

ITEM NO	11				
APPLIC NO	LA07/2016/0005/F	Full	DATE VALID	12/23/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Adrian Sherry Sharry O'Hare Ltd No45 Drumminmore Road Kilkeel BT34 4LH		AGENT	J Lynam RIBA Chartered Architect 11 Newry Road Mayobridge Newry BT34 2ET 02830851129	
LOCATION	No 55 and part of Garden at No 59 Newry Road Kilkeel BT34 4DT				
PROPOSAL	Change of house type to site no 5 in on going approved development at Newry Road, Kilkeel.				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	9	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0
1	Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that evidence to demonstrate that the development of P/2007/0579/F had commenced was required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.				
2	The proposal is contrary to Policy QD 1 of PPS 7, Quality Residential Environments, in that the layout of the proposed development fails to respect the surrounding context in relation to the existing building line of dwellings in the area and the appearance of the hard surfaced areas. Also features of archaeological and built heritage are not protected and integrated in a suitable manner into the overall design and layout of the development.				
3	The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.				
4	The proposal is contrary to Policy BH3 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that insufficient information has been submitted to enable determination of the planning application as an archaeological evaluation has not been made available.				



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0005/F

Date Received: 23/12/2015

Proposal:

Change of house type to site no 5 in on going approved development at Newry Road, Kilkeel.

The applicant seeks full planning permission to change a house type on site 5 of a previously housing development. The only change to the previously approved dwelling is the addition of a utility room to the eastern elevation of the dwelling. The utility room measure an additional 3.6m x 2.7m externally and is single storey whereas the remainder of the dwelling is built over two storeys.

Externally the dwelling is to be finished in a rough cast dash and painted white, the front projection is to be finished in a smooth render and painted white, the plinth will be finished in smooth render and painted dark grey, the roof will be comprised of Spanish slates and the windows will be white PVC. An area of garden is to be provided to the front and the rear of the dwelling.

Location:

No 55 and part of Garden at No 59 Newry Road, Kilkeel, BT34 4DT.

This urban site is located in Kilkeel towards the edge of the town's settlement development limit and on the A2 road connecting Kilkeel with Newry.

Site Characteristics & Area Characteristics:

This urban site is relatively flat and contains a two storey dwelling with an outbuilding to the rear. The dwelling on the site is built over two storeys and has cream painted walls, the plinth is smooth concrete painted blue, the roof is finished in slate and the windows are white PVC. The outbuilding is finished to match the dwelling. The dwelling appears to have been abandoned with recent work having been carried out to secure the property. The ground of the site is primarily comprised of scrub grass although some loose stone is also present. A concrete block wall has been erected around the boundaries of the site to form enclosure. A wall has also been erected through the site, at either side of an access to the agricultural fields to the rear.

The site is located inside the settlement development limits of Kilkeel, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned however the site does lie within the Mourne Area of Outstanding Natural Beauty. The historic monument DOW 055:034 (Enclosure) is in close proximity to the site. The main A2 road, which the site accesses, is a protected route. The settlement

development limit of Kilkeel goes around part of the western and eastern boundaries of the site and the southern boundary of the site. South of the site are agricultural fields used for grazing. Adjacent to the site, eastwards and westwards, are residential dwellings and residential dwellings are also located opposite the site to the north.

Site History:

The following planning applications have been submitted on this site:

1. P/1977/0416 – Site for bungalow – Refused 16/08/1977.
2. P/1984/0764 – Extension and improvements to dwelling – Granted 12/09/1984.
3. P/1990/0496 – Erection of domestic garage with new vehicular access – Withdrawn 25/01/1991.
4. P/1991/0077 – Erection of domestic garage – Granted 09/03/1991.
5. P/1991/0950/F – 11KV O/H Line – Granted 10/12/1991.
6. P/2007/0579/F – Erection of a housing development consisting of 7 two storey dwellings – Granted 17/09/2010.
7. P/2011/0600/F – Proposed housing development consisting of 5 no detached and 4 no terraced dwellings – Refused 05/04/2012.
8. P/2012/0492/F – Erection of 2 No. detached two storey dwellings – Refused 19/09/2013.
9. P/2012/0742/F – Erection of 2 storey porch extension to front and single storey rear extension and detached garage – Granted 13/11/2012.

Planning Policies & Material Considerations:

This planning application will be assessed under the following policies:

- Regional Development Strategy 2035.
- Banbridge / Newry & Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 3 – Access, Movement and Parking.
- PPS 6 – Planning Archaeology and the Built Heritage.
- PPS 7 – Quality Residential Environments.
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments.
- Creating Places guide.
- DCAN 8 – Housing in Existing Urban Areas.
- DCAN 15 – Vehicular Access Standards.

Consultations:

The following consultation responses have been received regarding this planning application:

1. Environmental Health – 07/03/2016 – No objections in principle.
2. NI Water – 07/03/2016 – Generic response.
3. Historic Monuments Unit – 14/04/2016 – Archaeological evaluation is required to provide additional information to make an informed decision.
4. Water Management Unit – 14/04/2016 – Refer to standing advice
5. Transport NI – 14/06/2016 – No objections.

Objections & Representations

This planning application was advertised in the local press on 11/01/2016 and seven neighbours were notified of the planning application by letter. In total 10 letters have been received regarding this application: 7 letters of objection were received from 7 separate addresses and 3 additional letters were received from 2 separate addresses informing the Council they were preparing and would submit an objection letter (both of which submitted an objection). The main objection reasons are as follows:

1. Five objectors complained that they had not been sent notification of the planning application by letter
 - All properties required to have been notified by letter within statutory requirements have been notified.
2. Concerns were raised surrounding properties in the development along the A2 facing away from the road. Potential issues with this included the visual impact of existing properties looking into the rear gardens and there has been a number of accidents in the area, three fatal, and this could cause safety issues for children playing in rear gardens and could be a dangerous place to store oil tanks
 - This application is not concerned with houses along the A2, rather a dwelling at the rear of the development.
3. It is argued that despite the A2 having a 30mph speed limit, speeding is prevalent in the area and the road cannot cope with another housing development. A number of objectors state there have been numerous accidents in the area, three of which were fatal. Another objector argues the proposed development will adversely impact their visibility splays
 - The access meets the requirements of Transport NI.
4. It is argued the development will adversely impact the established character of the area and that development in this area is primarily comprised of bungalows
 - This application does not relate to the whole development, rather it is for the change of house type for one dwelling in the development.
5. One objector complains that at night, cars exiting the development will have their lights shine into his property
 - This is a residential area.
6. There are also safety concerns that there is no continuous footpath on the southern side of the A2
 - A continuous footpath is provided on the northern side of the A2.

Consideration and Assessment:

Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is located inside the settlement development limit of Kilkeel, it is unzoned and is within the Mourne Area of outstanding Natural Beauty. As there are no specific policies in the Banbridge / Newry and Mourne Area Plan 2015 that are relevant to the determination of the application, the principle of the application will be considered under the operational policies of the SPPS, PPS 7 and

the addendum to PPS 7 – Safeguarding the Character of Established Residential Environments.

PPS 7 – Quality Residential Environments

The principle was this housing development was established under the planning approval P/2007/0579/F which was granted planning permission on 15/09/2010. Condition 1 of the decision notice for P/2007/0579/F required development to have commenced before the expiration of 5 years from the date of the permission. It appears that the pre-commencement condition (condition 2) has been complied with in that vehicular access and visibility splays have been provided, however it has not been demonstrated that development has commenced. The agent was advised on 02/08/2016 through telephone that the Council required evidence that development had commenced and the agent agreed to provide the Council with evidence. No evidence to prove development had commenced was submitted to the Council and on 12/09/2016 the agent was advised to submit evidence before the close of business on 16/09/2016. By 18/10/2016 no evidence to prove the development had commenced was submitted to the Council, therefore as there is a lack of information to determine otherwise, it is held that as P/2007/0579/F lapsed on 15/09/2015 and LA07/2016/0005F was submitted on 23/12/2015 and therefore when P/2007/0579/F had expired.

If the proposed change of house type was treated as the erection of a new dwelling, it would be required to satisfy the nine criteria of Policy QD 1 in PPS 7. In assessing the proposed development against Policy QD 1, the other dwellings previously approved under P/2007/0579/F will be omitted as they are no longer permitted.

a. The site is located in a predominantly residential area. While the proportions, massing and appearance of the building is acceptable, the layout and the use of hard surfaced areas is not however acceptable. The proposed dwelling does not respect the building line of existing dwellings in this residential area and the visual impact of the access is not acceptable. The proposed development therefore fails to satisfy this criterion.

b. The application site is in close proximity to the historic monument DOW 055:034 (Enclosure). HED was consulted regarding the impact of the proposed development on this historic monument, and in its response dated 14/04/2016 stated that additional information was required to allow an informed and reasonable planning decision to be taken. HED require an archaeological evaluation in accordance with Policy BH 3 of PPS 6 to determine if the proposal is in accordance with policy. An archaeological evaluation was not submitted and therefore the proposed development fails to satisfy this criterion.

c. Given the scale of the proposed development, there is no requirement for the provision of public open space. Within the proposed development provision is made for private open space to the front, side and rear of the dwelling. To the rear of the dwelling, approximately 45.88m² of amenity space is provided which is in excess of 40m² as recommended by Creating Places. The provision of outdoor private open space in this proposal is deemed to be acceptable.

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

e. Given the scale of the development, a movement pattern is not required. It is proposed that a new vehicular access and pedestrian link will be created onto the existing pavement. The road access arrangements are assessed under PPS 3.

f. Adequate provision has been made for the parking of vehicles. The proposed driveway is capable of allow the parking of two cars.

g. The design of the proposed dwellings is discussed above. Overall the design is determined to be appropriate in form, materials and detailing and would not conflict with other buildings already present in the area. Some objectors believe that as bungalows are prevalent in the area, only bungalows should be acceptable in this area. Currently a two storey dwelling is present on the site, therefore a new two storey dwelling will be deemed acceptable.

h. The proposed dwelling would not create any unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

i. The proposed dwelling does not create any concerns over neglecting to deter crime or promote personal safety.

The proposed development fails to meet two of the nine criteria of Policy QD1. As all nine of the criteria are required to be met, the proposed development fails to meet the requirements of Policy QD 1.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments

In addition to the nine criteria of Policy QD 1 in PPS 7 that new dwellings in urban areas must conform to, Policy LC 1 identifies another three criteria that must be met by new dwellings:

a. The density of the development is not significantly larger than that already found in the established urban area. Rather the density will be significantly lower than that already found in the established residential area. Overall I am satisfied that the density is not significantly higher than that in the established residential area.

b. The pattern of development is not in keeping with the overall character and environmental quality of the established residential area. As discussed above, the proposed dwelling fails to respect the building line already present in the area.

c. The floor space of each proposed dwelling is approximately 97.3m². Annex A requires a 5 person and 3 bedroom two storey dwelling to provide, as a minimum, 90/95m² of floor space. The proposed dwelling therefore meets this criterion as the floor space provided exceeds the minimum requirement.

The proposed dwelling fails to meet all of the additional three criteria of LC 1 in that criterion (b) is not satisfied.

PPS 3 – Access, Movement and Parking

The proposed access has been assessed under PPS 3 and Transport NI, in their response dated 14/06/2016, stated it has no objections to the proposal. The vehicular access and visibility splays shown in the plan no.02, date stamped 23 Dec 2015, are deemed to be acceptable by Transport NI. It is also important to note that Transport NI request that the line, level and construction of the proposed footway along the site frontage is to be agreed with a Transport NI Section Engineer prior to its development. This will be conditioned.

PPS 6 – Planning Archaeology and the Built Heritage

The site is located in close proximity to the historical monument DOW 055:034 (Enclosure) and HED requires an archaeological evaluation in accordance with Policy BH 3 of PPS 6 to determine if the proposal contrary to policy. An archaeological evaluation has not been submitted to the Council and I have not requested this due to the expense that would be incurred when the application (P/2007/0579/F) that this planning application relies on has expired and therefore the principle of development for this application does not exist. The omission of the archaeological evaluation will be included as a refusal reason.

Impact on the AONB

Policy NH 6 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is unlikely to have an adverse impact on the AONB.

Recommendation:

Refusal

Refusal Reasons:

1. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that evidence to demonstrate that the development of P/2007/0579/F had commenced was required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.
2. The proposal is contrary to Policy QD 1 of PPS 7, Quality Residential Environments, in that the layout of the proposed development fails to respect the surrounding context in relation to the existing building line of dwellings in the area and the appearance of the hard surfaced areas. Also features of archaeological and built heritage are not protected and integrated in a suitable manner into the overall design and layout of the development.
3. The proposed development is contrary to Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the pattern of development is not in keeping with the overall character of the established residential area.

4. The proposal is contrary to Policy BH3 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that insufficient information has been submitted to enable determination of the planning application as an archaeological evaluation has not been made available.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	12				
APPLIC NO	LA07/2016/0226/F	Full	DATE VALID	2/15/16	
COUNCIL OPINION	APPROVAL				
APPLICANT	Mr Mark Devlin C/O Agent		AGENT	Like Architects 34 Bedford Street Belfast BT1 5JG 028 90 222800	
LOCATION	Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore Dundalk Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road Crossmaglen)				
PROPOSAL	Erection of residential development comprising of 19 dwellings				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	18	2	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



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**Newry, Mourne
and Down**
District Council

Committee Application

Application Reference: LA07/2016/0226/F

Date Received: 15.02.16

Proposal: Erection of residential development comprising of 19 dwellings

Location: Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement. The site is adjacent to the existing housing development of Lisbeg Park, Lismore and Lismore Park as well as detached properties of 61 and 63 all of which comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)). Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11 (Application Site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016: Site is inside the development limits of Crossmaglen, majority of land zoned for housing (CM07) with ground to SW of No. 63 unzoned

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for 19 dwellings through the grant of planning permission for P/2007/0058/F approved 27.05.11 (expiring 27.05.16). The current application was submitted 15.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 26.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached and terraced housing (mixed house types), with one detached property which is accessed separately from an existing road to NE. The layout is generally reflective of original approvals at this location and is respective of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is no public amenity space included in the scheme however the majority of dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). The site is bounded by natural vegetation along the SW, NW and NE boundaries, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of

movement, adequate parking has been allocated to the proposed housing with overall design of the development supporting existing form, materials and detailing.

The detached property is self-contained and set apart from the remainder of the development with access from a separate entrance from Dundalk Road, the proposed bungalow is located on a relatively large plot and is reflective of development immediately adjacent at 61 and 63.

The position of the proposed dwellings will not adversely affect the amenity of nearest neighbours. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of 19 dwellings as part of larger residential scheme of a total of 23 dwellings on a 0.37 ha site (See also LA07/2016/0227/F and LA07/2016/0228/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it is contained within the settlement limit of Crossmaglen with part of the site zoned for housing within the area plan. The location for such development is promoted within an existing settlement with access to local facilities. The proposed development along with the remaining 4 dwellings proposed under applications LA07/2016/0227/F and LA07/2016/0228/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward by the applicant, at the time a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (26.05.16) - No objection

Environmental Health (11.11.16) – Objections reviewed and refer to previous response 27.04.16. No objection in principle provided proposals are connected to public sewerage.

NIW (25.04.16) – Generic response (No objections raised)

Water Management – Content subject to conditions

Natural Heritage – Planning should consider guidance in relation to biodiversity

Objections & Representations

44 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (Dundalk Road and No. 57 Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved

at this location under planning reference P/2007/0058/F (P/2011/0280/F and P/2009/0502/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

Recommendation: Approval

Conditions:

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

Reason: Time Limit.

2. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, 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.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 4 bearing the date stamp 15th February 2016.

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

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 4 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

6. No development should take place on-site until the method of sewage disposal has been agreed in writing with the Planning Authority and agreed by Northern Ireland Water (NIW) or a 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.

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 2 bearing the date stamp 15th February 2016.

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

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

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

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

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

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N) (Detached House to be sited SW of 63)



Entrance of No 63 (Site to SW)



Entrance of No 63



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to SW/NW)



Access to Nos 61 and 63 (Detached dwelling to be sited adjacent to 63)

ITEM NO	13				
APPLIC NO	LA07/2016/0227/F	Full	DATE VALID	2/16/16	
COUNCIL OPINION	APPROVAL				
APPLICANT	Mr Mark Devlin		AGENT	Like Architects 34 Bedford Street Belfast BT1 5JG	
				NA	
LOCATION	Lands adjacent and south east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Crossnaglen (and adjacent and west/south of 63 Dundalk Road)				
PROPOSAL	Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F)				
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

Committee Application

Application Reference: LA07/2016/0227/F

Date Received: 16.02.16

Proposal: Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F)

Location: Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement and accessed from the Dundalk Road via Lisbeg Park which is part of an existing housing development of Lisbeg Park, Lismore and Lismore Park that comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)), Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE). (Application Site)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016 - Site is inside the development limits of Crossmaglen on land zoned for housing (CM07 – Committed housing)

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for two dwellings through the grant of planning permission for P/2009/0502/F approved 25.07.11 (expiring 25.07.16). The current application was submitted 16.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 26.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached properties as part of a much larger residential scheme (See also LA07/2016/0226/F and LA07/2016/0228/F) with dwelling types and layout generally reflective of original approvals at this location but is also respective of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is no public amenity space included in the wider scheme however the proposed dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). There is an existing vegetative field boundary to the rear of the site, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of movement, adequate parking has been allocated to the proposed housing

with overall design of the development supporting existing form, materials and detailing. The position of the proposed dwellings will not adversely affect the amenity of existing nearest neighbours, the gable of the proposed dwelling has a separation of approximately 17.5m away from a proposed new dwelling applied for under planning application LA07/2016/0226/F. The semi-detached dwellings have a hall window at 1st floor given the separation distance as well as the window located within a non-habitual room is less intrusive. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of two dwellings as part of larger residential scheme of 23 dwellings on a 0.37 ha site (See also LA07/2016/0226/F and LA07/2016/0228/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it has nevertheless been zoned for housing within the area plan as a committed housing site promoting development within an existing settlement with access to local facilities. The two dwellings along with the remaining 21 proposed under applications LA07/2016/0226/F and LA07/2016/0228/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward the applicant, at the a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (26.05.16) - No objection street layout to be in accordance with previous approval

NIEA (28.04.16) - Content subject to conditions

Environmental Health (27.04.16) - No objection

NIW (25.04.16) – Generic response

Objections & Representations

4 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (57 Dundalk Road and Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved at this location under planning reference P/2009/0502/F (P/2007/0058/F and P/2011/0280/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

Recommendation: Approval

Conditions:

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

Reason: Time Limit.

2. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, 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.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 2 bearing the date stamp 15th February 2016.

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

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 2 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

6. No development should take place on-site until the method of sewage disposal has been agreed in writing with the Planning Authority and agreed by Northern Ireland Water (NIW) or a 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.

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 5 bearing the date stamp 15th February 2016.

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

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

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

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

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

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N)



Entrance of No 63 (Site to SW)



Entrance of No 63



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to NW)



Access to Nos 61 and 63

Informatives

1. As of 1st April 2011 the Planning Service ceased to exist as an agency of the Department of the Environment (Northern Ireland). Therefore any references to Planning Service in this document should be read as a reference to the Department of the Environment (Northern Ireland).

2. This approval notice relates to:-

- Planning Service Drawing No. 01 [Site Location Plan, Agent's Ref. BO834-D(L)-300] which was received on 21st March 2011;
- Drawing No. 02 [Site Plan, Agent's Ref. BO834-D(L)-302] which was received on 21st March 2011;
- Drawing No. 03 [House Type B, Floor Plans and Elevations, Agent's Ref. BO834-D(L)-303] which was received on 21st March 2011;
- Drawing No. 04 ['Proposed Landscape Layout', Agent's Ref. BO834-D(L)-304] which was received on 21st March 2011;
- Drawing No. 05 ['Proposed Hard Landscaping Layout', Agent's Ref. BO834-D(L)-305] which was received on 21st March 2011; and
- Drawing No. 06 ['Proposed Hard Landscaping Details', Agent's Ref. BO834-D(L)-115A] which was received on 31st March 2011.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

5. The Private Streets Order (Northern Ireland) 1980

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the road (approved under File Ref. P/2007/0058/F, Phase 1) and sewers in accordance with the Private Streets Construction Regulations.

6. Separate approval must be received from DRD Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulations.

7. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the DRD Roads Service Street Lighting section at Cecil Street, Newry before any construction work commences.

8. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

9. *The developer is advised that the development hereby permitted should not be commenced until a Street Lighting Scheme Design has been submitted to and approved by DRD Roads Service (Street Lighting Section), as part of the Phase 1 development (approved under File Ref. P/2007/0058/F). The Street Lighting Scheme, including the provision of all plant and materials and installation of same, should be implemented only as directed by DRD Roads Service (Street Lighting Section). These works shall be carried out entirely at the developer's expense.*
10. *A 100mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. A public water supply is available, subject to Northern Ireland Water (NIW) approval to connect. A 100mm diameter public water main is located within Lisbeg Park. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*
11. *A 150mm diameter public foul sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*
12. *A 300mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from their website www.niwater.com.*
13. *The applicant is advised to contact Northern Ireland Water (NIW), through its Customer Relations Unit or Waterline on 0845 7440088, upon receipt of this decision to discuss any issues of concern.*
14. *If during the course of developing the site the developer uncovers a pipe not previously evident Northern Ireland Water (NIW) should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.*
15. *The applicant is advised that there are no watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 affecting the site. Rivers Agency has no records of flooding occurring at this site and advises that it is unlikely to be affected by flooding from any watercourse.*
16. *Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.*

17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

20. Northern Ireland Environment Agency (NIEA, Water Management Unit) would recommend the following measures be incorporated by the developer :-

In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain / surface water 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 'foul' sewage system to the rain water drainage system, once the buildings are occupied.

