

be an overbearing impact on no 15, and the extension adjacent to no 13 extends to the front by 2.1m, this size of an extension would not be considered to offer an overbearing impact, especially given it is a single storey extension.

It is not considered no 11 of 15 will suffer a demonstrable loss of light, undoubtedly there may be an element of light lost to each property, this is the nature of any building changing adjacent to other dwellings but again given the distance of the extension beside no 11 it is not thought there will be any overshadowing as a result and given that dwelling no 15 sits higher than the proposed extension, and the large windows already afforded to each dwelling in the area it is not thought there will be any demonstrable loss of light. There will be no overlooking as a result of this application.

No 15 did supply pictures of what the extension would possibly look like going on their estimations.

As the extensions are to the front of the dwelling no property to the rear of the dwelling will suffer as a result of the application.

Loss of a view and devaluation of property values do cause a great deal of concern to residents however both these aspects are not a material planning matter, are not part of EXT 1 and are not considered as part of this application.

Enough space remains within the curtilage of the dwelling to serve the existing dwellings amenity and allow parking.

The application would appear to be in accordance with EXT 1 of addendum to PPS 7

Representations – 6 from 2 separate addresses which have been considered.

The application appeared on the weekly delegated list 18-02-2016, a representation was made and the application now faces committee.

It is noted that further site inspections were undertaken in March and May by senior management. Discussions also took place with an objector during the site visit in March whereby the issues raised have been fully considered and while it is noted there are objections to the proposal on balance approval is recommended.

Recommendation:

A recommendation of approval is made

Refusal Reasons/ Conditions:

A standard time condition of commencement within 5 years would be placed on the file.

Application Number: LA07/2015/0552/F

Applicant: Trevor Perry

Proposal and Location: 13 Slieveshannagh Park, Newcastle – 2 single storey side extension to the front

Councillor's Name: Councillor Sean Doran

Reason(s) for requesting application appear before the Planning Committee:

- Concerns in relation to the loss of sunlight to 11 and 15 Slieveshannagh Park.

This extension will result in a loss of amenity and privacy for my constituents and will have a significant impact on the character and appearance of the local environment, in my opinion the frontal extension is visually out of scale and is incompatible with neighbouring properties, the extension dominates the host property.

Briefing Panel Decision:

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	6			
APPLIC NO	LA07/2015/0625/O	Outline	DATE VALID	7/21/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs M J Burgess 22 Drumnaconnell Road Saintfield BT24 7NB		AGENT	
				NA
LOCATION	Between 211 and 213 Derryboy Road Crossgar BT30 9DL			
PROPOSAL	One dwelling house and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) 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 Derryboye Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0625/O

Date Received: July 2015

Proposal:

Outline permission is sought for a dwelling and garage on lands between 211 and 213 Derryboy Road, Crossgar.

Applicant: Mrs M J Burgess

Location

The site is located in the countryside off the Derryboye Road approx 0.5 mile outside the settlement development limit of Crossgar as identified in the Ards and Down Area Plan 2015, whereby this area is pre-dominantly rural in character although also includes several dwellings and holdings. There does not appear to be any other zonings affecting the site.

Site Characteristics and area characteristics

The site comprises a roadside plot/field off the Derryboye Road, towards the southern end of this road. This roadside field rises gently from the road, whereby the dwelling and associated outbuildings/farm buildings of no.211 adjoin the northern end of this field, while the laneway serving the dwellings and holdings of no.213 and 215 adjoins the southern boundary of this field. It is noted the dwelling of no.211 is sited close to the roadside and fronts and accesses directly onto the Derryboye Road, while the dwelling of no.213 to the south of the site is set back from the road and accesses onto the laneway, although does front towards the Derryboye Road. The dwelling of no.215 is set much further back from the road, towards the top end of the laneway.

The field comprising the application site is enclosed and boundary by a mix of post and wire fencing and planting, with a grass verge along the frontage.

Photos attached to file.

Site History

A history search has been carried out for the site and surrounds whereby it was observed there have been a number of applications along this stretch of road, however no relevant history was observed relating to the application site.

Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, Environmental Health and NIEA, as part of this application.

It is noted Transport NI, NIW and NIEA offer no objections in principle, although Environmental Health have expressed concern regarding the proximity of the site to adjacent working farms which are not associated with the applicant (less than 75m), and if the proposed dwelling cannot be sited a minimum distance of 75m from the farm buildings, refusal is recommended.

It does not appear possible to position a dwelling on this site which is at least 75m from any farm building.

Representations

None received to date (27-04-16)

Cllr Burgess contacted the office via phonecall querying the status of the application, and was advised of the initial opinion that the proposal did not fulfill the requirements of policy CTY8 of PPS21.

As part of the processing of this application neighbour notification was undertaken with no.211 and 213 Derryboye Road in July 2015, while the application was also advertised in the local press on 5th Aug 2015.

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21.

PPS 21

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY 1

Development in the Countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is

otherwise allocated for development in a development plan. Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

There are a range of developments that may be permitted in the countryside in certain cases.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;*
- a replacement dwelling in accordance with Policy CTY 3;*
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- a dwelling on a farm in accordance with Policy CTY 10;*

As stated above the site is located in the countryside whereby policy PPS21 (Sustainable Development in the Countryside) is key.

This is an Outline application for a dwelling whereby a P1 form and site location plan have been submitted.

The information submitted indicates the applicant (Mrs Burgess) lives at no.22 Drumnaconnell Road, Saintfield, whereby Certificate A has been completed on the P1 form.

It is noted 22 Drumnaconnell Road is located approx 7-8 mile from the application site.

While the content of the P1 form is noted, no information has been submitted in support of this application, while no reference has been made to PPS21 or the associated policy exceptions for granting planning permission for a dwelling in this countryside location.

Having account the content of the PPS21 document, associated policies, and lack of any further supporting information, it is considered this proposal does not meet any of the exceptions listed for allowing a dwelling in this countryside location.

It is acknowledged this stretch of road includes a number of dwellings and buildings at present, however having account the above, it is considered the proposal is contrary to policy CTY1 of PPS21.

(A letter was issued to the applicant on 14-04-16 advising of the above policy test and requesting any other supporting information they wish to be considered, while the concerns from Environmental Health were also outlined).

It is noted no further information has been received to date (28-04-16).

As stated above the site comprises a roadside plot off Derryboye Road, whereby the lands rise gently from the road. The site outline in red is roughly rectangular in shape, which is considered large enough to accommodate a dwelling with sufficient provision for parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact. It is noted a new access is proposed to serve this dwelling whereby the access point will be immediately adjacent to the existing laneway to the southern end of the site. Visibility splays have also been provided, whereby it is also noted the applicant has completed Certificate A on the P1 form.

As outlined above the proposal has been assessed against the SPPS and PPS21 whereby it is considered it does not meet any of the respective policy tests.

While it is noted no supporting information has been submitted as part of this application, the original P1 form (now superseded) made reference to an infill dwelling, whereby policy CTY8 is key.

While it is noted the site may appear and be considered to be located between the dwellings of no.211 and 213, the dwelling of no.213 is not considered to share a common frontage to the Derryboye Road. Although it is acknowledged this dwelling fronts towards the Derryboye Road, it is set back from the road and accesses onto the existing laneway, where the curtilage also does not extend down to this road. As such it is considered the proposal fails this policy test.

As this is an Outline application no details have been provided regarding the siting or house type proposed, although it is noted there are a mix of house types and sizes along this stretch of road. It is also noted the lands beyond the rear of the site continue to rise and include good boundary planting thus providing a degree of backdrop to the site and contributing to integration, thus no concerns are raised regarding compliance with policies CTY13 and 14.

However as no need has been put forward for this proposal I must conclude the proposal is contrary to PPS21.

Recommendation:

Accordingly Refusal is recommended.

Refusal reason:

The proposal is contrary to the SPPS 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 Derryboye Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.

Application Number: LA07/2015/0625/O

Applicant: Mrs M J Burgess

Proposal and Location: One dwelling house and garage
Between 211 and 213 Derryboy Road, Crossgar

Councillor's Name: Cllr D Taylor

Reason(s) for requesting application appear before the Planning Committee:

I would like to make representation for deferral of Planning Application LA07/2015/0625/O for further consideration by the Planning Committee.

Briefing Panel Decision:

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO 7

APPLIC NO LA07/2015/0868/O Outline **DATE VALID** 9/9/15

COUNCIL OPINION REFUSAL

APPLICANT Mr & Mrs Ward C/O Agent **AGENT** Hawthorne

Associates 2-3
The Beeches
Grove Road
Spa
Ballynahinch
BT24 8RA
02897 561488

LOCATION Lands between 20 & 20B Station Road
Killough

PROPOSAL Single dwelling and garage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon of development along this private laneway at Station Road and 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

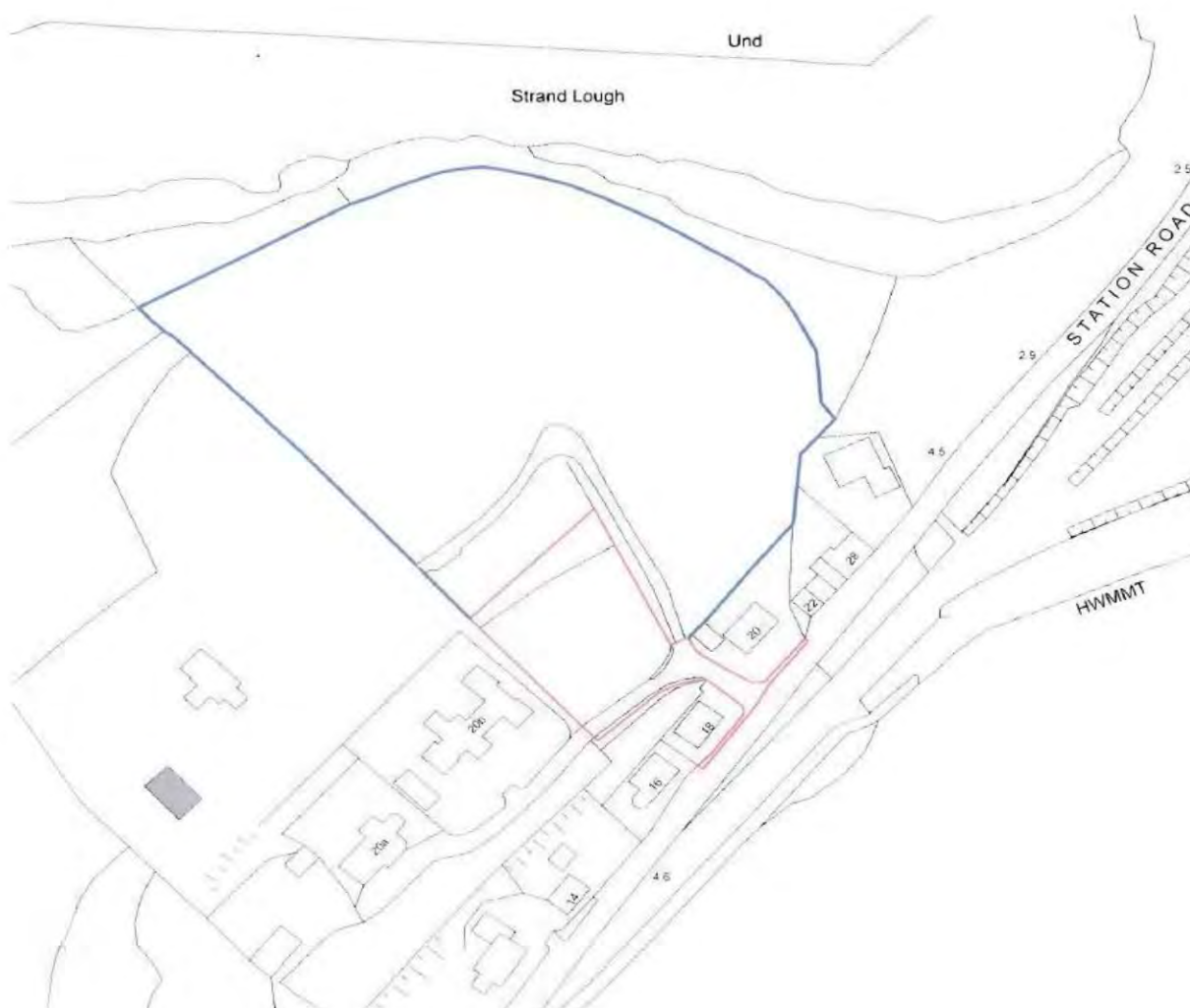
Newry, Mourne and Down District Council

Application Reference: LA07/2015/0868/O

Date Received: 09.09.2015

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

Location: The application site is located just outside the settlement of Killough approx. 6 miles SE of Downpatrick.



