
It is noted this area includes a mix of uses at present, whereby the re-use of this vacant site is encouraged.
Having account the constraints and zonings of the site and area, consultation has been carried out with a number of bodies, as outlined above, whereby it is considered no objections are offered in principle.

Accordingly Approval is recommended subject to no objections from the statutory consultees.

Recommendation: Approval

ITEM NO	**15**			
APPLIC NO	LA07/2017/1720/F	Full	**DATE VALID**	10/11/2017
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Newry, Mourne and Down District Council Council Offices Rampart Road Greenbank Industrial Estate Newry BT34 2QU		**AGENT**	Newry, Mourne and Down District Council Council Offices Rampart Road Greenbank Industrial Estate Newry BT34 2QU
LOCATION	Cranfield Beach Car Park Ameracam Lane Cranfield Co Down			
PROPOSAL	Proposed storage building for storage of equipment by disabled users at Cranfield Beach			

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

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

Application Reference: LA07/2017/1720/F

Date Received: 13/11/2017

Proposal: Proposed storage building for storage of equipment by disabled users at Cranfield Beach

Location: Cranfield Beach Car Park Ameracam Lane, Cranfield. The application site is approx. 23 kilometres south-east from Newry city and is included in the Mourne Area of Outstanding Natural Beauty (AONB) as defined by the Banbridge / Newry and Mourne Area Plan 2015.

Site Characteristics & Area Characteristics:
The application site consists of a car park with its southern frontage along Ameracam Lane and adjacent to the shore frontage at Cranfield beach. Within the car park is a single storey amenity building in the south western portion. Within the north eastern corner of the application site are recycling bins. The car park is surrounded by a timber close board fence along the northern boundary and much of the eastern and western boundaries with a block wall and hedging forming the remaining length of these boundary as you move towards Ameracam Lane. To the rear (north) of the amenity building on site is a block wall and a stone wall is positioned to the front. There is a fall in the application sites levels are you move from south to north across the site.

To the north, east and west the application site is surrounding by caravans.

Site History:

P/2005/0178/F	Ameracam Lane, Cranfield, Kilkeel.	Extension to existing amenity block for toilets, showers and staff facilities.	PERMISSION GRANTED
P/2010/0432/LDP	Cranfield Beach, Amercam Lane, Cranfield	Minor improvements	PERMITTED DEVELOPMENT
P/1993/0500	CRANFIELD	Extension and	PERMISSION

	AMENITY AREA NO23 AMERACAM LANE CRANFIELD	alterations to toilet block to provide first aid room, office, shop, store and environmental exhibition area	GRANTED1
P/1997/0797	NORTH OF NOS 11-21 AMERACAM LANE CRANFIELD	Caravan site with associated uses,open space,playground touring sites,reception building and washroom	PERMISSION GRANTED
P/1987/0642	AMERACAM LANE CRANFIELD KILKEEL	Erection of 12No holiday chalets (amendment to approved site)	PERMISSION GRANTED
P/1986/1108	AMERACAM LANE, CRANFIELD, KILKEEL	EXTENSION TO CAR PARK	PERMISSION GRANTED
P/1983/0402	CRANFIELD, KILKEEL	SITE FOR HOLIDAY CHALET DEVELOPMENT	PERMISSION GRANTED
P/1982/0564	CRANFIELD, KILKEEL	PICNIC AREA AND CAR PARK	PERMISSION GRANTED

Planning Policies & Material Considerations:
Strategic Planning Policy Statement for Northern Ireland 2015
Banbridge / Newry and Mourne Area Plan 2015
Planning Policy Statement 2 – Natural Heritage
Planning Strategy for Rural Northern Ireland (PSRNI)

Consultations:
There was one consultation issued for this proposal.

NIEA – (Marine and Fisheries Division) – Content with the proposal (05/12/2017).

Objections & Representations
There was initially one neighbour notification issued. Following a telephone conversation with the manager of the adjoining caravan park, a further neighbour notification was issued to an alternative address confirmed by the manager which would ensure neighbour notification would be received by appropriate land owner. The planning application was advertised in the local press on 29th November 2017. There were no representations received.

Consideration and Assessment:

It is the Planning Departments understanding the proposal as outlined by this planning application will facilitate disabled users of Cranfield Beach to enable the storage of equipment required for them to access the beach and water.

The proposed storage building will stand at a maximum height of 2.7 metres from G.F.L and measures 6 metres by 3.5 metres and will include a roller door for access on its northern elevation and separate opening door on the eastern elevation. The storage building will have external finishes including PVC coated corrugated steel cladding in a mushroom colour with brown PVC guttering and downpipes. The storage building will be positioned in the north western section of the application site along the western boundary of the existing car park and will be set behind the amenity building to south.

The proposal, given its location and surrounds will not impact unacceptably on the special character of the AONB in general and of the particular locality. The proposal generally respects the local architecture, style and pattern and local materials, design and colour in the locality.

Given the application sites position along the shore frontage, a consultation was issued to the Northern Ireland Environment Agency (NIEA). Their consultation response outlined that the Marine and Fisheries Division had considered the impacts of the proposal and is content with the proposal with informatives to be included in any decision issued.

Policy PSU1 – Community Needs of the PSRI is a regional development control policy "*to allocate sufficient land to meet the anticipated needs of the community, in terms of health, education and other public facilities*". The proposal as outlined by this application seeks approval to meet the needs of the community in terms of storage for the disabled users of Cranfield Beach in line with PSU1.

On assessment of the proposal against the relevant planning policy, this application has been recommended for refusal.

Recommendation:
Approval

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

ITEM NO	**14**			
APPLIC NO	LA07/2017/1621/F	Full	**DATE VALID**	23/10/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	N.I.H.E (South Region) South East Office 12 Frederick Street Newtownards BT23 4LR		**AGENT**	W&M Given Architects Suite 8 River House Castle Lane Coleraine BT51 3DR
LOCATION	47 Bearna Park Meigh BT35 8TP			
PROPOSAL	Proposed single storey rear extension as well as new ramped access to the front of the dwelling			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect the amenity of the neighbouring residents.

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (d) of the Addendum to the Planning Policy Statement 7 in that insufficient space remains within the curtilage of the property for recreational and domestic purposes.

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

Application Reference: LA07/2017/1621/F

Date Received: 23.10.2017

Proposal: Proposed single storey rear extension as well as new ramped access to the front of the dwelling

Location: 47 Bearna Park, Meigh, BT35 8TP

Site Characteristics & Area Characteristics:
The site includes a mid-terraced two storey dwelling situated in the Bearna Park housing development situated off the main Forkhill Road, Meigh.

Site History:
No recent site history

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015
Addendum to Planning Policy Statement 7
Planning Policy Statement 2
Creating Places

Consultations:
N/A

Objections & Representations
2 neighbours notified on 31.10.2017 and the application was advertised on 08.11.2017– no representations/objections received.

Consideration and Assessment:

Policy EXT 1 of the Addendum to Planning Policy Statement 7 is applicable for all residential extensions. The proposal does not offend parts (a) and (c) of policy EXT 1 however part (b) is considered to be offended by reason of dominance and overshadowing. The proposal fails the overshadowing test on the nearest ground floor window to the site at No. 48. In addition to this the excessive nature of the extension will appear dominant to the rear of No.48 which will be adversely affected by a sense of being 'hemmed in'. Consequently the proposal fails part (b) of policy EXT 1.

Currently the private amenity space to the rear of the property extends to approximately 57m^2. The remaining private amenity space after the proposed extension is approximately 23m^2 which is some way short of the minimum recommended standard of 40m^2 as set out in the Departments document Creating Places. Paragraph A41 of the Addendum to PPS 7 confirms the importance of private amenity space which should not be reduced to a point where it is out of scale or fails to meet the present and future occupiers need for adequate useable private amenity space. The proposal is therefore contrary to part (d) of policy EXT 1 as insufficient space remains within the curtilage of the property for recreational purposes.