The residential units associated with this planning application should not be occupied unless the necessary sewage infrastructure is in place to transfer foul sewage to a Northern Ireland Water (NIW) wastewater treatment facility or a private wastewater treatment facility consented by Northern Ireland Environment Agency (NIEA). It should be noted that NIEA does not favour existing sewage infrastructure being utilised in such a way as to act as a temporary 'cesspit'.

The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDs) in order to minimise the polluting effects of storm water on waterways. Construction of SuDs should comply with the design and construction standards as set out in the CIRIA Design Manual (C697).

Any oil tanks serving the residential units should be bunded.

The developer should comply with all Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:-
PPG 2 - Above Ground Oil Storage
PPG 5 - Works in, near or liable to affect watercourses
PPG 6 - Working at Demolition Sites

These can be accessed by visiting the netregs website at:

<http://www.netregs.gov.uk/netregs/links/107968.aspx>

Should a sewage pumping station be required for this development then the Applicant must apply to NIEA (Water Management Unit) for a Water Order (1999) Consent for an 'emergency overflow'.

21. It is an offence under the Water (Northern Ireland) Order 1999 and Section 47 of the Fisheries Act (Northern Ireland) 1966 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter.

22. The Applicant should refer to the information sheet from Northern Ireland Electricity (NIE) attached with this decision notice.

Informatives

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

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

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

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

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

Dated: 9th November 2016

Authorised Officer _____



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Committee Application

Application Reference: LA07/2016/0228/F

Date Received: 16.02.2016

Proposal: Erection of residential development, comprising 2 no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19 no dwellings, under file Ref. P/2007/0058/F)

Location: Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)

Site Characteristics & Area Characteristics:

Site is located within the development limits of Crossmaglen situated to the SW of the settlement and accessed from the Dundalk Road via Lisbeg Park which is part of an existing housing development of Lisbeg Park, Lismore and Lismore Park that comprise of a mix of house types and finishes.

Site History:

P/2011/0280/F - Erection of residential development comprising 2 No. dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved under File Ref. P/2007/0058/F (Phase 1 for 19 No. dwellings)). Application being considered in conjunction with that for further 2No. dwellings, under File Ref. P/2009/0502/F (Phase 2), to provide a total of 22No. dwellings via Lisbeg Park. Lands adjacent and south-east of nos 16 & 19 Lisbeg Park Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of no. 63 Dundalk Road). Approve 26.07.11 (Application Site)

P/2009/0502/F - Erection of residential development, comprising 2 No. dwellings, with associated parking provision and ancillary works (with access via Lisbeg Park and road layout approved as part of full application for 19No. dwellings, under File Ref. P/2007/0058/F). Lands adjacent and south-east of Nos 16 and 19 Lisbeg Park

Lismore Dundalk Road Crossmaglen (and adjacent and west/south-west of No. 63 Dundalk Road). Approved 25.07.11 (Land immediately adjacent and SE)

P/2007/0058/F Erection of residential development comprising 19 No. dwellings with associated parking provision and ancillary works (with single (single storey) dwelling adjacent to No. 63 Dundalk Road to be accessed via private laneway shared with that to Nos 61 & 63 Dundalk Road and remaining dwellings to be accessed via Lisbeg Park) Lands adjacent and south-east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk Road, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road). Approved 27.05.11

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2016 - Site is inside the development limits of Crossmaglen on land zoned for housing (CM07 – Committed housing)

Policies and Other Material Considerations: SPPS, PPS3, PPS7, PPS12, Creating Places, DCAN 8, DCAN 11, DCAN 15

Planning History: The principle of residential development has been established at the site for two dwellings through the grant of planning permission for P/2011/0280/F approved 26.07.11 (expiring 26.07.16). The current application was submitted 16.02.16 prior to expiry of this application, with the current application effectively a renewal of this permission

PPS3: Transport NI in comments dated 11.05.16 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles

SPPS and PPS7 (QD1)

Since the grant of the previous planning application at the site the publication of the SPPS is now a material consideration. However as there is no significant change to the policy requirements for housing in settlements following publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

The proposed development comprises of semi-detached properties as part of a much larger residential scheme (See also LA07/2016/0227/F and LA07/2016/0226/F) with dwelling types and layout generally reflective of original approvals at this location but is also respective of the surrounding context of Lisbeg Park, Lismore and Lismore Park. There are no identified features of archaeological or built heritage at this location. The proposed dwellings have been allocated adequate private amenity space, there is however no public amenity space included in the wider scheme however the proposed dwellings will have a footway link to a gated area to the NE of the site to allow access to an existing play park and area of open space (this is located approximately 150m NE). There is an existing vegetative field boundary to the rear of the site, proposals submitted show landscaped areas however to ensure protection of existing and proposed landscaped areas a condition should be added to the decision notice. The site is located within the development

limits of Crossmaglen and is within walking distance of local neighbour facilities, proposals also include footway linkages into the existing footpath network allowing ease of movement, adequate parking has been allocated to the proposed housing with overall design of the development supporting existing form, materials and detailing. The position of the proposed dwellings will not adversely affect the amenity of nearest neighbours. The position of houses allow for informal surveillance to deter crime and promote personal safety. Overall proposals fulfil the criteria of QD1 of PPS7.

PPS12 (PCP1, PCP2 and HS4)

Although the application is that of two dwellings as part of larger residential scheme of 23 dwellings on a 0.37 ha site (See also LA07/2016/0226/F and LA07/2016/0227/F) density levels are lower than that of Lismore (2 ha/ 86 dwellings gives 0.02) and Lismore Park (1.22ha/40 dwellings is 0.03) and thus will not contribute to town cramming or overdevelopment of the site. Design and layout of dwellings as part of an overall layout is similar to what was originally approved, the design of dwellings remains unchanged from previous and is generally reflective of built form in this particular area. Whilst the site has not been previously developed it has nevertheless been zoned for housing within the area plan as a committed housing site promoting development within an existing settlement with access to local facilities. The two dwellings along with the remaining 21 proposed under applications LA07/2016/0226/F and LA07/2016/0227/F offer a variety of types and sizes.

HS2 (Social Housing)

When the original applications were approved at this location (P/2007/0058/F, P/2009/0502/F and P/2011/0280/F) provision had to be made within the scheme to facilitate social housing whilst there was no letter of commitment put forward the applicant, at the a letter of interest was provided from the Fold Housing Association with applications approved accordingly with conditions relating to the provision of social housing. Since the publication of the area plan there is no social housing need requiring plan intervention in Crossmaglen (See Paragraph on Social Housing of Volume 3 page 45) and thus this appears no longer to be a requirement in the area.

Consultations:

Transport NI (11.05.08) – No objection street layout to be in accordance with previous approval

Environmental Health (25.04.16) – No objection

NIW (25.04.16) – Generic response

NIEA (28.04.16) – Content subject to conditions

Objections & Representations

17 Neighbours Notified

Advertised 22.02.16

17 Objections received and 2 letters of support (57 Dundalk Road and Dundalk Road)

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19 Lisbeg Park

Email from Ms Martin of No. 19

Issues Raised:

- Object to any access being gained through Lisbeg Park
- Lisbeg is a cul-de-sac which already has limited parking
- Intensification of traffic, impact on safety and well-being, increased traffic danger to children and vehicle congestion
- Problem with sewerage and increase in vermin to area
- Devaluation of properties
- Other ways to gain access

Consideration of Issues:

- Transport NI in their consultation response dated 11.05.16 have raised no objections in relation to roads issues raised by objectors
- The applicant has indicated that foul sewerage will be dealt with through the main sewer. NIW in their consultation dated 25.04.16 advise that waste water treatment facilities are available at Crossmaglen WWTW to serve this proposal.
- Devaluation of properties is not a planning matter
- Increased vermin in the area - Environmental Health have been made aware of letters of objections that raise such concerns, however this is outside the remit of the Planning Authority

Consideration and Assessment:

Objections submitted have been fully considered and consultees have raised no concerns in respect of these.

The principle of residential development has been established by land zoning for this location but also the planning history associated with this site is also a material consideration. Proposals set out are similar in form to what was previously approved at this location under planning reference P/2011/0280/F (P/2007/0058/F and P/2009/0502/F). Overall proposals meet the requirements of planning policy and for this reason it is recommended to approve the application.

Recommendation: Approval

Conditions:

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

Reason: Time Limit.

2. No dwellings shall be occupied until the service road which provides access to the site has been constructed to base course level with final wearing course applied. This shall be agreed in writing with the Planning Authority.

Reason: To ensure there is a proper, safe and convenient road system

3. No garages shall be sited by the developer or any interested party in the future, 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.

4. No dwelling shall be occupied until the car parking provision dedicated to that particular dwelling has been made and permanently retained in accordance with that indicated on the approved Site Layout drawing No. 4 bearing the date stamp 15th February 2016.

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

5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls, gate pillars, fences or other structures shall be erected within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a road (public or estate), other than that permitted (as shown in Drawing No. 4 which was received on 15th February 2016)

Reason: In the interests of the visual amenity of the development.

6. No development should take place on-site until the method of sewage disposal has been agreed in writing with the Planning Authority and agreed by Northern Ireland Water (NIW) or a 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.

7. 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.

8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Planning Authority.

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

9. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, hard and soft landscaping works shall be carried out in accordance with the approved details indicated in Drawing No. 2 bearing the date stamp 15th February 2016.

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

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

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

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

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

12. No dwellings shall be occupied until such times as a landscape management and maintenance plan has been submitted to and approved by the Planning Authority setting out the period of the plan, long-term objectives, management responsibilities, performance measures and maintenance schedules for all areas of open space and planting, other than small, privately owned domestic gardens (except for trees or other vegetation retained in the public interest). The landscape management plan shall be carried out as approved.

Reason: To ensure the successful establishment and long term maintenance of landscaping within and at the development in the interests of visual and residential amenity.

Case Officer:

Authorised Officer:

Photos:



NW looking SE (Lisbeg Park)



Lisbeg Park (NW boundary and proposed entrance to site)



16 Lisbeg Park (NW boundary and proposed entrance to site)



19 Lisbeg Park (NW boundary and proposed entrance to site)



Application Site (NW looking SE)



Lismore (NW looking SE)



Lismore (NW looking SE)



Lisbeg Park



N looking S



N looking S (Play Park Adjacent and N of site)



Boundary of No 63 (S looking N)



Entrance of No 63 (Site to SW)



Entrance of No 63

IMG_7309



Boundary of No.63 looking N/ NW/NE



Boundary of No.63 looking N/ NW/NE



No. 63 (Proposed housing to rear)



No. 63 (Proposed site to NW)



Access to Nos 61 and 63

Informatives

1. *As of 1st April 2011 the Planning Service ceased to exist as an agency of the Department of the Environment (Northern Ireland). Therefore any references to Planning Service in this document should be read as a reference to the Department of the Environment (Northern Ireland).*

2. *This approval notice relates to:-*
 - *Planning Service Drawing No. 01 [Site Location Plan, Agent's Ref. BO834-D(L)-300] which was received on 21st March 2011;*
 - *Drawing No. 02 [Site Plan, Agent's Ref. BO834-D(L)-302] which was received on 21st March 2011;*
 - *Drawing No. 03 [House Type B, Floor Plans and Elevations, Agent's Ref. BO834-D(L)-303] which was received on 21st March 2011;*
 - *Drawing No. 04 ['Proposed Landscape Layout', Agent's Ref. BO834-D(L)-304] which was received on 21st March 2011;*
 - *Drawing No. 05 ['Proposed Hard Landscaping Layout', Agent's Ref. BO834-D(L)-305] which was received on 21st March 2011; and*
 - *Drawing No. 06 ['Proposed Hard Landscaping Details', Agent's Ref. BO834-D(L)-115A] which was received on 31st March 2011.*

3. *This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.*

4. *This permission does not alter or extinguish or otherwise effect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.*

5. *The Private Streets Order (Northern Ireland) 1980*

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the road (approved under File Ref. P/2007/0058/F, Phase 1) and sewers in accordance with the Private Streets Construction Regulations.

6. *Separate approval must be received from DRD Roads Service in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulations.*

7. *In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the DRD Roads Service Street Lighting section at Cecil Street, Newry before any construction work commences.*

8. *Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud,*

refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

9. *The developer is advised that the development hereby permitted should not be commenced until a Street Lighting Scheme Design has been submitted to and approved by DRD Roads Service (Street Lighting Section), as part of the Phase 1 development (approved under File Ref. P/2007/0058/F). The Street Lighting Scheme, including the provision of all plant and materials and installation of same, should be implemented only as directed by DRD Roads Service (Street Lighting Section). These works shall be carried out entirely at the developer's expense.*

10. *A 100mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. A public water supply is available, subject to Northern Ireland Water (NIW) approval to connect. A 100mm diameter public water main is located within Lisbeg Park. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*

11. *A 150mm diameter public foul sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed application to Northern Ireland Water. The Applicant can contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from the website www.niwater.com.*

12. *A 300mm diameter public storm sewer located within Lisbeg Park is deemed by Northern Ireland Water (NIW) to be suitable to serve the proposal. If required a connection will be granted on approval of a completed Application Form. Contact Northern Ireland Water's Customer Relations Centre at 0845 7440088 or email waterline@niwater.com to obtain an application form and information on charges, or download from their website www.niwater.com.*

13. *The applicant is advised to contact Northern Ireland Water (NIW), through its Customer Relations Unit or Waterline on 0845 7440088, upon receipt of this decision to discuss any issues of concern.*

14. *If during the course of developing the site the developer uncovers a pipe not previously evident Northern Ireland Water (NIW) should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe.*

15. *The applicant is advised that there are no watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 affecting the site. Rivers Agency has no records of flooding occurring at this site and advises that it is unlikely to be affected by flooding from any watercourse.*

16. *Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order*

1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

17. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

18. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

19. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

20. Northern Ireland Environment Agency (NIEA, Water Management Unit) would recommend the following measures be incorporated by the developer :-

In order to decrease the risk of the incorrect diversion of 'foul' sewage to drains carrying rain / surface water 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 'foul' sewage system to the rain water drainage system, once the buildings are occupied.

The residential units associated with this planning application should not be occupied unless the necessary sewage infrastructure is in place to transfer foul sewage to a Northern Ireland Water (NIW) wastewater treatment facility or a private wastewater treatment facility consented by Northern Ireland Environment Agency (NIEA). It should be noted that NIEA does not favour existing sewage infrastructure being utilised in such a way as to act as a temporary 'cesspit'.

The storm drainage of the site should be designed to the principles of Sustainable Drainage Systems (SuDs) in order to minimise the polluting effects of storm water on waterways. Construction of SuDs should comply with the design and construction standards as set out in the CIRIA Design Manual (C697).

Any oil tanks serving the residential units should be bunded.

The developer should comply with all Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:-
PPG 2 - Above Ground Oil Storage
PPG 5 - Works in, near or liable to affect watercourses
PPG 6 - Working at Demolition Sites

These can be accessed by visiting the netregs website at:

<http://www.netregs.gov.uk/netregs/links/107968.aspx>

Should a sewage pumping station be required for this development then the Applicant must apply to NIEA (Water Management Unit) for a Water Order (1999) Consent for an 'emergency overflow'.

21. It is an offence under the Water (Northern Ireland) Order 1999 and Section 47 of the Fisheries Act (Northern Ireland) 1966 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during construction and thereafter.

22. The Applicant should refer to the information sheet from Northern Ireland Electricity (NIE) attached with this decision notice.

Informatives

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

2. Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C753 (2015) The SuDS Manual. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

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

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

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

Dated: 9th November 2016

Authorised Officer _____

ITEM NO	15				
APPLIC NO	LA07/2016/0401/F	Full	DATE VALID	3/25/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs Margaret Kane 142 Dundrum Road Newcastle BT33 0LN		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA	
LOCATION	135m ESE of No 42 Levallyreagh Road Rostrevor Warrenpoint Co Down				
PROPOSAL	Proposed Farm Building without underground tanks				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0

- 1 The proposal is contrary to policies CTY 1 and CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that it is necessary for the efficient use of the active and established agricultural holding.
- 2 The proposal is contrary to policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0401/F

Date Received: 25/03/2016

Proposal:

Proposed Farm Building without underground tanks.

The proposed farm building will have a calving and cattle shed measuring 8.835m x 7.5m internally with a covered hay/straw and feed store with an internal area of 33sqm. The walls will be finished in smooth or roughcast grey plaster and the top half and roof will be finished in green cladding. The roof will be pitched.

Location:

135m ESE of No 42 Levallyreagh Road, Rostrevor, Warrenpoint, Co Down.

The site is located outside of settlement development limits and is located approximately 2.5 miles north-west of Rostrevor and approximately 3.5 miles north east of Warrenpoint.

Site Characteristics & Area Characteristics:

The site is an agricultural field currently laid in grass and used for grazing. The proposed location of the farm building is approximately 150m west from the Levallyreagh Road. The site is accessed from an existing lane which served no.42 Levallyreagh Road (a disused dwelling). A small complex for birds is currently located opposite no.42 Levallyreagh Road. The gradient of the site increases from the road and past the dwelling for approximately 60m and then the gradient dramatically decreases to the application site. The landscape is undulating and boundaries exist to the west of the site and the south. The southern boundary is comprised of mature hedging while the western boundary is comprised of a wire fence, a small tree and some bushes. There are no defined eastern or northern boundaries. The site is not visible from the Levallyreagh Road.

The proposed site is located outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The Area Plan shows the site itself is unzoned but it is located within the Mourne Area of Outstanding Natural Beauty. There are no historic sites or monument in close proximity to the site. The site is part of an undulating landscape and other farm outbuildings are visible from the site.

Site History:

One previous application was submitted on the site, P/2006/0420/F. This application was for the replacement of no.42 Levallyreagh Road which was refused permission on 24/08/2007.

Planning Policies & Material Considerations:

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS21 – Sustainable Development in the Countryside.

Consultations:

The following were consulted regarding this application:

- Environmental Health – 11/04/2016 – No objections.
- DARD – 19/04/2016 – Farm has been in existence for over 6 years.
- NI Water – 21/04/2016 – Generic Response.
- Transport NI – 25/05/2016 – No objections subject to conditions.

Objections & Representations

The application was advertised in the local press on 11/04/2016 and one property, no.42 Levallyreagh Road, was notified of the proposed development by letter. The letter sent to no.42 Levallyreagh Road was returned to the Council with the reason given by Royal Mail 'that no such address exists'. Following a site inspection on 27/05/2016 it was noted that while no.42 exists no one lives in the property and it is not in a suitable condition to be inhabited.

Consideration and Assessment:Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits, it is unzoned and located in the Mourne AONB. There are no specific policies in the plans that are relevant to the determination of the application so the principle of application will be considered under the operational policies of the SPPS and PPS 21.

PPS 21

As there is no significant change to the policy requirements for the development of agricultural buildings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY 1 of PPS 21 allows for the development of non-residential development in the case where it is agricultural and forestry development in accordance with Policy CTY 12. Policy CTY 12 applies to established agricultural or forestry holdings

and planning permission will be granted for development where it is demonstrated that:

(a) The development is necessary for the efficient use of the agricultural holding.

- The proposed development would be the first agricultural building on this section of the holding in the Rostrevor area so therefore it is important to establish the level of active farming which currently exists. DARD were consulted, and in their response dated 19/04/2016 stated the farm has been in existence for over 6 years and has claimed the Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. A farm boundary map has been submitted which shows that the applicant has a farm holding made up of 56.96 hectares. Approximately 10.99 hectares of the holding is in the Rostrevor area with the remainder predominantly close to the established farm located near Newcastle and some near Kilkeel. The main argument made on behalf of the applicant for this new building is that it is a 43 mile round-trip to this farm holding and the main farm in Newcastle and a farm building is required in this area to keep the farm viable.

The agent discusses that the building will be used to keep 7 head of cattle in over the winter months and also to store equipment. An alternative site away from existing farm buildings has been proposed, which the agent states is a 43 mile round trip to the farm house, and I am neither satisfied that this is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons for the proposed building at this site. Due to the separation of 43 miles between the applicant's home and the proposed farm building, it would possibly be more efficient to develop a similar building closer to existing farm building which is located closer to the applicants home, provided a need can be demonstrated. This would be more efficient for the applicant in looking after the animals over the winter months. These concerns were raised with the agent and a response to address the concerns was requested but not received. Overall I am not satisfied that this building is necessary for the efficient use of the agricultural holding and the proposed development therefore fails to comply with criteria (a).

(b) In terms of character and scale, the proposed development is appropriate to its location.

- The proposed scale of the development is determined appropriate for this site. The landscape is undulating in the area and other farm buildings are clearly visible in the landscape, therefore this building will not be out of character for this area.

(c) The development is to visually integrate into the local landscape and provide additional landscaping where necessary.

- As discussed above, the topography of the site means neither the site, nor the proposed building, would be visible from the main road. Details of additional landscaping required to integrate the proposed development into the undulating landscape have been submitted and will be conditioned.

(d) It will not have an adverse impact of the natural or built heritage.

- The proposed development does not affect any natural or built heritage features. The impact of the Mourne AONB will be considered under PPS 2.

(e) The amenity of residential dwellings outside the holding are not to be adversely impacted by the proposed development including potential problems with noise, smell and pollution.