Site Characteristics & Area Characteristics:

The site is located off Station Road, Killough accessed via a private gated lane to the north east of an existing dwelling at 20B Station Road. The site is located on a higher ground level than that of the Station Road and dwellings immediately south-east of the site. The private lane serves 2 detached dwellings, and another dwelling under construction, which is located to the rear of 20A and 20B, remaining agricultural land, a detached 2 car garage and a detached rendered garage building which are to the south east of No 20A. The site itself falls gently in a north easterly direction. The boundary which runs along the front of the site which runs parallel to Station Road consists of a staggered height fall with mature well maintained hedge approx 1.8m in height. There is a laneway which serves the newly constructed site which runs to the north eastern boundary, which is also defined by mature planting. This laneway would be on much lower ground as would the newly constructed dwelling in relation to the dwellings at 20A and 20B. The boundary with No 20B consists partly of their boundary wall and of some whinbushes which run along this boundary. The site is currently field grass, there is also a laneway which runs through the site towards the NW boundary. The site is within the countryside outside the settlement limits of Killough village. The immediate area is characterised by ribbon development along the Station Road that is made up of single and 2 storey dwellings. The area is part of the established AONB.

Site History:

R/2009/0731/O - Lands Adj to 20a Station Road – dwelling, Mr P Ward
Refused 10.06.2011 - (CTY1 need, CTY8 ribboning along private lane)

R/2007/0010/F - 50m W of 20A Station Road - Retrospective farm shed &
associated hard standing, - B Deegan. Withdrawal 28.1.2011

R/2006/1227/RM - Approved 19.4.2007

R/2004/1146/O - Land adj to 20A Station Road - Rural Dwelling
Approved 27.7.2006 - P Ward

R/2006/0429/O - Adj to No 14 Station Road - Site for Dwelling
G Wilson - Withdrawn 30.6.2006

R/2007/1100/F - Lands contained between 14 & 16 Station Road
11/2 storey dwelling - P Ward - Approved 5.9.2008

R/1996/0701 - Lands to rear of 10-28 Station Road - Dwelling & Garage
Approved

R/1996/0489 (same as R/1996/0701 only withdrawn)

Planning Policies & Material Considerations:

The application site lies outside the development limits of Killough village in the open countryside within the AONB as designated within the Ards & Down Area 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 which are also applicable.

Consultations:

Transport NI - No objections subject to a RS1 form

NIW - No objections

NIEA Marine Environment Division - No objections and informatives

NIEA - Water management - no objections

NIEA NED - priority species may be present on the site, Biodiversity checklist to be completed.

Objections & Representations

In line with statutory requirements five neighbours have been notified on 16.09.2015 and the application was advertised in the Down Recorder and Mourne Observer on 23.09.2015. No letters of objection or support have been received in relation to the application.

Consideration and Assessment:

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

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

PPS3 - Access, Movement & Parking

DCAN15 - Vehicular Access Standards

It is proposed to access onto the laneway which accesses onto Station Road.

Transport NI was consulted and have no objections to the proposal subject to the standard conditions.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. This includes infill dwellings if they are in accordance with Policy CTY 8 which will be considered below. Integration (CTY 13) and Rural character (CTY 14) will also be considered.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that an exception to the

policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

The proposed site fronts on to the private laneway which then accesses onto Station Road. There is already a ribbon of development along this laneway which all have a common frontage onto this laneway namely the detached garage of 20A, 20A and 20B. There is no development to the NE of the site, therefore for the purposes of CTY 8 there is no gap in an otherwise substantial and continuously built up frontage. No 18 has a common frontage onto Station Road. No 20 has an access that comes partly onto this private laneway, but in my opinion the house relates more to Station Road than to the laneway, it fronts and is orientated onto Station Road and reads as part of the ribbon of development along Station Road and not this private laneway. The dwellings to the rear (20B do not have a direct relationship with this dwelling (No 20) and are quite separate and this is further emphasised by the gated entrance which separates the two developments.

Policy CTY 14 of PPS 21 'Rural Character' 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 an area. It sets out five circumstances where a new building would be unacceptable. Circumstance (c) is that it does not respect the traditional pattern of settlement exhibited in that area; whilst circumstance (d) is that it creates or adds to a ribbon of development (see CTY 8).

Policy CTY 13 - Integration. The dwelling at No 20B occupies a prominent feature when viewed along the bridge from further along Station Road. However, the skyline has already been interrupted by this dwelling.

Having considered the policy in my opinion it does meet with the criteria as set out in CTY 1 and CTY 8.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon of development along this private laneway at Station Road and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Planning Support Statement.

In respect of Outline Planning application for a dwelling on lands contained between 20 & 20B Station Road Killough.

It is considered there are no reasons why buildings/dwellings based upon the principles of "A rural design guide for Northern Ireland and Building on Tradition a supplement to PPS21 " cannot be approved on this site.

Policy within PPS 21 accepts and acknowledges that there is a presumption in favour of planning permission for dwelling/s within a site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Concept drawing 15-1570-01C affirms.

The case office acknowledges in her report ribbon development that there is already a ribbon of development along this laneway which all have a common frontage onto this laneway namely the detached garage of 20A, 20A and 20B. Further stating " No 18 has a common frontage onto Station Road No 20 has an access that comes partly onto this private laneway, but In my opinion the house relates more to Station Road than to the laneway, it fronts and is orientated onto Station Road and reads as part of the ribbon of development along Station Road and not this private laneway The dwellings to the rear (20B) do not have a direct relationship with this dwelling (No 20) and are quite separate and this is further emphasised by the gated entrance which separates the two developments".

It is strongly contested that the case office has entirely overlooked the significance of the building's number 20. The dwelling and garage of number 20 is fully accessed off the laneway, these buildings act as "book ends" a line of 3 or more buildings in compliance to "in-fill " as the exception to CTY 8 Policy. Dwelling 20 is entirely accessed off the laneway serving the application site as depicted in photo 1.



Photo 1. Depicting direct access of lane (entrance pillars and gate as common frontage onto site application laneway)

A "book end building" in a line of 3 or more buildings.

This application and assessment against Policy is very site specific and at the very least necessitates a second opinion/site visit by the Council over and above that of the current singular Case Office opinion.

Paragraph 5.33 of Policy CTY 8 states "For the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked." It is contested that the section of existing development over which this application is contained is fully in compliance.

The proposal respects and retains the established pattern of settlement in this part of the countryside. This site is physically capable of satisfactorily accommodating this proposal and can be adequately serviced, in terms of access, water and drainage as already determined at outline planning stage.

The site is in a locality that has the capacity to accept this proposed development, without adverse impact on the rural character.

This proposed development will not spoil any scenic aspect or detract from the visual appearance of the countryside.

The leading influence in the design and layout for the proposal will be taken from the guidance as laid out in the DOE Publication "Building on Tradition" A Sustainable Design Guide for the Northern Ireland Countryside Published May 2012. Specific terms and conditions shall be stipulated within the grant of outline planning approval based on the planning office report. With that in consideration, the proposal will respect the design of buildings exhibited in this area, the design will be carefully arrived at having considering the setting and location of the site, the dynamics of the landscape and the existing settlement pattern.

All of the existing natural features will be retained /incorporated into the proposed site area in so far as possible.

This application as proposed:

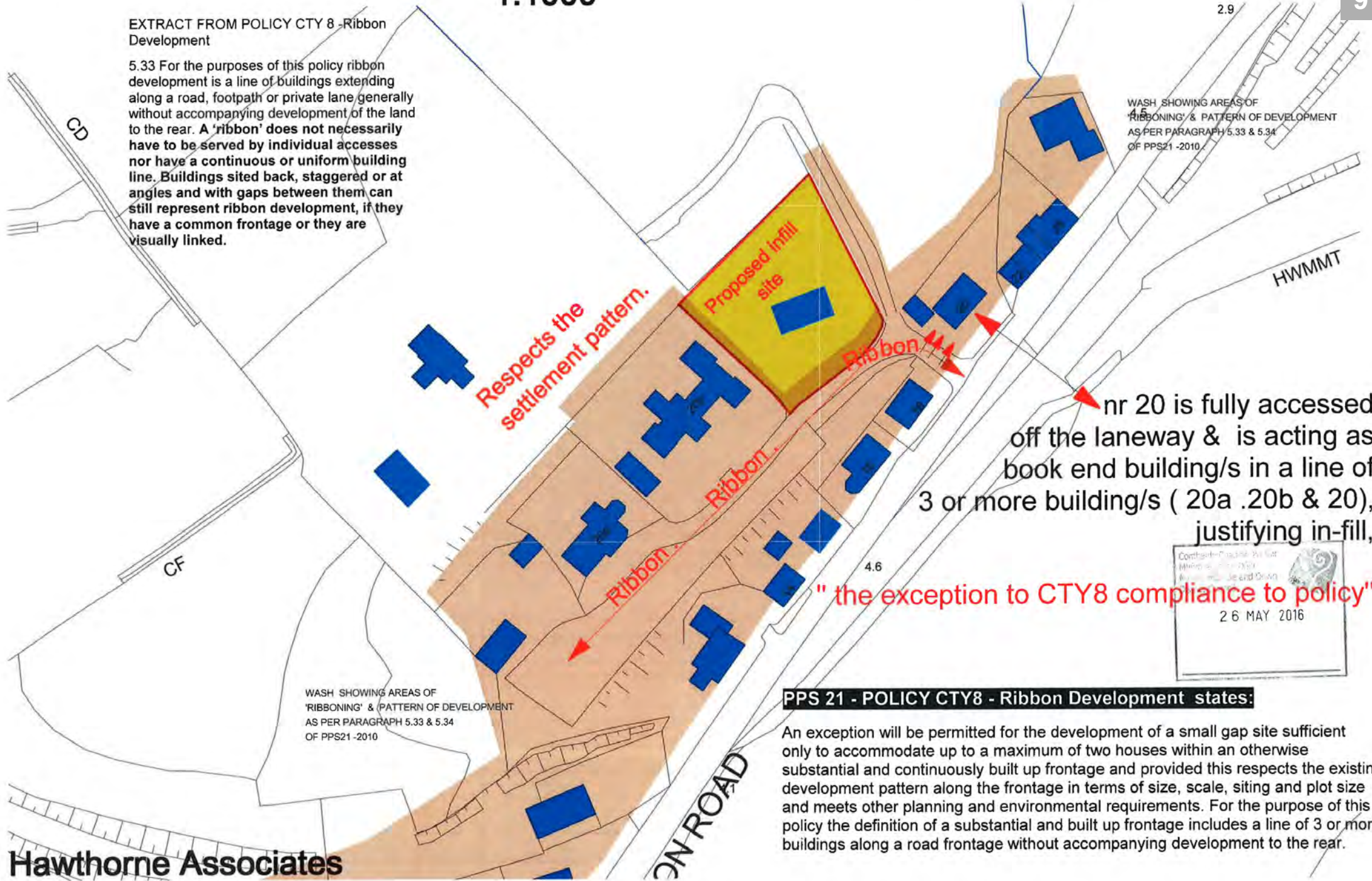
- Will not alter or seriously erode the rural character of this area of countryside.
- Is more than capable of being absorbed into the immediate area, given the countryside's natural topography and existing development pattern to be found on the Station Road as demonstrated within Concept drawing 15 -1570 -02C.
- Will not create an adverse impact on this area of countryside when added to the existing buildings/dwellings in this area, nor for that matter cause further detracton from its special qualities and its intrinsic and unique character.