The special circumstances of the application have been taken into consideration however the chosen site is not deemed suitable for an extension of this size and scale given the adverse impact on the neighbouring property and the lack of private amenity space that would be left.

As the proposal is within the Ring of Gullion AONB policy NH 6 is applicable. The proposal is not considered to have a detrimental impact on the AONB due to the limited views of the proposal.

Recommendation:
Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (b) of the Addendum to the Planning Policy Statement 7 in that the proposal would, if permitted, unduly affect the amenity of the neighbouring residents.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy EXT1 (d) of the Addendum to the Planning Policy Statement 7 in that insufficient space remains within the curtilage of the property for recreational and domestic purposes.

Case Officer:

Authorised Officer

ITEM NO	**16**			
APPLIC NO	LA07/2017/1788/O	Outline	**DATE VALID**	21/11/2017
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Louise McKeever 3 Drumboy Road Cullovile Crossmaglen BT35 9JQ		**AGENT**	Karl Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ
LOCATION	Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen Co Armagh BT35 9JQ			
PROPOSAL	Infill site for dwelling and detached garage			

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

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

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

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

Application Reference: LA07/2017/1788/O

Date Received: 21.11.2017

Proposal: Site for infill dwelling and detached garage

Location: Adjacent to and between Nos 3 and 5 Drumboy Road Culloville Crossmaglen Co Armagh BT35 9JQ

The site is located within the Countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is located south west of no. 3 Drumboy Road. The site is situated on a slope rising from the Drumboy Road in a north westerly direction. At the time of inspection there was a relatively new large shed on the site. South west of the site beyond an agricultural field there are a number of single storey buildings which gain access via a laneway from the Drumboy Road.

Site History:
n/a

Objections & Representations

No. of neighbours notified=4
No representations received= 0
Advertise expiry= 21/12/2017

Consultations
TransportNI- awaiting response
NIW- statutory

Consideration and Assessment:

The site is located within the countryside context therefore the provisions of PPS 21 will apply to this case. The application has been submitted for a dwelling on an infill site. The application will be assessed against Policies CTY 1, 8, 13 & 14. 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.

Firstly, it is noted that the buildings annotated on the site location plan do not match the current layout on the ground. From inspection of the site and aerial imaginary it is noted that the site area includes a large shed. The shed is not annotated on the drawing nor does there appear to be any planning approval on the site for a shed. The buildings annotated 'C' on the layout map are in fact positioned in the neighbouring field to the north.

The application site is positioned between an agricultural field beyond the north eastern boundary and an agricultural field to the south west. Beyond the field to the southern end of the site there are a number of old buildings. These buildings given their positions back from the road do not form frontages to the Drumboy Road. The site is not considered to be a gap within a substantial and continuously built up frontage and would if permitted, result in the creation of ribbon development along Drumboy Road.

It is felt that a dwelling appropriately conditioned would meet the criteria set out in CTY 13.

The proposal would, if permitted create a ribbon of development and would result in a suburban style build-up of development when viewed with existing and approved buildings and therefore is contrary to CTY 14.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

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

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

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

-the buildings would, if permitted create a ribbon of development;

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

ITEM NO	**17**			
APPLIC NO	P/2005/1354/F	Full	**DATE VALID**	24/05/2005
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Morgan Brothers Ltd 26 Newtown Road Rostrevor BT34 3BZ		**AGENT**	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
LOCATION	Lands at Forth Road Warrenpoint (adjacent and North-East of 12 Forth Road adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road)			
PROPOSAL	Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	17	0	1		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			4	13	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: P/2005/1354/F

Date Received: 17th May 2005

Proposal: Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units)

Location: Lands at Forth Road, Warrenpoint (adjacent and North-East of 12 Forth Road, adjacent and to the rear of Nos. 13-28 Forth Avenue and opposite Nos. 13-21 Forth Road (extending North-Eastwards to rear of Nos. 9-19 Smalls Road)

Site Characteristics & Area Characteristics:
The site comprises a large area of vacant grassland (approx. 1.85 hectares in area) on the north-side of Warrenpoint, located approx. 1km north of the Town Centre. The lands sit on the north and north-east slopes of a localised ridge. A watercourse flows along the north-east boundary, to the east, known by Rivers Agency as the Clonallan Stream Extension. A 47 metres section of this is culverted at the east end, with a grille on the end. The lands rise steadily from this boundary to the south-west boundary adjacent to Forth Avenue. The Existing Survey shows a total levels change of approx. 13 metres from the highest point to the west, where the internal field boundary is located, to the lowest point in the east corner of the main field. The small western-most plot, in the smaller field, falls gently to the east to the edge of a raised plateau. This area sits elevated above the level of Burren Road and Smalls Road. The adjoining lands, which are the subject of neighbouring application (P/2005/1384/F), fall more steeply. The site lacks good screening and mature vegetation.

The site is located in an established and built up residential area. Housing Zoning WB 16, in which the application site sits, is surrounded by residential development. The site in question is the last significant gap along the urban section of Forth Road to be developed. The dwellings opposite along Forth Road are large detached dwellings in large mature plots. The nearest dwellings along Smalls Road are similar. The wider area is characterised by a mix of private residential developments which

display a large variety of size, design and detail. The neighbouring Forth Avenue in contrast is a NI Housing Executive development.



View from east end of site looking towards Forth Avenue

Site History:
P/1978/1087 – Site for Housing Development – Approved 16.03.1979

Adjacent site: P/2005/1384/F – Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road) – Pending

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation

- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:
DFI Roads – Road design has been amended and is now acceptable and plans for the road to be adopted have been determined. Conditions provided.

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

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

NIEA Water Management Unit – No objections; standard advice on sewerage and drainage.

Rivers Agency – Drainage assessment undertaken to include attenuated discharge of storm water to Clonallan Stream Extension. Schedule 6 consent in place. Rivers Agency now satisfied – see consultation response dated 17th November 2017.

Protecting Historic Monuments – four raths and a standing stone nearby. Archaeological evaluation required. Conditions provided for archaeological monitoring of site works.

Landscape Architects Branch – recommended reduced housing density and a separate landscape plan.

Structural Engineering Branch – No objections. Condition regarding certification of retaining walls recommended.

Development Plan Team – proposal in accordance with Area Plan zoning.

Northern Ireland Housing Executive – support the allocation of 18 units for social housing and design of units has been amended to meet DSD design guide standards.

Objections & Representations
The original application for 48 dwellings was advertised in local newspapers on 3rd June 2005. Subsequent amendments to the proposal were advertised on 22nd February 2013, 27th June 2014, 1st June 2017 and 3rd August 2017. 33 neighbouring properties were notified of the proposal up to 6 times during the application process.

Objections were received from a total of 17 addresses. The principal concerns and points of objection received are as follows:

1. Traffic Generation – the development will add to the existing high levels of traffic in the area;

2. Road Safety – Road safety risk caused by increased traffic generation and incomplete footway linkage in the area. Access off Forth Road considered unsuitable. Access off Smalls Road or Burren Road considered to be suitable;

3. Services – the development shall put extra pressure on existing sewerage, water supply and electricity services;

4. Density – that the development amounts to 'town cramming' – due to its higher density than surrounding development. This would cause overcrowding in the area.