- The nearest dwellings to the proposed site, no.39 and no.42 Levallyreagh Road, are located approximately 200m from the proposed site. Environmental Health were consulted and in their response dated 15/04/2016 stated they had no environmental health objections to the proposed development. It is unlikely that this development would adversely impact the amenity of residents nearby; therefore the proposal meets criteria (e).

Overall only four of the first five criteria of Policy CTY 12 have been met. As a new building is proposed, an additional three criteria have to be met:

- There must be no suitable existing buildings on the holding that can be used. As discussed above, the applicant's main farm is located near Newcastle and an exception to policy is made for an alternative site when it is demonstrated that it is necessary for the efficient functioning of the businesses. The information submitted from the applicant does not justify the need for a building in this location nor does it confirm that there are no suitable buildings on the holding that can be used.

- The design and materials used are to be sympathetic to the locality and adjacent buildings. The roof and top half of the walls will be finished in green cladding which will assist with integration. The design and scale are both appropriate for the locality and will not cause an unacceptable adverse impact on the locality.

- The proposal is to be sited beside existing farm or forestry buildings. As discussed above an alternative site is to be used which is not beside any existing farm buildings. It has not been demonstrated that this new building is essential for the efficient functioning of the business or that there are demonstrable health and safety reasons proving the need of this building to be sited on this alternative site.

Overall the proposed development meets the requirements of Policy CTY 12 as:

- It has not been demonstrated that the proposed building is necessary for the efficient use of the agricultural holding.
- The proposed building is not sited beside existing farm buildings and the use of an alternative site has not been justified on the basis that either:
 - It is essential for the efficient functioning of the business.
 - There are demonstrable health and safety reasons.
- It has not been demonstrated that there are not any other existing buildings on the farm that can be used.

The proposed development is unlikely to offend policies CTY 13 and CTY 14.

PPS 2 – Natural Heritage

Policy NH 6 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development is unlikely to have an adverse impact on the AONB.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to policies CTY 1 and CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that it is necessary for the efficient use of the active and established agricultural holding.
2. The proposal is contrary to policy CTY 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
3. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	17									
APPLIC NO	LA07/2016/0516/F					Full	DATE VALID 4/20/16			
COUNCIL OPINION REFUSAL										
APPLICANT	Bernagh Brims and Gill Hindshaw 4 The Cottages Whinney Hill Holywood BT18 0HP					AGENT	Graphite Studio Chartered Architects 7/3 East Trinity Road Edinburgh EH5 3DZ NA			
LOCATION	Lands 10m West of No.5 Stewarts Road Annalong Co. Down BT34 4UE									
PROPOSAL	Convert existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address).									
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions						
	0	0		0						
					Addresses	Signatures	Addresses	Signatures		
					0	0	0	0		
1	The proposal is contrary to Policy CTY1 and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character or appearance of the locality, the reuse or conversion would unduly affect the amenities of nearby residents and adversely affect the continued agricultural use of adjoining buildings and access to the public road will prejudice road safety.									
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 visibility splays of 2.0 metres x 45 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note									
15.										
3	The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the - 1. parking 2. turning 3. loading and unloading - of vehicles which would be attracted to the site.									
4	The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within an Area of Outstanding Natural Beauty and fails to respect local design and local architectural styles.									



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0516/F

Date Received: 20/04/2016

Proposal:

Convert existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address).

The applicant seeks full planning permission to change the use of an existing agricultural barn to a dwelling. Internally the proposed dwelling will have an open plan living arrangement. From the front, access to the dwelling is from a flight of external stairs to the first floor. On the first floor an open plan kitchen/dining area, living room, TV room/bedroom and a bathroom are provided. On the ground floor, which can be accessed from outside to the rear, are two large bedrooms (one with ensuite), a bathroom and a utility room will be provided. Externally changes will be made to the south-eastern (front), north-western (rear) and south-western (side) elevations of the dwelling. At the ground floor of the front elevation, the existing shutter door is to be replaced and windows placed behind this new sliding door and an existing door will be replaced with a window. Five velux windows will be placed on the roof at the front. At the rear of the barn, a new window and new door with panelled glass is to be provided on the ground floor and at first floor level five new windows are to be inserted. There will be five velux windows provided on the roof to the rear as well. On the side gable an existing door at first floor level will be replaced with a window and a new window will be placed on the ground floor. The ground to the rear of the barn is to be used as a garden.

Location:

Lands 10m West of No.5 Stewarts Road, Annalong, Co. Down, BT34 4UE.

The site is located in a rural area approximately 1.2 miles south-west of Annalong. Stewarts Road leaves the main Kilkeel/Newcastle Road and travels away from the sea towards the Mourne Mountains.

Site Characteristics & Area Characteristics:

This rural site at present contains a number of agricultural outbuildings and a barn. The site is accessed directly from Stewart's Road at an entrance which is at the brow of a hill. The building to be developed is a barn which has been erected from granite. The structure is two storeys in nature and has a slate roof. Plants are growing on all of the elevations on the barn. Access to the first floor of the barn is from an external set of steps located on the front elevation of the barn. A yard exists

to the front of the barn which contains a number of stone outhouses with corrugated tin roofs. Some of the outhouses form the boundary of the site with Stewarts Road and these outbuildings have pitched roofs. A large agricultural building is located south-west of the barn, within curtilage, and has been finished with smooth concrete on the lower half of the walls with the remainder and the roof finished in red corrugated tin. The yard to the front with the outbuildings is laid in loose stone and to the rear of the barn is an area laid in grass which has lacked maintenance. The north-western boundary is comprised of a stone boulder wall, the upper section of the south-western boundary is comprised of a stone boulder wall and mature sycamore trees and the lower section is defined by outbuildings. The south-eastern boundary is comprised partially of outbuildings and partially of a stone wall which is approximately 1.2m tall and the lower section of the north-eastern boundary, up to the entrance of the site, is comprised of outbuildings and the upper section is comprised of a stone wall and hedging.

The site is located outside of settlement development limits as defined by the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned however it does lie within the Mourne Area of Outstanding Natural Beauty. There are no historic sites or monuments in close proximity to the site. The barn sits on an elevated site and the barn is visible from the main Kilkeel/Newcastle Road and from stretched of Stewarts Road located further north. The site is adjacent to two dwellings: no.6 Stewarts Road to the north-west and no.4 Stewarts Road to the south-east. The entrance to the site is located opposite two semidetached dwellings, nos.5 and 7 Stewarts Road which both front onto Stewarts Road with their front elevations on the roadside.

Site History:

No previous planning applications have been submitted on this site.

Planning Policies & Material Considerations:

This planning application has been assessed under:

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS21 – Sustainable Development in the Countryside.
- The Building on Tradition Sustainable Design Guide.

Consultations:

The following consultation responses have been received regarding this planning application:

1. NI Water – 31/05/2016 – Generic response.
2. Transport NI – 01/09/2016 – Proposal is contrary to Policies AMP 2 and AMP 7 of PPS 3.
3. Environmental Health – 03/11/2016 – No objections in principle providing the development is connected to the public sewerage system.

Objections & Representations

This planning application was advertised in the local press on 25/04/2016 and was re-advertised, following the correction of the site address, on 24/10/2016. Six

neighbours were notified of the planning application by letter and were also re-notified following the correction of the site address. No letters of objection, or any other representations, have been received regarding this planning application.

Consideration and Assessment:

Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is unzoned, located outside of settlement limits and is inside the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21. The impact of the development on the AONB will be considered under PPS 2.

The Strategic Planning Policy Statement for Northern Ireland – SPPS

During this transitional period while the Council has not yet adopted a Plan Strategy, existing policy, alongside the SPSS continue to apply. As per Paragraph 1.12 of the SPSS, *'Any conflict between the SPSS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPSS.'*

Regarding development in the countryside, the SPPS makes provision for the conversion and re-use of existing buildings for residential use. Buildings to be converted are to be locally important (such as former school houses, churches and older traditional barns and outbuildings) and the development is to involve the provision of a single dwelling where this would secure its upkeep and retention. The proposed barn in this application is for conversion to a dwelling and is deemed to be locally important, given its form and prominent location in the local landscape. The barn therefore is eligible in principle for conversion.

As the provisions of the SPPS do not significantly differ from Policy CTY 4 of PPS 21, the proposal will be fully assessed under that policy.

PPS 21 – Sustainable Development in the Countryside

Policy CTY 4 of PPS 21 states that planning permission will be granted to proposals for the sympathetic conversion, with adaption if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. The requirements with regards to conversion of a building for residential purposes are stricter in the requirements of Policy CTY 4. As per Paragraph 1.12 of the SPPS, the conflict is resolved in favour of the provisions of the SPPS. As discussed above under the SPPS, the conversion of this barn can be considered as the barn is a locally important building.

The design will be considered later in this report; however following criteria must also be met for permission to be granted for the conversion:

- (a) The building is of permanent construction and therefore satisfies this criterion.
- (b) The conversion is to maintain or enhance the form, character and architectural features, design and setting of the existing building and should

not have an adverse effect on the character or appearance of the locality. The existing building is on a prominent and elevated site with the front and rear elevations of the barn are visible from critical view points along Stewarts Road. The introduction of velux windows and also the substantial glazing to the rear will make the building appear to be very sub-urban and these design changes will neither enhance nor maintain the character of the original building. The setting of the cluster of agricultural buildings will be adversely changed by these amendments. The proposed design for the conversion is not suitable and will have an adverse impact on the character and appearance of the area.

- (c) There are no proposals for any extensions to the existing building which means there are no conflicts with this criterion.
- (d) The amenity of the dwelling at no.8 Stewarts Road will be adversely impacted by the proposed conversion of the barn to a dwelling. The existing building is prominent and elevated and the increased glazing to the rear will adversely impact amenity space to the rear of no.8 Stewarts Road as it could cause the sense of overlooking. The conversion will also adversely affect the continued agricultural use of adjoining buildings. An existing agricultural building is still in use on the site, access to which is from the yard in front of the existing barn. The agent had proposed to demolish some of the existing outbuildings in an attempt to address concerns raised by Transport NI (Transport NI responded to say that the removal of these buildings would not address their concerns). This criterion cannot be met in that the conversion will adversely affect the amenity of a neighbouring dwelling and will adversely affect the continued use of adjoining agricultural buildings.
- (e) As this is a proposed conversion to a residential use, this criterion is not applicable.
- (f) Services are available locally and should be able to be extended to the application site without a significant adverse impact on the environment or character of the locality. It is proposed that sewerage is to be disposed of by mains.
- (g) The proposed access to the public road will prejudice road safety and Transport NI has recommended two refusal reasons on this basis. Transport NI's concerns will be fully discussed below however it is important to note the proposal fails to comply with this criterion.

Policy CTY 4 of PPS 21 requires all of the criteria to be met. Criteria (b), (d) and (g) have not been met and therefore this application also fails to meet Policy CTY 1 of PPS 21.

PPS 3 – Access, Movement and Parking

The applicant has indicated that two parking spaces will be provided adjacent to the existing access to the site with additional parking spaces to be provided in the existing yard. Transport NI was consulted and responded on 16/06/2016 to state they object to the planning application as it is contrary to Policies AMP 2 and AMP 7 of PPS 3.

Transport NI state that the proposal is contrary to Policy AMP 2 as site visibility splays of 2.0 metres by 45 metres from the proposed access cannot be provided, thereby prejudicing the safety and convenience of road users.

Transport NI discuss that the proposal is contrary to PPS 3 as it would prejudice the safety and convenience of road users since adequate provision cannot be made for the parking, turning and loading or unloading of vehicles which may be attracted to the site.

The agent submitted further information to the Council on 08/09/2016 where they tried to address the concerns Transport NI had with regards to Policy AMP 2 by discussing:

1. The two car parking spaces adjacent to the entrance are historical.
2. Visibility splays can be improved by removing the wall of the garden and removing some of the agricultural outbuildings.
3. Currently agricultural traffic enters and exits the site so the domestic traffic will be safer than the traffic currently using the entrance.

The agent then addressed the concerns Transport NI has with regards to Policy AMP 7 by discussing that the yard will allow for car parking and the turning of vehicles.

Transport NI was re-consulted and in their response dated 01/09/2016, stated that, "Following the latest submission to Planning dated 8 August 2016, taking into account all matters relating to road safety, Transport NI would still be of the opinion that this proposal should be refused as indicated in our previous consultation response dated 16 June 2016."

As the proposal is contrary to Policies AMP 2 and AMP 7 of PPS 3, this application will be recommended for refusal.

PPS 2 – Natural Heritage

Policy NH 6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. As discussed above the design of the proposed dwelling has extensive glazing on its rear elevation and makes use of velux windows which will be visible from critical views along Stewarts Road. This proposal does not respect local architectural styles nor local design. This means that the proposed development is contrary to Policy NH 6 as the design is not appropriate for this AONB location.

Recommendation:

Refusal

The proposal is contrary to Policies CTY 1 and CTY 4 of PPS21, Policies AMP 2 and AMP 7 of PPS 3 and Policy NH 6 of PPS 2.

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 and CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the reuse or conversion would not maintain or enhance the form, character and architectural features, design and setting of the existing building and would have an adverse effect on the character or appearance of the locality, the reuse or conversion would unduly affect the amenities of nearby residents and adversely affect the continued agricultural use of adjoining buildings and access to the public road will prejudice road safety.

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 visibility splays of 2.0 metres x 45 metres from the proposed access cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the -
 1. parking
 2. turning
 3. loading and unloading
 - of vehicles which would be attracted to the site.

4. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within an Area of Outstanding Natural Beauty and fails to respect local design and local architectural styles.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	18						
APPLIC NO	LA07/2016/0677/F		Full	DATE VALID		5/23/16	
COUNCIL OPINION	APPROVAL						
APPLICANT	Northern Ireland Electricity 57 Daragn Road Belfast BT3 9JU			AGENT			
						NA	
LOCATION	Approx. 40m South East of 35 Ballymoyer Road Co. Armagh and extending South East towards and East of 15 Cold Brae Road Co. Armagh						
PROPOSAL	11Kv overhead to facilitate connection to a wind turbine (amended address)						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	14	0	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	



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**Newry, Mourne
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District Council

Application Reference: LA07/2016/0677/F

Date Received: 23.05.16

Proposal: 11Kv overhead to facilitate connection to a wind turbine

Location: Approx. 40m South East of 35 Ballymoyer Road, Co. Armagh and extending South East towards and East of 15 Cold Brae Road, Co. Armagh

Site Characteristics & Area Characteristics:

Proposals for an 11kv overhead extend from the rear and SE of 35 Ballymoyer Road to east of Cold Brae Road across an undulating agricultural landscape comprising of agricultural fields with hedge line boundaries.

Site History:

P/2011/0699/F – 300m south west of 69 Carrickgallogly Road, Newtownhamilton. Erection of 1 no 250kw wind turbine with a hub height of 30 metres and rotor diameter of 27 metres. Approved 30.07.12

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: The proposed overhead line extends across land within the open countryside outside any land zonings or areas of restriction

Planning Policy: SPPS, PPS3, PPS21 and PSU11 of PSRNI

This submitted application proposes to construct an 11kv overhead powerline totalling approximately 2722m in length. The location of the proposal is within a sparsely populated area where it is proposed that the power line will serve a connection to a wind turbine. Due to the undulating land form and existing field boundaries it is not considered that proposals will project above the skyline when viewed from the surrounding area.

The proposed over headline follows natural boundaries where possible whilst avoiding close proximity to protect existing vegetation whilst ensuring there is no significant loss of natural boundaries which help to integrate proposals. There are already a number of existing overhead lines within the area that proposals will not appear visually misplaced.

Consultations:

Transport NI (06.06.16) – No objections

Environmental Health (20.10.16) – No objection in principle, provided proposal is designed to be in full compliance with the requirements of electromagnetic fields and public exposure guidelines. Planning may wish to consult Public Health Agency on health concerns raised by objectors

Objections & Representations

36 neighbours notified

Advertised initially 10.06.16 and re advertised 21.10.16 (amended site address)

14 representations from 11 addresses:

P and T Galbraith, 33 Newry Road, Newtownhamilton (1)

K Mc Kinley 12 Bryon Court, Surrey (2)

E and T Cunningham, 46 Outleckan Road, Whitecross (3)

A and J Lindsay, 45 Outleckan Road (2)

A Cunningham, 47 Outldeckan Road, Whitecross (1)

P Cunningham, 26 Cluster Road, Newtownhamilton (1)

P Simpson, 17 Whiterock Road, Newtownhamilton (1)

E Mc Parland, 23 Carrickgalloghy Road, Whitecross (1)

G. Toner, 11 Cold Brae Road (1)

T. Crossan, 11 Whiterock Road (1)

Objections:

- Why has this route been chosen given the number of objections raised by local landowners, why an alternative shorter and more cost effective route could not be chosen given the availability of other options
- Requirement for Environmental Impact Assessment to be carried out
- Was not afforded opportunity to raise objection to commercial wind turbine even though family home is 420m from wind turbine
- Financial impact of wind turbine on property values
- Concerns for long term health if forced to live close to a commercial wind turbine
- Was not consulted by planning or the applicant at any stage and feel unfairly treated
- Address used in planning application not true to the located of the proposed commercial wind turbine
- Ruining the natural countryside
- Object to the electricity supply on the basis that it will allow the commercial wind turbine development to proceed
- Potential for electrical hypersensitivity is increased with new power lines being introduced to the area
- Negative impact on the Kite Bird population
- Siting of poles and associated wind turbines likely to impact on wildlife generally but adverse impact on bats
- Sensitivity to effects of induced currents

Consideration of Objections:

A letter from the council to objectors dated 17.08.16 this stated that a number of concerns raised were related to the grant of planning permission for a wind turbine under planning reference P/2011/0699/F in relation to height, distant from residential properties, how the noise assessment was conducted, shadow flicker etc. It was outlined that all material considerations were considered in the original assessment of the application. It was also advised that whilst proposals would normally fall within the council scheme of delegation due to the number of objections the application would be brought before committee.

It was questioned the need to have 31 poles to connect to a single wind turbine, object to the electricity supply on the basis that it will allow the commercial wind turbine development to proceed and issues relating to the cooperation between the

NIE and wind farm developers, the financial impact on devaluation of properties lie outside the remit of the Planning Authority.

Neighbours were identified along the extent of the overhead line, notification carried out within 90m and in line with statutory requirements.

NIEA to comment on impact to habitat

Env Health to comment on impact to health

Consideration and Assessment:

Objections fully considered and consultees have raised no major concerns, the overhead line has been sensitively placed and ensures there is no significant loss of vegetative boundaries along its length, there are already overhead lines within the locality namely to the SW and SE of proposals that the line will not appear incongruous in this locality.

Recommendation: Approval

Conditions:

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

Reason: Time Limit.

ITEM NO	20				
APPLIC NO	LA07/2016/0732/O	Outline	DATE VALID	6/6/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs Mary Carr 74 Chapel Road Killeavy Newry BT35 8JZ		AGENT	Blueprint Architectural 79 Chapel Road Killeavy Newry BT35 8JZ 07855978205	
LOCATION	Lands to the rear and south of No. 6 Railway Road Meigh Killeavy Newry BT35 8JU				
PROPOSAL	Proposed erection of a farm dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0		0	0
					Addresses Signatures Addresses Signatures

- 1 The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 3 The proposal is contrary to SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Meigh and the surrounding countryside and result in urban sprawl.
- 5 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details regarding access were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0732/O

Date Received: 24.05.2016

Proposal: Proposed erection of a farm dwelling

Location: Lands to the rear and south of No. 6 Railway Road Meigh Killeavy

Site Characteristics & Area Characteristics:

Site History:

No relevant history

Planning Policies & Material Considerations:

The site is located within the countryside area just beyond the settlement limit boundary of Meigh as defined in the Banbridge, Newry and Mourne Area Plan 2015.

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

Consultations:

NIW- statutory

TransportNI- RS1 condition

DAERA- see report below

Environmental Health- no comments- discharge consent

Objections & Representations

No. of neighbours notified= 5

Advertised= 13.06.2016

No. of representations received=0

Consideration and Assessment:

The proposal is for the erection of a dwelling on the farm. The proposal is considered under CTY 10 of PPS 21.

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

The owner of the farm holding and applicant is Mrs Mary Carr and she resides at 74 Chapel Road, Killeavy.

The farm has been established for over 10 years and the applicant Mrs Mary Carr has a DARD business number (624338 allocation prior to 2000 and that she makes a single farm payment return to DARD).

The holding is 8.73 hectares, the applicant has a herd no and has approx. 15 acres silage cut approximately 3 times annually.

From the information provided on the P1C form and the comments from the consultation with DARD the Council can ascertain that the farm business is currently active and has been established for more than 6 years. Awaiting maps to check the history/opportunities on the holding. Agent states applicant has confirmed that the map submitted shows the only lands in the applicant's ownership the remaining map only states the applicants entitlements in terms of SFP and it is not available to the Department- Council. The farm map submitted shows 2.81 hectares of the total 8.73 hectares. The Council has insufficient information to make an informed decision with the remaining lands not being identified.

The proposed site is approximately a mile away from where the business is registered, 74 Chapel Road. It is noted that there are a number of farm buildings located around this address.

The application site is positioned besides one building which lies within the settlement limit and this one building does not appear within the applicants ownership or farm business. Therefore the proposal will not visually link or cluster with an established group of buildings on the farm. The policy states 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. No additional information has been presented as part of the application In my opinion the proposal is contrary to CTY 10.

If the principle of development was to be accepted I am of the opinion that a dwelling appropriately conditioned will not be a prominent feature in the landscape and this is ensured by the natural boundaries and topography surrounding the site.

The proposal as stated above will not be visually linked or sited to cluster with an established group of buildings on the farm.