In conclusion it is concluded that the application is fully in compliance to Planning Policy.

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EXTRACT FROM POLICY CTY 8 -Ribbon Development

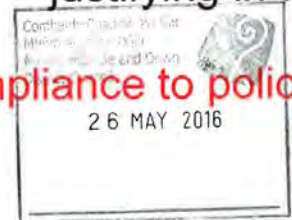
5.33 For the purposes of this policy ribbon development is a line of buildings extending along a road, footpath or private lane generally without accompanying development of the land to the rear. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.



WASH SHOWING AREAS OF 'RIBBONING' & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF PPS21 -2010.

WASH SHOWING AREAS OF 'RIBBONING' & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF PPS21 -2010

" the exception to CTY8 compliance to policy"



PPS 21 - POLICY CTY8 - Ribbon Development states:

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

15-1570-02C Indicative (o/a overview) concept map

LA07/2015/0868/0

1:2000



Proposal Respects the settlement pattern.

Proposal Respects the settlement pattern & character of the area.

Proposal Respects the settlement pattern & character of the area.

LOCAL PUBLIC HOUSE



Comhairle Ceantair an Fúir
 An tOirthear agus an Deim
 Newry, Banbridge and Down
 District Council

26 MAY 2016

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	8				
APPLIC NO	LA07/2015/1055/O	Outline	DATE VALID	10/16/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr J Convery 12 Chancellors Road Newry BT35	AGENT	Brian Fearon 10 Fullerton Road Newry BT34 2BB 07732364991		
LOCATION	Site at 20M Northeast of No 15 Chancellors Road Newry Correnshego				
PROPOSAL	Proposed site for infill dwelling and domestic garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses Signatures		
			0	0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to 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 to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site in an otherwise substantial and built up frontage that respects the existing development pattern, and would, if permitted, result in the creation of ribbon development along Chancellors Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA07/2015/1055/O	Target Date:
Proposal: Proposed site for infill dwelling and domestic garage	Location: Site at 20M Northeast of No 15 Chancellors Road Newry Correnshego
Referral Route: Automatic Committee	
Recommendation: Refusal	
Applicant Name and Address: Mr J Convery 12 Chancellors Road Newry BT35	Agent Name and Address: Brian Fearon 10 Fullerton Road Newry BT34 2BB
Executive Summary: Proposal seeks Outline permission for an infill dwelling in accordance with CTY8 of PPS21.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Downpatrick Office	Content
Non Statutory	NI Water - Single Units East - Planning Consultations	Substantive Response Received
Advice and Guidance	Env Health Newry Mourne And Down District Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Proposal fails to meet the infill criteria of CTY8 as documented below.

Characteristics of the Site and Area

The site is located at approximately 20m North East of Chancellors Road, Newry. The site as defined in red on the site location plan takes in a portion of land along the roadside that contains the access and garden area of No. 15 Chancellors Road. The boundaries of the site include mature trees, hedging and shrubbery and runs along in front of No. 15 and No.11. Immediately to the west of the site is No.15 which runs into No. 11, both single storey dwellings. A large shed is located between No.15 and 11 which may be linked to the large number of buildings found to the rear of both dwellings associated with Rean Recycling Ltd. The site is within the rural area as depicted in the Banbridge Newry and Mourne Area Plan 2014 and development pressure is relatively high, particularly on this side of the road.

Planning Assessment of Policy and Other Material Considerations

The proposal seeks Outline permission for an infill site consisting of a dwelling and garage.

Site History

P/2012/0949/O

Site for farm dwelling and garage

50 metres west and to the rear of no 11 Chancellors Road, Newry, BT35 8PR

Approval

16.08.2013

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 infill dwellings 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 Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015. The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision up to 2 dwellings in a gap site where it is in accordance with policy CTY8 of Planning Policy Statement 21 and other planning considerations and policies.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI have been consult these policy criteria and have responded with no objections.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8.

With regard to policy CTY 8 an exception can be facilitated for the development of a small gap site to accommodate up to 2 dwellings in an otherwise substantial and continuously built up frontage. The policy requires a line of 3 or more buildings along a road frontage without accompanying development to the rear and a respect of the existing development pattern. The proposed site does not represent a gap site and instead sits forward of the building line of Nos 11 and 15 where a gap between these properties does not exist as both properties run into each other. The site as outlined in red should only be capable of accommodating up to 2 dwellings, however this site is large enough to accommodate at least 3 dwellings therefore to consider this for 1 dwelling, would not respect the existing development pattern when you consider the existing plot sizes along this road. As a consequence the proposal does not represent a small gap site in an otherwise substantial and built up frontage and therefore fails to meet the policy criteria of CTY8 and CTY1 as there are no over-riding reasons why this development is essential and could not be located in a settlement. An approval at this site would contribute to ribbon development when viewed with existing development.

In terms of CTY13 a single storey dwelling is likely to be able to integrate into the landscape when considered against the mature screening that exists on the site. However with regard to CTY14 the dwelling, when viewed with existing properties in the locality would contribute to suburban style build up which is unacceptable at this rural location.

Environmental Health were consulted in relation to the sewage arrangements and have responded with no objections. Sewage arrangements are minimal at Outline stage but the application is in general compliance with CTY16.

No objections or representations were received.

Neighbouring Properties within 90 metres have been consulted

<p>Application has been advertised.</p> <p>Refusal is recommended.</p>
<p>Neighbour Notification Checked</p> <p style="text-align: center;">Yes</p>
<p>Summary of Recommendation:</p> <p>Refusal as above.</p>
<p>Conditions/Reasons for Refusal:</p> <p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to 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 to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site in an otherwise substantial and built up frontage that respects the existing development pattern, and would, if permitted, result in the creation of ribbon development along Chancellors Road. 3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to the rural character of the countryside.
<p>Signature(s)</p> <p>Date:</p>

ANNEX	
Date Valid	16th October 2015
Date First Advertised	4th November 2015
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1,23A Chancellors Road,Cloghreagh,Cloghoge,Newry,Armagh,BT35 8PR, The Owner/Occupier, 11 Chancellors Road Cloghreagh Cloghoge The Owner/Occupier, 11 Chancellors Road,Cloghreagh,Cloghoge,Newry,Armagh,BT35 8PR, The Owner/Occupier, 15 Chancellors Road Cloghreagh Cloghoge The Owner/Occupier, 17 Chancellors Road Cloghreagh Cloghoge The Owner/Occupier, 18 Chancellors Road,Cloghreagh,Cloghoge,Newry,Armagh,BT35 8PR, The Owner/Occupier, 24 Chancellors Road Cloghreagh Cloghoge The Owner/Occupier, 31 Chancellors Road,Cloghreagh,Cloghoge,Newry,Armagh,BT35 8PR,</p>	
Date of Last Neighbour Notification	25th January 2016
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
<p>Ref ID: LA07/2015/1055/O Proposal: Proposed site for infill dwelling and domestic garage Address: Site at 20M Northeast of No 15 Chancellors Road, Newry, Correnshego, Decision: Decision Date:</p>	
<p>Ref ID: P/2000/0841/O Proposal: Site for dwelling Address: Adjacent to 17 Chancellors Road, Newry Decision: Decision Date: 19.01.2001</p>	

<p>Ref ID: P/1975/1056 Proposal: PROPOSED REPLACEMENT FARM BUNGALOW Address: CLOUGHREA, BESSBROOK Decision: Decision Date:</p>
<p>Ref ID: P/1995/0797 Proposal: Site for dwelling Address: REAR OF 15 CHANCELLORS ROAD, NEWRY Decision: Decision Date:</p>
<p>Ref ID: P/2012/0949/O Proposal: Site for farm dwelling and garage Address: 50 metres west and to the rear of no 11 Chancellors Road, Newry, BT35 8PR, Decision: PG Decision Date: 20.08.2013</p>
<p>Summary of Consultee Responses No objections</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p>Notification to Department (if relevant) N/A</p>

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO	9				
APPLIC NO	LA07/2015/1229/O	Outline	DATE VALID	11/5/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	PJ O'Hare 4 Bog Road Kilcoo Newry	AGENT	Martin Baillie 44 Bavan road Mayobridge Kilcoo BT34 2HS 30851910		
LOCATION	Between Nos 2 and 4 Bog Road Kilcoo Newry				
PROPOSAL	Infill site for dwelling and garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses Signatures		
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and continuously built up frontage. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Bog Road.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be unduly prominent in the landscape, and would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1229/O

Date Received: 05.11.2015

Proposal: Infill site for dwelling and garage

Location: Between Nos 2 and 4 Bog Road, Kilcoo

Site Characteristics & Area Characteristics:

The site is located along Bog Road. It is a relatively rectangular shaped plot, which is part of a larger agricultural field and is accessed via an existing driveway which serves No 4 Bog Road. The NE boundary consists of a stone wall which bounds with an existing path. A hedge defines the eastern boundary and the SE boundary remains open and undefined. The site is situated to the rear of a small field back from the Bog Road. The area is rural in character, with a dispersed settlement pattern of single houses in the countryside.

Site History:

No planning history on site.

Planning Policies & Material Considerations:

The application site lies outside the development limits in the open countryside as designated within the Ards & Down Area 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3, PPS 6 and PPS 21 which are also applicable.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA Historic Buildings Unit – Concerns about the proximity of the application to the cashel, which is protected under PPS 6 Policy BH2. Therefore they have asked for a 20m exclusion zone, where no development should have place within this zone.

Objections & Representations

Two neighbours have been notified 07.12.2015. No letters of objection or support have been received in relation to the application.

Consideration and Assessment:

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

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

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. This includes infill dwellings if they are in accordance with Policy CTY 8 which will be considered below. Integration (CTY 13) and Rural character (CTY 14) will also be considered.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that any exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with

gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

While travelling along Bog Road in a southerly direction No 2 Bog Road has a road frontage and a curtilage onto Bog Road and presents itself to the road. No. 4 is set back from the road, is accessed via an existing driveway, the barn lies to the NE of No 4 and would be outside the natural curtilage of the property. It fronts onto the existing yard which forms part of the curtilage of No 4. Due to the existing landform and the set back from the road, the barn does not read or present itself as road frontage development. While it is accessed via the same driveway as No 4, the barn is set back and has an agricultural field in front of it. The proposal is not in keeping with the general approach to infill sites on pages 70 - 77 of the Building on Tradition design guide.

It is considered that this application does not meet the above criteria and is not therefore a valid infill opportunity. There is not a substantial and built up frontage of three or more buildings.

Recommendation:

Refusal

The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and continuously built up frontage. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Bog Road.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be unduly prominent in the landscape, and would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.

JOB REF 2255**PROPOSED SITE FOR INFILL DWELLING AND GARAGE BETWEEN 2 AND 4 BOG ROAD, KILCOO, NEWRY FOR MR PJ O'HARE. PLANNING REF LA07/2015/1229**

Further to Plannings recommendation to refuse the above application I wish to comment as follows **on the Reasons for Refusal.**

1. The proposal is contrary to the Strategic Planning Policy statement 2015 and Policies CTY1 and CTY8 of planning Policy Statement 21 in that the site is not part of a substantial and continuously built up frontage. The proposal is therefore not a valid infill opportunity and would instead result in the creation of ribbon development along Bog Road.