5. Open Space – that the site should be retained for public open space.

6. Drainage – that the development would cause runoff and flooding concerns in the area.

7. Environmental Impact Assessment (EIA) – that a EIA should have been carried out.

DFI Roads have indicated that they are content with the access arrangements and the proposal will improve footway linkages in the area. Consultees have not raised any issues regarding capacity of services in the area. The density of the development has now been reduced and the level of public open space increased. After a long process of consultation with Rivers Agency, they are now content with the drainage arrangements and there will be no increase in flood risk. An EIA Determination was carried out on receipt of the application. It was determined on 24th May 2005 that an Environmental Statement was not required. The lands are zoned for housing. Therefore the issues raised by objectors cannot be given determining weight.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. On 24th May 2005 the planning authority determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

The original proposal was for 48 dwellings accessed from Forth Road. Housing numbers were amended through the course of the application to take account of flooding issues, social housing requirements and general urban design requirements. The final proposal is for 35 dwellings, 18 of which will be for social housing. There will be 10 different house types. All but one of the units will be semi-detached. The proposed house-types include one-and-a-half storey and two storey, some split-level. The house designs are typically suburban, with smooth render or wet dash finishes to the walls and black or red concrete roof tiles. Development works include substantial retaining measures, including along the outside edge of a 5 metres working strip along the watercourse and along the rear garden areas of the nearest dwellings. A single access point is located at the lower 1/3rd mark, opposite No. 17 Forth Road, showing sight-lines of 4.5 metres x 60 metres down-slope and 4.5 x 81 metres up-slope (towards Forth Avenue).

A. Development Plan Considerations / Principle of Residential Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Warrenpoint on the above Plan, and is zoned for housing development. Given the site's zoning, the principle of housing on the site is acceptable and in accordance with the area plan. The site is situated within a built-up residential area, surrounded on all sides by existing residential development (along Forth Road, Burren Road and Smalls Road). Housing on this site would be entirely compatible with this surrounding development.

Zoning WB 16 (which covers both this and the adjacent development site) contains 5 Key Site Requirements, as follows:

- A minimum of 18 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross density of 25 dwellings per hectare;
- The development layout shall ensure that dwellings do not back onto Burren Road, Smalls Road or Forth Road;
- Existing mature vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road.

The Plan states that a contribution may be required towards traffic management schemes such as traffic calming, right turn lanes etc. which will mitigate the impacts of development on local infrastructure. This not listed as a KSR however and has not been requested by DFI Roads.

The Key site requirements have been met with two exceptions: The overall density has been reduced to 19 dwellings per hectare due to part of the site being undevelopable due to flood risk. A total of 45 dwellings will be provided over the two sites. It was agreed that the dwellings fronting Smalls Road and Burren Road should have direct accesses to the existing road as this is better in urban design terms. This entire application is served by a single access point from Forth Road.

B. Social Housing

The agent indicated in 2013 that all 18 social housing units would be provided in this larger site and the Smalls Road site would be devoted to private housing. This is acceptable in principle. As the Northern Ireland Housing Executive is now a statutory consultee, they were consulted on the proposal and confirmed that they supported the requirement for 18 social housing units over the entire zoning given the high level of unmet housing need in Warrenpoint. There followed some negotiation on house types so that the dwellings met DSD design standards. The social units will be confined to a group in the western portion of the site. While social units cannot have

a secondary heat source (e.g. open fireplace), the Planning Department insisted on some of the units having dummy chimneys to provide a more traditional and varied roofscape. The Housing Executive will accept this if it is a planning requirement. A condition will be imposed requiring that the 18 units shall be occupied only by persons selected from the NIHE housing waiting list. The level of social housing provision as part of a wider range of house types and tenures is consistent with the requirements of Planning Control Principle 4 and policy HS2 of PPS 12 and paragraph 6.137 of the SPPS.

C. Landscape Character

The site does not fall within any Local Landscape Policy Area designations in the Area Plan. One such designation (WB 38) is located close by to the south-east, associated with a rath on lands to the rear of 17 Forth Road. The proposed development does not cause any concerns in relation to this LLPA designation by reason of the intervening development opposite, which acts as a buffer. Development on site would not read with this designated area, nor affect views towards this LLPA designated area from public roads and vantage points, nor anywhere else. The site is considered to be suitable for in-depth residential development, based on its zoning and context, subject to normal planning and environmental considerations. The site falls within the Mournes Area of Outstanding Natural Beauty but within an urban situation. The development is of an appropriate design, size and scale for the locality as required by policy NH6 of PPS2. The zoning of these application lands would have followed a thorough consultation process. There should be no detrimental impact on the wider landscape character of the area.

D. Archaeological Interests

Historic Monuments Unit was consulted due to the location of the site within the area of influence of an archaeological site to the south-east – a rath – which is a Scheduled Monument (DOW 054:002). HMU requested a developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS6. This is to identify and record any archaeological remains in advance of new construction, or provide for their preservation in situ. Content to deal with this by way of negative conditions on an approval notice, they have provided the relevant wording. No site works of any kind or development shall be carried out until a programme of archaeological work has been has been implemented. The conditions recommended by HMU should be added to the approval notice. This will satisfy the requirements of PPS 6, Policy BH 4.

E. Nature Conservation / Natural Heritage

In the early stages of the application, the corporate group considered that the site did not raise any nature conservation concerns. The site lies within the urban limit on lands zoned for housing. The site comprises poor quality grassland of little nature conservation value. The site lacks existing mature trees and vegetation, with that limited to gorse hedging along the internal field boundary and patchy hedging to the south-west. The adjoining watercourse (Clonallan Stream) does not appear to have any significant nature conservation value given its limited normal flow amounting to that of a small stream, the lack of vegetation along its banks and the fact that it is culverted to the east corner of the site. The site does not contain any buildings

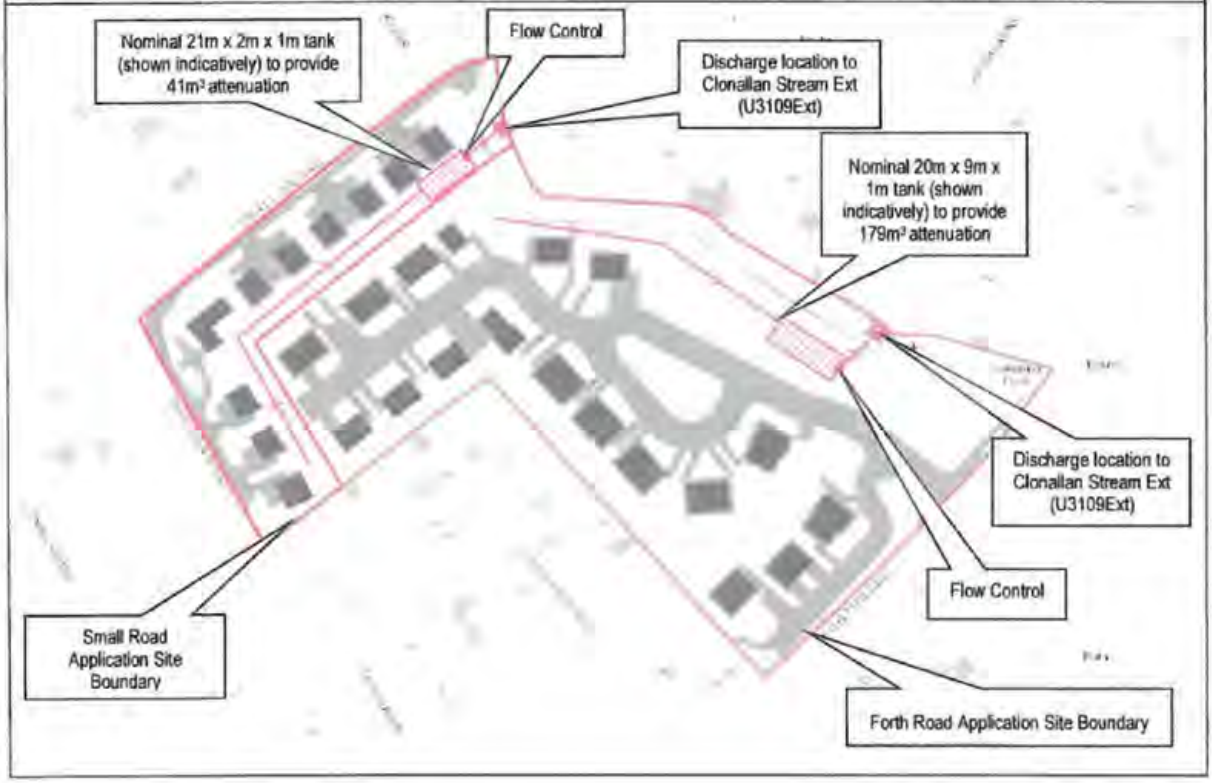
suitable for roosting bats, nor any marshland suitable for newts and associated flora. The zoning of these lands would have followed a thorough consultation process, at which time any constraints to development should have been highlighted. For these reasons, consultation with NIEA Natural Heritage was not deemed necessary during this application. The proposal does not cause any concerns under PPS 2 – Natural Heritage and also Criterion b) of Policy QD 1 in this regard.