The proposal will not result in build up and respects the traditional pattern of settlement exhibited in the area. The proposal appropriately sited will not create or add to ribbon of development.

CTY15 is also relevant in this case. The principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built up area and surrounding countryside. Development of this site would mar this distinction and create urban sprawl.

Recommendation:

Refusal- awaiting additional farm map to check histories.

Refusal- Proposal contrary SPPS, CTY1, CTY10, CTY13, CTY 15 and Insuff Info

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

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

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

proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Meigh and the surrounding countryside and result in urban sprawl.

Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details regarding access were required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

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COLE PARTNERSHIP

architecture & project management

12 a Duke Street,

Warrenpoint

Co Down

BT34 3 JY

Tel [028 41753679](tel:02841753679)

E mail cp.arch@tiscali.co.uk

30-11-2016

**Colette Mc Ateer
N.M.and D.D.C.
O Hagan House .
Newry**

**Ref Lands to rear and south of No.6 Railway Road Meigh Newry BT35 8RU
LA07/2016/0732/O**

We have been asked by the applicant Mrs M Carr to respond to the reasons for proposing to refuse the above application and wish to put these points to the Planning Committee.

Mrs. Carr is a farmer who has a farm which the case officers accepts has been active for over 6 years.

Mrs Carr makes a single farm payment return to DARD.

Mrs Carr has now lodged the correct farm maps showing her entire farm and Planners can now establish that there are no other development opportunities on the farm and hence no development opportunities have been sold off before the date of this application.

There are no sites available at Mrs. Carrs existing house therefore the requirements of CTY10 part C must be met.

The case officer states that the principle of development was to be accepted that a dwelling appropriately conditioned would not be prominent feature in the landscape.

The case officer also states that the proposal will not result in in build up and respects the traditional pattern of the settlement.

An application for a consent to discharge for a septic tank will be applied for subject to planning approval to met the requirements of CTY16

The proposal therefore meets the requirements of CTY13(a-f) ,CTY14 and CTY 16.

The case officer refers to CTY15 as a reason for refusal. CTY 15 is not included in the requirements of CTY10 (c) .

The last reason for refusal is in relation to the access. Transport N.I. comments ,attached , only require that a 1:500 site plan is submitted as part of a reserved matters application . Our client will provide a 1: 500 at reserved matters stage.

For the above reasons we request that the application is reviewed.

Yours faithfully,

A.J. Cole

for Cole Partnership.

A.J. Cole M.C.I.A.T.

A.C. Cole A.C.I.A.T.

J.A. Cole, M.C.I.A.T.

transportni

Rathkeltair House
Market St
Downpatrick
BT30 6AJ

Planning Application Reference Number:	LA07/2016/0732/0
Date Plans/Documents received by Planning	10/05/2016
Date Plans/Documents received by Transport NI:	29/06/2016
Drawing/Document Reference:	01

A scale plan and accurate site survey at 1:500 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.

Case Officer LIAM TRAINOR
Response Date 20-07-16

ITEM NO	24									
APPLIC NO	LA07/2016/0883/F					Full	DATE VALID 6/28/16			
COUNCIL OPINION REFUSAL										
APPLICANT	WBR Credit Union 14 Church Street Warrenpoint Newry BT34 3HN					AGENT	MRL Architects 56 Armagh Road Newry BT35 6DN 028 3025 3755			
LOCATION	21-23 Church Street Warrenpoint									
PROPOSAL	Demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor pedestrian access off Church Street and King's Lane.									
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions						
	5	0		0						
			Addresses	Signatures	Addresses	Signatures				
			0	0	0	0				
1	The proposal is contrary to paragraph 6.22 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the existing building makes a material contribution to the character of the area and no exceptional reason has been demonstrated which justifies its demolition.									
2	The proposal is contrary to paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character and Policy DES2 of A Planning Strategy for Rural Northern Ireland in that the design of the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.									
3	The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design, size and scale for the locality, is out of keeping with local architectural styles and patterns, and fails to conserve a building of importance to the character, appearance and heritage of the area.									



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0883/F

Date Received: 27th June 2016

Proposal: Demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor pedestrian access off Church Street and King's Lane.

Location: 21-23 Church Street, Warrenpoint

Site Characteristics & Area Characteristics:

The site contains a 2½ storey building on a double town centre plot which fronts onto Church Street to the SW. Its last use was as a bar/restaurant known as Bennetts. The walls are rendered and painted in two shades of blue. There is decorative plasterwork around the first floor front windows which are timber sliding sash type. There are arched timber window frames in the ground floor shop front and dormers in the roof which is covered with artificial slate. The site extends back alongside Kings Lane to the NW and the building gradually drops to two and then one storey and then an enclosed yard which can be accessed from the Summer Hill side to the north. This part of the building is painted yellow. Although there are several doors and some windows, there is little active frontage along this part of the street.

The site is located within the development limit of Warrenpoint and within the Town Centre Boundary. It is designated as an Area of Townscape Character (WB34) on the Banbridge, Newry and Mourne Area Plan 2015 and is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Church Street is part of the A2 Protected Route. There is an historic monument DOW 054:500 to the SW of the site. This part of the town centre has a range of land uses including residential, commercial and civic buildings, many of which make a positive contribution to the character of this seaside town.



Site History:

P/1988/1242 – Extensions and alterations to licensed premises – Approved.
There have been no recent applications on the site.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- Addendum to PPS6 – Areas of Townscape Character
- A Planning Strategy for Rural Northern Ireland
- Living Places Urban Stewardship and Design Guide

Consultations:

- TransportNI – Have safety concerns over the proposed pedestrian access onto Kings Lane. They suggested an office meeting to discuss this.
- NI Water – Site-specific informatives.
- Environmental Health – No objections provided the public sewerage system is used and subject to a condition on the use of any plant and equipment.

- Historic Environment Division – No archaeological objections. No concerns about the impact on the setting of listed buildings. No remit to comment on the impact on the Area of Townscape Character.

Objections & Representations:

The application was advertised in the local press on 29th July 2016. Six neighbouring properties were notified on 5th July 2016. Letters of objection were received from four separate properties, one of which was the adjacent Swallow Lodge, which shares a party boundary at the northern end of the site. The issues raised by this occupant include loss of light, overlooking and loss of privacy, and loss of a view of the Mountains. The loss of a private view is not a material consideration, though the other matters raised will be assessed below. The other objection letters were from residents elsewhere in Warrenpoint who objected both to the demolition of the historic building on the site, and to the design of the modern building proposed to replace it. Several suggested retention of the Church Street façade with a new development behind it. These issues will be explored below.

Consideration and Assessment:

The main issues to be considered in this assessment are the proposed demolition of a building within the Area of Townscape Character, the principle of the new use of the site as a Credit Union building, the design of the new building and its impact on the townscape of the area, and impacts on the amenity of neighbouring properties.

The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application are the aim of supporting good design and positive place making while preserving and improving the built and natural environment.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Warrenpoint on the above Plan, and is unzoned. It is within the town centre boundary, an Area of Townscape Character and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The town centre is an appropriate location for the use proposed, however, the ATC designation by its nature constrains what can be done with a site such as this. Proposals within ATCs will continue to be assessed under regional operational policy contained in the SPPS and the Addendum to PPS6. As there is no significant change to the policy requirements for ATCs following the publication of the SPPS and it is arguably less prescriptive, the retained policy in the Addendum to PPS6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

Policy ATC1 of the Addendum to PPS6 concerns Demolition Control in an Area of Townscape Character. It states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an

unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

The agent's original submission made no acknowledgement of this policy requirement. A meeting was held with representatives of the applicant and agent on 21st September 2016 and the planning department's concerns about the proposed demolition and redevelopment were set out. The agent advised that they considered the existing building to have no character in its own right, or as part of the wider street. Subsequent to the meeting, the applicant submitted a supporting statement to justify the demolition on 29th September 2016. They later asked for this to be sent to all 41 Councillors for their information.

The applicant's submission argues that the existing building is an ad-hoc design with a series of window types and elevational treatments that has been altered over the years and would be difficult to refurbish. It also argues that it is set within a streetscape with other inappropriate buildings that together make no contribution to the ATC. It is the planning department's view that these arguments are not tenable.

A number of objectors have raised the historic nature of the existing building as one of the oldest remaining in Warrenpoint. This in isolation would contribute to the character of the area which is not simply visual. The frontage of the building onto Church Street reflects its historical development over the years, but displays important original features. The first floor level is perhaps the best preserved with its decorative mouldings and keystones around the window openings and original sliding sash type windows. It also has traditional rendered quoins painted in a contrasting shade of blue. The ground floor also retains some original features including three narrow door openings which reflect the building's previous status as comprising several distinct plots in a finer urban grain. The smaller shop front window openings, some with arched timber heads also contribute to the character of the building and its setting. This front section of the building has a traditional narrow gable pitched roof with two chimneys on the ridge including one at the gable end. The ATC designation notes how chimneys punctuate the rigid geometry of ridgelines against the sky. The pitch and proportions of the roof and its clipped eaves and verges contribute to the traditional roofscape of the area, notwithstanding the more recent addition of four dormers. Finally, the traditional fascia signage and hanging projecting sign at first floor level contribute to the character of the building and the wider area. When the above features are viewed from various critical viewpoints within the town centre, the building clearly contributes to the character of the area in its own right. The applicant's contention that it makes no material contribution cannot be sustained.

With regard to its wider streetscape setting, the applicant argues that it is out of scale with the three storey pharmacy building to the SE and the approved three storey scheme for redevelopment of the present shop on the opposite side of Kings Lane to the NW. However, this would not justify demolition of a building of such historic character simply to even out the heights of buildings (on the assumption that the approved scheme to the NW will be developed). Indeed, a variation in roof heights and designs adds to the character of the area. It is accepted that the existing retail building on the adjacent site (Around a Pound shop) is of poor design and makes

little contribution to the character of the area. This is why it was found acceptable to demolish it by the previous planning authority under applications P/2007/0381/F and P/2014/0556/F. However, other buildings along the frontage retain traditional features including a high solid-to-void ratio, a hierarchy of window proportions and clipped eaves and verges, as shown in the photo below. It is incorrect to assert that the quality of the immediate surroundings of the site weakens the contribution of the Bennetts building to the townscape character of the ATC. Indeed, if there are weaknesses in the design of other buildings on this frontage, there is all the more reason to protect this historic structure. The supporting statement makes reference to the development plan designation WT27. There is no such designation in the adopted Area Plan and it appears they have been reading the draft Area Plan which is no longer relevant to the application. The correct designation is WB34 which gives an extensive description of the key features of the area. While it cannot mention every building by name, this cannot be taken to mean that any buildings not mentioned can be demolished. The point of designating the whole area is to protect buildings that contribute to its character and the frontage of Bennetts is a clear example of this.



The planning department accepts that the yellow-painted section of the building behind the Church Street frontage does not make a positive contribution to the character of the ATC. The section fronting onto Kings Lane has no active frontage and creates a narrow alley that would benefit from being opened up and redeveloped with active uses, in a similar way to the approved proposal for the opposite side of Kings Lane which includes both retail and residential frontage onto the street. Therefore we have no objection to the demolition of the majority of this rear section

of the building and its replacement by an appropriate redevelopment scheme. However, this must work within the policy requirements and in particular, the need to retain the frontage and the original gable of the historic public house. While the ceiling heights may be low, it is considered possible to find a design solution to meet the needs of the credit union while preserving the historic façade. We attempted to explore such solutions with the applicants at the meeting, but they refused to countenance any change to the submitted design and asked for the principle of demolition to be determined first. Therefore we must proceed to determine the proposal as submitted. Demolition can only be permitted if the subject building makes NO material contribution to the distinctive character of the area. This is clearly not the case. To demolish the Church Street frontage would harm the character of Warrenpoint town centre and the application should be refused on this basis.



Rear section which does not contribute to ATC



View from car park to north

Turning to the new building proposed, the use as financial services would fall within Class A2 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015. It is classed as a main town centre use and is subject to regional policy for town centres and retailing now contained within the SPPS. The SPPS promotes a town centres first approach for the location of new retail facilities and introduces a sequential test for the identification of retail sites. As this site is within the designated town centre of Warrenpoint and there is no designated Primary Retail Core that would sit ahead of the site in the order of preference, the principle of the use as a credit union is acceptable on this site.

Notwithstanding the above and without prejudice to its considered view and recommendation that the existing building should be retained, the Planning Department has also considered the design of the proposed building, as submitted, in the interests of completeness. The design of the new building will be assessed principally against policy ATC2 of the Addendum to PPS6. New development will only be permitted where it maintains or enhances the overall character of the area and respects its built form. Also relevant is policy DES2: Townscape of the Planning Strategy for Rural Northern Ireland. It requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials. It also highlights the importance of preserving shopfronts, which this proposal fails to do. The proposed building is three storey and will be built around a central atrium with a light well extending from the roof to the ground floor. It will cover only the southern half of the site. The plans state that the remainder of the site is to

be left for future development, but gives no detail of how the area would be left in the meantime or secured against anti-social behaviour. This would leave a blank rear wall over 12 metres in height facing the Summer Hill side of the town. The ground floor frontage to Kings Lane is to be set back slightly to permit a pedestrian colonnade, in view of the fact that there is no footway along either side of this one-way street. This may be appropriate if the openings were arched to reflect more traditional construction, and the benefits for pedestrians are acknowledged, however, the submitted design highlights the non-traditional portal frame structure within the columns and does not respect the built form of the area. There are large glazed areas in the two street frontages, some of which are set back from the established building line, and others which are over 5 metres in height, being over two storeys. The use of cut stone to the Church Street fenestration, the provision of glass balconies and the non-traditional scale and proportions of window openings mean that the building would appear out of keeping with its context, a somewhat monumental structure in a traditional townscape frontage. The supporting statement refers to the creation of a 'statement building', however, the ATC designation in the area plan notes the linear quality of Church Street in contrast to the geometry of the Square where buildings of this scale might be found. Some objectors have described the proposed scheme as a 'modern monstrosity', a 'soviet-esque purely functional monstrosity' and a 'second rate utilitarian eyesore'. It is clear that the scheme does not respect the established character of the area or its traditional built form. It fails to reinforce local identity, but would introduce a scale and materials that are alien to the town centre of Warrenpoint.

The application proposes a 3 storey elevation onto Church Street. This follows from the fact that the proposed ridge line runs to the ridge line of the adjacent existing 3 storey pharmacy, presumably to maximise the development potential of the site. It is considered that this is unacceptable due to the excessive massing which would result, when read with the existing pharmacy and the proposed replacement building on the opposite side of King's Lane. It is considered that there should be a significant reduction in the proposed ridge height to ensure the building, which is proposed on this high profile site along Church Street, respects and enhances the existing townscape character, while ensuring variety and visual interest in this important façade. It is also considered that the design of any proposed replacement building should reflect the character of the existing building in terms of design, scale and form. It would be necessary to make major changes to the proposed openings, variations in the roof line including a stepping down towards the rear of the site, changes to materials to ensure they reflect the built form of the area, and a more comprehensive use of the site rather than leaving half undeveloped with a 3 storey blank wall facing people walking towards the town centre. Design details should include: the retention of the traditional roof pitch and detailing, with strong gable end onto King's Lane with appropriate chimneys on the ridge; traditional fenestration patterns, rhythms and details with appropriate solid to void ratios; appropriate commercial/shop front and details; and an appropriate smooth rendered façade with plastered quoins. It is also considered that the proposed rear extension and façade and elevation to Kings Lane and towards Summerhill which are unacceptable in form and design, should be re-visited to address the issues outlined above.

The design as submitted is unacceptable under ATC2 and DES2 and should be refused. The submission by the applicant highlights paragraph 1.5 of the Addendum to PPS6 which states, *"It is acknowledged, however, there may be exceptional cases*

where this consideration may be overridden in favour of development which is desirable in the public interest." The planning department agrees that there would be benefits to the public in having an improved Credit Union facility along with space for community meetings on the top floor as proposed. However, any perceived benefits of the scheme must be balanced against the harm to the public interest of the loss of an historic building that contributes to the character of the area and its replacement by a poor design that fails to respect the ATC. The scheme is not suitable for this site and any benefits it would provide do not outweigh the harm it would cause.

There is no vehicular access to the site, as has historically been the case, so although Church Street is a Protected Route, the scheme would not fall foul of policy AMP3 of PPS3. The building has been designed to be accessible by people with impaired mobility as required by policy AMP1. Policy AMP7 requires adequate car parking and servicing arrangements. However, as the site is located within the town centre, there is available car parking on street in the area, and the site is in a highly accessible location well served by public transport, it is not considered necessary to insist on a dedicated parking requirement for this development. TransportNI raised no concerns with regard to servicing the site. They did raise an issue with regard to the safety of pedestrians on Kings Lane as the covered walkway ends abruptly and pedestrians would have to step out onto the road to pass the end of the building. This is another design issue in addition to those mentioned above.

There is an historic monument (DOW054:500) to the SW of the site. Historic Environment Division was consulted and has no archaeological objections to the proposal under PPS6. They also had no concerns regarding the setting of the listed town hall to the SE under policy BH11 as it is sufficiently removed from the site in this urban context. They had no remit to comment on the ATC designation which is a matter for the Council, though they highlighted the potential loss of buildings of local value which contribute to the scale and character of the town.

Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. The proposal is not of an appropriate design, size and scale for the locality, or in keeping with the character of the area as discussed above. It also fails to conserve a building of importance to the character, appearance and heritage of the area and does not respect local architectural styles or materials. It therefore fails to meet all three criteria of this policy.

As there are a number of residential properties in proximity to the site, impacts on their residential amenity must be considered. The main impact would be on Swallow Lodge, off Kings Lane to the NE. A blank gable faces this property with the exception of two set-back store room windows at first and second floor level. I am not persuaded that this would cause an unacceptable degree of overlooking in an urban context given the 20 metre distance between them and the rear of the dwelling. However, I would give weight to the objector's concern about loss of light given the scale of the building. Given the orientation of the buildings, it may cause a loss of light in the afternoon, though this would be easily resolved by stepping it down to two storey as it moves towards the rear of the site. Again, this is a matter of design, which has previously been found unacceptable.

NI Water advised that public water supply and foul and storm sewers are available. There is available capacity at the receiving WwTW. If the application is approved, 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.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to designation WB34 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.22 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the existing building makes a material contribution to the character of the area and no exceptional reason has been demonstrated which justifies its demolition.
2. The proposal is contrary to designation WB34 of the Banbridge, Newry and Mourne Area Plan 2015, paragraph 6.21 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy ATC2 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character and Policy DES2 of A Planning Strategy for Rural Northern Ireland in that the design of the proposed building does not respect the built form of the area, does not make a positive contribution to the townscape and fails to maintain or enhance the overall character of this Area of Townscape Character.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design, size and scale for the locality, is out of keeping with local architectural styles and patterns, and fails to conserve a building of importance to the character, appearance and heritage of the area.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

MILLIGAN RESIDE LARKIN Chartered Architects

56 Armagh Road Newry BT35 6DN
Tel +44 (0)28 3025 3755 Fax +44 (0)28 3026 1035
Email design@milarch.co.uk www.milliganresidelarkin.com



FAO Ms Louise Dillon
Newry, Mourne & Down District Council
O'Hagan House
Monaghan Row
Newry
BT35 8DJ

Your Ref

Our Ref **40166/ETL/JL**

30th November 2016

Dear Louise,

Speaking rights in relation to Planning Application LA07/2016/F – ITEM No 24

DEMOLITION OF EXISTING BAR/RESTAURANT WITH 2 FLOORS OF RESIDENTIAL USE OVER. RELOCATION OF EXISTING CREDIT UNION FROM No14 CHURCH STREET. NEW 3 STOREY BUILDING (Class A2) WITH GROUND FLOOR PEDESTRIAN ACCESS OFF KING'S LANE.

The proposal for the re development of 21/23 Church Street, Warrenpoint has been recommended for refusal to the Planning Committee on 7th December. Three reasons for refusal have been listed and we shall address each one separately.

01. DEMOLITION - Planning contends that the existing building as it stands makes a material contribution to the ATC and that no exceptional reason has been demonstrated to justify its demolition.

We set out below clear reasoning as to why this building ought to be permitted to be demolished enabling appropriate redevelopment of the site.

- The current structure has merged a number of buildings of traditional proportions to create what is currently a wide frontage building which does not reflect the original grain of Warrenpoint at this location. Over recent years these buildings have merged into one, resulting in the ground floor openings being enlarged, with inappropriate fenestration / doors being used, this has culminated in the removal of the former vertical emphasis and proportion to the front elevation. The dormer windows are out of character for the area and were an inappropriate addition to the original building in the late 1970s. . The result of which is a building that exhibits a mismatch of styles, and an inappropriate proportion.

Refer below - Photograph Illustrating 19th Century buildings on this site



- We note that the Planning Service contend that this building makes a material contribution to this Area of Townscape Character. The building as it stands forms part of a street elevation which is composed of 2 storey buildings to the north and bookended by a 3 storey building located at the southern boundary of the site (Walsh's Chemist). In a recent Planning decision relating to 19 Church Street (building immediately to the North of the site), Planning Service approved the demolition of this building and its redevelopment as a 3 storey building. Notwithstanding that this approval has produced a peculiarity in terms of townscape in that a narrow frontage 3 storey building has been approved in a current street scape of 2 storey buildings, it also has isolated the subject site from its context. We also note that the subject building is not even mentioned in the case officer's report in their consideration of the development at 19 Church Street, we find this inconsistent given that the planning department are now stating that it makes a material contribution to the character of the area. It should be noted that the approved redevelopment of 19 Church Street will overshadow the subject site and make it appear out of context as it will be sandwiched between two three storey blocks.