The definition of a substantial and continuously built up frontage is as follows, "a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear" The application site herewith has a dwelling and a barn directly to the south west and a dwelling directly to the north east so this reason for refusal is not sustainable. From all relevant critical view points on Bog Road and Tullyree Road it can be clearly seen that this site is a n infill opportunity.

2. The proposal is contrary to Policy CTY14 of PPS21 in that the building would be unduly prominent in the landscape, and would create a ribbon of development, and would therefore result in a detrimental change to the rural character of the countryside.

From all critical viewpoints it can be clearly seen that the site is not prominent. The barn and dwelling to the south west are not prominent in the landscape so the proposal herewith would not be either and any lingering concerns Planning may have could easily be overcome with careful sighting and good rural design. The fact that a new access will not be required to facilitate the dwelling also minimises any impact on the landscape.

As for the creation of ribbon development this reason for refusal cannot be sustained if the site is deemed an infill opportunity. In my professional opinion to develop this site would have minimal effect on the character of the countryside in this locality

Martin J Bailie MCIAT

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO 10
APPLIC NO P/2014/0850/F Full **DATE VALID** 10/13/14
COUNCIL OPINION REFUSAL
APPLICANT Gareth Nugent C/O Agent **AGENT** Feargal Carolan
 40 Larchmount
 Newry
 BT35 6TX
 07732119785

LOCATION Lands adjacent to and east of 1-7 Drumleacht & north of Whitecross Bar Tullyah Road
PROPOSAL Whitecross
 Erection of 4 Semi-detached dwellings

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

- 1 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that issues relating to the proposed layout, amenity and third party land needed addressing and are 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 the Strategic Planning Policy Statement (SPPS) and Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted Concept Plan that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context in terms of its layout and positioning of dwellings; and
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on proposed properties in terms of overlooking, noise or other disturbance/amenity issues.



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

Delegated Application

Development Management Officer Report		
Case Officer:		
Lisa Grant		
Application ID: P/2014/0850/F		Target Date:
Proposal:		Location:
Erection of 4 Semi-detached dwellings		Lands adjacent to and east of 1-7 Drumleacht & north of Whitecross Bar Tullyah Road Whitecross
Applicant Name and Address:		Agent Name and Address:
Gareth Nugent C/O Agent		Feargal Carolan 40 Larchmount Newry BT35 6TX
Date of last Neighbour Notification:		29th October 2014
Date of Press Advertisement:		29th October 2014
ES Requested: Yes/No		
Consultations:		
Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues:		

Site Visit Report

Site Location Plan:



Date of Site Visit: 25th September 2015

Characteristics of the Site and Area

The site currently exists of a sloped rough grassed area in front of dwellings at Drumleacht and a fairly level area of hardstanding adjacent to the junction of Ballymoyer Road and Tullyah Road in Whitecross. The dwellings within Drumleacht consist of 2 storey semi-detached and a small terrace 2-storey dwellings. A public house is located adjacent to the site and more housing opposite the site which consist of 2-storey semi-detached hipped roof dwellings.

Planning Assessment of Policy and Other Material Considerations

Banbridge Newry and Mourne Area Plan 2015

SPPS

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments - Addendum (Safeguarding the character of established residential areas)

PPS 8 - Open space

PPS 12 - Housing in Settlements

RDS 2035

Supplementary Guidance:

Living Places

Creating Places

The site is located within the settlement of Whitecross as defined the Banbridge Newry and Mourne Area Plan 2015. The site is currently vacant with the exception of a hot-food vehicle parked on site. The site previously occupied 180 Tullyah Road a detached dwelling which was granted outline approval for an on-site replacement dwelling. This was never pursued and the dwelling eventually demolished. Planning approval was granted under P/2002/1747/F for 8 no. dwellings on the site however on site today only 7 have been erected.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted.

Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

PPS 7 - QD1

The retained PPS 7 provides more clarification and will therefore be given more weight. QD 1 within this document states that planning permission will be granted for a new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It identifies 9 criterion to be met. In terms of this application and the listed criteria:

- (a) The proposal does not respect the surrounding context in terms of its layout. The proposal includes 2 pairs of 2-storey semi-detached dwellings on a restricted site in terms of its shape and adjacent features. The proposed siting and orientation of the dwellings are designed to work around the existing turning head and number 4 especially is too close to this turning head and along with house 3 has no real front garden area to match the remaining proposed and existing estate;
- (b) The proposal would not impact on any features of archaeological and built heritage or landscape features;
- (c) The proposed layout leaves an uneven distribution of private amenity space resulting inadequate amenity space for houses 1 and 4 – due to the size of the site and number of dwellings, public open space is not required;
- (d) The proposal is small in scale and is located within the settlement limits of Whitecross which in itself is a small settlement and no necessary local neighbourhood facilities are required by the developer for this proposal;
- (e) The sites location within the settlement limit and the proposal by the developer to provide a footpath to join the existing would support a pattern of walking and cycling. The site's location also enables convenient access to public transport;
- (f) Adequate parking provision is shown on the site layout to accommodate the proposed dwellings;
- (g) The proposed design is similar in scale to the existing development of Drumleacht with some changes to the design including peaks over an upper floor window on the front elevation as well as smaller more vertical windows. House no.1 was also given a dual frontage due to its location at the edge with Drumleacht and the Ballymoyer Road. The proposed finishes will respect the existing estate also;
- (h) The proposed layout however could cause possible conflict with the adjacent land use which is a public house. Environmental Health has also raised concern over the close relationship of the development and possible amenity issues. The proposed layout also poses concern in relation to amenity issues for the proposed residents of houses 3 and 4 due to the close proximity of the turning head and issues such as bright vehicular lights, noise and safety. Overlooking issues from the 1st floor landing window of house 3 onto house 2's private amenity space has also been highlighted;
- (i) Development on this site can be designed so as to deter crime and promote personal safety. A letter has been issued to the agent clearly identifying all the aspects needing attention, however do date this information has not been forthcoming.

PPS 7 - Addendum - Safeguarding the Character of Established Residential Areas - Policy LC 1

In addition to complying with all the criteria set out in QD 1 of PPS 7, this additional policy LC 1 states that planning permission for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing will only be granted this additional criteria is met:

- (a) The proposed density is not significantly higher than that found in the established residential area - In order to achieve quality in other areas such as amenity and residential issues, 4 dwellings as proposed on this site appears to be too much and the numbers would need to be reduced in order to provide a more enhanced scheme.
- (b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area - the proposed style/pattern would be in keeping with the wider established residential area; and
- (c) All dwelling units and apartments are built to a size not less than those set out in Annex A - the proposed floor space for the dwellings exceed the minimum standards set out for a 5 person 3-bedroom 2-

storey dwelling and are therefore acceptable in meeting this criteria.

No objections were received regarding the proposed scheme, however the proposed red line did include land used as an access to the adjacent public house. A letter was sent to the agent to confirm that the applicant did control all this land, but no letter was forthcoming.

Consultation Responses:

Transport NI - latest response requested footway continued around the turning head at site 4 and 9 coloured plans for determination purposes - these latest drawings received 17th June 2015 were not forwarded to Transport NI as planning had issues with the layout as submitted;

Public Health - No objections in principle however raised concern regarding the proximity of the development to the adjacent public house and function room which may operate after 11pm;

NIW - Waste Water treatment/sewerage capacity NOT available for the proposed development and a scheme does NOT exist on the capital works programme - email sent to NIW to get confirmation if WWTW have been upgraded at Mountnorris to serve this proposal since the last consultation response.

Case officer Recommendation - The agent was informed of the concerns and given time to submit changes for further consideration however nothing has been presented. The application therefore has been considered on the basis of the information submitted and refusal recommended. Contrary to QD 1 (a) and (h).

Neighbour Notification Checked

Yes/No

Summary of Recommendation

Conditions/Reasons for Refusal:

Refusal Reasons

1. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that issues relating to the proposed layout, amenity and third party land needed addressing and are 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 the Strategic Planning Policy Statement (SPPS) and Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted Concept Plan that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:

(a) that the development respects the surrounding context in terms of its layout and positioning of dwellings; and

(h) that the design and layout will not cause/create unacceptable adverse impacts on proposed properties in terms of overlooking, noise or other disturbance/amenity issues.

Case Officer Signature:

Date:

15/4/16

Appointed Officer Signatu

Date:

20/4/16

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO 11
APPLIC NO R/2013/0375/F Full **DATE VALID** 8/21/13
COUNCIL OPINION REFUSAL
APPLICANT Mrs Mary O'Prey **AGENT** Hillen Architects
 Limited 87 Central Promenade
 Newcastle
 BT33 0HH
 02843725535

LOCATION Lands 40m NW of 9 Wateresk Road
 Dundrum
 Co Down.

PROPOSAL Proposed house and garage on the farm for a family member.

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

- The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for a period of at least 6 years.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2013/0375/F

Date Received: 21.08.2013

Proposal: Proposed house and garage on the farm for a family member.

Location: Lands 40m NW of 9 Wateresk Road Dundrum

Site Characteristics & Area Characteristics:

This site comprises existing dwelling No. 9 Wateresk Road, Dundrum, an outbuilding, a hard surfaced area (which are to the rear of No. 9) and a portion of a field to the north west of No. 9.

No. 9 is a bungalow with detached single storey garage. The southern boundary of the site around the proposed dwelling is currently undefined, the western boundary is defined by a mature boundary hedge, and the north eastern boundary is defined by timber fencing with trees to the inside. The site is relatively flat throughout. A laneway runs along the north eastern boundary of the site.

Site History:

R/2006/0550/O - Adj 9 Wateresk Road, Dundrum - Site for dwelling – Planning appeal dismissed.

R/2002/1607/O - Adjacent to No 9 Wateresk Road, Wateresk, Dundrum, Northern Ireland, BT33 0NL - New dwelling – Planning appeal dismissed.

R/2002/0455/O - Adj to 9 Wateresk Road, Dundrum - New dwelling – Withdrawn - 27.11.2002.

Planning Policies & Material Considerations:

This site is located within the Countryside and is within an Area of Constraint on Mineral Developments as defined in the Ards and Down Area Plan 2015.

The Strategic Planning Policy Statement 2015

Planning Policy Statement 3 – Access, Movement and Parking
Policy DES 4 Areas of Outstanding Natural Beauty
Planning Policy Statement 21 Sustainable Development in the Countryside –
Policies CTY 10 Dwellings on Farms,
CTY 13 Integration and Design of Buildings in the Countryside,
CTY 14 Rural Character and
CTY 16 Development Relying on Non-Mains Sewerage

Consultations:

DARD – Farm business id. (656864) has not been in existence for more than 6 years and the business has not claimed Single Farm Payment, Less Favoured Compensation Allowances or Agri Environment Schemes in the last 6 years.

Roads – No objections, conditions to be added.

NI Water – No objections, informative to be added.

NIEA Water Management Unit – No objections, informatives to be added.

Objections & Representations

6 neighbours notified and no objections received.

Representations from Sean Rogers MLA, Chris Hazard MLA and Margaret Ritchie MP in support of the application.

Consideration and Assessment:

P1C Form submitted with this application states that the name and address of the owner of the farm business is Mrs Mary O'Prey and she lives at 9 Wateresk Road, Dundrum. This form states that Mrs Mary O'Prey is also the applicant. It is stated on this form that the business number (656864) was allocated in May 2012 and that Single Farm Payment or other farm subsidies are submitted to DARD by the Applicant.

Information on P1C form and letter from DARD (provided by Applicant) dated 23rd March 2012 and signed by Martin Rafferty (DARD) states that single farm payment was claimed for FSN 3/99/141-1 from 2005-2011.