F. Flood Risk / Drainage

The site is adjacent to a designated watercourse known as the Clonallan Stream, which flows along the north-east boundary. Rivers Agency's comments indicate that there is a history of flooding in the eastern corner of the site caused by the watercourse. A Flood Risk and Drainage Assessment was undertaken by McCloy Consulting. This resulted in the removal of housing along the north-east boundary of the site which would have fallen within the flood plain. The layout was also amended to facilitate a 5m working strip for maintenance as required under PPS 15.

Storm water from the development will be discharged to the stream via an attenuated discharge that will limit the outfall to the greenfield runoff rate (see conceptual layout below). This will mitigate the impact of the increase in hardstanding. Schedule 6 consent for this discharge was granted by Rivers Agency on 25th July 2017. Rivers Agency are now content with the drainage arrangements – see consultation response dated 17th November 2017.

Figure 6.1: Concept Attenuation Layout



G. Roads / Access

DRD Roads Service did not raise any significant concerns with the original proposal. Safe and suitable access can be achieved off Forth Road. The proposal does not contravene Policy AMP 2 in terms of road safety. A number of minor issues were addressed to ensure compliance with 'Creating Places' Design Guidance. There will be parking for two cars within the curtilage of each dwelling. The access proposals are in accordance with the requirements of PPS3 and DCAN15 and DFI Roads have no objections subject to standard conditions regarding adoption of the road and footway. This is in the interests of overall quality, the amenity of residents and the marketability of the scheme. Wider infrastructural improvements are not considered necessary. Plans have been endorsed under the Private Streets Order and standard conditions have been provided. The road safety concerns raised by objectors are noted, but our key consultee is content that the scheme will not prejudice road safety or traffic flow.

H. Sewage Disposal

Sewage disposal is intended to be via the public sewage system. This is the only viable option in this edge of urban area location. Comments from NI Water, dated 19 April 2013, confirmed that there is available capacity at the receiving WasteWater Treatment Works / Sewer Network to serve the proposed development, with a foul sewer within 20 metres of the site. NIEA Water Management Unit also confirmed no objections to the sewage disposal element in comments dated 28 February 2013. The scheme causes no concern in terms of burden on sewage infrastructure, based on NI Water's comments. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

I. Housing Quality / Urban Design

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design concept draws upon the positive aspects of the character and appearance of the surrounding area. The layout respects the topography of the site and the scale of adjacent buildings. The dwellings are traditionally designed and proportioned with some chimneys to provide a varied roofscape. The materials and detailing are appropriate to the area. While there is a dominance of semi-detached house types, these at least are of a number of different designs and will be offset by detached units in the adjacent Smalls Road site.

The level of public open space provision has been increased to 0.19 Ha. This represents 11% of the site area, above the requirement in policy OS2 of PPS 8. The provision includes a central green which will be overlooked by the front of adjacent properties providing informal surveillance which will help to deter crime and promote personal safety. Other shared landscaped areas are provided at the site entrance and along the river bank. A detailed landscaping plan and schedule has been provided and the provision of this scheme will be conditioned. This will soften the visual impact of the development. In order to ensure the future management and maintenance in perpetuity of the areas of shared open space, a condition will be

imposed requiring the submission of a landscape management and maintenance plan for agreement in writing with the planning authority prior to commencement of development.

A range of sizes of rear private gardens will be provided, exceeding the average requirement of 70 sq.m laid down in *Creating Places*, and all above the minimum of 40 sq.m. Existing boundary vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue will be retained as required by the 4th Key Site Requirement. Details of new fencing and railings have been provided. Acheson Glover retaining walls will be required along the working strip beside the stream and to the rear of the social housing where they back onto the Smalls Road development to deal with the change in levels. Details of these have been provided. A condition will be attached requiring that these are certified by a Chartered Engineer as recommended by Structural Engineering Branch.

No need for additional local neighbourhood facilities has been identified. The site is within walking distance of public transport and local services. Raised tables will be installed at key junctions as a traffic calming measure. There will be no impact on existing rights of way. The overall environment is deemed accessible for those with restricted mobility as required by policy AMP1 and the social housing in particular has been designed to facilitate future adaptation for through-floor lifts, etc.

The revised design and layout will not create conflict with adjacent land uses. Notwithstanding the significant change in levels between the site and the Smalls Road development, it is considered that there will be no unacceptable amenity impact between existing or proposed dwellings as a result of overlooking or loss of light given the separation distances and orientation. The development relates satisfactorily to its townscape setting. The proposed density and development pattern is in keeping with that found in the area.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved.

Recommendation: Approval

Conditions:

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

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

2. Provision shall be made and permanently retained within the approved development for a minimum of 18 No. social housing units. This minimum requirement shall be delivered by an arrangement with a Registered Social Landlord, i.e. Northern Ireland Housing Executive (NIHE) or a registered housing association. These units shall consist of:

- 11 No. 3 person 2 bed units; and
- 7 No. 5 person 3 bed units.

These 18 units shall be occupied only by persons selected from the NIHE housing waiting list.

Reason: To meet the Key Site Requirement for Social Housing provision as listed in Zoning WB 16 of the Banbridge / Newry and Mourne Area Plan 2015 and ensure its long term delivery.

3. The development hereby permitted shall not commence until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The landscape management plan shall be carried out as approved.

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

4. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is satisfactorily completed.

6. All design and assessment of the retaining structures should be certified by an appropriately qualified Chartered Engineer. The retaining walls should be designed in accordance with the current British Standards/Eurocodes and Codes of Practice.

Reason: To ensure adequacy of design and stability of structure.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 14 bearing the date stamp 31 July 2015.

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

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

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

9. The visibility splays as indicated at the junction of the proposed housing access road with the public road, shall be provided in accordance with Drawing No. 14 bearing the date stamp 31 July 2015, prior to the commencement of any works or other development. Any telegraph poles or street furniture shall be re-sited to the rear of sight visibility splays to the satisfaction of DFI Roads.

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

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

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

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

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

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

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

13. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences

shall be erected, nor shall boundaries be defined by the formal planting of hedges or rows of trees, between the shared surface road and any building having a frontage to it.

Reason: To ensure an informal plan layout in accordance with Creating Places.

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

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

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

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

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

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

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

Reason: In the interest of Road Safety.

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

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

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

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

20. 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. No dwellings shall be occupied until attenuated discharge of storm water is in place to the satisfaction of Rivers Agency.

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

21. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season after occupation of the first dwelling in accordance with drawing No 13 REV 1 date stamped 19 August 2016.