Refer to illustration below



- Our proposal will redress this anomaly and produce an appropriate street elevation. See the illustration below.



- As mentioned previously the current building on site is the product of adhoc renovation over many years to create space appropriate for its use as a public house, restaurant with residential accommodation over. It is well known that the vintner / restaurant trade has suffered recently and contributed to the sale of the building. WBR Credit Union recently acquired the site, as part of the approach to redevelopment, consideration was given to the redevelopment of the existing building, after scrutiny by various disciplines (Chartered Architects / Chartered Structural Engineers / Chartered Services Engineers), it was concluded that adaption for use as a Credit Union was not appropriate, in that, the structure is not designed to take the loadings that would be required for a change of use. The internals of the building would have to be stripped out and a new frame set in to meet modern day requirements (Building Control, Fire Safety, H&S and Disability requirements). The current elevations that suited the former use are inappropriate for a new Credit Union requiring considerable remodelling. In this context it was concluded that retention of the building would be extremely difficult and economically unsustainable.

We note that the Planning service contend that the existing building ought to be retained, we are unaware of any reasoning from the planning department as to why the building makes a positive contribution to the ATC. The case officer's report is currently unavailable and no consultation was issued to any conservation department even though this was recommended by Historic Environment Division in their consultation response.

We accept that the ultimate decision as to whether a building makes a contribution to an area is a professional judgement and not set by clearly defined rules, we feel that we can objectively provide appropriating reasoning for our position a major factor in this is we believe this site is more acceptable for consideration for demolition given that the subject building is the product of adhoc renovation, isolated from its immediate context, unsuitable for the proposed appropriate and sustainable use and its redevelopment will address the anomaly of a 2 storey building sandwiched between 2 three storey buildings.

Planning Service in the recent past has allowed demolition in the Warrenpoint ATC highlighting that this case will not be setting a precedent in the area. In many instances those subject sites would not have had the mitigating circumstances that this site has a selection of these are listed below;

- Demolition of 42 Church Street and rebuild as new commercial and residential premises. Planning permission granted November 2008. (renewed June 2016). This application allows for the building to be increased in height, even though it is on a corner site and is read within the context of two listed buildings.
- Mixed use development consisting of 3 ground floor retail units and 10 apartments at 19 Church Street (3 storey) which is immediately adjacent to the application site. Planning Permission granted November

2015. This application allows for the two storey building to be replaced with a three storey building. This building will overshadow the subject site and make it appear out of context.

- Demolition of existing dwelling and erection of 3 apartments at 10 Great George Street. Planning permission granted January 2016.
- Jack Ryan's Public House, Newry Street. Building has been completely rebuilt in recent times even though the application was for refurbishment.
- Balmoral Hotel is a complete new build resulting in a new modernistic Architectural design.

02.DESIGN - Planning contend that the design of the building does not respect the built form of the area and therefore does not make a positive contribution to the townscape and fails to enhance or maintain the overall character of the ATC

The design of the building is modern in form but it respects and relates to the streetscape in which it is set. The design is very much in keeping with the character of the area. The scale matches its neighbour, carrying through the existing eaves and ridge lines. External materials are predominantly render and slate, with some natural stone being used to give the corner site the prominence that it requires. Fenestration on to Church Street relates to the neighbouring property by using the same scale of windows at first and second floor, set within a rendered section, before opening up to larger windows that will add to the vitality of the area and flood the new building with light. These larger windows have also been set back from the main plane. This makes reference to but does not try to copy or imitate the original style. The windows on King's Lane are smaller in nature, relating to their location on a side street.

The building makes a positive contribution to the townscape in many ways. Towards King's Lane the ground floor level of the building opens up to create an active street frontage which will create a vibrancy that the current building lacks. The building line then steps back as it turns onto King's Lane to form a colonnade, allowing safe pedestrian access towards the existing carpark to the rear of the site. The building is designed to best use it's corner location and opens up to the street instead of disregarding it as the existing building does. The proposed building form also relates to the overall streetscape, with the stone feature lining through with the two storey buildings towards the square and the three storey rendered backdrop relating to its immediate setting.

The building will enhance the overall character of the Area of Townscape Character. We are replacing a dilapidated building in a prime location with a modern design that will enhance the character of the area and bring people into the center of Warrenpoint. The design is of a high standard, which respects and is

sympathetic to the qualities of the area, as set out previously. Whilst the proposal is modern in context PPS 6 states:

“What is important is not that the new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.”

Without sight of the case officer’s report it would be our view that insufficient consideration has been given to the existing streetscape and whether the vicinity “has a well-established character and appearance”. The current building is located between a large unattractive three storey building and a proposed three storey building with an unsymmetrical design. The remaining streetscape along this frontage is a mismatch of varying designs, styles and heights that collectively do little to positively contribute to the ATC or to set an overall character for the area.

Once again the merit of an architectural style is down to interpretation and a professional opinion. It is our view that the council planners are adopting an overly conservative approach to a modern design. There are many examples throughout the country where modern designs fit comfortably with traditional streetscapes, complementing and enhancing rather than creating a negative impact. This design compliments what is there and given the wide variety of styles, heights and designs it is hard to understand how it distracts from the streetscape.

03. ANOB- The proposal is contrary to paragraph 6.187 of the Strategic Planning Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2 Natural Heritage in that the site lies in a designated AONB and the development is of an inappropriate design, size and scale for the locality, is out of keeping with local architectural styles and patterns, and fails to conserve a building of importance to the character, appearance and heritage of the area.

Warrenpoint falls within An Area of Outstanding Natural Beauty. It is however a town with a variety of architectural styles built over the years. We believe that Policy NH6 may have some relevance in terms of its consideration, however, its relevance is predominately directed to development in the countryside, this is an urban site - Paragraph 6.187 of the Strategic Planning Statement for Northern Ireland is very generic and refers to the character of the area in terms of landscape, heritage and wildlife:

Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies.

We disagree with the planners opinion that and the development is of an inappropriate design, size and scale for the locality, is out of keeping with local architectural styles and patterns, and fails to conserve a building of importance to the character, appearance and heritage of the area.

The proposed development will not impact on any of these aspects, on the contrary the proposed redevelopment will enhance and positively contribute to its current location. Consultations from **Historic Environment Division** have stated that the building will **not** affect the important built heritage of the town. The proposal will **not** affect landscape or wildlife either.

PPS2 Natural Heritage relates to the conservation, protection and enhancement of our natural heritage which is defined as "the diversity of our habitats, species, landscapes and earth science features". Policy NH 6 of this policy states a number of principles, we have stated these below and have indicated how this application conforms to their requirements

- ***the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.*** The building is located in an urban setting and relates to the scale of the buildings in the vicinity. Proposed forms and materials are local to the area.
- ***It respects or conserves features of importance to the character, appearance or heritage of the landscape.*** As discussed earlier it is our opinion that the current building is of low architectural quality and does not contribute to the character of the area. The proposed building respects the features of importance in Warrenpoint, sitting comfortably with important buildings such as the First Trust Bank, Town Hall and Cloghmore Terrace.
- ***The proposal respects local architectural styles and patterns; traditional boundary details; and local materials, design and colour.*** The proposed building, whilst modern in design, respects the local architectural styles, using similar window patterns, local materials, suitable scales that relate to its context and subtle colours that will enhance the area.

Addendum to PPS 6 states *"It is acknowledged, however, there may be exceptional cases where this consideration may be overridden in favour of development which is desirable in the public interest."*

A new Credit Union, with shared space for all in Warrenpoint, would be very much in the public interest. Given the current situation with rural banking and the recent closures of branches within Warrenpoint the provision of community banking has to come to the forefront. To make this work the credit union must be located within the town centre.

We thank you for taking time to consider our opinion prior to the forthcoming Planning Committee Meeting..

Yours sincerely



E T LARKIN RIBA

For and on behalf of MILLIGAN RESIDE LARKIN LTD

ITEM NO	25				
APPLIC NO	LA07/2016/1124/F	Full	DATE VALID	8/19/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Tesco Stores Ltd Unit 2 Abbey Retail Park Church Road Newtownabbey BT36 7GU	AGENT	One2One Planning 1 Larkfield Avenue Upper Lisburn Road Belfast BT10 0LY 07920583648		
LOCATION	Lands west of Downshire Road and bounded by Newry Canal comprising nos 24-26 Downshire Road (Riverbank Industrial Park) Newry BT34 1EE				
PROPOSAL	Proposal under Section 54 of the Planning Act 2011 to vary Condition 1 of P/ 2010/1568 and Condition 14 of P/2012/0504 (both relating to permitted servicing hours for food superstore) to permit an additional hours servicing from 06.00hrs to 07.00hrs Monday to Friday and an additional hour and a half from 07.00hrs to 8.30hrs on a Saturday at Tesco Store, 24 Downshire Road, Newry.				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	12	0	0	0	
			Addresses Signatures	Addresses Signatures	
			0	0 0 0	
1	The proposal is contrary to paragraphs 2.3 and 4.11 and Annex A of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it would harm the living conditions of the residents in Glinree Court by reason of noise disturbance during night-time hours.				



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1124/F

Date Received: 19th August 2016

Proposal: Proposal under Section 54 of the Planning Act 2011 to vary Condition 1 of P/2010/1568 and Condition 14 of P/2012/0504 (both relating to permitted servicing hours for food superstore) to permit an additional hours servicing from 06.00hrs to 07.00hrs Monday to Friday and an additional hour and a half from 07.00hrs to 8.30hrs on a Saturday at Tesco Store, 24 Downshire Road, Newry.

Location: Lands west of Downshire Road and bounded by Newry Canal comprising Nos. 24-26 Downshire Road (Riverbank Industrial Park), Newry, BT34 1EE

Site Characteristics & Area Characteristics:

This is an urban site containing a large supermarket with parking across the whole site at ground level and the retail and storage space above. The building is clad with horizontal timber and there is a large glazed area on the main frontage onto Downshire Road. There are two vehicular accesses from Downshire Road at either end of the site. One of these leads to a ramp to the first floor service yard and staff car park to the rear. This is in close proximity to an apartment development at Glinree Court to the south. There is also housing to the north of the site at Downshire Court. The site is bounded to the west by the Newry River. There are retaining structures to the south and west of the site.

The site is unzoned land within the development limit of Newry City on the Banbridge, Newry and Mourne Area Plan 2015. It is just outside the city centre boundary and is accessed from a Protected Route. As a reflection of the site's edge of city centre location, there is a mix of land uses in the area including, residential, retailing, an enterprise park, offices and other community buildings.



Site History:

The supermarket was first approved under application P/2008/1103/F (Erection of food superstore with associated car parking, landscaping and access) on 09.09.2010. Condition 25 of this approval stated, "Service deliveries and loading/unloading of commercial vehicles shall take place between 07:00hrs and 23:00hrs Monday to Friday, between 10:00hrs and 18:00hrs on Saturday and none on a Sunday. Loading/unloading of commercial vehicles shall take place within the service yard as denoted on drawing number 06 bearing the Planning Service date stamp 25th June 2009. REASON: In the interests of residential amenity."

This was subsequently varied through application P/2010/1568/F to permit additional hours servicing on Saturdays and Sundays. It was approved on 13.06.2011 with a condition stating, "Service deliveries and loading/unloading of commercial vehicles within the service yard shall take place between 07:00 hours and 23:00 hours Monday to Friday, between 08:30 hours and 23:00 hours Saturdays and between 10:00 hours and 18:00 hours on Sundays." An additional condition was also added with regard to home delivery vehicles: "Loading/unloading of home delivery vehicles within the service yard shall take place between 07:00 hours and 23:00 hours Monday to Saturdays and between 11:00 hours and 18:00 hours on Sundays."

A 'mop-up' application P/2012/0504/F permitted a further series of amendments found necessary at construction stage. It was approved on 05.09.2013, but replicated the servicing condition from the original approval which was more restrictive at weekends. This can be considered to supersede the variation granted in 2011 as it was not appealed.

Advertisement Consent for shop signs was granted on 17.10.2013 (Ref: P/2013/0035/A) and there have been four subsequent approvals related to the 'Click and Collect' service.

Planning Policies & Material Considerations:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- The Noise Policy Statement for Northern Ireland

Consultations:

The Council's Environmental Health department were the sole consultee in this case as the issue relates to noise and amenity impact on neighbouring residential properties. They have objected to the proposal on grounds of noise disturbance to local residents. Their reasoning will be discussed further below.

Objections & Representations

The application was advertised in the local press on 9th September 2016 and 54 neighbouring properties were notified of the proposal on the same date. Letters of objection were received from the occupiers of 8 houses in the local area, as well as from the company that owns the freehold to the apartments at Glinree Court. The residents' objections are solely on the basis of noise impact on their residential amenity, a material consideration that will be assessed below. The landowner also raised the effect on property values due to noise nuisance, but impacts on property values are not a material planning consideration.

Consideration and Assessment:

Section 54 of the Planning Act (Northern Ireland) 2011 provides a mechanism for applications to vary conditions on previous planning approvals. The planning authority must consider only the question of the conditions subject to which planning permission should be granted.

Section 45 of the Planning Act 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 Newry on the above Plan, but is unzoned land outside the city centre boundary. There are no other relevant policies in the Area Plan, so the application will be assessed against the regional policy of the SPPS.

The existing supermarket is a 24 hour store except on Sundays. Due to the physical layout of the service yard and ramp in close proximity to residential properties, it is necessary to restrict the use of these areas during night-time hours. Home deliveries are permitted from 7am until 11pm Monday to Saturday and from 11am to 6pm on Sundays. The agent has argued that since fresh produce cannot be delivered to the service yard until 7am or later at weekends, and as further time is taken to unload the lorries, the day's fresh produce is not available to store pickers until some time after 7am, making the process inefficient. Tesco wishes to extend the early morning servicing hours to assist with managing this operational requirement. The inefficiency of the present system is not a reason in itself to vary the servicing hours condition as

it was imposed to protect residential amenity at unsociable hours. Therefore it would need to be demonstrated that there is no adverse effect on residential amenity from an increase in servicing times.

Paragraph 2.3 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) states that "The planning system operates in the public interest of local communities and the region as a whole, and encompasses the present as well as future needs of society. It does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured." Permitting deliveries to the site earlier in the morning clearly has the potential to impact on residential amenity at neighbouring dwellings through noise pollution. The applicant has attempted to address this concern through the submission of a noise assessment.

Annex A of the SPPS gives greater detail on managing noise. It states that, "In managing development, planning authorities should treat noise as a material consideration in the determination of planning applications for proposals likely to give rise to significant levels of noise and also for proposals such as housing in proximity to established noise generating uses such as quarrying or certain industrial uses. Where noise is identified as a significant issue, consultation with the relevant authorities, including environmental health, may be necessary. Planning authorities should seek to reach balanced decisions that consider noise issues alongside other relevant material considerations, including the wider benefits of the particular proposal. It may be appropriate to apply conditions to planning approvals for new development or change of use proposals in order to mitigate against excessive noise impacts." It goes on to refer to the Noise Policy Statement for Northern Ireland.

The Noise Policy Statement for Northern Ireland advises that, "Noise can be treated as a material consideration in the determination of planning applications for proposals likely to give rise to noise that would impact adversely upon residential/public amenity and/or the character of the locality. In some cases where noise is identified by the planning authority as a significant material consideration this should involve consultation with the relevant District Council Environmental Health Department. In determining applications, the planning system aims to reach balanced decisions and controls must avoid placing unreasonable restrictions on development or adding unduly to the cost and administrative burdens of businesses. This will often result in conditions being applied to planning consents for new development or change of use proposals in order to mitigate excessive noise impacts." In applying this advice, the planning department has consulted with the local Environmental Health department.

The store is located within close proximity to residential properties. The apartment development Glinree Court is located within 10m of the access ramp to the rear yard and approximately 50m from the delivery unloading area. The apartment blocks

within Glinree have properties over four floors with some properties having windows overlooking the service area.



Entrance to service yard with Glinree Court apartments to left



Service yard from Glinree Court

The Supporting Statement refers to a month long trial that was negotiated with the EHO and Principal Planning Officer. Officers from Planning and Environmental Health spoke to the agent and acoustic consultant regarding the proposed planning application but no details were provided about the trial, no trial was formally agreed in writing and the Council was not aware that a trial had taken place. It would have been expected that Council officers would have input to the design of the trial and could have verified measurements on the ground during it, but this opportunity was not afforded. It is noted that the delivery activity source levels used within the report were obtained from similar Tesco stores and not from the trial carried out between May and June 2016 at this site.

The background measurement location used for the noise survey was within the Tesco service yard and not at the nearest residential receptors. There is no justification as to why the service yard was used and not the receptor locations as per Paragraph 8.1.2 of BS4142:2014. Environmental Health carried out a background monitoring exercise at Glinree Apartments which indicated that the background level at the service yard may be higher than that at the apartments and therefore not representative of the receptors. This throws doubt on the validity of the noise report submitted.

The proposal to extend servicing hours to earlier times in the morning will introduce a new noise source within close proximity to residential properties during what is considered night-time hours. The nature of the noise as referred to within Appendix E of the NIA is short impulsive bangs e.g. crashes and 'rattles' associated with the movement of produce roll cages within 68m (as referred to in Appendix E) of the nearest receptor. The BS4142:2014 assessment completed as part of the NIA indicates the likelihood of an adverse impact from the additional servicing hours on Monday – Friday at the nearest receptors.

Given the above, Environmental Health considers that the proposed development, with the extended servicing hours has the potential to result in an adverse impact due to loss of amenity to local residents by reason of noise disturbance.

A rebuttal of the EHO response was submitted on 25th October 2016. It was argued that noise monitoring had to be undertaken within the service yard to ensure that the equipment could be mains powered and remain secure from interference by members of the public. However, these issues could have been overcome by careful siting of the equipment and they do not overcome the fact that readings in the service yard do not give an accurate picture of the noise impact at the residential receptors. It was also argued that the increased noise impact would not be 'significant' as defined by the Noise Policy Statement for Northern Ireland, and that no complaints were made during the month-long trial. However, the Noise Policy Statement makes clear that any adverse impacts on health and quality of life should be mitigated or minimised, not simply 'significant' adverse impacts, and the advice of Environmental Health remains that this proposal would harm residential amenity during what is considered night-time hours. Having regard to their role as a technical consultee, and the role of the planning authority to mitigate against excessive noise impacts on existing residential properties, the planning department agrees with the advice that they have given to recommend refusal of this application. Refusal of the application could not be considered to have an adverse economic impact on the enterprise as store pickers can still make use of produce delivered the day before

between 7am and the time the first lorries are unloaded. The agent has also argued that the condition as it stands fails the test of reasonableness as it places unjustifiable and disproportionate burdens on the operator. But since it has been found that there would be an adverse impact on residential amenity if the condition was varied as requested, it is both a necessary and reasonable response to the situation on the ground and the inter-relationship of the two land uses. The servicing hours condition should not be varied as to do so would cause excessive noise impacts on the residents of Glinree Court.

Section 54 of the Planning Act states that if the planning authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, the authority must refuse the application. This is the recommendation in this case for the reasons set out above.

Recommendation: Refusal

Refusal Reason:

1. The proposal is contrary to paragraphs 2.3 and 4.11 and Annex A of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that it would harm the living conditions of the residents in Glinree Court by reason of noise disturbance during night-time hours.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	26			Outline	DATE VALID	8/26/16	
APPLIC NO	LA07/2016/1142/O						
COUNCIL OPINION	REFUSAL						
APPLICANT	Paul Gribben 23 Drumsesk			AGENT	Collins & Collins		
	Rostrevor BT34 3EG				Newry BT34 1DF 30266602		
LOCATION	Site Immediately North Of And Adjacent To No 23 Drumsesk Road Rostrevor Newry Co. Down						
PROPOSAL	Dwelling & domestic 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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.						
3	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 the private laneway.						
4	The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling would, if permitted, create a ribbon of development along the private laneway, and would therefore result in a detrimental change to the rural character of the countryside.						



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1142/O

Date Received: 13th May 2016

Proposal: This application is for the erection of a dwelling and garage on a farm.

Location: Site Immediately North Of And Adjacent To No 23 Drumsesk Road, Rostrevor, Newry, Co. Down.

Site Characteristics & Area Characteristics:

The proposed site is a cut out of a large agricultural field sited immediately north and adjacent to 23 Drumsesk Road, which is located approximately 0.4 mile north-west of Rostrevor. The site is accessed via an existing private laneway off the Drumsesk Road which leads to numbers 23 and 25. An agricultural gate provides access to the field. The field is irregular in shape and slopes gently from the agricultural access up towards the east for approximately 30m before rising steeply until it meets the eastern boundary. The northern boundary of the site is defined by a post and wire fence, hedgerow and sporadic mature trees; the western boundary is defined by a post and wire fence and leylandii trees; the boundary with number 23 Drumsesk is defined by a wall and fence; while the boundary to the rear is undefined.

According to the information provided by the agent, the farm holding consists of 2 fields: the large agricultural field subject of this application and a smaller field located approximately 40m south of number 23 Drumsesk Road. There is a domestic garage type building to the rear of number 23 that appears to be in use as residential accommodation. It is not clear if this accommodation is ancillary to the main dwelling house at number 23. The building has a separate oil and gas supply and satellite dish. There is also an agricultural type building situated immediately to the rear of the garage building. At the time of inspection there were two tractors parked beside the shed, however it was not clear if this shed was being used for agricultural purposes. The shed does not benefit from planning approval and appears to be unauthorised.