Letter from Applicant's Agent dated 24th September 2013 states the land had been taken in conacre 2005-2011 by Mr William Kerr, 15 Wateresk Road, Dundrum and Mr PJ Mooney, 124 Mill Road, Annalong has taken the land from 2012 to present and they have claimed single farm payments on the land.

Consultation response from DARD states that the Farm Business Id. has not been in existence for more than 6 years and the business has not claimed Single Farm Payment, Less Favoured Compensation Allowances or Agri Environment Schemes in the last 6 years.

The proposal includes the creation of a new laneway as adequate visibility splays cannot be achieved from the existing laneway. The proposed site layout illustrates that the existing hedgerow at the proposed new access will be removed to provide adequate visibility splay line and a new post and wire fence will be constructed behind splay line with native species hedgerow planted behind.

The proposed dwelling would be sited in part of a field to the north west of No. 9 behind an existing hedge, it is considered that the proposed dwelling would be visually linked or sited to cluster with an established group of buildings.

The proposed dwelling would be located 50m from the south eastern boundary of No. 11, 35m from No. 9 and the proposed garage would be 25m from the closest point of newly constructed dwelling to the north east. The proposed dwelling is one and a half storey design with a one and a half storey detached garage. The dwelling has a ridge height measuring 6.2m from ground level, is 17.2m long and a gable depth of 9.9m.

The proposed detached garage would have a ridge height measuring 5.8m from ground level, is 8m long and a gable depth of 5.5m.

The materials and finishes and design of the proposed dwelling are acceptable. No impacts on neighbouring residential amenity.

Proposed site layout illustrates that along the southern boundary of the site a new post and wire fence with double row of native species blackthorn hedgerow planted behind, augmented with native species trees Birch, Ash and Oak. All other existing boundaries are to be retained.

The proposed sewage treatment system would be located along the southern boundary of the site and would be 15m from existing dwellings and the foul and storm soakaways drain into the neighbouring field which are within the applicant's control as they are outlined in blue on the site location plan.

APPLICATION REVIEW

The application has been reviewed against Planning Policy Statement 21 CTY10 and the recently published Strategic Planning Policy Statement (SPPS).

The SPPS states in relation to Dwellings on farms: provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. For example, where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

DARD have confirmed that the Farm business ID has not been established for a period of 6 years. The farm business ID was allocated by DARD in May 2012. This is not a critical factor ie that the farm business number has not been in existence for 6 years. However the lands have been let out in conacre and SFP has been claimed by separate and different farm businesses, not the applicants.

SFP has been claimed on the lands by separate farm business owners from 2005-present. The holding comprises 2no fields one at Loughinisland, 0.37ha and one at Wateresk Road, 0.67ha. The lands at Wateresk is where the farm dwelling is proposed.

Supporting information has been submitted by the applicant in Jan 2014 in an attempt to demonstrate the 6 years active farming requirement of policy. This included,

- Receipts for hedge cutting for Mrs O'Prey for 2005/06/07/08/09/10/12 & 2013. Some are referenced to 9 Wateresk Rd, but not all. £25/30 per bill.
- Non-specific purchase receipts from JB Hardware and DC Wholesale electrical.
- Tool centre invoice for an excavator for Mr Tony O'Prey at Wateresk Rd dated 2004/2001.
- Kane bros Nursery receipt for 28no Castlewellan Gold, no name or address given dated 2007.
- Kane bros Nursery receipt for quick thorn hedge £25, no name or address given dated 2008.
- William Kirkwood timber supplies for fencing posts etc, non-specific, no dates or address.
- William Kirkwood timber supplies for fencing posts, no address, dated 2013.
- John Shilliday timber and hardware, non-specific receipt for cement, sand, concrete head and cement heads.
- CE Stevenson & Sons receipts for blinding and clean stones/ready mix concrete for 2001/02/03 invoiced to 9 Wateresk Road.
- RMJ Contracts receipt for maintenance to field fencing, supply and fit new fencing posts and barbwire and sheep wire invoiced to 9 Wateresk Road dated 2011.
- RMJ Contracts receipt for maintenance to field fencing, supply and fit new fencing posts and barbwire and sheep wire and spreading of blinding invoiced to 9 Wateresk Road dated 2006.
- RMJ Contracts receipt for digger work on farmland, removal of large stones in ground, maintenance to field fencing, supply and fit of new 14ft field gate. invoiced to 9 Wateresk Road dated 2004.
- RMJ Contracts receipt for digger work on farmland, draining field and supply of 100mt of 4 inch land drainage pipe invoiced to 9 Wateresk Road dated 2001.

This information does not indicate clear farming activity for a continuous period for the past 6 years. The majority of the invoices are non-specific to the site, non-specific to any works carried out on the farm holding and are same are dated in the early 2000's.

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

No supporting information has been submitted on the application since Jan 2014.

The applicant has made contact with the case officer on 24 and 25 April 2016 disagreeing with the opinion to Refuse and stating that medical evidence was forwarded through Cllr Laura Devlin to Minister Durkin following a meeting in March 2015. No such medical evidence was presented to the planning authority for consideration.

To conclude, it is considered the principle of a farm dwelling is not acceptable for the reasons outlined below.

Recommendation:

Refusal

Refusal Reason

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the farm business is currently active and has been established for a period of at least 6 years.

Planning Application R/2013/0375/F

Synopsis

- Application lodged 21st August 2013
- It has been confirmed by DARD in correspondence dated 23rd March 2012, that single farm payments have been claimed on the land from 2005 to 2011.
- Although applicant was not been claiming single farm payments for the full period of 6 years from the date of the application, we have provided receipts and written evidence that the applicant has personally been maintaining the land in good agricultural condition, and therefore would have been entitled to claim single farm payments for this period in full. These receipts have been fully catalogued from September 2001 to August 2013 when the application was lodged, and total over £5,000.
- There are exceptional circumstances in this particular application, in that the applicants spouse, as the result of the loss of a limb, has been unable to actively farm the land himself since his sons have grown up and moved from home in the mid-90's, and has since had to let the land in conacre and continues to maintained the condition of his land and paid for the same.

In previous correspondence dated 13th December 2013, I have referred to planning appeals 2009/A0297 and 2010/A0012 which were approved because the applicant could prove that he maintained the farmland in good agricultural condition, even though he let his farm out in conacre and had not received Single Farm Payments for six years. In paragraph 4 of planning appeal 2009/A0297 it states that;

"In such cases as this the requirement to provide a farm's business number and other evidence to prove active farming over that period is in the Justification and Amplification, not in policy CTY10 itself, which the appellant considers must take precedence. It is accepted on his behalf that an ID number makes it easy for Planning Service to recognise that a farm is active but reference is made to the many different circumstances which the numbers cover, and it is argued that their main purpose is to enable businesses to claim CAP subsidies."

Paragraph 7 of planning appeal 2010/A0012 states that;

"The policy does not require the applicant to have been in possession of an ID number for the full duration of the 6 year period in order to prove active farming over that time. Neither does the policy require the applicant to claim single farm payment subsidies over that period."

- We would ask the Council to consider a more current planning appeal, reference 2014/A0133, which is similar in some respects to this application. (Copy enclosed).

Paragraph 7 of planning appeal 2014/A0133 states that;

“Taking into account the Justification and Amplification to Policy CTY10, an applicant only has to prove that the farm is active and established, not that he has been actively farming it. Paragraph 5.37 of the Justification and Amplification states that there is a continuing need for new dwellings on farms to accommodate both those engaged in the farm business and other rural dwellers (my emphasis). Accordingly, one does not need to be a farmer to potentially avail of a house on an active and established farm.”

- The O'Preys hope to achieve a planning approval for their son, who intends to move back to the home farm with his family, and to start farming the land himself.
- We feel, given the above information, that greater flexibility should be shown by Planning in this instance, as promoted in the Ministerial Statement of July 2013, in which consistency and flexibility were mentioned on several occasions in relation to development in the countryside. Based on medical evidence, this application should be looked on in a more positive light.
- Finally, in relation to the last point in the most current committee report dated 27th April 2016, medical evidence of Mr O'Preys condition was supplied through the local SDLP office in Newcastle, direct to Minister Durkin's office in Stormont. We would have assumed that this evidence would have been returned to the Planning Office with the application file. If this was not the case, I enclose a copy of the letter from Dr O Hilliard MRCGP for your information and inclusion in the file. I trust this will have some bearing on the outcome of this application.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2014/A0133
Appeal by:	Mr W. White
Subject of Appeal:	Appeal against the refusal of full planning permission for a dwelling and garage
Proposed Location:	Adjacent and west of No 16 Ballynagarrick Road, Portadown
Planning Authority:	Department of the Environment
Application Reference:	N/2013/0409/F
Procedure:	Informal Hearing on 2 April 2015
Decision by:	Commissioner Pamela O'Donnell dated 30 April 2015.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasoning

2. The main issue in the appeal is whether the proposal is acceptable in principle in the countryside.
3. The appeal site is located in the rural area in the Craigavon Area Plan 2010. Extant rural planning policy is set out in Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21). This document provides the policy context under which the proposal falls to be assessed. Policy CTY1 of PPS21 sets out the types of development that are, in principle, considered to be acceptable in the countryside. These include a dwelling on a farm in accordance with Policy CTY10. It follows that if a proposal complies with Policy CTY10, it will also comply with Policy CTY1.
4. Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where several criteria are met. In this case, the Planning Authority argued that the proposal failed to comply with criterion (a) of Policy CTY10. Criterion (a) requires that the farm business is currently active and that it has been established for at least six years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's Department of Agriculture and Rural Development (DARD) business ID number along with other evidence to prove active farming over the required period.

5. In this case, the Appellant has applied for a house on a farm with the farm business ID number 622115. The consultation response from DARD indicates that this farm business has been in existence for more than six years. However, in the comments section, DARD has noted that the Appellant is not a named member of the DARD business ID provided. The business ID number is currently in the name of Ms Hilary White, the Appellant's sister. She has not given consent for the use of the farm business ID number. The evidence indicates that the farm land identified in connection with the above business comprises some nine fields. Six are presently owned by the Appellant with the remainder in the ownership of his sister. It appears that this farm land was jointly owned by the Appellant's father and the Appellant as tenants in common. However, when Mr White Senior passed on in July 2012, the terms of his will dictated that the farm land was split between the Appellant and his sister. However, Ms White retained ownership of the farm business ID number.
6. The Planning Authority argued that as the Appellant is not a named member of the farm business and as he has no permission to use the business number, it has not been demonstrated that the farm business is currently active and established as required by criterion (a) of Policy CTY10.
7. I can see nowhere in Policy CTY10 that (i) requires an applicant to be a member of the farm business to apply for a dwelling on the farm or (ii) requires an applicant to have permission to use a farm business ID number. Taking into account the Justification and Amplification to Policy CTY10, an applicant only has to prove that the farm is active and established, not that he has been actively farming it. Paragraph 5.37 of the Justification and Amplification states that there is a continuing need for new dwellings on farms to accommodate both those engaged in the farm business and other rural dwellers (my emphasis). Accordingly, one does not need to be a farmer to potentially avail of a house on an active and established farm. In this case, the Appellant has provided the farm's business ID number and DARD has confirmed that the business is currently active and has been established for at least six years. This is the policy requirement. In any event, the Appellant owns the majority of the farm land identified on the farm maps provided including the appeal site and the evidence indicates that he has let out his land in conacre to another farmer who cuts silage and who keeps animals on the land. Such actions would fall within the remit of 'agricultural activity'. Given this and Ms White's evidence that she has been farming for many years, I am satisfied that active farming has been ongoing over the required period. For these reasons, I consider that the proposal complies with criterion (a) of Policy CTY10. In so doing, the proposal also complies with Policy CTY1 of PPS21. The Planning Authority has not sustained its two reasons for refusal.
8. In respect of the other issues raised by the Objector, it is noted that a replacement dwelling was approved on the farm in June 2010 for the Appellant (N/2010/0130/F). However, this permission has not been sold off. Accordingly, the second requirement/criterion of Policy CTY10 is not offended. I note that the Planning Authority had no objection in this regard. The replacement dwelling would have been approved under a different policy to CTY10. The restriction within Policy CTY10 is to ensure that planning permission is granted under this policy once every ten years. Beyond this restriction, there is no specific policy requirement to demonstrate a need for a second dwelling on the farm. Concerns put forward regarding the accuracy of the information provided to the Planning

Authority in relation to the replacement dwelling approval lie outside the scope of this appeal. In this instance, the Appellant is sole owner of the appeal site and the Appellant's sister is aware of the planning application and has made comments on the appeal. Given the circumstances of this case, it is clear that the farm was divided as a result of the directions of a will. Accordingly, I am not persuaded that the rural business was artificially divided for the purpose of obtaining planning permission. Even though the Appellant is not a named member of farm business 622115 and has recently acquired a new number, he has applied for a farm dwelling under a farm business which, in the evidential context of this appeal, fulfils the requirements of criterion (a) of Policy CTY10. The oral arguments presented around Farm Business ID numbers and Single Farm Payments are of little relevance given the expressed planning policy requirements.