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

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

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

Case Officer Signature: **Date:**

Appointed Officer Signature: **Date:**

ITEM NO	**18**			
APPLIC NO	P/2005/1384/F	Full	**DATE VALID**	27/05/2005
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Rossville Developments 26 Newtown Road Rostrevor		**AGENT**	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY
LOCATION	Lands fronting and at Burren Road and Smalls Road Warrenpoint (opposite Conall Avenue extending north-eastwards to opposite Woodbrook Park)			
PROPOSAL	Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	13	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: P/2005/1384/F

Date Received: 17th May 2005

Proposal: Erection of residential development and associated works (comprising 10 dwellings, with individual accesses off Smalls Road and Burren Road)

Location: Lands fronting and at Burren Road and Smalls Road, Warrenpoint (opposite Conall Avenue, extending north-eastwards to opposite Woodbrook Park)

Site Characteristics & Area Characteristics:
The application lands comprise a plot of vacant grassland (approx. 0.47 hectares in area) on the north-side of Warrenpoint, located approx. 1km north of the Town Centre. The site sits on the west edge of the larger housing Zoning WB 16 (which measures a total of 2.38 hectares). The lands extend along the frontages of Smalls Road and Burren Road. These lands are the last significant undeveloped gap along these roads. The lands climb up from the road, towards the elevated lands to the rear (which are the subject of File Ref. P/2005/1354/F). The rear (south-west) undefined boundary sits approx. 4 metres above the road level along Smalls Road. A watercourse flows along the north-east boundary, known by Rivers Agency as the Clonallan Stream Extension. This is culverted under Smalls Road to the immediate east. The adjoining section of watercourse is open. The site lacks good screening and mature vegetation. The road-side boundaries along Smalls Road and Burren Road comprise patchy gorse hedgerows and grass ditches. Similar poor screening acts as the short internal field boundary through the centre of the site.

The site is located in an established and built up residential area. Housing Zoning WB 16, in which the application site sits, is surrounded by residential development. These lands sit on the slopes of a localised ridge, of which Forth Avenue marks the top. A residential development known as Conall Avenue sits opposite and south-west, along Burren Road. This contains 2 detached dwellings either side of the access, gable to the front, with one further undeveloped plot. The dwellings opposite along Smalls Road are detached dwellings in medium-sized mature plots. The dwellings opposite along Burren Road are similar. The wider area is characterised by a mix of private residential developments which display a large variety of size, design

and detail. The nearby Forth Avenue and Iveagh Avenue in contrast are NI Housing Executive developments.


Within site looking NE


Smalls Road / Burren Road junction


Burren Road frontage


Smalls Road frontage

Site History:
P/1978/1087 – Site for Housing Development – Approved 16.03.1979

Adjacent site: P/2005/1354/F – Erection of residential development and associated works (comprising 35 dwellings, with access provision off Forth Road, including 18 social housing units) – Pending

Planning Policies & Material Considerations:
- The NI Regional Development Strategy 2035
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments – Policy QD 1

- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS8 – Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)
- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:
DFI Roads – Agreed to set aside the key site requirement for a development road access off Smalls Road given difficult levels and other urban design concerns. Individual accesses to the houses are now acceptable. Existing roads will be widened along frontage and footways provided. Forward visibility at junction improved. Road design is now acceptable and plans for the road to be adopted have been determined. Conditions provided.

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

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

NIEA Water Management Unit – No objections; standard advice on sewerage and drainage.

Rivers Agency – Drainage assessment undertaken to include attenuated discharge of storm water to Clonallan Stream Extension. Schedule 6 consent in place. Maintenance strip will be provided. Rivers Agency now satisfied – see consultation response dated 14th September 2017.

Development Plan Team – proposal in accordance with Area Plan zoning.

Landscape Architects Branch – recommended reduced housing density and a separate landscape plan including hedging along Smalls Road.

Objections & Representations
The original application for 15 dwellings was advertised in local newspapers on 10th June 2005. Subsequent amendments to the proposal were advertised on 22nd February 2013 and 27th June 2014. 38 neighbouring properties were notified of the proposal up to 3 times during the application process.

Objections were received from a total of 12 addresses, 3 of which were adjoining or opposite the site. The principal concerns and points of objection received are as follows:

1. Traffic Generation – the development will add to the existing high levels of traffic in the area;

2. Road Safety – Road safety risk caused by increased traffic generation and incomplete footway linkage in the area. Access off Forth Road considered unsuitable. Access off Smalls Road or Burren Road considered to be suitable;

3. Services – the development shall put extra pressure on existing sewerage, water supply and electricity services;

4. Density – that the development amounts to 'town cramming' – due to its higher density than surrounding development. This would cause overcrowding in the area.

5. Open Space – that the site should be retained for public open space.

6. Drainage – that the development would cause runoff and flooding concerns in the area.

7. Environmental Impact Assessment (EIA) – that a EIA should have been carried out.

DFI Roads have indicated that they are content with the access arrangements and the proposal will improve footway linkages in the area. Consultees have not raised any issues regarding capacity of services in the area. The density of the development has now been reduced. This site is zoned for housing development and it does not require public open space provision given its small size. After a long process of consultation with Rivers Agency, they are now content with the drainage arrangements and there will be no increase in flood risk. An EIA Determination was carried out on receipt of the application. It was determined on 25th May 2005 that an Environmental Statement was not required. Therefore the issues raised by objectors cannot be given determining weight.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 1999. On 25th May 2005 the planning authority determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

The original proposal was for 15 dwellings, 8 of which were semi-detached. Housing numbers were reduced to 10 through the course of the application. There will be 3 different house types including an L-shaped dual-frontage unit at the junction of Smalls Road and Burren Road. All but one of the units will be split-level to take account of the rise in levels away from the road. The house designs are typically suburban, with wet dash finish and quoins to the walls and red concrete roof tiles. Development works include substantial retaining measures to the rear of the dwellings.

A. Development Plan Considerations / Principle of Residential Development

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge /

Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Warrenpoint on the above Plan, and is zoned for housing development. Given the site's zoning, the principle of housing on the site is acceptable and in accordance with the area plan. The site is situated within a built-up residential area, surrounded on all sides by existing residential development (along Forth Road, Burren Road and Smalls Road). Housing on this site would be entirely compatible with this surrounding development.

Zoning WB 16 (which covers both this and the adjacent development site) contains 5 Key Site Requirements, as follows:

- A minimum of 18 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross density of 25 dwellings per hectare;
- The development layout shall ensure that dwellings do not back onto Burren Road, Smalls Road or Forth Road;
- Existing mature vegetation on the site boundaries abutting Iveagh Avenue and Forth Avenue shall be retained and reinforced to afford adequate residential amenity to neighbouring dwellings;
- Access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road.

The Plan states that a contribution may be required towards traffic management schemes such as traffic calming, right turn lanes etc. which will mitigate the impacts of development on local infrastructure. This not listed as a KSR however and has not been requested by DFI Roads.

The Key site requirements have been met with two exceptions: The overall density on this site has been reduced to 21 dwellings per hectare to address other urban design issues. A total of 45 dwellings will be provided over the two sites. It was agreed that the dwellings fronting Smalls Road and Burren Road should have direct accesses to the existing road as this is better in urban design terms. The entire social housing provision will be made on the other site accessed from Forth Road, so there is no requirement for any of these dwellings to be for social housing.

B. Social Housing

The agent indicated in 2013 that all 18 social housing units would be provided on the Forth Road site and the Smalls Road site would be devoted to private housing. This is acceptable in principle. The level of social housing provision as part of a wider range of house types and tenures over the two applications is consistent with the requirements of Planning Control Principle 4 and policy HS2 of PPS 12 and paragraph 6.137 of the SPPS.

C. Landscape Character

The site does not fall within any Local Landscape Policy Area designations in the Area Plan. One such designation (WB 38) is located close by to the south-east, associated with a rath on lands to the rear of 17 Forth Road. The proposed development does not cause any concerns in relation to this LLPA designation by

reason of the separation distance and intervening development, which acts as a buffer. Development on site would not read with this designated area, nor affect views towards this LLPA designated area from public roads and vantage points, nor anywhere else. The site is considered to be suitable for in-depth residential development, based on its zoning and context, subject to normal planning and environmental considerations. The site falls within the Mournes Area of Outstanding Natural Beauty but within an urban situation. The development is of an appropriate design, size and scale for the locality as required by policy NH6 of PPS2. The zoning of these application lands would have followed a thorough consultation process. There should be no detrimental impact on the wider landscape character of the area.

D. Archaeological Interests

Historic Monuments Unit was not consulted on this application, but was consulted on the adjoining site which is closer to a rath – which is a Scheduled Monument (DOW 054:002). HMU requested a developer funded Programme of Works / Site Evaluation prior to commencement of development, in line with Policy BH 4 of PPS6. This is to identify and record any archaeological remains in advance of new construction, or provide for their preservation in situ. Content to deal with this by way of negative conditions on an approval notice, they have provided the relevant wording. It is considered that the same conditions should be applied to this site given their relationship. No site works of any kind or development shall be carried out until a programme of archaeological work has been has been implemented. This will satisfy the requirements of PPS 6, Policy BH 4.

E. Nature Conservation / Natural Heritage

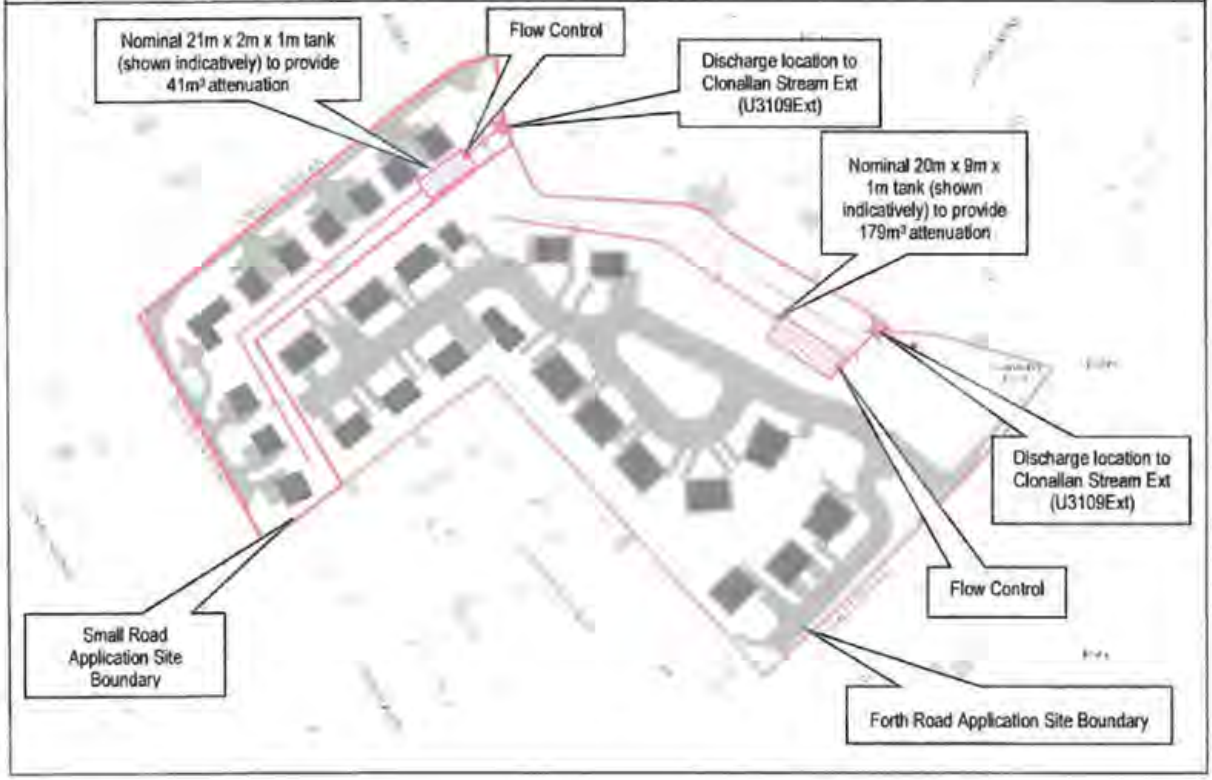
In the early stages of the application, the corporate group considered that the site did not raise any nature conservation concerns. The site lies within the urban limit on lands zoned for housing. The site comprises poor quality grassland of little nature conservation value. The site lacks existing mature trees and vegetation, with that limited to gorse hedging along the internal field boundary and patchy hedging along the roadside. The adjoining watercourse (Clonallan Stream) does not appear to have any significant nature conservation value given its limited normal flow amounting to that of a small stream, the lack of vegetation along its banks and the fact that it is culverted to the east corner of the zoning. The site does not contain any buildings suitable for roosting bats, nor any marshland suitable for newts and associated flora. The zoning of these lands would have followed a thorough consultation process, at which time any constraints to development should have been highlighted. For these reasons, consultation with NIEA Natural Heritage was not deemed necessary during this application. The proposal does not cause any concerns under PPS 2 – Natural Heritage and also Criterion b) of Policy QD 1 in this regard.

F. Flood Risk / Drainage

The site is adjacent to a designated watercourse known as the Clonallan Stream, which flows along the north-east boundary. Rivers Agency's comments indicate that there is some history of flooding caused by the watercourse. A Flood Risk and Drainage Assessment was undertaken by McCloy Consulting. This resulted in the housing being moved to the west to facilitate a 5m working strip for maintenance as required under PPS 15.

Storm water from the development will be discharged to the stream via an attenuated discharge that will limit the outfall to the greenfield runoff rate of 5 l/s (see conceptual layout below). This will mitigate the impact of the increase in hardstanding. Schedule 6 consent for this discharge was granted by Rivers Agency on 25th July 2017. Rivers Agency are now content with the drainage arrangements – see consultation response dated 14th September 2017.

Figure 6.1: Concept Attenuation Layout



G. Roads / Access

DRD Roads Service raised considerable concern with the original proposal because of its non-compliance with the Access Key Site Requirement which states that 'access shall be via one satisfactorily sited access on to Smalls Road and another on to Forth Road'. Roads Service raised concerns with the multitude of individual accesses on to Smalls Road and Burren Road, the lack of in-curtilage turning available to avoid reversing on to the public roads, the proximity of access points to the Burren Road / Smalls Road Junction and insufficient sight-lines at individual access points.

DOE Planning subsequently requested a departure from the Access KSR to DRD Roads Service, to allow for individual accesses on to Burren Road and Smalls Road. This was requested in the interests of good planning – to achieve good frontage development to the public roads in keeping with development opposite and local character and in the interests of visual amenity. The alternative sought by the Area Plan, for a single access off Smalls Road, is not feasible. It would require a large amount of extraction and cutting-in into the existing steep ground, which would in-turn stymie development to the front along Smalls Road either-side. This would be out of keeping with the area. Roads Service subsequently came back with a revised

opinion to accept frontage development in principle. On this basis, it was agreed by DOE Planning that the 2 proposals can have separate access arrangements. Wider infrastructural improvements are not considered necessary. No requirements are listed in the Draft Plan Zoning.

Smalls Road will be widened along the frontage and footways will be provided along both Smalls Road and Burren Road. Forward visibility at the road junction will be improved. The proposal is now considered acceptable under Policy AMP 2 in terms of road safety. There will be parking for two cars within the curtilage of each dwelling and the layout was amended to ensure turning space within each curtilage to avoid reversing onto the road. The access proposals are in accordance with the requirements of PPS3 and DCAN15 and DFI Roads have no objections subject to standard conditions regarding adoption of the widened road and footway. Plans have been endorsed under the Private Streets Order and standard conditions have been provided. The road safety concerns raised by objectors are noted, but our key consultee is content that the scheme will not prejudice road safety or traffic flow.