The application site is in a rural area that is classified as open countryside and falls within the Mourne Area of Outstanding Natural Beauty and an area of constraint on mineral developments as designated in the Banbridge, Newry and Mourne Area Plan 2015. There are a number of detached dwellings and agricultural buildings in the surrounding area.

Site History:

- P/1999/0445 – Extension to dwelling at 23 Drumsesk Road – Granted approval on 06.05.1999
- P/2010/1296/F – Erection of replacement dwelling and garage 50 metres north of 21 Drumsesk Road, Rostrevor – Granted approval on 06.11.2011
- P/2015/0106/F – Change of house type 75m south east of Nr 24 Drumsesk Road, Rostrevor – Granted approval on 21.07.2015

Planning Policies & Material Considerations:

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

Consultations:

- Transport NI – No objections in principal.
- NI Water – Generic response.
- Environmental Health – No objections in principal.
- DAERA – The farm business ID has been in existence for more than 6 years however it has not claimed farm payments within the last 6 years;

Objections & Representations

3 neighbour notification letters were issued and the application was advertised in the local press the week beginning 12th September 2016. No objections or representations have been received.

Consideration and Assessment:

Outline planning permission is sought for the proposed erection of a dwelling on a farm. 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. The site is located within the rural area and the Mourne Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS2, PPS3 and PPS21.

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes ‘*agricultural activity*’ there is no conflict or change in policy direction between its provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application.

Principle of Development

Policy CTY 1 of PPS 21 sets out a range of types of development that are acceptable in principle in the countryside. This includes farm dwelling if they are in accordance with Policy CTY 10. In reference to CTY10, there are three criteria to be fulfilled:

Criterion (a) of Policy CTY 10 requires that the farm business is currently active and has been established for at least 6 years. DAERA confirmed in a consultation response dated 10th October 2016 that the Business ID has been established for more than 6 years however the business has not claimed Single Farm Payment within the past year. Claiming SFP is the main means used to determine if the farm is active. The lack of SFP claims suggests that the farm business is not currently active.

Paragraph 5.38 of the justification and amplification of policy CTY10 states that “*the applicant will therefore be required to provide a farm’s DARD business ID number along with other evidence to prove active farming over the required period*”. The Design and Access Statement submitted with the application states that whilst the applicant is not currently farming the land, he has continued to ensure the fields are in agriculturally fit state by carrying out general maintenance over the years. However no evidence has been submitted to substantiate this claim. As it has not been demonstrated that the farm business is currently active, the proposal does not justify a new dwelling on a farm in accordance with criterion (a) of Policy CTY10.

Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application. This provision only applies from 25th November 2008. A planning history search shows that no other sites have been approved for dwellings on the farm. I am content that no development opportunities have been sold from the farm holding in the last ten years. Criterion (b) of Policy CTY10 is satisfied.

Criterion (c) of Policy CTY10 requires that 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. The existing laneway off the Drumsesk Road provides access to the application site. The only issue is whether the development proposal complies with Criterion (c) in terms of grouping with an established group of buildings on the farm.

Criterion (c) refers to buildings on a farm as opposed to solely farm buildings. Number 23 Drumsesk Road, the address associated with the farm holding, consists of a domestic dwelling and garage building which are considered to be a group of buildings. Criterion (c) of Policy CTY10 is therefore satisfied. The agricultural type building to the rear of the garage has been excluded from this assessment as it has been built without the benefit of planning approval. This matter has been reported to the enforcement section for further investigation. It is noted that the Design and Access Statement refers to the proposed site grouping with a group of farm buildings on the opposite side of the laneway. However these buildings are outside the farm holding and cannot therefore be considered as part of this application.

Ribbon Development

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 of the justification and amplification of Policy CTY 8 states:

"Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways..."

A dwelling on this plot would have common frontage with and visually link with the dwellings along the private laneway, namely numbers 23 and 25 Drumsesk Road. This would create a ribbon of development, which would be detrimental to the countryside's character, appearance and amenity. The proposal is therefore contrary to Policy CTY8.

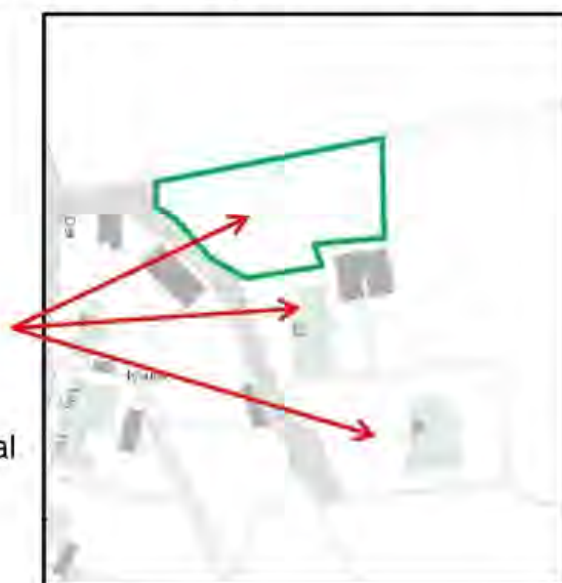


Image 1 - Creation of Ribbon Development

Integration and Design

Paragraph 6.73 of the SPPS confirms that *"Dwellings on farms must also comply with LDP policies regarding integration and rural character."* In the absence of an adopted LDP these considerations must be assessed under policies CTY13 and CTY14 of PPS21.

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Given the existing boundaries and vegetation on three sides, the undulating topography of the land and the close proximity of the site to the established buildings on the farm holding, I am satisfied a dwelling could be successfully integrated into the landscape at this location.



Image 2 - The Application Site

Rural Character

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The introduction of a dwelling that would visually link with the established group of buildings on the farm holding would not be unduly prominent. However, the proposal would create ribbon development and as a result is considered to be contrary to Policy CTY14.

Development Relying on Non-Mains Sewerage

Policy CTY 16 states 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. The applicant has indicated that fowl sewage will be disposed with by treatment. I am satisfied the site could accommodate a treatment plant and soak-away – subject to obtaining consent to discharge from NIEA.

Planning Policy Statement 2 – Natural Heritage

This site lies within the Mourne Area of Outstanding Beauty as designated in the Banbridge, Newry and Mourne Area Plan. A traditional style dwelling on this site would not be considered contrary to the requirements of policy NH6 of PPS2.

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. TransportNI were consulted and have no objections in principal. In this case they have recommended visibility splays of 2.4m x 50m. If the sight visibility splays were put in place in accordance with Transport NI requirements there would be no road safety issues.

Recommendation:

The applicant has failed to demonstrate the farm business is currently active in accordance with Policy CTY10 (a) of PPS 21. The proposal would cause a detrimental change to the rural character of the area as it would create a ribbon of development which would be detrimental to the countryside's character, appearance and amenity. The proposal is therefore also contrary to Policies CTY 8 and CTY14 of PPS 21.

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 Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active.
3. 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 the private laneway.

- 4. The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policy CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the dwelling would, if permitted, create a ribbon of development along the private laneway, and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

Surveyors & Assessors

Architectural & Development Consultants

Structural & Civil Engineering Consultants

a: 18 margaret street, newry, co.down, bt34 1df

t: 028 3026 6602 / 0460 f: 028 30260467

e: info@collinscollins.biz www.collinscollins.biz

Your Ref: LA07/2016/1142/O

Date: 30th November 2016

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

Dear Sir/Madam

**Re: Site immediately North and adjacent No. 23 Drumsesk Road, Rostrevor,
Newry, Co Down**

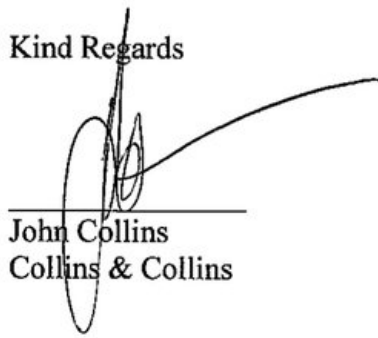
Proposal: Dwelling & Domestic Garage

We refer to the above and to your letter of the 28th inst and wish to confirm that we wish to request to speak on the above proposal at your Committee meeting on the 7th December 2016.

In respect of the department's assessment of same we can confirm that the business is an active farm and we are seeking to clarify this with DARD prior to the committee meeting.

If you could advise of an approximate time for a representative of this office to attend the committee meeting when you have your schedule prepared, it would be greatly appreciated.

Kind Regards



John Collins
Collins & Collins



ITEM NO	28			
APPLIC NO	P/2012/0457/F	Full	DATE VALID	6/13/12
COUNCIL OPINION	REFUSAL			
APPLICANT	Tom Fletcher 34 Craigmores Road Newry BT35 6LF	AGENT		Collins and Collins 10 Margaret Street Newry BT34 1DF 30266602
LOCATION	Immediately South of Junction of Kidds Road with Craigmores Road Newry			
PROPOSAL	Erection of a Farm Replacement Dwelling with Swimming Pool and Garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to the SPPS and PPS6: Planning, Archaeology and the Built Heritage, Policy BH11 (Criteria a and b) in that the design, scale, height, massing and finishes will adversely affect the setting of a listed building.			
2	The proposal is contrary to the SSPS and 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; the design of the proposed building is inappropriate for the site and its locality; and therefore would not visually integrate into the surrounding landscape.			



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**Newry, Mourne
and Down**
District Council

Application Reference: P/2012/0457/F

Date Received: June 15th 2012

**Proposal: Immediately South of Junction of Kidd's Road with Craigmore Road
Newry**

Location: Erection of a Farm Replacement Dwelling with Swimming Pool and
Garage

Site Characteristics & Area Characteristics:

The red line of this application site includes No 32 Craigmore Road (a dwelling which was demolished for the new Newry by-pass) and a large agricultural field that is bounded to the north by the Craigmore Road and to the north west by the Kidd's Road. This agricultural field is quite open and rises towards the north western boundary where there is a post and wire fence, dispersed mature trees and a grassy embankment. The boundary between the site and the Craigmore Road is defined by a post and wire fence, with hedging along the rear boundary and industrial buildings sitting on the western boundary. Within the site are a large pond and a small clump of mature trees in the north western corner. No 44 Craigmore Road has also been included within the red line of the site.

The surrounding area is relatively rural in its character and settlement pattern despite it being so close to the development limit of Newry and Bessbrook, it is on the side of a valley the bottom of which the Bessbrook River flows through, this results in the site being prominent in the locality and also from traffic on the nearby A1 dual carriageway, especially to northbound traffic, the construction of this road necessitated the building of a large viaduct to carry the road across the valley, which resulted in the demolition of No. 32. There are roadside dwellings to the south west along the Kidd's Road and some industrial development further along the Craigmore Road to the south of the site.

This application is for full permission for the erection of a replacement farm dwelling with detached garage and a third building containing a pool, changing room and lobby.

The proposed dwelling is two storeys high with a ridge height of 8.5m to finished floor level. It is rectangular in shape with a front projection on the right side which includes the front porch. To either side of the main dwelling is a single storey outshot with a single storey return at the rear. Finishes include blue/black roof tiles, white

rainwater goods, brown windows and doors, smooth white rendered walls with natural stone to the front projections and two side outshots.

The garage is single size with a ridge height of 5m to finished floor level and external finishes matching the dwelling.

The swimming pool building is also single storey with a ridge height of 5.5 and a length of 16m with two front projections either side. External finishes will also match the dwelling and the garage.

Site History:

P/2004/2878/O; outline application submitted for farm dwelling October 2004. DARD confirmed that two people, including the applicant, needed to live on the farm. The Department recommended refusal of this application as there were two dwellings already on the farm and the need for this third was not demonstrated fully. The agent advised that one of these houses could be granted approval for replacement. The agent withdrew the application in October 2005.

P/2005/2531/O; outline application submitted for a replacement dwelling for No 32 Craigmores Road which was to be demolished to make way for the new Newry bypass. Approval was given in October 2007 with the proposed dwelling conditioned to a ridge height of 8m above finished floor level and the dwelling to be sited in the area shaded green on the stamped approved site location map. The approved development also included a swimming pool and garage.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy 6 : Planning, Archaeology and the Built Heritage

Planning Policy Statement 21: Sustainable Development in the Countryside

Consultations:

Transport NI No objections

Historic Environment Division Responses discussed under section on PPS6 below.

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:

Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to rural dwellings it largely restates the existing policy.

Banbridge/Newry and Mourne Area Plan 2015.

By way of Area Plan definition, the site is in the open countryside outside of any settlement development limits. It also falls within the Craigmores Local Landscape

Policy Area (LLPA116) of the Area Plan. This area has been designated as such due to a combination of features that include the Craigmere viaduct and Craigmere House; both of which are in close proximity to the site. There is also a path falling within the LLPA.

PPS6 Planning, Archaeology and the Built Heritage

Policy BH 11 Development affecting the setting of a Listed Building

In this case the Listed Building is the Craigmere Viaduct (NIEA ref HB16/24/004) and is classed as Grade A, this is a major landmark in the area and in its consultation responses NIEA:HBU has stated that “the setting of this railway bridge is such that it extends beyond its immediate setting and into the wider landscape, offering views throughout the surrounding area. The magnificent views from Craigmere Road across the fields to the Railway Bridge are mostly unspoilt. This view would be lost with this proposal.” In subsequent replies HBU has requested that any dwelling on the site be “a modernist interpretation of the vernacular tradition incorporating some reference to historical and cultural antecedents, to ensure the replacement dwelling sits harmoniously within its rural context and in the setting of this listed Railway Bridge.” It has also highlighted the poor quality finishes proposed for the dwelling and requested a holistic and detailed landscaping proposal.

Policy CTY1: Development in the Countryside

This policy allows for a range of types of development in the countryside and details of these are set out in CTY1. Planning permission will be granted for an individual dwelling in the countryside in the following cases:

- A replacement dwelling in accordance with Policy CTY3.

Policy CTY3: Replacement Dwellings

Under this policy, planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

In the case of this application, the dwelling to be replaced (No 32 Craigmere Road) has been demolished to make way for the new Newry by-pass. Planning permission had previously been granted for the replacement of this dwelling in October 2007 before its demolition, and the case officer in their assessment of the dwelling noted that it was in very good condition and was currently inhabited.

This full application has been submitted within the five year time limit of the previous outline approval and given the history on the site; the Department would accept the proposal as a replacement dwelling.

In addition to the above, all proposals for replacement dwellings will only be permitted where the following criteria are met;

- The proposed replacement dwelling should be sited within the established curtilage of the existing building; the proposed dwelling will not be sited within the established curtilage of the existing dwelling. As noted earlier, the existing dwelling and its curtilage was demolished to make way for the new A1 road. The new dwelling is positioned in an off-site location which has already been accepted in the previous

outline approval and the Department could raise no concerns regarding the siting at this stage.

- 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; a comparison between the existing dwelling and the proposed dwelling cannot be made as the existing dwelling has already been demolished; however photos on the 2005 file show No32 as a two and half storey high dwelling with a number of bay and dormer windows and an overall urban design. The proposed replacement dwelling is two storeys with a ridge height of 8.5m to finished floor level. The site is very open to the Craigmores Road with only established vegetation along the rear of the proposed development. A condition of the previous outline approval restricted the height of the replacement dwelling to 8m above finished floor level and it is considered that in order to reduce the visual impact of the new dwelling, the ridge height should be lowered to this level.
- The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; there are a number of design elements of the replacement dwelling which are not considered rural and do not have regard to local distinctiveness. These include the front projection, the front balcony and a number of windows that do not have a vertical emphasis. These components should be addressed so that the design complies with this criterion.
- All necessary services are available or can be provided without adverse impact on the environment or character of the locality; all services can be provided without adversely affecting the environment or character of the area.
- Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic; TNI has no objections.

Policy CTY13: Integration and Design of Buildings in the Countryside

This policy allows for the granting of planning permission for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

This application is for full permission for a replacement dwelling with a detached garage and indoor swimming pool. The site is quite open to the Craigmores Road but it does avail of a row of mature trees in the north western corner and roadside vegetation along the Kidd's Road. However, it is considered that this one defined boundary is unable to provide a suitable level of integration for the development proposed and the scale should be reduced. Additional planting is proposed to the three remaining boundaries to further aid integration.

The design is not considered appropriate for the site and the surrounding area and as detailed above; amendments should be sought from the agent. A letter was sent to the agent on February 13th 2014 requesting the submission of an amended scheme that complies with NIEA's requirements within 28 days of the date of the letter, this was received on May 20th 2014.

Further amendments have been sought and the amended plans have been referred to Historic Environments Division for their consideration, however a satisfactory design has not been produced. On August 25th 2016, the Council wrote to the agent requesting that they confirm within 28 days if they intended to submit a further amended scheme. To date no response has been received.

Policy CTY14: Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. This proposal is for full permission for a replacement dwelling following the granting of outline permission for the same proposal. The effect on the rural character of the area was not an issue in the original application and there have been no significant changes since the granting of outline which would raise concerns regarding the rural character at this stage.

Policy CTY16: Development relying on Non-Mains Sewerage

The applicant intends to deal with sewerage through the use of a septic tank. Environmental Health have been consulted with the development and have no concerns regarding this proposal.

Recommendation:

There is a previous outline permission on the site for a dwelling, however the terms of this decision stated that approval of the details of the design and external appearance of the buildings were among those matters reserved to the Planning Authority. This application was received within 5 years of the date of the decision of the OPP and all issues of scale and massing of the buildings must be considered in terms of PPS21. While the offsite location of the replacement is contrary to policy, the particular circumstances of this case relating to the fact that the previous house was demolished as part of a major road scheme that was beyond the applicant's control means that the Planning Authority can grant an exemption to policy in this case. However the proposal still has to comply with design policies and it is sited in a sensitive area adjacent to a major landmark that is also a listed building and is accordingly granted a high degree of protection that extends out beyond the zone that normally applies to a listed building and the site falls within this area, especially as it will obstruct the view of the viaduct when seen from traffic travelling south along Kidd's Road. The most recently amended scheme still fails to address NIEA's concerns.

Therefore it is considered that the proposal fails the requirements of both BH11 and CTY 13 and refusal is recommended.

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS6: Planning, Archaeology and the Built Heritage, Policy BH11 (Criteria a and b) in that the design, scale, height, massing and finishes will adversely affect the setting of a listed building.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is

inappropriate for the site and its locality; and therefore would not visually integrate into the surrounding landscape.

Case Officer

Authorised Officer

ITEM NO	27				
APPLIC NO	LA07/2016/1198/O	Outline	DATE VALID	9/12/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Neil Saward 26 Shaughan Road Belleeks BT35 7PF	AGENT	Cornett Design Associates Ltd 4 Hartford Place The Mall Armagh BT61 9BJ 028 3752 3330		
LOCATION	165m south west of 26 Shaughan Road Belleeks BT35 7PF				
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 and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.				
2	The proposal is contrary to The Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.				



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1198/O

Date Received: 09.09.2016

Proposal: The application seeks Outline Permission for a dwelling. As medical information has been submitted in support of the special circumstances of the case the application is considered against policy CTY 6 of PPS21.

Location: 165m south west of 26 Shaughan Road, Belleek, BT35 7PF. The site is located in South Armagh approximately 1.5 miles South of Belleek in the Ring of Gullion Area of Outstanding Natural Beauty.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a rectangular shaped field that abuts the Shaughan Road. The land falls towards the South West into a slight valley which then rises again, the North East roadside section is the highest part of the site. The boundaries of the site are defined by hedging with the southern and western boundaries notably more sparse than the rest. A watercourse is evident at the western boundary and at the time of my site visit there was a number of dogs, dog 'runs', kennels and a portable container present on site. The area is rural in character with development pressure still at a low level. The land form is undulating and agriculture is the most dominant land use activity in the area.

Site History:

No record of site history.

Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15
Building on Tradition

Consultations:

Transport NI – requested that a detailed 1:500 scale plan is submitted showing proposed access with satisfactory site lines. A second consultation response shows RS1 form.

NI Water – No objections / standing advice

Rivers Agency – No objections however it requests that a 5m maintenance strip is shown on the plans along the western boundary to facilitate any work necessary in the maintenance of the watercourse.

NIEA – no objections to the proposal

Objections & Representations

No neighbouring properties qualified for a neighbour notification letter and the application was advertised on 28.09.2016. No objections and representations made by way of medical evidence.

Consideration and Assessment:

As there is no significant change to the policy requirements for single dwellings in the countryside following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the Rural Area / AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections in relation to the prevailing Area Plan.

PPS21 Sustainable Development in the Countryside.

As the proposed dwelling is to be sited outside the development limit in the rural area PPS21 is applicable. Policy CTY1 makes provision for a new dwelling in the countryside where the proposal meets one of the exceptions listed. One such exception is a dwelling based on special personal or domestic circumstances in accordance with policy CTY 6. Given the extensive medical information accompanying the application, the proposal will be assessed against this criterion in the absence of any supporting information to the contrary.

Policy CTY6 requires compelling and site specific reasons for the long term needs of the applicant related to the applicant's personal or domestic circumstances and provided that the policy tests of part (a) and (b) (which will be explored in detail below) are met.

It has been stated that the applicant lives at No.26 Shaughan Road in rented accommodation with his carer and whilst there is suggestion that the current dwelling has been declared unsafe a new dwelling in the countryside is not considered the only alternative response to the particular circumstances. In addition to this there has been no information contained within the application to demonstrate site specific reasons for this particular location other than land ownership. With regard to part (a) of CTY 6, taking into consideration the above, there has been no supporting evidence submitted with the application that a new dwelling at this location is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if permission was refused.

In the absence of any alternative solutions explored by the agent accompanying this application, the proposal therefore fails the part (b) of policy CTY 6.