9. The appeal is in respect of an application for full planning permission and a suite of detailed plans have been submitted for consideration. Drawing No 5 proposes visibility splays of 2.4 x 75m. Transport NI however, has advised that reduced visibility splays could be provided. While this may be the case, in the context of a full planning application and given that there would be no visual integration reason to necessitate a reduction in the splays, I am satisfied that those depicted on the specified drawing should stand. In the interest of visual amenity a condition should be imposed to secure landscaping around the site boundaries.

Conditions

1. The visibility splays shown on the approved Drawing No 05 shall be laid out before any building operations commence and permanently retained.
2. During the first available planting season after the occupation of the dwelling, the existing native species hedgerow along the road front shall be reinstated and permanently retained behind the visibility splays as shown on Drawing No 05.
3. During the first available planting season after the occupation of the dwelling, a new post and wire fence shall be erected with native species trees and hedges planted along all new boundaries as shown on Drawing No 05. This vegetation shall be allowed to grow on and be permanently retained at a height of not less than 2m above ground level. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.
4. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings: Drawing No 01 Site Location Map @ 1:2500, Drawing No 02 Proposed Elevations @ 1:100, Drawing No 03 Proposed Floorplans @ 1:100, Drawing No 04 Proposed Garage Details @ 1:100 and Drawing No 05 Proposed Site Plan @ 1:500. All drawings bear the Planning Authority reference numbers and all are stamped refused by the Planning Authority on 18 September 2014.

COMMISSIONER PAMELA O'DONNELL

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

ITEM NO 12
APPLIC NO R/2015/0093/F Full **DATE VALID** 3/19/15
COUNCIL OPINION REFUSAL
APPLICANT Kennedys Direct Catch Ltd C/O Agent
AGENT Hillen Architect Ltd
 87 Central Promenade
 Newcastle
 BT33 0HH

LOCATION 21 Enterprise Avenue
 Down Business Park
 Belfast Road
 Downpatrick

PROPOSAL Proposed Fitness Facility and Associated Parking

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

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2015/0093/F

Date Received: 19/02/2015

Proposal: Proposed fitness facility and associated parking.

Location: 21 Enterprise Avenue, Down Business Park, Downpatrick.

Site Characteristics & Area Characteristics:

The site is located within the existing Down Business Park located outside Downpatrick and not within any settlement development limits as defined in the Ards and Down Area Plan 2015.

The site is a relatively flat site located to the rear of the existing park and within the grounds of an existing business; the site has good mature planting facing onto the road which restricts the view onto the site. There is a 1.8m high metal rail perimeter security fence surrounding the site.

On the north eastern side of the site there is an existing industrial unit, it would not appear that this unit is open to public and appears as a processing factory. With surrounding car parking.

The area is within the Strangford and Lecale AONB. The land is zoned within the Ards and Down Area Plan 2015 as existing industry.

Site History:

R/2005/1414/F – Down Business Park – chilled seafood distribution centre – granted – 5-06-2006

R/2007/1267/F – Invest NI site on RHS of enterprise avenue – approx 460m from junction with Belfast Road, Down Business Park – 1200msq manufacturing building with associated office – 29-09-2008 – granted.

R/2008/0441/F - Down Business Park, 46 Belfast Road – new 2305sqm two storey call centre with associated car parking including hard and soft landscaping and new site boundary fence – 23-12-2008 – granted.

R/2008/0439/F – Down Business Park, 46 Belfast Road - new 1655 sqm two storey light industrial unit with associated parking including hard and soft landscaping and a new site boundary fence – 23-12-2008 – granted

R/1998/0264 – Land to the west of 40 Belfast Road and between the Belfast Road and Inch Abbey Road – site development works to include infrastructure, services and road layout for industrial development – granted – 26-05-2000

R/1999/0745/RM – lands to the west of 43 Inch Abbey Road – site development works associated with site B phase 2 this includes the earthworks to the development sites, the extension of an internal road and the construction of a bridge over Inch Abbey Road – 1-11-2000

R/1996/0009 – lands to the west of 40 Belfast Road and between Belfast Road and Inch Abbey Road and inch abbey - proposed industrial development –

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, SPPS and PPS 4

Consultations:

Transport NI – No objections

NI Water Strategic Applications – no objections

Invest NI – responded with objections in relation to PPS 4 and SPPS

Objections & Representations

One neighbour notification was sent with no objections received. The application was advertised 29/04/2015 which expired 13/05/2016.

Consideration and Assessment:

The application is for a fitness centre 24.4m long and 15m deep and 7.4M in height. The finishes are to include a fair faced block work up to 2.5m above FFL with insulated kingspan cladding panel above the block work.

The application is considered against the Ards and Down Area Plan 2015, RDS, PPS 21 and SPPS.

As set out in the preamble of PPS 4 Planning and Economic Development the use for the purposes of the PPS would comprise of industrial, business and storage and distribution uses as currently defined in Part B 'Industrial and Business Uses of the Planning (Use Classes) Order. It is noted that the proposed use of a fitness facility is a sui generis use and it is noted that this policy does state that it will not deal with amongst other things leisure facilities but may be useful in assessing Sui Generis uses.

There is no provision for this application under PED 2 Economic Development in the countryside

PED 7 Retention of Zoned Land and Economic Development Uses considering zoned lands in all locations, this land is zoned as noted as existing industry and development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new locations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. It is noted that there are small units to the front of the business park that are used for retail however the land and units to the rear of the park are clearly on an industrial scale with a mix of business and light industrial uses involved. This actual site is located within the grounds of an existing industrial building with parking and would clearly be a change of use of the land contrary to the

Ards and Down Area Plan 2015s current zoning and also contrary to policy provisions.

It is noted that an exception would be permitted for the development of a sui generis employment use within an existing industrial area where it can be demonstrated that the proposal is compatible with the predominant industrial use, the scale of the building is compatible with the existing buildings in the area and the form of the building would be compatible however the nature of the development is not in keeping or appropriate to the location and as this application would start to see the diminution of the industrial land resource in the immediate area and locality. Also notably policy does state that retailing and commercial leisure developments will not be acceptable except where justified as acceptable ancillary development. This proposal does not constitute ancillary development and would appear contrary to policy. Question 22 of the P1 form states there is to be employment of 2 people, there is not enough employment potential provided as part of this application to carry exceptional weight and allow for the relaxation of policy provision or to deviate from the industrial zonings. 5.31 of the justification of policy PED 7 gives examples of the justification of exceptions such as for a builders merchants.

PED 8 Development incompatible with Economic Development Uses – a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused. This use would not be incompatible in that there are not likely to be any detriment to the existing uses on the site if this proposal was allowed, the issue more centres around the fact there would be a loss of industrial lands. The use is incompatible with the desired uses on the lands, so while the use is not incompatible in terms of issue in relation to impacts from or onto surrounding land uses by way of noise, smell etc it is incompatible with the overall land use of the area.

Strategic Planning Policy Statement for Northern Ireland states under Economic development, Industry and Commerce would mirror the principles of PPS 4. It is noted that this zoning is a long term feature.

As the application is considered to be contrary to policy the agent was asked to justify the application, additional information was submitted on 9th November 2015 containing the following points to note:

- A detailed history of similar facilities located within existing industrial lands
- A list of existing businesses and operations within the park
- Break down of undeveloped lands within existing zonings under the Ards and Down Area Plan 2015.

Having considered the additional information and the range of uses within the park and having taken into consideration the level of industrial zoning, both inside settlement limits of the nearby town of Downpatrick, the application is still contrary to policy.

Additional consultation was carried in order to obtain the comments of Invest NI who have involvement in the park. A response was received stating that the application site lies within the Invest NI Owned Down Business Park and the application is contrary to PPS 4 and SPPS. This application is contrary to the goals of invest NI and the park as an industrial use and may be contrary to the 999 year leasehold. Invest NI advised that a deviation from development that offers economic

development would not be considered acceptable, and this type of development is not considered acceptable.

Also noting that the agent has demonstrated that the facility will be used by people using the business park and the policy provision does state that an exception would be made if the facility was to be used for the occupiers of the park, This facility, while may be used by some of the occupiers of surrounding business cannot be considered to be an ancillary feature for the use of other members of the business park.

Having considered the uses in the park the front of the park does appear to have been taken up with uses not associated with industry however the relevant site history for the larger units to the rear of the park, lands around this proposal are of industrial/processing use. Invest NI are aware of the provisions to the front of the park.

Considering the zonings and the uptake of zonings and the lands available within the settlement development limits of Downpatrick there would appear to be an adequate availability of lands for industrial use in the area but this park is still developing, to allow the lands to be used for other functions would possibly cause damage to the overall use of the park and set a precedent to allow uses deviating from the Ards and Down Area zoning.

While it is noted that there has been the provision of this type of facility in lands zoned for industry, there has clearly either been a low uptake in the parks or there has been derelict buildings re used. Given that Invest NI does not find the application compatible with the use of the park and that the park is still developing and evolving it would be premature to allow non industrial uses into the site.

Consultations

Roads Service – responded to say there are no objections provided that there is no overspill onto the public road, it is noted that the cars predicted is 20 and over the day it is considered that the provision of spaces shown on the drawings would be able to accommodate this level of activity. Also the application would appear to comply with Parking Standards which would require 1 space per 3 staff and 1 space per 3 players.

NI Water was consulted on the application however responded saying strategic applications needs to be consulted, this was carried out and they have responded with no objections.

Case officer – consideration – this scheme is not considered acceptable in terms of the Ards and Down Area Plan, PPS 4 and SPPS. The additional information submitted by the agent in relation to the concerns raised has not overcome the issues held.

Recommendation:

The application is recommended refusal.

Refusal Reasons/ Conditions:

- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.
- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that

the site is located on land zoned for industrial use which should be retained to meet further demand.

- The proposal is contrary to the Department's Planning Policy Statement 4, Industrial Development, SPPS and the Ards and Down Area Plan 2015 in that the existing industrial land is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.

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

Supporting information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Industry Zoned Land

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

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

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

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

**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 6/8/16

ITEM NO	D1			
APPLIC NO	P/2013/0938/F	Full	DATE VALID	12/13/13
COUNCIL OPINION	REFUSAL			
APPLICANT	John Morgan 9 Tamary Road Mayobridge Newry BT34 2HW		AGENT	Collins And Collins 18 Margaret Street Newry Co Down BT34 1DF 028
LOCATION	220 metres west of 6 Tamary Road Mayobridge			
PROPOSAL	225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	33	0	1	0
			Addresses	Signatures
			3	3
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0938/F

Date Received: 13.12.2013

Proposal: 225 kw wind turbine with 30 metre mast and 29 metre rotor for electricity production

Location: 220 metres west of 6 Tamary Road Mayobridge. This application is located in between Mayobridge and Hilltown.