H. Sewage Disposal

Sewage disposal is intended to be via the public sewage system. This is the only viable option in this edge of urban area location. Comments from NI Water, dated 19 April 2013, confirmed that there is available capacity at the receiving WasteWater Treatment Works / Sewer Network to serve the proposed development, with a foul sewer within 20 metres of the site. NIEA Water Management Unit also confirmed no objections to the sewage disposal element in comments dated 28 February 2013. The scheme causes no concern in terms of burden on sewage infrastructure, based on NI Water's comments. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health.

I. Housing Quality / Urban Design

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design concept draws upon the positive aspects of the character and appearance of the surrounding area. The layout respects the topography of the site and the scale of adjacent buildings. Most of the dwellings will be split level to accommodate the change in levels. The dwellings are traditionally designed and proportioned and all have chimneys to provide a varied roofscape. The materials and detailing are appropriate to the area. While the scheme is exclusively detached house types, there are several different designs and they are offset by a majority of semi-detached units in the adjacent Forth Road site.

There is no requirement for public open space in a site of this size. The dwellings have been designed to front onto the two adjoining roads providing informal surveillance which will help to deter crime and promote personal safety. A detailed landscaping plan has not been provided as there are no shared amenity areas. It is noted that Landscape Architects Branch recommended hedging along Smalls Road to reflect local character. The provision of a native species hedge can be conditioned. This will soften the visual impact of the development.

A range of sizes of rear private gardens will be provided, all exceeding the average requirement of 70 sq.m laid down in *Creating Places*. Existing boundary vegetation on the southern site boundary abutting Iveagh Avenue will be retained as required by the 4th Key Site Requirement. Details of new fencing and railings have been provided. Acheson Glover retaining walls will be required along the rear of the houses where they back onto the Forth Road development to deal with the change in levels. Details of these have been provided. A condition will be attached requiring that these are certified by a Chartered Engineer.

No need for additional local neighbourhood facilities or traffic calming measures has been identified. The site is within walking distance of public transport and local services. There will be no adverse impact on existing rights of way. The overall environment is deemed accessible for those with restricted mobility as required by policy AMP1.

The revised design and layout will not create conflict with adjacent land uses. Notwithstanding the significant change in levels between the site and the Forth Road development, it is considered that there will be no unacceptable amenity impact between existing or proposed dwellings as a result of overlooking or loss of light given the separation distances and orientation. The development relates satisfactorily to its townscape setting. The proposed density and development pattern is in keeping with that found in the area.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved.

Recommendation: Approval

Conditions:

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

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

2. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is satisfactorily completed.

4. All design and assessment of the retaining structures should be certified by an appropriately qualified Chartered Engineer. The retaining walls should be designed in accordance with the current British Standards/Eurocodes and Codes of Practice.

Reason: To ensure adequacy of design and stability of structure.

5. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.**
The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 14 bearing the date stamp 31 July 2015.

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

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

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

7. **The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992**
No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with details outlined blue on Drawing No. 02 REV 12 bearing the date stamp 31 July 2015. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3(4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

8. The visibility splays as indicated at the junction of the proposed access with the public road, shall be provided in accordance with Drawing No. 02 REV 12 bearing the date stamp 31 July 2015, prior to the commencement of any works or other development. Any telegraph poles or street furniture shall be re-sited to the rear of sight visibility splays to the satisfaction of DFI Roads.

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

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

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

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

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

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

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users.

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

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

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

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

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

Reason: In the interest of Road Safety.

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

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

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

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

17. 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. No dwellings shall be occupied until attenuated discharge of storm water is in place to the satisfaction of Rivers Agency.

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

18. The dwellings hereby permitted shall not be occupied until a native species hedgerow has been reinstated behind the required sight visibility splays along the road frontage.

Reason: To ensure the proposal is in keeping with the character and amenity of the area.

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

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

Case Officer Signature: **Date:**

Appointed Officer Signature: **Date:**

ITEM NO	**D1**			
APPLIC NO	P/2012/0743/F	Full	**DATE VALID**	19/09/2012
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Mr Brian Cunningham 4 Woodbrook Park Warrenpoint Co. Down BT34 3HL		**AGENT**	Barry Owens Consulting 38 Highfields Avenue Newry BT35 8UG
LOCATION	Valley Business Park 48 Newtown Road Rostrevor BT34 3BZ			
PROPOSAL	Part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	5	0	0		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			0	0	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: P/2012/0743/F

Date Received: 19th September 2012

Proposal: Part change of use to tourism park incorporating 10 No. touring caravan pitches, 3 No. log cabins, 1 No. family tent pitching area, 1 No. single tent pitching area, male & female toilet blocks & shower facilities, entrance gatehouse, children's play area and kids play park, associated car parking and internal landscaping

Location: Valley Business Park, 48 Newtown Road, Rostrevor, BT34 3BZ.
The site is located 1 mile NE of Rostrevor.

Re-consideration

Site Characteristics & Area Characteristics:
The site is located at "Valley Business Park", 48 Newtown Road outside Rostrevor in the Mournes Area of Outstanding Natural Beauty. It comprises a relatively large folio of land adjacent to Newtown Road, in the open countryside. The site is situated in a narrow valley that runs parallel with Kilbroney Road and Newtown Road. The terrain falls from south east to north west, away from the road and down to Kilbroney River which runs along the north western boundary of the site. The difference in ground levels is approximately 20 metres, from Newton Road to Kilbroney River. The overall site measures approx. 3.5 ha, however this includes a number of industrial units and a Builders' Merchants at the western edge of the site. The upper part of the site, along Newtown Road, is partially overgrown and some site works have been carried out in the past. A new dwelling has been constructed close to the south eastern boundary (No. 48A). There are belts of mature vegetation along each of the site's four boundaries, including a number of mature trees to the north, south and west. Part of the vegetation has been removed along the northern part of the roadside boundary. There is a set of overhead power lines running through the middle of the site, from north to south. Mid-way along the site's road frontage, the site wraps around a private dwelling house. This house is well screened with mature vegetation, and the house is set in a plot measuring approx. 40 metres by 40 metres. Views into

and through the site are restricted on Newtown Road, however there are clear uninterrupted views through the site from Kilbroney Road which is approx. 220 metres from the western boundary of the site, at a higher level. The industrial units are set at the lowest part of the application site, and their impact is therefore not as pronounced as any development on the upper part of the site would be despite their scale, finishes and colour. The main vehicular access to Newtown Road is close to the south eastern boundary of the site. There is a newer secondary access at the north eastern corner and some gravel tracks have been created within the site to link the two accesses. These works are subject to an enforcement investigation.





Proposed site for caravans



New dwelling within site



Builders Suppliers premises



Main entrance from Newtown Road



Site from Kilbroney Road to west

The site is located in a rural area 1 mile north east of Rostrevor. It is in an unzoned area outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. It is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. It is in close proximity to the Strategic Natural Resource of the Mournes and would be well located for tourists with handy access to walking routes into the southern and western side of the mountain range. The Rostrevor River to the west of the site is a Site of Local Nature Conservation Importance (SLNCI 151) and its associated fluvial flood zone covers part of the site.

Site History:
There have been no previous planning applications on the main part of the site proposed for the tourism park.

The new dwelling at the entrance was approved as security for the existing business park under applications P/2002/0536/O and P/2005/3021/F.

Replacement of the other roadside dwelling outside the site boundary (No. 52) was approved under applications P/2006/0558/O and P/2009/1418/F. These approvals have not been implemented and appear to have lapsed. The owner of the property has objected to the tourist park application.

A replacement office associated with the existing business 'Kilbroney Timber Frame Homes' was approved under application P/2010/0437/F.

The current application was presented to the former Newry and Mourne District Council as a refusal on 9th May 2013, with 12 refusal reasons given. The decision was held to allow the submission of information which had previously been requested. The application was then re-assessed following the publication of PPS16. This left a total of 10 revised refusal reasons based on the updated policies. The application was not re-presented to the legacy Council due to delays with the agent providing further information and the transfer of planning powers to the new Councils. The application was transferred to Newry, Mourne and Down District Council on 1st April 2015 under paragraph 2 of Schedule 2 to the Planning (2011 Act) (Commencement No. 3) and (Transitional Provisions) Order (Northern Ireland) 2015 as it remained undetermined at that date.

In July 2016, the agent was given a comprehensive list of the further information required to progress the application. This included changes to the layout to reflect the conclusions of the otter survey and to preserve the amenity of No. 52 Newtown Road, a substantial reduction in the number of pitches with soft landscaping provided between them, the provision of quality communal open space, amendments to the access and Construction Method Statement, provision of a Flood Risk Assessment and a Drainage Assessment, details of the proposed water turbine, details of in-river structures and fish protection measures, a survey of existing trees and a bat survey if any trees are to be removed, a specification for new planting, details of external lighting, and further cross sections. The agent failed to provide this information and the application was recommended for refusal at the meeting of the Planning Committee on 2nd February 2017 with 13 refusal reasons. The Committee deferred the application to allow the agent to address the outstanding issues.

On 23rd February 2017 the proposal was amended to remove the hydro-electric turbine, reduce touring pitches to 10, increase log cabins to 3 and other outstanding information including a Flood Risk and Drainage Assessment, Tree Survey and Construction Environmental Management Plan was provided. This information addressed in principle the Council's concerns with the proposal. Further consultation and negotiation took place regarding landscaping and bat surveys. We are now in a position to recommend the reduced scheme for approval.

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS15 – Planning and Flood Risk
- PPS16 – Tourism
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

Consultations:

Newry and Mourne District Council – The former Council wrote to the DOE in support of the application on 12th December 2012 following a discussion at the Planning Development Committee. They cited tourist need for the proposal and job creation.

TransportNI – No objection to amended plans including widened carriageway on Newtown Road, subject to standard conditions regarding provision of access and gradient.

NI Water – Public water supply and foul sewer available (with capacity at WwTW).

Environmental Health – No objections subject to a condition regarding noise/odour. A Caravan Site Licence application will be required if the application is approved.

NIEA – Standard advice on sewerage and drainage. An otter survey, bat survey and construction method statement were required along with retention of trees, details of external lighting and a plan of new planting. Following submission of amended landscaping plans and a bat survey of specific trees, NIEA is now content with the amended proposal subject to a condition that temporary fencing is erected on site to protect retained trees during construction.

DCAL Inland Fisheries – DCAL has no remit on this river: defer to Loughs Agency.

Rivers Agency – No objections following consideration of Flood Risk and Drainage Assessment.

Loughs Agency – No objections to amended proposal.

Shared Environmental Services – No likely significant effects on Carlingford Lough SPA or any other European site.

Northern Ireland Tourist Board – Expressed support for additional caravan and camping accommodation in this area.

Objections & Representations:

The application was advertised in the local press on 12th October 2012 and four neighbouring properties were notified of the proposal on 16th October 2012, and again on 15th April 2013. The amended scheme was advertised on 17th March 2017 and neighbours were notified on 2nd March 2017. Several letters of objection were received from the owner of No. 52 (which is not currently occupied). The issues raised can be summarised as follows:

- The validity of the application has been questioned due to perceived inaccuracies in the description of the development and with the site address provided;
- Inappropriate nature and scale, impact on the character of the landscape and development is incompatible with existing industry;
- Failure to comply with TOU Policies of PSRNI and Draft PPS16;
- Lack of supporting information to demonstrate need for the development;
- Impact on habitats / wildlife, and lack of information on micro hydro-plant;
- Impact on residential amenity to adjacent property;
- General road safety concerns – sightlines, creation of a new access, inadequate infrastructure;

Consideration of representations:

- The Council is content that the application is valid. The site address has been accurately described and no third parties have been prejudiced as a result of the wording of the description of the proposed development or the stated site address;
- Following an initial recommendation for refusal, the scheme is now significantly reduced and meets the requirements of the revised tourism policy. It is no longer incompatible with the existing industry;
- The PSRNI and draft PPS16 have now been superseded by the finalised version of PPS16 which should be read in conjunction with the relevant provisions of the SPPS. The scheme now meets the relevant policies;
- The applicant is no longer required to demonstrate tourist need for a camping park under PPS16;
- The micro-hydro plant has now been removed from the proposal and extensive wildlife surveys and mitigation measures have been agreed by NIEA to ensure no adverse impacts;
- The revised layout and reduced site numbers should limit any adverse amenity impact on the adjacent house (No. 52) due to noise, nuisance and general disturbance. This will be reinforced by a planning condition;
- TransportNI are now content with the access arrangements provided the carriageway is widened at the entrance, and any issues with sight lines crossing third party lands are essentially civil matters.

Consideration and Assessment:

The amended proposal now has 3 log cabins which meets the second instance where self-catering accommodation is acceptable in the countryside under policy TSM5 – a cluster of 3 or more new units to be provided at or close to an existing or approved tourist amenity that is / will be a significant visitor attraction in its own right. The tourist amenity in this case is the Mourne Mountains and specifically the mountain biking trails at Rostrevor Forest. The wall finish has been changed to smooth render which is more appropriate to the area. The scale of the caravan park

has been significantly reduced to 10 units which is more appropriate for the site and shows adequate pitch sizes with room for awnings and car parking and better landscaping between them. The retention of existing trees has been confirmed and this will help the reduced scheme to better integrate into the local landscape without adverse impact on local views or the Mournes AONB generally. The improved layout will provide a higher quality tourist experience and there are good play facilities for children. New planting will provide a buffer to the neighbouring dwelling reducing any harm to residential amenity. The above changes overcome previous concerns under policies TSM6, TSM7, CTY13, CTY14 and NH6.

NIEA is now satisfied that there will be no harm to protected species following changes to the layout and removal of the micro-hydro system to protect otters and surveys of specific trees to rule out their potential for bat roosting. A condition will be imposed requiring temporary protective fencing around existing trees during the construction period. There are now no concerns under policy NH2. With regard to policy NH1, there is a hydrological linkage to a European site (Carlingford Lough SPA). The potential impact of this proposal was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Services on behalf of the Council. The proposal would not be likely to have a significant effect on the features of any European site.

Policy RE1 is no longer a consideration given the removal of the micro-hydro turbine from the scheme. TransportNI are now satisfied with the access arrangements under policy AMP2. Standard conditions have been provided. The applicant has now demonstrated that the site is outside the fluvial flood plain of the Kilbroney River. Internal roads within the site will have permeable surfaces to limit any increase in pluvial (surface water) flood risk. Rivers Agency has no objections on this basis, overcoming the issues raised under policies FLD1 and FLD3. All information required to determine the application has now been submitted. As the reduced scheme is now acceptable in principle under tourism policy, it is no longer contrary to policy CTY1. This addresses all the refusal reasons previously stated and the application can now be approved subject to the conditions suggested below.

Recommendation: Approval

Conditions:

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

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

2. The existing natural screenings of the site, as indicated on approved drawing No 04 REV 2 date stamped received 19 September 2017, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

3. No development works shall take place until a temporary fence has been erected along the extent of the crown spread of existing trees on the site. No works, infill, storage of materials or construction activity shall take place within the fenced area without the consent of the Planning Authority. The fence shall be maintained and not be removed until all works are completed.

Reason: To minimise the impact of the proposal on bats and to ensure the continuity of amenity afforded by existing trees.

4. All hard and soft landscape works shall be carried out in accordance with the approved drawing No 04 REV 2 date stamped received 19 September 2017 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the commencement of tourist use of the site.

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

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

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

6. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 03 REV 3 bearing the date stamp 25 April 2017, 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 gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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.

8. All plant and equipment used in connection with the premises should be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings.

Reason: In the interest of residential amenity.

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

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

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

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

Case Officer Signature: **Date:**

Appointed Officer Signature: **Date:**