As the proposal fails to meet the policy criteria of CTY 6 it therefore fails to meet any of the exceptions listed in CTY1 and without any overriding reasons why the development is essential and could not be located in the settlement the proposal is contrary to policies CTY 1 and CTY 6 of PPS21.

When the backdrop of the land and the mature boundaries are considered on balance it is considered that a low ridged dwelling could integrate into the site with some additional landscaping. Ribbon development and build or not considered issues for the application site and as such the application meets policies CTY13 and CTY14. A condition would be attached to any approval notice to ensure consent to discharge is obtained and provided to the Council prior to commencement of development. This satisfies the policy criteria of CTY16.

Planning Policy Statement 3 / DCAN 15

Transport NI has sent an RS1 from showing the site splays that are applicable for this site. No objections have been raised.

Planning Policy 15: Flood Risk

Policy FLD 2 is applicable due to the undesignated watercourse on the western boundary of the site. Although a 5m maintenance strip is required to be shown on the plans it is considered that a curtilage and siting condition would mitigate the need for this. Notwithstanding the above consideration the proposal is in general compliance with PPS15.

Planning Policy Statement 2: Natural Heritage

Policy NH6 is applicable for this application as it falls within the Ring of Gullion AONB. As the siting of the proposal meets policies CTY13 and 14 of PPS21 it is considered sympathetic to the special character of the AONB in general and of the particular locality. The proposal will not have a detrimental impact on features of importance to the character, appearance or heritage of the landscape and only at reserved matters stage could the specific design be considered against existing styles and patterns. The proposal is, on balance, compliant with policy NH6 of PPS2.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

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

Case Officer:

Authorised Officer:

ITEM NO	29						
APPLIC NO	P/2015/0018/RM			Reserved M	DATE VALID	1/7/15	
COUNCIL OPINION	APPROVAL						
APPLICANT	Mr Francis Morgan C/O Agent				AGENT	Gray Design Ltd 5 Edward Street Newry BT35 6AN 02830251885	
LOCATION	Approx 80m East of 51 Rostrevor Road Warrenpoint						
PROPOSAL	Proposed dwelling (amended plans received)						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	30	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/2015/0018/RM

Date Received: 07.01.2015

Proposal: Proposed dwelling

Location: Approx 80m East of 51 Rostrevor Road Warrenpoint

Site Characteristics & Area Characteristics:

The site is located 80 metres east of 51 Rostrevor Road outside Warrenpoint. It comprises a large triangular field measuring approx. 1ha. The field runs alongside the main Newry to Kilkeel Road, to the immediate south of the Road.

The site is orientated towards the east and the right angle of the triangular is found to the north west corner of the site. The south eastern boundary runs along the Carlingford Lough coastline, and the western boundary abuts the rear of 51 Rostrevor Road.

The south eastern boundary, alongside the coastline, is open. There is a belt of mature trees along the northern boundary, adjacent to the A2 road. There is a chain link fence along the boundary with No. 51, and there is a mature hedgerow growing along the fence (on the side belonging to No. 51).

There is an existing agricultural entrance to the site. This is located at the eastern top of the field. The field is used for grazing livestock.

The field is level in topography, as is the area immediately adjacent the site.

The main critical viewpoints into and through the site are gained from the eastern approach, from the junction of the A2 with Drumsesk Road, some 500 metres away. From this approach the southern portion of the site appears exposed, however the site does benefit from the mature trees along the roadside, an immediate backdrop comprising the vegetation around No 51 and a more substantial backdrop comprising a mountain range to the north of Omeath in the Irish republic. On the eastern approach the site can also be seen in the context of the sweeping shoreline and Warrenpoint seafront is visible, approx. 1.25 km to the south west.

Site History:

P/2011/0595/O - Approx. 80 metres east of 51 Rostrevor Road, Warrenpoint - Site for Dwelling on a Farm - PERMISSION GRANTED - 22.04.2013

P/2012/0473/F - Approximately 62metres East of No. 51 Rostrevor Road Warrenpoint, - Erection of Agricultural Shed - APPLICATION WITHDRAWN - 09.05.2014

Planning Policies & Material Considerations:

The principle of development has been established through the outline permission which remains valid. The matters left reserved will be assessed through The Banbridge Newry and Mourne Area Plan 2015, The SPPS, Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 6 and Planning Policy Statement 21 together with all other material considerations.

Consultations:

Natural Heritage – No Objection subject to condition.

Protecting Historic Buildings/ NIEA – had initial concerns until the conditions of the outline were shown to them. They are content with the design and material given the outline conditions.

Transport NI – Downpatrick – No objections subject to conditions

Rivers Agency – Site lies adjacent to 1:200 Coastal Flood Plain and outwith the 1:100 Flood Plain.

Shared Environmental Services – No Objections

Objections & Representations**Objections:**

There have been 29 Objection letters from 7 different addresses and from Michael Burrows Associates who are acting on the behalf of the neighbour residents who are objecting.

The issues they have raised include the following:

Lack of neighbour notification on the Outline and Reserve Matters applications. Mainly stating that No 58, 62 and 51 were not notified. According to our records No 51 and 58 were notified on the Reserve Matters application on receipt of the application with a letter dated the 17th Feb 2015. No 62 was not notified and did not require to be notified under the legislation, however the occupier has objection and has been subsequently notified as an objector with any amended plans we have received.

Commencement of development to include the laying on the access lane prior to the approval of a Reserve Matters application: - This is a matter for the enforcement

team to follow up on and should not be given substantial weight in the determination of this planning application.

Implementation of landscaping without Consent - This is a matter for the enforcement team to follow up on and should not be given substantial weight in the determination of this planning application. It should also be noted that under section 23 of The Planning Act 2011, landscaping is not defined as development.

Applicant has failed to provide sections in line with condition 3: - This condition asks for full particulars, detailed plans and section of the reserve matters shall be submitted. - The full particulars and detail plans have been submitted for consideration. Sections have not been. However given that NIEA HED have not requested these and that there is a relatively flat topography on the site, the Planning Authority are of the opinion that sections are not necessary for the full consideration of this proposal.

Applicant has failed to demonstrate that the application is within the siting condition No. 4 and drawing No 01 approved at outline stage: - The layout has been amended 7 times throughout the course of the application. The Planning Authority is now content that this proposal is within the siting condition of the outline approval.

Garage has been included – not within the outline consent: - On this point the Planning Authority fully agreed with the objectors and sought the removal of the garage from the development proposed.

Garage is right against the Tree Protection Zones (TPZ) of the TPO's. - The garage is removed from the current scheme.

Applicant has failed to demonstrate storm drainage pipework and excavations do not encroach and on how the foul drainage will connect to the main sewer without encroaching on the TPZ. - This has been addressed in the most recent layout submitted which shows that the foul sewer is being connected to the public drain and that there is a SUDS system in place. Both of these will be outside the tree protection zones.

The proposed dwelling does not have a rectangular form and with the garage creates an L Shape layout. - On this point the Planning Authority fully agreed with the objectors and sought the removal of the garage from the development proposed. The Planning Authority are now content that the shape of the proposal broadly meets the condition.

Colour and Materials are not clear on the roof or the wall finishes or to the projecting dormers and rain water goods. - The finishes are clarified or will be conditioned on any final approval notice if forth coming.

Vulgar in appearance and out of character with the immediate Georgian neighbouring properties of Rosetta, Clooneavin and Moygannen in appearance and setting. - This will be assessed in the design element of the report.

Design of dwelling - Large unanimated windows first floor roof terrace, mono pitch roof to entrance porch, proposed link to garage is out of character. No details on the eaves and fascia condition 8. Scale, siting and design of the proposed dwelling is large and prominent, will block views of Rosetta, its out of character and harmful to the setting of Rosetta. This will be assessed in the design element of the report.

Applicant has failed to provide details of hard and soft landscaping – no reference to paths. The final layout has addressed this issue. Paths are clearly marked and identified as are soft and hard landscaping.

Condition 15 & 16 access details not fully submitted or accurate. - The final layout has addressed this issue. Access and Splays are clearly marked and identified. TNI have no objections to the plans submitted.

Condition 17 Visibility Splays no fully indicated. - The final layout has addressed this issue. Access and Splays are clearly marked and identified. TNI have no objections to the plans submitted.

Condition 18 no info on sewerage and drainage and how the TPZ are affected. - This has been addressed in the most recent layout submitted which shows that the foul sewer is being connected to the public drain and that there is a SUDS system in place. Both of these will be outside the tree protection zones.

Condition 19 Silt fence – pollution of lough during construction and high tides. - A silt fence and a 10m buffer have been provided to prevent any potential pollution during construction phase of the development.

Trees have been removed from site contrary to condition 9 & NH 5. - This is a matter for the enforcement team to follow up on and should not be given substantial weight in the determination of this planning application. The remaining trees are substantial to still provide sufficient screening of the proposal from public views. The remaining trees are protected through a TPO and the proposed fencing.

Queries in relation to the rain water harvesting tank and what this is used for / collecting. - Details on the rain harvesting system and SUDs system have been submitted and are on the plans.

Water supply defined as other without specifying, surface water to be disposed of by underground harvesting system – no details. - Details on the rain harvesting system and SUDs system have been submitted and are on the plans.

How does the applicant propose to control the movement of livestock between dwelling and remaining land. - The access is marked by a hedgerow and the

curtilage is marked by the 1.2m rail fencing which will mark the boundary between the site to the remainder of the agricultural field.

Impact on Bats, SPA & ASSI (NH 1 & NH 2) – Consultation took place with NIEA Natural Heritage in relation to this point. They have no concerns in relation to bats subject to the trees being retained. Given that they are protected and that the plans show them to be retained and protected there is no further concern in relation to bats. NIEA also requested that a Silt fence and 10m wide buffer strip be submitted on the plans to avoid any pollution. This is shown on the plans and will be conditioned to be in place prior to the commencement of development.

Impact of siting, layout and detailed design will have an unacceptable impact on the adjacent LB in line with BH 11 of PPS 6. – This will be considered in design section of the report.

The proposed design is inappropriate for the locality in relation to CTY 13 of PPS 21. – This is assessed in the main report.

Want a consultation with Landscape Architects Branch – This is not necessary given the distance of the proposed dwelling from the protected trees.

The proposed dwelling is out of character, has no architectural merit and entirely inconsistent with 19th Century Listed Buildings found within the area. – This is assessed within the design part of the report.

The Planning Authority have the power under section 68 of the Planning Act 2011 to amend an outline approval to remove PD rights. – This section of the Planning Act 2011 gives the power to revoke or modify a decision of planning permission previously granted. In order to remove PD rights the Planning Authority would have to modify the previous application. A Reserve Matters application cannot have conditions which are more onerous than those on the outline permission. Given that condition 14 prohibits buildings and walls from being erected along the western boundary of the site in the area shaded blue, and that the proposal is located within an AONB and the curtilage of a listed building then what could be achieved under a permitted development rights once the dwelling is built and occupied is limited. Therefore it is not believed that it is necessary for the council to modify the outline approval to remove the permitted development rights for this development.

Objection to the long estate railing and lane proposed by applicant – The lane was conditioned to run along the northern boundary. We have asked for the estate railing to be removed and a hedge added to the layout instead.

Consideration and Assessment:

This application is for the Reserve Matters Submission for a site which was approved at Outline stage under P/2011/0595/O.

The Matters left Reserved are the following:

Design & External Appearance:

Certain conditions were attached to the outline application which controlled the height, width and length of the footprint. The conditions require the following parameters to be met.

The dwelling shall have a rectangular form, and the footprint shall not exceed 14m across whilst the gable shall not exceed 8 meters in depth.

The majority of the dwelling meets these design parameters. The main body of the dwelling has a gable depth of 8m by length of 14m. There is a glass projection to the rear of the dwelling which takes the gable depth to 9m on this section, however given that it is glass, this will minimise the impact which it has. It would leave the critical view of this gable to be mainly dominated by the solid rendered wall which meets the dimensions of the outline condition. Therefore this proposal is within the ambient of the outline condition.

The ridge height of the proposed dwelling shall not exceed 7m above finished floor level, and the depth of under build shall not exceed 0.5m.

The proposed ridge height of the dwelling is 7m from ridge to finish floor level. The proposed under build is 0.15m which is within the remit of the condition also.

The roof pitch shall be between 35 to 40 degrees.

The roof pitch is measured at being 35.5 degrees. This part of the condition is met.

The front elevation shall not have any projection or return other than a simple pitched roof storm porch if desired, in which case it shall be located centrally on the front elevation.

The proposed storm porch is 3m in length and is located at between 4.7m and 7.7m along the frontage of the dwelling. In order to be located centrally the porch would require to be located between 5.5m and 8.5m on the frontage. Given that this proposal is only 0.8m out of alignment and the overall effect on the front elevation is not significant. Therefore the alignment of the porch is within the ambient of the outline condition. There is a mono pitch roof on this which meets the condition. The design of the porch is plain and relatively simple also.

Any chimney breast shall be internal, with the chimney stack position centrally on the ridge, preferably at the gable end of the dwelling.

The proposed chimney breast is located internally and is located centrally in the ridge line. It is not located at a gable end, however this was not necessary.

The eaves fascia shall not exceed 150mm deep and shall not project more than 200mm from the face of the wall. The Barge fascia shall be either straight, tapered or shaped avoiding squared off bottom ends which are none traditional in appearance.
The design of the fascia is in keeping with this condition.

Consultation with NIEA Listed Buildings (Historic Environment Division) took place throughout the processing of this application. They are now satisfied with the final design as submitted on 12th April 2016 subject to several conditions being proposed. These conditions are in relation to the external lighting to the proposed dwelling, and the materials of the windows and rain water goods. These can all be conditioned as part of an approval if one is forthcoming.

Objections have been raised in relation to the design of the dwelling in line with its compliance with the outline conditions. I have dealt with these through the discussion above. Objections have also been raised in relation to BH 11 of PPS 6 which states:

(a) the detailed design respects the listed building in terms of scale, height, massing and alignment;

(b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) the nature of the use proposed respects the character of the setting of the building.

It is acknowledged that this proposal does not respect the design details of the listed building or the traditional or sympathetic building techniques present in the building at Rosetta. In this case the curtilage of the Listed Building was subdivided at one stage and an outline permission for this size, massing and scale of dwelling was secured at an earlier date. The proposed design while it has modern elements to its design, also has traditional form in that its front and gable ends have a significant wall plate to window ratio. It proposes to have natural slate roof finish and will be conditioned to have hardwood or aluminium windows, with polyester coated metal rain water goods. This proposal is in keeping with the more modern dwellings within the rural area at this location, including the glazing area to the rear to take view of the coast line. This proposal is in keeping with CTY 13.

While acknowledging that it does not meet the criteria of BH11 in the strictest form, substantial weight must be given to the comments of NIEA HED in their latest response that they are satisfied with the design, given the outline conditions subject to some conditions being attached. The outline conditions were in itself not in compliance with BH 11 as they allowed a higher dwelling than that of what is present at Rosetta. There are several high profiled listed buildings which have a modern element of later addition situated either attached to them or adjacent to them. There is an element of not wanting to compete with the older more historic building and to allow a modern design to distinctly separate the old from new. On a site like this given the curtilage is now subdivided, allowing a more modern design marks the distinction between old and new. Therefore in terms of this proposal, substantial weight is given to the response from NIEA HED, whilst acknowledging that the proposal does not meet the policy BH 11.

Siting:

The curtilage of the proposed dwelling shall be as indicated in green on the approved drawing No 01 which was received on the 17th June 2011, and the dwelling shall be sited within this area. No development shall take place within the root

protection zones of the existing boundary trees to the north and west of the shaded green.

The location of the proposal is now within the area shaded green on drawing No 01. This has been marked as a grey outline on the 1:500 submitted. The footprint of the dwelling proposed at one stage was not accurately shown on the site layout however this has been amended and the drawing of the 30th September 2016 is accurate and meets the condition. No part of the proposal will impact on the Tree Protection Zones of the trees to the north or the west of the site.

Access:

The access to the proposed dwelling shall run along the northern boundary of the site. It shall be sited as close as practicable to the northern boundary, although it shall remain outside the tree protection area of the trees on the site boundaries. The road across to the site shall be formed by a permeable surface such as gravel or grass crete.

The proposed driveway and access is being run along the northern boundary with the access point emerging at the north east corner of the site. Tree Protection Zones are shown on the 1:500 site layout plan. The driveway is finished in a gravel surface.

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1. In order to achieve the necessary sight lines, the developer shall not remove or interfere with any of the existing trees on the northern boundary of the site.

The proposed 1:500 layout is in accordance with the RS 1 form detailing the 2.4m x 90m required for visibility in both directions. According to the layout submitted these splays shall not impede on the Tress which are protected.

The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

This condition will be repeated on the Reserve Matters approval to ensure that the site is safe to access for construction purposes. This will also ensure that there is no roads safety danger caused by this access point on the road at any stage.

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 before the development hereby permitted is occupied and shall be retained and kept clear thereafter.

This condition will be repeated on the Reserve Matters approval to ensure that the site is safe to access for the life time of the development. This will also ensure that there is no roads safety danger caused by this access point on the road at any stage.

Landscaping:

All existing boundary trees shall be permanently retained and no retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and

particulars, without the written approval of the Department. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

The site layout plan shows that all trees currently present and protected on site will remain. To ensure further compliance of this condition it will be repeated on the Reserve Matters decision notice should an approval be forthcoming.

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

Details of the full landscaping scheme have been submitted together with a schedule of the types of trees and the proposed maturity of them. New landscaping will primarily take place towards the roadside to fill in the existing gaps between the existing protected trees. To both sides of the driveway a new hedgerow is proposed. This marks the separation from the rest of the agricultural field to the access to the dwelling.

If within a period of 5 years from the date of commencement of development, any tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that shall be planted at the same place, within 28 days, unless the Department gives its written consent to any variation.

This condition will be repeated on the Reserve Matters decision if approval is to be forthcoming to ensure that any new landscaping or unprotected trees which are on site will be replaced.

Details of the erection of fencing for the protection of all retained trees shall be submitted to and approved in writing prior to the commencement of development. This fencing shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department. The fencing shall be 2.4m minimum height heavy duty hordings, securely mounted on scaffold poles, or an alternative as may be approved in writing by the Department.

Details of the protection fencing have been submitted to the Planning Authority as part of the Reserve Matters details on drawing No 01 rev 5 dated the 24th June 2016. The details of this fencing meet the requirements set out by condition. In order to ensure that this protection is extended during construction this condition will be reworded to ensure that the fencing shown on the plans will be in place in the positions shown prior to the commencement of development.

No development shall take place until details of gates, fences, walls or any other proposed structure, hard and soft landscaping and services, which form part of the development, have been submitted to and approved in writing by the Department. Details of the gates and pillars have been submitted to the planning department for approval as part of the Reserve Matters application. These pillars and gates are acceptable in principle and design. A 1.2m rail fencing has been proposed to the

rear side and front of the dwelling to mark the curtilage to the proposed dwelling. Services of foul sewerage pipes have been shown on the proposed layout also linking to the public road. Areas of hard standing and grassed garden areas have been clearly identified.

No buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown along the western boundary of the site, as indicated in blue on the approved drawing No 01 which was received on 17th June 2011.

This condition will be attached to any decision notice should approval be forthcoming to ensure that the intention of this condition remains through the lifetime of the proposed development, thereby ensuring the protection of the setting of the listed building. Plans have been recently amended to ensure that this condition is being complied with and the ranch fencing has now been removed from this area.

Nature Conservation issues have been raised through the course of the application following consultation with NIEA Natural Heritage and SES we can concluded that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of Carlingford Lough SPA/Ramsar, Carlingford Shore SAC or any other European/Ramsar site.

All other conditions attached to the outline permission have been complied with. Given that all the statutory consultees have no objections to the proposal subject to conditions being attached to any approval forthcoming, and given that the design is in keeping with that found within the coastal rural location, the Planning department would be of the opinion that this proposal broadly meets all planning policies with the exception of BH 11. However as outlined in the report substantial weight must be given to the outline conditions and the comments of the statutory consultee in relation to design and materials proposed.

Recommendation:

Approval

Conditions:

As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

The protected fencing hereby approved shall be erected in the positions indicated in orange on drawing Number 01 Rev 6 dated 30th September 2016, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus

materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department.

Reason: To ensure full protection and the continuity of amenity of the Trees.

No buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown along the western boundary of the site, as indicated in blue on the approved drawing No 01 Rev 6 which was received on 30th September 2016.

Reason: In order to preserve the setting of an adjacent listed building.

The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

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 before the development hereby permitted is occupied and 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

The curtilage of the proposed dwelling shall be as indicated with a dashed grey line on the approved drawing No 01 Rev 6 which was received on 30th September 2016.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

All existing boundary trees shall be permanently retained and no retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Department. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

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

If within a period of 5 years from the date of commencement of development, any tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that shall be planted at the same place, within 28 days, unless the Department gives its written consent to any variation.

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

The dwelling hereby permitted shall not be occupied until the hereby approved method of sewage disposal and drainage have been fully implemented.

Reason: In the interests of public health and in order to ensure that there is no waste water pollution pathway present between the development site and Carlingford Lough (which a European Designated site).

No development or other works authorised under this permission shall take place until the silt fence is erected along the boundary of Carlingford Lough and within 10 metres of the Carlingford Lough Special Protection Area (SPA) / Area of Special Scientific Interest (ASSI) boundary throughout the course of the development.

Reason: To prevent sedimentation of the adjacent Carlingford Lough SPA/ASSI site features.

No material or equipment necessary for the construction of the dwelling shall be stored within 10m of the boundary of Carlingford Lough SPA/ASSI.

Reason: To ensure that the integrity of the European Site boundary and features are not compromised through the development of the new building.

During the first available planting season after the occupation of the building for its permitted use, the trees and hedges indicated on the drawing 01 Rev 6 dated received 30th September 2016 shall be implemented.

REASON: In the interest of visual amenity.

Application Ref: P/2015/0018/RM

Proposal: Proposed dwelling

Address: Approx 80m East of 51 Rostrevor Road Warrenpoint

We represent various neighbours of the above application site.

The application site has the benefit of outline planning permission P/2011/0595/O and we therefore do not object to the principle of a dwelling here. We object specifically to the design of the dwelling proposed under application P/2015/0018/RM for the following reasons:

1. It will be harmful to the setting of the nearby listed buildings, contrary to PPS6 Policy BH11;
2. It will be out of character with this area of the countryside, contrary to PPS21 Policy CTY13(e);
3. It fails to respect the heritage features of the Mourne Area of Outstanding Natural Beauty, contrary to PPS2 Policy NH6; and
4. It is inconsistent with the conditions of outline permission P/2011/0595/O and approval would therefore be unlawful.

We therefore ask that the determination of this application be deferred and the applicant required to submit an amended dwelling design that complies with the requirements of the relevant policy and the conditions of P/2011/0595/O.

Site and Surroundings

The application site is located in a very sensitive location, within the setting of 3No listed buildings (**Appendix 1**):

- 'Rosetta' at 51 Rostrevor Road;
- 'Clooneavin' at 62 Rostrevor Road, including its associated gate lodge at 58 Rostrevor Road, which is listed by extension in accordance with Section 80 of the Planning Act (Northern Ireland) 2011; and
- 'Moygannon House' at 54 Rostrevor Road.

In addition, the application site forms part of the historic curtilage of the listed Rosetta:



Application Ref: P/2015/0018/RM

Proposal: Proposed dwelling

Address: Approx 80m East of 51 Rostrevor Road Warrenpoint

Rosetta:



Clooneavin:



Moygannon:



These listed buildings were all built during the 19th Century and are all single storey in height with multi-paned white painted sliding sash windows and the pallet of finishes that is limited to painted or unpainted render only.

Critical views of the application site are from the coast and on approach along Rostrevor Road from the east. From these viewpoints, the proposed dwelling will be read together with the listed Rosetta. Views of the proposed dwelling are also available from the driveways of Clooneavin and Moygannon through gaps in the roadside vegetation.

The Proposed Dwelling Design

The proposed dwelling has a starkly modern design in contrast to the traditional design of the listed buildings that surround the site. It is also taller than these listed buildings, being one-and-a-half storey in height, and has large, single pane, dark grey uPVC windows and dormers, a smooth render finish and lead porch roof, which will introduce a much more complex palette of materials than that of the existing buildings. The rear elevation, which will be clearly visible from the critical viewpoints along the coast and Rostrevor Road, is predominantly glass. This is generally inconsistent with the *“Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside”* in addition to being inconsistent with the character established by the existing dwellings in the area:

Application Ref: P/2015/0018/RM

Proposal: Proposed dwelling

Address: Approx 80m East of 51 Rostrevor Road Warrenpoint

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The general appearance of the proposed dwelling is thus entirely out of character with existing dwellings in this area of the countryside and the AONB and it will have a significant and adverse impact on the setting of the listed Rosetta in particular, and the setting of the various other listed buildings on neighbouring sites. It is thus contrary to PPS6 Policy BH11, PPS21 Policy CTY13(e) and PPS2 Policy NH6 and should be revised.

Inconsistency with Conditions of Approval P/2011/0595/O

It is unlawful to approve a reserved matters application that is inconsistent with the conditions of the associated outline approval.

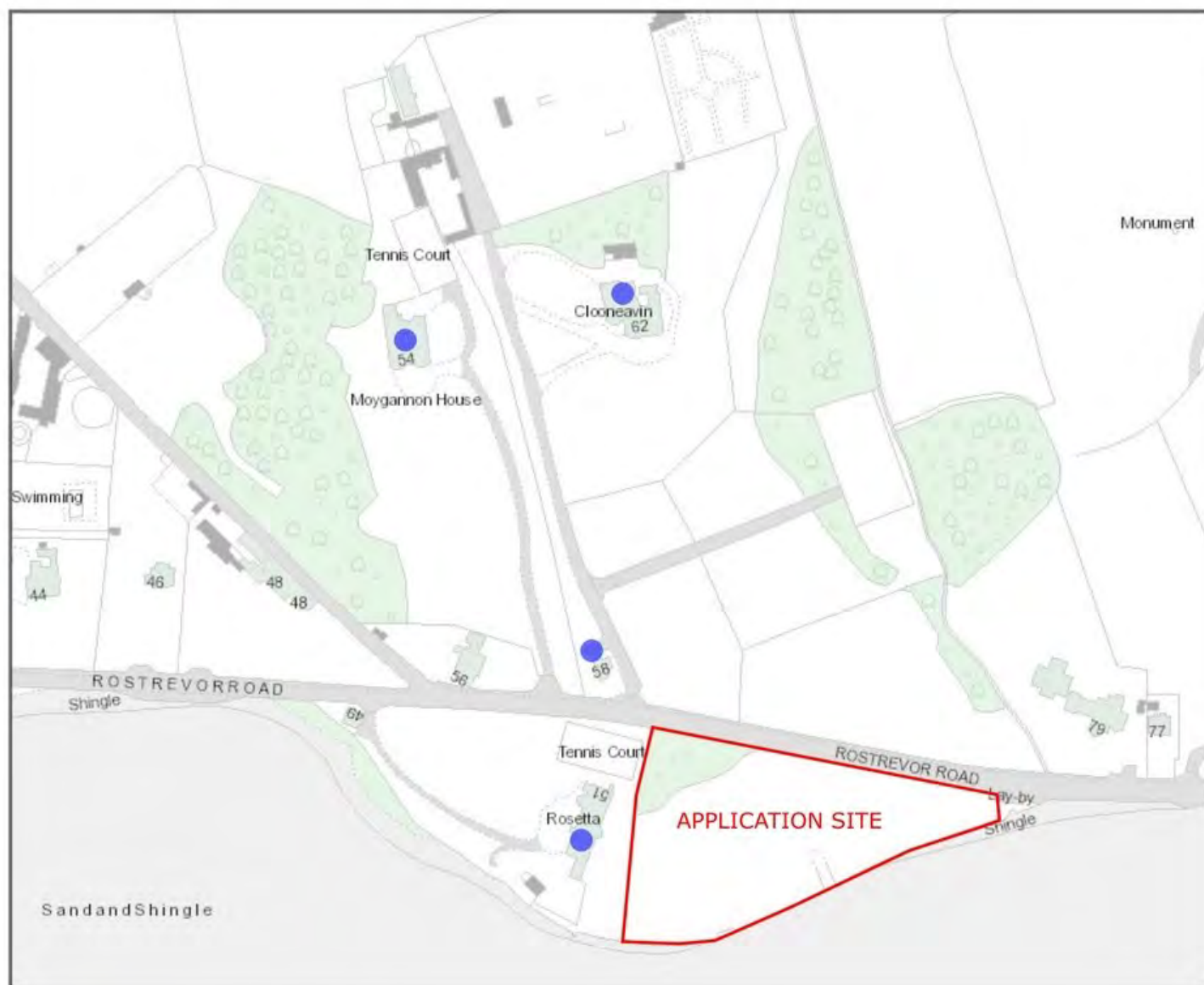
A copy of approval notice P/2011/0595/O is provided at **Appendix 2**. The current dwelling design is inconsistent with Condition 5 of this approval for the following reasons:

1. The dwelling is required to be of a rectangular form, with a porch being the only acceptable projection. In addition to a porch, the proposal has a large projection to the rear at ground floor level.
2. The porch is required to be centrally located. The drawings show the porch located off-centre.
3. The gable depth must be a maximum of 8m. The drawings show a depth of 9.25m.

As the proposed design is inconsistent with Condition 5 of the outline approval, it is therefore unlawful for the Council to approve it.

Appendix 1

APPENDIX 1: SITE CONTEXT



● Listed Buildings

Appendix 2

OUTLINE PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: P/2011/0595/O

Date of Application: 17th June 2011

Site of Proposed Development: Approx. 80 metres east of 51 Rostrevor Road Warrenpoint

Description of Proposal: Site for Dwelling on a Farm

Applicant: Mr Francis Morgan
Address: 9 Mound Road
Warrenpoint
BT34 3LW

Agent: Barry Owens Consulting
Address: 38, Highfields Avenue
Newry
Co Down
BT35 8UG

Drawing Ref: 1

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

GRANTS OUTLINE PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:



1. As required by Article 35 of the Planning (Northern Ireland) Order 1991, application for approval of the reserved matters shall be made to the Department 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. 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 Department, in writing, before any development is commenced.

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Department and shall be carried out as approved.

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

4. The curtilage of the proposed dwelling shall be as indicated in green on the approved drawing No 01 which was received on 17th June 2011, and the dwelling shall be sited within this area. No development shall take place within the root protection zones of the existing boundary trees to the north and west of the area shaded green.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

5. The design of the proposed dwelling shall fall within the following parameters:

- The dwelling shall have a rectangular form, and the footprint shall not exceed 14 metres across whilst the gable shall not exceed 8 metres in depth.
- The ridge height of the proposed dwelling shall not exceed 7 metres above finished floor level, and the depth of underbuild shall not exceed 0.5 metres.
- The roof pitch shall be within the range 35 to 40 degrees



- The front elevation shall not have any projection or return other than a simple pitched roof storm porch if desired, in which case it shall be located centrally on the front elevation.
- Any chimney breasts shall be internal, with the chimney stack positioned centrally on the ridge, preferably at the gable end of the dwelling.

Reason: To ensure that the development integrates into the surrounding landscape, without impacting on the setting of an adjacent listed building.

6. The access to the proposed dwelling shall run along the northern boundary of the site. It shall be sited as close as practicable to the northern boundary, although it shall remain outside the root protection area of the trees on the site boundaries. The road across to the site shall be formed by a permeable surface such as gravel or grass crete.

Reason: In order to ensure that ancillary works do not impact on the character of the area or the setting of the adjacent listed building.

7. No development shall take place until a plan of the site has been submitted to and approved by the Department indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) 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.

8. The eaves fascia shall not exceed 150mm deep and shall not project more than 200mm from the face of the wall. The barge fascia shall be either straight, tapered or shaped avoiding squared off bottom ends which are non-traditional in appearance.

Reason: To ensure that the proposal is in keeping with the character of this designated Area of Outstanding Natural Beauty.

9. All existing boundary trees shall be permanently retained and no retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Department. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

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



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

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

11. If within a period of 5 years from the date of commencement of development, any tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that shall be planted at the same place, within 28 days, unless the Department gives its written consent to any variation.

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

12. Details of the erection of fencing for the protection of all retained trees shall be submitted to and approved in writing prior to the commencement of development. This fencing shall be erected before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department. The fencing shall be 2.4m minimum height heavy duty bordings, securely mounted on scaffold poles, or an alternative as may be approved in writing by the Department.

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

13. No development shall take place until details of gates, fences, walls or any other proposed structure, hard and soft landscaping and services, which form part of the development, have been submitted to and approved in writing by the Department.

Reason: To enable an assessment of potential impacts to be made.

14. No buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown along the western boundary of the site, as indicated in blue on the approved drawing No 01 which was received on 17th June 2011.

Reason: In order to preserve the setting of an adjacent listed building.



15. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1. In order to achieve the necessary sight lines, the developer shall not remove or interfere with any of the existing trees on the northern boundary of the site.

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

16. The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted.

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

17. 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 before the development hereby permitted is occupied and shall be retained and kept clear thereafter.

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

18. The dwelling hereby permitted shall not be occupied until details of sewage disposal and drainage have been submitted to and approved in writing by the Department, and the proposal must dispose of foul sewage generated via the NIW Ltd Combined Mains Sewer as recommended by NIEA Water Management Unit.

Reason: In the interests of public health and in order to ensure that there is no waste water pollution pathway present between the development site and Carlingford Lough (which a European Designated site).

19. No development or other works authorised under this permission shall take place within 10 metres of the Carlingford Lough Special Protection Area (SPA) / Area of Special Scientific Interest (ASSI) boundary. This shall be shown on plans to be submitted to and approved by the Department at Reserved Matters stage, and these plans shall also show the erection of a silt fence.

Reason: To prevent sedimentation of the adjacent Carlingford Lough SPA/ASSI site features.



20. No material or equipment necessary for the construction of the dwelling shall be stored within the boundary of Carlingford Lough SPA/ASSI. This shall be indicated on plans to be submitted to and approved in writing by the Department, as part of the Reserved Matters submission.

Reason: To ensure that the integrity of the European Site boundary and features are not compromised through the development of the new building.

21. Plans at Reserved Matters stage shall show the use of Sustainable Drainage Systems on site.

Reason: To negate adverse impacts from storm drainage runoff on the adjacent European designated site.



Informatives

1. This decision notice relates to drawing No.1 which was received on 17th June 2011.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
5. This determination relates to Planning Control only and is not to be construed as binding the Department in respect of any other application, consent, agreement or approval that may be required, and the Department reserves the right to seek such revised plans as it may deem appropriate in respect of such applications. You are also advised that Planning approval may be required in respect of any such revised plans as the Department may specify.
6. The applicant's attention is drawn to the need to comply with all conditions imposed on the outline planning permission, some of which may need to be satisfied prior to the commencement of any work on the site pursuant to that permission and to the approval of reserved matters.
7. The Department seeks to ensure that new dwellings in the rural area are well sited and integrated into the landscape and are designed in accordance with relevant Design Guides and Planning Policy Statements. You are advised, therefore, to discuss with the Department, the site analysis and scheme design at the sketch stage, prior to submission of Reserved Matters.
8. The Department considers that Leyland and Lawson Cypress (including the variety Castlewella Gold), are inappropriate in rural areas as these non-native species are incongruous and intrusive in the countryside and are no benefit to wild life.
9. The applicant's attention is drawn to the fact that the site adjoins/is close to the boundary of Carlingford Lough Special Protection Area (SPA) / Area of Special Scientific Interest (ASSI) and precautions should be taken to ensure its integrity will not be damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the European Designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks



Business Park, Belfast BT7 2JA.

10. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;
 - (a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - (b) Deliberately to disturb such an animal in such a way as to be likely to;
 - (i) Affect the local distribution or abundance of the species to which it belongs;
 - (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - (iii) Impair its ability to hibernate or migrate;
 - (c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - (d) To damage or destroy a breeding site or resting place of such an animal.
11. If there is evidence of bat activity on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

Dated: 17th April 2013

Authorised Officer




ITEM NO	30				
APPLIC NO	P/2015/0230/F	Full	DATE VALID	3/18/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Stephen Collins C/O Agent		AGENT	Desgin 3 16 Glenvale Road Newry BT34 2JX NA	
LOCATION	10 Cloughreagh Park Cloghreagh Bessbrook Armagh BT35 7EJ				
PROPOSAL	Retention of 2 storey rear extension & new bay window & canopy on front elevation (revised 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 (SPPS) and Policy EXT 1 (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal will unduly affect the amenity of the neighbouring residents at No. 12 Cloughreagh Park by reason of dominance and overshadowing / loss of light.



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

Application Reference: P/2015/0230/F

Date Received: 18.03.2015

Proposal: Erection of 2 storey rear extension & new bay window & canopy on front elevation

Location: 10 Cloughreagh Park, Cloghreagh, Bessbrook, Armagh. East of Council area within the development limit for Newry City.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in a two storey semi-detached dwelling which at the time of visiting had building work on going at an advanced stage. A small garden area exists to the front of the dwelling with a driveway connecting to the rear larger garden area. A large two storey extension has been substantially completed to the rear of the property. The rear boundary to the adjoining property was undefined at the time of inspection. The area is residential in character with the majority of the dwellings being of a similar character to No. 10 Cloughreagh Park.

Site History:

No site specific planning history.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement
Addendum to Planning Policy Statement 7

Consultations:

No consultations issued.

Objections & Representations

7 Neighbours notified on 03.03.2016 – no representations/objections received.
Application advertised on 29.04.2015

Consideration and Assessment:Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for extensions to dwellings following the publication of the SPPS and as it is less prescriptive, the retained policy of the addendum to PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the development limit for Newry City. There are no objections to the proposal with regard to the Banbridge Newry and Mourne Area Plan 2015.

Addendum to PPS7 EXT1

The scale and massing of the rear extension is considered acceptable as the existing floor area measures approximately 74.34 sq m with the proposed floor space measuring approximately 60.5 sq m which is marginally subordinate in scale. The new bay window and canopy to the front will not significantly detract to the appearance of the property or character of the surrounding area and the design is acceptable with the external materials sympathetic to the built form and appearance of the existing dwelling. The proposal is in compliance with criteria (a) of EXT 1.

There are no privacy issues with regard to this extension to the neighbouring properties, however there are concerns with regard to the impact the extension will have on the neighbouring attached dwelling at No. 12. Cloughreagh Park. The 45 degree overshadowing test as described in Annex A shows that this rear extension will cause a loss of light to the ground floor rear window of No.12 which is the primary source of light from the rear to the ground floor of this dwelling. Paragraph A31 refers to the effect dominance can have on the immediate aspect or outlook from an adjoining property. This paragraph also states 'neighbouring occupiers should not be adversely affected by a sense of being 'hemmed in' by an extension. The large blank wall on the proposed rear extension, that is located less than 1m from the boundary, will appear large and excessively overbearing resulting in dominance on the neighbouring dwelling. The surrounding context of the area has been considered and the policy does make provision for extensions when the majority of dwellings in the area have been extended in a similar way. The majority of dwellings in this area have not been extended in a similar way. The closest to this extension is found at No.20 which is 1.7m shorter in length and 1.3m higher. However this application was approved under a now expired planning policy and the adjoining rear elevation of the neighbour has also been extended out with extensive use of glazing minimising the threat of over shadowing / loss of light. The special circumstances of the case have been considered however it has not been demonstrated that an extension of this scale is a necessary response to those particular circumstances. As a result of the above the proposal is contrary to criteria (b) of EXT 1.

The proposal will not cause the loss the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. Sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposal is compliant with criteria (c) and (d) of Ext 1.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy EXT 1 (b) of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations in that the proposal will unduly affect the amenity of the neighbouring residents at No. 12 Cloughreagh Park by reason of dominance and overshadowing / loss of light.

Case Officer

Authorised Officer

NOTICE OF OPINION REFUSAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **P/2015/0218/F**

Date of Application: **16th March 2015**

Site of Proposed Development: **Lands approximately 650m south west of 40 Mullaghgarriff Road, Newry in the townlands of Gruggandoo, Grugganskeagh and Mullaghgarve, BT34 5LT**

Description of Proposal: **Construction of a wind farm comprising 12 no. wind turbines (tip height not exceeding 125 metres), and electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on Mullaghgarriff Road, delivery route improvements at Rostrevor Road, junction improvements at Rostrevor/Mullaghgarriff Road and all associated ancillary works.**

Applicant: **ABO Wind NI Ltd**
Address: **Adelaide House**
Hawthorne Business Park
Falcon Road
Belfast
BT12 6SJ

Agent:
Address:

Drawing Ref: **1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34**

1. The proposal is contrary to Policy COU 1 of the Banbridge/Newry and Mourne Area Plan 2015 as the proposal would not outweigh the potential detrimental impact on the unique qualities of the Mourne Mountains Special Countryside Area.
2. The proposal is contrary to Policy RE 1 of the Department's Planning Policy Statement 18 – Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area, which is located within the Mournes Area of Outstanding Natural Beauty and NC 01 Mournes Special Countryside Area, by reason of the number, scale, size and siting of turbines and sensitivity of the landscape.

3. The proposal is contrary to Policy NH6 of PPS 2 – Natural Heritage in that the development would, if permitted, be of an inappropriate design, size and scale and would be unsympathetic to the special character of the Mourne AONB in general and of the particular locality.
4. The proposal is contrary to Policy NH2 and NH5 of Planning Policy Statement 2 - Natural Heritage in that the development, if permitted, is likely to harm a nationally protected species, listed on Schedule 1 of the Wildlife (Northern Ireland) Order 1985 (as amended); and is likely to result in an unacceptable adverse impact on a rare and threatened native species and Annex I species of the EC Birds Directive (Red Kite, *Milvus milvus*).
5. The proposal is contrary to Policy NH5 of Planning Policy Statement 2 - Natural Heritage in that the development if permitted is likely to have an unacceptable adverse impact on, and result in damage to Upland Heathland, a Northern Ireland priority habitat and Annex 1 habitat of the EC Habitats Directive.
6. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy in that development would, if permitted, result in an unacceptable adverse impact on biodiversity and nature conservation interests by reasons of impact on Red Kite (*Milvus milvus*) and Upland Heathland, a priority habitat.
7. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 - Renewable Energy, the Planning Act (NI) 2011 and The Planning (Environmental Impact Assessment) Regulations (NI) 2015 in that insufficient information has been submitted to enable full determination of the planning application on issues relating to: Biodiversity and nature conservation interests.
8. The proposal is contrary to Policy RE1 of Planning Policy Statement 18 – Renewable Energy in that insufficient information has been submitted to enable full determination of the planning application in relation to noise.
9. The proposal is contrary to Policy RE 1 of the Department's Planning Policy Statement 18 - Renewable Energy in that the development would, if permitted, have an unacceptable adverse impact on the residential amenity of sensitive receptors arising from noise, proximity of turbines, height, number, scale, size and siting of the turbines.

Dated: 8th November 2016

Authorised Officer : 