Site Characteristics & Area Characteristics:

The application relates to an agricultural field 220 metres west of No. 6 Tamary Road, Mayobridge. This is an elevated site that rises to the west away from the roadside. There is currently a dirt lane that is enclosed by maintained hedging that leads to the agricultural fields and to the proposed location of the turbine. This is set back two field depths 220 metres from the Tamary Road.

This site is located within the Mourne Area of Outstanding Natural Beauty, approximately 2 kilometres northwest of Mayobridge settlement. The predominant land use is agriculture. There is a single storey dwelling located opposite and to the north of the proposed entrance of the site, No. 6 Tamary Road and a dwelling located approximately 120 metres to the south on the opposite side of the road.

The land is undulating in nature, being prone to rise away from the Tamary Road in a westerly direction.

Site History:

There is no site history on this specific site. There is one approved turbine associated with the quarry along Leode Road which is in place and operational. We also have two further applications for wind turbines along the crest of this drumlin.

Planning Policies & Material Considerations:

The Newry and Banbridge Area Plan 2015

The SPPS

PPS 18: Renewable Energy

PPS 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking
 Best Practice Guidance to Planning Policy Statement 18: Renewable Energy
 Supplementary Planning Guidance: Wind Energy Development in Northern Ireland's Landscapes

Consultations:

NIEA: Natural Heritage - No concerns arising from the current location of the proposed development.

Environmental Health (Newry and Mourne District Council) - A noise report was requested in their response dated the 19th of May 2014. This report was received on the 11th of September 2014 and Environmental Health were reconsulted. They returned on the 22nd of December 2014 requesting that the noise assessment is resubmitted using the Sound Power Level data from the report 'Vestas V29-225 kw General Specification November 1996. The agent has responded to this request stating that the Sound Power Level Data report for 1994 and 1996 are both the same. This letter also addresses the letter of objection received on the 13th of November 2014. Environmental Health in their last response stated that they have no objections to the proposal subject to conditions.

Belfast International Airport - no objections.

Civil Aviation Authority - no objections.

NI Water - no objections.

Joint Radio Company(Media and Communications) - no objections.

Arqiva (Media and Communications) - no objections.

OFCOM ((Media and Communications) - no objections.

NATS (National Air Traffic Services) - no objections.

DIO LMS Defence Infrastructure Organisation (UK Crown Bodies) - no objections.

DIO Ministry of Defence - no objections.

Roads Service - no objections.

RSPB - No objections. They have attached measures as mitigation to avoid or reduce potential environmental impacts.

Westica Communications Ltd - No technical safeguarding objection to the proposal.

DETI - Not aware of any issues that would impact on the application.

NIE - There are high voltage overhead lines in close proximity to the site of the proposed turbine. The proposed development should take into account the position of any NIE equipment in the area to ensure safety. These concerns can be addressed by a planning condition/informative should approval be granted.

Objections & Representations

A number of objections have been received in relation to this application. Planning Matters raised in these objections are summarised as follows;

Impact on red wildlife (bats, birds, hares) - Paragraph 1.3.7 of Best practice guidance to PPS18 Renewable energy advises that 'there is little evidence that domesticated or wild animals will be affected by a wind farm ... there are examples of grazing right up to the base of turbines'. NIEA have been consulted on this application and have not raised objection in relation to this protected species.

Impact on Health - Environmental Health have been consulted in relation to this issue (see consideration above). The representations received also raise issues in relation to specific health issues and the effect the continuous movement of the rotors may have on this medical condition. These concerns were raised from a

property which was outside the influence of shadow flicker and to the best of the Planning Departments knowledge, this would not result in a adverse impact on the occupants of this property.

Noise - Noise Report submitted. Environmental Health have been consulted in relation to this issue (see consideration above).

Biodiversity impact in particular on birds and bats - NIEA Natural Heritage have no objection to the proposal.

Shadow/sun flicker - There are no dwellings inside the potential shadow flicker projection area.

Visual impact of the proposal which is assessed further in the remainder of the case officer report.

Adverse impact on AONB - see consideration below.

Impact on amenity/enjoyment of home - see consideration below.

Delivery of structure and associated access requirements - see consideration above.

Scale of proposal in relation to portrayed need - all applications are considered on their own merits.

Consideration and Assessment:

Proposals for wind turbines standing to be assessed against Policy RE1: Renewable Energy Development Planning Policy Statement 18: Renewable Energy

This policy states that development that generates energy from renewable resources will be permitted provided the proposal will not result in an unacceptable adverse impact on:

- a) Public safety, human health or residential amenity;

The proposed wind turbine location is approximately 220m uphill from No. 6 Tamary Road. It is proposed to access the site via an existing agricultural lane. It is considered that public safety would not be unduly affected by the proposal given the set back location of the turbine and it's siting at the end of an agricultural laneway.

It is considered that the turbine will not produce any emissions or pollutants that would result in an unacceptable adverse impact on human health. The submitted Noise Impact Assessment shows that noise emissions at the nearest residential dwelling (No. 6 Tamary Road which is 220 metres away) will comply with the appropriate noise limit for the quiet daytime limit and night time periods as defined by ETSU-R-97(see table 1 of P 21 Best practice guidance for PPS 18). Environmental Health have been consulted with the Noise Impact Assessment and have requested that the Noise Impact Assessment is resubmitted using the Sound Power Level data from the report 'Vestas V29-225kw General Specification November 1996'. Environmental Health have confirmed that they have no objections to this proposal subject to conditions being applied in the event of an approval being forth coming.

- b) Visual amenity and landscape character;

The aim of PPS 18, set out at Paragraph 3.1, is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and realise the benefits of renewable energy. This is to some extent tempered by the

objectives set out in Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy developments are adequately addressed. However, the overall thrust of the document is that renewable energy developments should where possible be supported.

Policy RE1 also states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. The SPPS has amended the wording of this policy from significant weight to appropriate weight. At the same time it is acknowledged that refusal of an application for one turbine will not significantly affect Northern Ireland achieving its renewable energy targets as set out in the Strategic Energy Framework i.e. 40% of energy from renewable resources by 2020.

Wind turbines will often be highly visible and it will normally be unrealistic to seek to conceal them. However, it states that developers should seek to ensure that landscape and visual impacts are limited through good siting and design. Policy RE 1 of PPS 18 suggests that some degree of adverse impact may be acceptable. Paragraph 1.3.18 of the BPG acknowledges that there are no landscapes into which turbines will not introduce a new and distinctive feature.

It is acknowledged within the SPG that there may be sensitivity level variations within areas. This site is located within in the Slieve Roosley (LCA 72) Landscape Character Area as identified in the 'Wind Energy development in Northern Ireland's landscapes supplementary guidance to PPS18' and its overall sensitivity is rated as 'High'. It is described as follows;

'This landscape, although mainly elevated and large scale includes intimate valley and foot slope landscapes - a combination which gives rise to high scenic quality. Although the vertical scale of the landscape reduces sensitivity, the narrowness of the upland ridges, their wild character, and their wide visibility (from the valleys and surrounding landscapes) make them highly sensitive to wind energy development. Lower lying foothills to the west and north which are of mixed landscape quality are somewhat less sensitive although their smaller landscape pattern, notable concentration of archaeological sites, and function as a setting to the Mourne are key constraints' (Page 206 SPG to PPS 18).

SPG also advises that particular care should be taken to avoid adverse impacts on the distinctive skyline profile of upland ridges and on views to and from the Mourne and that 'High scenic quality in core of area derived from visually attractive juxtaposition of open exposed ridge tops, enclosed valleys and textured land cover and enclosure patterns.

Whilst turbines are by their nature highly visible this should not in itself preclude them as acceptable features in the landscape. It is clarified, in Paragraph 1.3.19 that it is not being suggested that areas valued for their particular landscape will have to be sacrificed. Paragraph 1.3.24 recommends a cautious approach in relation to those landscapes which are of designated significant value, such as AONB's and their wider settings and advises that it may be difficult to accommodate wind turbines without detriment to the regions cultural and natural heritage assets.

The site is sited to the crest of the local drumlin. The impact a turbine 44.5m in height to the tip of the blade would have when sited to the crest of this drumlin would have an adverse impact when viewed from the surrounding local road network over both short and long distance views. The key critical views within the area are Ballydoo, Drumlough and Bavan Roads, which run along the southern fringe of the foothills of this drumlin to the west and the Main Hilltown to Newry Road.

It is my opinion that the site does not benefit from a backdrop and is located on an open ridgeline, which is contrary to the advice given within the PPS 18 accompanying guidance document. The Planning Department have discussed the siting of the turbine with the agent and applicant and have outlined their concerns to them. It is for this reason that the proposal is also contrary to NH 6 of PPS 2 in that the proposal if allowed would represent a significant adverse impact on the character and quality of the Mourne AONB.

c) Biodiversity, nature conservation or built heritage interests;

NIEA: Natural Heritage were consulted with the application and have raised no concerns regarding a potential impact on wildlife and nature conservation. It was not considered necessary to consult NIEA Built Heritage as no sites were identified in close proximity to the proposal.

d) Local natural resources such as air quality and water quality will not be affected should this wind turbine be erected.

e) Public access to the countryside;

There is no public access at this site as the surrounding lands are private.

Wind Energy Development

Applications for wind energy development will also be required to demonstrate all of the following:

(i) That the development will have an unacceptable impact on visual amenity or landscape character through: the scale, size and siting of turbines; this proposal is for one turbine only with a hub height of 30 metres and blade diameter of 29 metres. It is considered that the scale, size and siting of the turbine is not acceptable. (see consideration of RE (b) above).

(ii) That the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications. P/2012/0342/F was granted approval for a wind turbine with a hub height of 41 metres on the 24th of January 2013. This approval is on the Leode Road to the south of the site and is approximately 2 km away. P/2014/0322/F is an application for a turbine on the Drumlough Road; this is to the north of the site. Given that there is only one approval within 2km of the application site there is no issue of potential cumulative impact.

(iii) That the development will not create a significant risk of landslide or bog burst; the development should not create a risk of landslide or bog burst at this location and NIEA have raised no further concerns regarding this issue.

(iv) That no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems; the appropriate consultees regarding the above have been consulted and have stated that the proposed development would not cause unacceptable electromagnetic interference to communications.

(v) That no part of the development will have an unacceptable impact on roads, rail or aviation safety; Roads Service, Belfast International Airport and NATS have responded to the Department stating that they have no objections to the proposal and it will not adversely impact on road, rail or aviation safety.

(vi) That the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; the nearest dwelling is at No 6 Tamary Road. In terms of noise, No 6 should not be affected by noise from the development. Environmental Health have raised no objections in terms of potential adverse impact on amenity.

Problems caused by shadow flicker are rare, and in occupied properties located distances greater than 10 rotor diameters, the potential for shadow flicker is very low. Paragraph 1.3.73 of Best Practice Guidance to PPS18 advises that 'Shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.' I am content that there are no properties that fall within this Potential Shadow Flicker Projection Area and therefore no issue of shadow flickering, as intimated in Para 7.0 of supporting evidence.

With regards to the build-up of ice on turbine blades, paragraph 1.3.79 of P.29 of Best practice Guidance to PPS 18 advises that it this is unlikely to present problems on the majority of sites in Northern Ireland. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

The blades of the turbine will be finished in off-white (galvanised) colour which will ameliorate flashes of reflected light.

(vii) That above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location. This can be conditioned in the event of an approval if forthcoming.

Recommendation:

In conclusion this proposal is unacceptable when considered against Planning policy and guidance as the siting of the proposal is to the crest of the drumlin. This siting would offer no back drop for the proposal to blend into the surrounding landscape and would be open to view from both short and long term critical view points. This landscape has a highlight sensitive character and together with its location within the Mourne AONB would result in a significant adverse impact on the landscape and

the AONB. Refusal is therefore recommended based on Policy RE 1 of PPS 18 and NH 6 of PPS2.

Refusal Reasons:

The proposal is contrary to the Departments Planning Policy Statement 18 Renewable Energy Policy RE1 in that the proposal would, if permitted, have an unacceptable adverse impact on the visual amenity and landscape character of the area by reason of size, scale and siting of the turbine.

The proposal is contrary to the Departments Planning Policy Statement 2 Natural Heritage Policy NH 6 in that the proposal would, if permitted, have an unacceptable adverse impact on the visual and landscape amenity of the Mourne AONB by reason of the size, scale and siting of the turbine

Newry, Mourne & Down District Council – May 2016

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1. Live Applications

MONTH 2016	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
January	112	1,596	387
February	134	1,545	387
March	120	1,431	426
April	138	1,389	436
May	121	1,335	455

2. Live Applications by length of time in system

Month 2016	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
January	656	553	182	64	141	1,596
February	660	498	181	58	148	1,545
March	604	401	218	61	147	1,431
April	583	370	222	66	148	1,389
May	549	331	222	86	147	1,335

Newry, Mourne & Down District Council – May 2016

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3. Live applications per Case Officer

Month 2016	Average number of Applications per Case Officer
January	84
February	81
March	71
April	58
May	56

4. Decisions issued per month

Decisions Issued

Month 2016	Number of Decisions Issued	Number of Decisions Issued under delegated authority
January	89	86
February	171	159
March	229	226
April	168	163
May	174	169

5. Decisions Issued YTD

Month 2016	Number of Decisions Issued	Average processing Time	Breakdown of Decisions	
			Approvals	Refusals
January	827	41.37 weeks	Approvals (753)	91%
			Refusals (74)	9%
February	998	41.38 weeks	Approvals (899)	90%
			Refusals (99)	10%
March	1,227	41.36 weeks	Approvals (1102)	90%
			Refusals (125)	10%
April	168	35.52 weeks	Approvals (156)	93%
			Refusals (12)	7%
May	174	33.03	Approvals (168)	97%
			Refusals (6)	3%

Newry, Mourne & Down District Council – May 2016

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6. Enforcement

Live cases

Month 2016	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
January	187	117	93	40	24	74	535
February	182	111	93	45	23	74	528
March	191	114	98	49	24	74	550
April	185	119	97	56	23	78	558
May	190	113	101	58	24	77	563

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Deferred for future meeting
15 April 2015	5	5	0
13 May 2015	5	4	1
10 June 2015	6	4	2
8 July 2015	5	5	0
5 August 2015	4	3	1
2 September 2015	2	2	0
30 September 2015	4	4	0
28 October 2015	2	2	0
25 November 2015	6	4	2
16 December 2015	2	2	0
20 January 2016	12	9	3
4 February 2016	4	4	0
17 February 2016	8	7	1
16 March 2016	8	6	2
13 April 2016	14	11	3
27 April 2016	10	5	5
11 May 2016	15	13	2
26 May 2016	17	12	5
Totals	129	102	27

Newry, Mourne & Down District Council – May 2016

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8. Performance against PSA targets

	Major applications (target of 30 weeks)		Local applications (target of 15 weeks)		Cases concluded (target of 39 weeks)	
	Number decided/ withdrawn ¹	Average processing time ²	Number decided/ withdrawn ¹	Average processing time ²	Number brought to conclusion ³	"70%" conclusion time ³
April	0	-	20	24.8	36	64.1
May	3	53.4	67	30.6	5	115.8
June	5	61.2	60	26.0	21	30.6
July	1	102.0	80	32.9	13	79.3
August	0	-	74	33.6	17	65.9
September	4	35.9	116	35.4	12	177.2
October	4	56.1	124	32.1	18	29.6
November	2	40.7	90	36.2	26	73.9
December	4	171.7	75	36.4	14	111.7
January	2	122.9	85	43.4	23	98.3
February	5	46.4	155	38.4	30	50.7
March	1	98.0	217	36.4	2	-
Year to date	31	54	1,166	34.7	218	64.8

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

9. Appeals

Area	Number of current appeals
Newry & Mourne	9
Down	3
TOTAL	12

Record of meetings between Planning Officers and Public Representatives

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME	PLANNING APPLICATION REFERENCE NUMBER
8/01/2016	A McKay, P Rooney, D Watson	Seán Rogers MLA, Cllr Willie Clarke, Cllr Mark Murnin	R/2014/0487/F
12/01/2016	P Rooney, M Keane	Cllr Stephen Burns	R/2014/0200 & R/2014/0199
14/01/16	A McKay	Margaret Ritchie MLA	Numerous Applications
20/01/2016	P Rooney	Cllr Cadogan Enright	LA07/2015/0107/F
25/01/2016	D Watson	Margaret Ritchie MLA	R/2014/0170/CA
27/01/16	M Keane	Seán Rogers MLA	LA07/2015/1077
17/02/16	Jacqui McParland	Declan McAteer	P/2014/0394/F & General Queries
19/02/16	Jacqui McParland	Jarlath Tinnelly	P/2013/0189/F, LA07/2015/0458/DCA & General Queries
22/02/16	Jacqui McParland	Michael Ruane	P/2015/0018/RM
22/02/16	Jacqui McParland	Gillian Fitzpatrick	LA07/2015/0311/F
24/02/16	David Watson	Seán Rogers MLA	LA07/2015/0076/CA
25/02/16	Andrew Hay, James King	Seán Rogers MLA	LA07/2015/0926/F & LA07/2015/0927/F
25/02/2016	Annette McAlarney	Seán Rogers MLA	PAD Ardglass
25/02/16	Anthony McKay	Margaret Ritchie MLA	Numerous Applications
26/02/16	M Keane	Cllr McGrath	R/2014/0440
15/03/16	J McParland	Cllr M Ruane	Ryan Road PAD
16/03/2016	J McParland	Sean Rogers	LA07/2015/0548/F
25/03/16	A Davidson	Cllr Taylor	Various Sites
30/03/16	J McParland	Seán Rogers MLA	LA07/2015/0695
5/4/16	A McKay	Seán Rogers MLA	Apts, Bryansford Rd.
8/4/16	A McKay	Margaret Ritchie MLA	Gallie Restaurant - PAD
12/04/2016	Annette McAlarney	Cllr Curran	LA07/2016/0040
14/04/2016	J McParland	Cllr Declan McAteer	P/14/0972/F
25/04/2016	J McParland	Cllr Tinnelly	LA07/2015/0067 LA07/2016/0075 LA07/2015/0418
27/04/2016	J McParland	Cllr Tinnelly	LA07/2016/0075
28/04/2016	Annette McAlarney	Cllr Burgess	Derryboye Application for Jayne Burgess
29/04/2016	Annette McAlarney	Cllr McGrath	Kings Castle PAD
18/05/2016	Annette McAlarney	Cllr Curran	Green Road, Ardglass and O'Connor Kilclief shed
23/05/2016	A McKay	Cllr Ó Gribín	Q/2014/0374/F

Current Appeals

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AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2015/A0115
Planning Ref:	P/2014/0217/F		
APPELLANT	Mr Paul McAteer		
LOCATION	77m South West Of No. 56 Chapel Road Ballyholland Co. Down		
PROPOSAL	Erection of agricultural building and four silo tanks to provide feedstock for existing farm business. (additional information and Layout received.)		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	27/08/2015
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2015/A0117
Planning Ref:	P/2013/0459/F		
APPELLANT	Mr Michael Matthews		
LOCATION	37m South-east Of No.69 Upper Fathom Road Kileen		
PROPOSAL	Erection of Farm Dwelling and Garage		

APPEAL TYPE	Plg Refusal: permissions	Date Appeal Lodged	27/08/2015
Appeal Procedure	Informal Hearing		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	3		
Planning Ref:	R/2015/0089/F	PAC Ref:	2015/A0150
APPELLANT	Rob Jennings		
LOCATION	Land 200m North Of 97 Crossgar Road Saintfield		
PROPOSAL	Restoration and extension dwelling (Amended access details received).		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	03/11/2015
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	P/2014/0578/F	PAC Ref:	2015/A0178
APPELLANT	Mr Shane Quinn		
LOCATION	Adjacent And South West Of No.56 Drumalt Road Dorsey Cullhanna		
PROPOSAL	Erection of domestic shed and associated hardstanding, access provision and site works with associated change of use of agricultural lands to domestic purposes (and access via existing laneway immediately north of No. 56 Drumalt Road. with extended section)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	16/12/2015
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 5
Planning Ref: P/2014/0054/O **PAC Ref:** 2015/A0188
APPELLANT Mr Michael McCarthy
LOCATION 40m North East And Adjoining 11 Rock Road
 Newry
 RT34 1PI
PROPOSAL

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 12/01/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 6
Planning Ref: P/2015/0002/F **PAC Ref:** 2015/A0193
APPELLANT Mr J Perry
LOCATION Council Road
 (450m West Of Ballykeel House
 & Anthonys Road) Ballykeel Td
PROPOSAL Erection of dwelling and garage (Proposed change of house type from
 that previously approved under P/2008/0825/RM)

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 15/01/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO 7
Planning Ref: R/2014/0678/F **PAC Ref:** 2015/A0233
APPELLANT Mr And Mrs G Stewart
LOCATION 39 Killybawn Road
 Clontagnaglar
 Saintfield
PROPOSAL Demolition of existing dwelling and erection of replacement dwelling

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 01/04/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 8
Planning Ref: LA07/2016/0048/F **PAC Ref:** 2015/A0247
APPELLANT Mr James & Mr John McKibbin
LOCATION 85m Northeast Of 181 Moyad Road
 Kilkeel
 RT34 4H1
PROPOSAL Infill dwelling and associated domestic garage

APPEAL TYPE Non Determination: Plg Permission
Appeal Procedure **Date Appeal Lodged** 24/03/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

ITEM NO	9		
Planning Ref:	P/2014/0303/O	PAC Ref:	2016/A0005
APPELLANT LOCATION	Michael Horner Adjacent To And North Of 36 Belmont Road Kilkeel		
PROPOSAL	Newrv Erection of Infill Dwelling and Detached Garage		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	05/04/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	P/2014/0798/O	PAC Ref:	2016/A0009
APPELLANT LOCATION	Mr And Mrs McParland Adjacent To No. 63 Ballycoshane Road Rathfriland		
PROPOSAL	Newrv Site for farm dwelling and garage (Farm Maps and supporting information date received 20 October 2014 and 27 October 2014)		

APPEAL TYPE	Plg Refusal: permissions		
Appeal Procedure		Date Appeal Lodged	07/04/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 11
Planning Ref: R/2013/0347/F **PAC Ref:** 2016/A0010
APPELLANT Mr & Mrs Peter O'Hare
LOCATION Adjacent 15 Blacks Lane Glasdrumman Ballynahinch (Amended Address)
PROPOSAL Proposed general purpose agricultural/forestry shed and part retrospective access arrangements, foundation and hard standing area.

APPEAL TYPE Plg Refusal: permissions
Appeal Procedure **Date Appeal Lodged** 07/04/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 12
Planning Ref: P/2015/0097/F **PAC Ref:** 2016/A0011
APPELLANT Carlingford Lough Pilots Ltd
LOCATION Adjacent To 92 Greencastle Pier Road
 Greencastle
 Kilkree
PROPOSAL Retention of existing office

APPEAL TYPE Plg Conditions
Appeal Procedure **Date Appeal Lodged** 08/04/2016
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit
