

ITEM NO	11			
APPLIC NO	LA07/2016/0432/F	Full	DATE VALID	3/30/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mourne Breakers Ltd 21 Ryan Road Mayobridge Newry BT34 2HZ	AGENT	Clyde Shanks Ltd 5 Oxford Street Belfast BT1 3LA 028 90 434393	
LOCATION	Lands 55m North West of 21 Ryan Road Mayobridge			
PROPOSAL	Regularisation of an extant End of Life Vehicle (ELV) Facility comprising workshops, hardstanding storage compound ancillary office, security fencing, access and proposed interceptor			
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 paragraphs 6.321 - 6.322 of the Strategic Planning Policy Statement for Northern Ireland and Policy WM1 of Planning Policy Statement 11, Planning and Waste Management, in that the impact of the waste management facility would harm the environment, character and general amenity of the surrounding area, and the proposal may increase flood risk as it is not possible to safely dispose of surface water within the land controlled by the applicant.
- 2 The proposal is contrary 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.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0432/F

Date Received: 30th March 2016

Proposal: Regularisation of an extant End of Life Vehicle (ELV) Facility comprising workshops, hardstanding storage compound, ancillary office, security fencing, access and proposed interceptor.

Location: Lands 55m North West of 21 Ryan Road, Mayobridge. The site is approximately 1 mile NW of Mayobridge.

Site Characteristics & Area Characteristics:

The site consists of a concreted yard and a number of buildings including portal framed sheds and a portacabin / office. It fronts onto Ryan Road to the east and the roadside boundary is formed by 1.5m high paladin fencing. A number of cars are stored on the site within and outside the buildings. There is a much larger area of storage with stacked cars at a lower level to the west of the site. Signage indicates that the sale of used car parts to local and web-based customers is undertaken from the site. The site was formerly used as part of a mushroom composting business. The site is located approximately 1 mile NW of Mayobridge. It is unzoned land outside settlement limits on the Banbridge, Newry and Mourne Area Plan 2015. The site sits in a relatively flat open landscape with little natural screening. There is an historic monument (souterrain) DOW 047:111 to the south of the site.





Storage within site



Additional storage outside present site

Site History:

P/1988/1367 for a compost mixing yard on the present site was granted on 21st March 1989.

P/1990/1143 for erection of 5 mushroom tunnel houses was withdrawn on 5th June 1991.

P/1991/0520 for erection of 3 mushroom tunnel houses for manufacture of mushroom compost was withdrawn on 25th July 1991.

3 No. mushroom growing tunnels were approved at the associated farmyard on the eastern side of Ryan Road in 1992.

P/1993/0151/F for Retention of mushroom compost manufacturing yard and storage was granted on 4th May 2005.

P/2004/1634/LDE granted a Certificate of Lawful Use (Existing) for production of mushroom compost (compost from straw, poultry litter, food waste, green waste, gypsum lime and paper) on 24th June 2005. This related to the lower area to the west of the present site that is currently used for stacking ELVs (see photo above right).

P/2006/2143/F for Erection of phase 3 mushroom compost production buildings, recomposting shed, mushroom growing tunnels and extension to existing mushroom compost yard on this site and other land to the west and south was granted on 23rd April 2009. This permission has since expired. A letter was submitted on 14th April 2014 along with accompanying photos of the visibility splays supposedly in place and the foundations of one of the mushroom growing tunnels before the expiry date of 23rd April 2014. Transport NI has confirmed that the visibility splays are not strictly in accordance with the approved plans (i.e. no 1m grassed verge and hedging), though they do not have any objection from a Roads Safety aspect. However no CLUD has been submitted to verify that the works are lawful.

Use for the production of fertiliser subsequently commenced on site without planning permission. An enforcement investigation resulted in the submission of P/2011/0779/F for refurbishment of existing mushroom composting shed for the change of use to production of fertilisers for the gardening and farming market (including construction of roofed area over existing external compost bays for storage of waste prior to processing and ancillary site works including parking,

fencing and planting) on land to the SW of the present site. It was refused on 5th December 2014 based on PPS4, PPS11 and PPS21. This decision was appealed. The appeal was dismissed on 29th February 2016. Three of the four refusal reasons were sustained.

In the appeal decision, the Commissioner notes that the use of the site for production of mushroom compost has not occurred since August 2011 (when the related Pollution Prevention Certificate expired). Any recommencement of this use would be subject to a new PPC. Nonetheless, production of mushroom compost can be considered as the established use of the site in view of the LDC in force.

The use of the northern part of the site as an ELV facility is also unauthorised. It is believed to have been operating here since 2013 and is the subject of a separate enforcement investigation. As a result of not having planning permission, it has no waste management licence and NIEA has taken this to the Magistrates Court. The case is presently adjourned pending the outcome of the planning application.

In 2015 the present agent applied for a pre-application discussion for the ELV site. Despite advice from the planning department that the proposal would be contrary to planning policy, the agent has proceeded to make an application for regularisation of the site.



Aerial photo including unauthorised ELV facility at top of picture

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement & Parking
- DCAN15 – Vehicular Access Standards
- PPS11 – Planning and Waste Management
- PPS21 – Sustainable Development in the Countryside

Consultations:

TransportNI – No objections.

Environmental Health – Following consideration of a noise assessment and clarifying information, no objections subject to an hours of operation condition.

NIEA – Water Management Unit provided advice on surface water and drainage. With regard to land contamination, a preliminary risk assessment was submitted. Waste Management Unit has provided conditions regarding remediation. A Waste Management Licence will be required.

Rivers Agency – No objections following consideration of a Drainage Assessment (including the use of swales for disposal of surface water).

Loughs Agency – No objections provided storm water is passed through a pollution interceptor. Conditions provided to prevent contamination of surface water.

Shared Environmental Services – A Test of Likely Significance under the Habitats Regulations identified no potential effects on European sites.

Historic Environment Division – No archaeological objections as the souterrain was largely destroyed during the construction of the yard in 1992.

Objections & Representations:

Seven neighbouring properties were notified of the proposal on 20th April 2016 and the application was advertised in local newspapers on 22nd April 2016. No objections or representations were received.

Consideration and Assessment:

The main issues to be considered are the principle of the waste management use proposed, visual issues associated with the storage of waste on the site, addressing possible land contamination and preventing future contamination, road safety and impacts on amenity.

The proposal exceeded the threshold of Category 11(B) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. The Council was required under Regulation 10 to make a determination as to whether the proposal was for EIA development. Following the receipt of a number of consultation responses, it was determined on 18th May 2016 that an Environmental Statement would not be required as the environmental effects were not likely to be significant and could be assessed through the normal planning process.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits, and is unzoned. There are no specific policies in the Plan that are relevant to the determination of the application and the application will be assessed against the operational policies of the SPPS and the retained PPS11 and PPS21.

Sustainable waste management is essential for the health and well-being of society, and our quality of life. The waste management industry is an important provider of jobs and investment across the region, with the potential to support future business development, investment and employment. The provision of waste facilities and infrastructure can make a valuable contribution towards sustainable development. The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste, and a move towards resource efficiency. This proposal aims to sustainably manage waste by de-polluting and recycling end of life vehicles.

The Minister for the Environment issued a statement in November 2013 to state that Best Practicable Environmental Option (BPEO) was no longer a material planning consideration following the publication of the revised Waste Management Strategy. The SPPS confirms at paragraph 6.323 that this remains the case. Therefore there is no requirement to demonstrate need for the facility provided it meets the locational criteria. With regard to site selection, the planning authority will be guided by paragraph 6.313 of the SPPS which replicates much of the retained policy WM2 of PPS11. A suitable site must meet one or more of the five locational criteria. This site is considered to meet the third criterion as it is a previously developed site with existing buildings that can be re-used. The agent has argued that it also meets the first and fifth criteria; however, although the site is industrial, its established use was related to the agriculture industry and therefore more appropriate in the countryside than an ELV site. The outside storage of ELVs is not considered to be of an appropriate character for the area. We would also dispute that the site is suitably located in the countryside since the stacking of ELVs is not in keeping with rural character. Nonetheless, as one of the locational criteria is met, the proposal has overcome the initial hurdle and is not contrary to policy WM2.

The environmental impact of the waste management facility must be assessed under paragraph 6.321 of the SPPS and policy WM1 of PPS11. The volume and tonnage of ELVs to be processed on the site has not been specified in the supporting statement, other than a comment that there would be circa 100 vehicles on site at any one time. The Transport Assessment Form states that there is 1 HGV delivery per week, though confusingly the planning statement states that there is one lorry movement per day. Redundant vehicle shells are transferred to Newry or Portadown for crushing when required. When the site was inspected, it appeared that there was in the region of 100 vehicles within the site outlined in red, however, there was easily another 100 or more vehicles on land immediately west of the site, some stacked four high. It is assumed that these are associated with the same business and it would appear that the business is operating more intensively than the supporting information indicates. There has been no explanation of why the additional area to the west which is obviously used as part of the operation was not included within the site. The environmental effects of the ELV operation clearly extend to this area despite it being outside the present site. The assumption must be that all the vehicles will be transferred to the higher roadside site and as it appeared to already be near capacity at the date of my site inspection, the result would be the stacking of cars creating a greater adverse visual impact.

The proposal will not cause demonstrable harm to human health through noise or other pollution. A noise assessment was undertaken by Irwin Carr Consulting and submitted in June 2016 and following some clarification this was accepted by

Environmental Health. They have recommended restricted operating hours of 9am – 5.30pm Monday to Friday and 9pm – 1.30pm on Saturday to ensure no unacceptable impacts on residential amenity. The use of an interceptor will prevent pollution of surface water or ground water as a result of any leakage of hazardous substances such as oil or fuel. Conditions to prevent pollution have been provided by several consultees.

It is acknowledged that the land use of the adjacent site is of an industrial character and that the proposed use as an ELV site is not necessarily incompatible with these established (albeit discontinued) uses. However, the policy requires that the character of the surrounding area is taken into account. Although the area suffers from a degree of build-up, its overall character is rural in nature and the relatively flat open landscape permits quite long range views of the site. The buildings on the site are not uncommon in this part of the rural landscape and could be mistaken for a group of agricultural sheds. The commercial style paladin fencing and outside storage of hundreds of ELVs removes the impression that this is a traditional rural farmyard and makes the site appear industrial in a way that harms rural character and the amenity of the general area. It appears like a site that should be located in an urban industrial estate and not in an open rural landscape. Only the northern boundary of the site has a degree of effective natural screening and the lack of screening, especially to the roadside and southern boundaries exacerbates the adverse visual impact of the proposal in the local landscape. This situation would be worse if the additional vehicles on the land to the west were stacked on the present site. No new landscaping has been proposed to mitigate the adverse impacts. Visually, this is not an appropriate location for a waste management facility.

Notwithstanding the confusion over the volume of traffic movements mentioned above, TransportNI have no road safety concerns under PPS3 or DCAN15. No road improvements are required. There is adequate space within the site for parking and circulation of staff and customer vehicles. There should be less dirt and dust nuisance to local residents compared with the established use for mushroom composting. The location of the site means there are no viable alternative transport modes.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. There are no other known nature conservation issues. Historic Environment Division has no archaeological objections as the souterrain was largely destroyed during the construction of the yard in 1992. No built heritage features will be affected. There will be no loss of agricultural land.

The types of waste to be treated come under the following European Waste Codes:

- 16 01 03 Waste Tyres
- 16 01 04 Haz ELVs
- 16 01 06 Non Haz ELVs

There are no objections in principle to the treatment of the above waste subject to the operator obtaining a Waste Management Licence. This cannot be achieved without planning permission. In view of previous land uses on site, there is potential

for contamination to be encountered which could impact on sensitive receptors including groundwater and surface water. A Preliminary Risk Assessment was undertaken by RSK and submitted on 20th September 2016. NIEA Waste Management assessed this information and has provided recommended conditions including the submission of results of an intrusive site investigation and a remediation strategy within 3 months of a decision. It is considered that compliance with the proposed conditions would adequately mitigate any risk to air, water or soil resources.

The site is not known to be at risk from flooding. A Drainage Assessment was submitted in June 2016 detailing that surface water will be disposed of via swales. Swales are long shallow grass-lined channels which mimic natural drainage patterns by allowing rainwater to run in sheets through vegetation, slowing and filtering the flow. The report states that they are appropriate for the treatment of lightly contaminated agricultural surface water runoff. This proposal would require 115.9m³ of storage comprising a 750mm deep swale with a base width of 2m and a linear length of 108m. It is proposed to construct this on land 130m west of the site. There will be a new interceptor within the site before the run-off enters the pipe to the swale. The Drainage Assessment and proposed swale has been accepted by Rivers Agency and if implemented would ensure that the proposal will not cause or exacerbate flooding elsewhere. However, it is not possible to condition the implementation of this mitigation measure as it requires land outside the red line boundary. It would not be possible to construct a feature of this size within the site. In the pre-application discussion, the agent advised that they did not control the land to the west. If this is correct, the drainage system cannot be provided. As it has not been demonstrated that surface water from the site can be adequately disposed of within the land owned, and the designed system cannot be conditioned because it is outside the site, there is a risk that there will be flooding within the site or elsewhere.

Paragraph 6.322 of the SPPS states, "Many waste management facilities by reason of their size, nature or location have the potential to cause significant damage to the environment in terms of visual intrusion, habitat or heritage destruction and pollution. In assessing all proposals for waste management facilities the planning authority will be guided by the precautionary approach that where there are significant risks of damage to the environment its protection will generally be paramount, unless there are imperative reasons of overriding public interest." The visual intrusion of this proposal is considered to cause significant damage to the local environment. While it is noted that the site supports 1 full time and 2 part time employees, the economic or other benefits of the proposal are not considered to override the adverse impact of the proposal on the local landscape. There is no reason why the facility and associated jobs could not be moved to an appropriate location in a nearby town or city and it would not be in the public interest to approve this application.

As the proposal has been found contrary to the specific policies for waste management facilities, it is also unacceptable as development in the countryside under policy CTY1 of PPS21 – Sustainable Development in the Countryside.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to paragraphs 6.321 - 6.322 of the Strategic Planning Policy Statement for Northern Ireland and Policy WM1 of Planning Policy Statement 11, Planning and Waste Management, in that the impact of the waste management facility would harm the environment, character and general amenity of the surrounding area, and the proposal may increase flood risk as it is not possible to safely dispose of surface water within the land controlled by the applicant.
2. The proposal is contrary 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.

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

Good afternoon,

I wish to request speaking rights for the abovementioned application at the Planning Committee meeting to be held on Thursday 10 November.

We intend to raise the following important matters to members for their consideration:

- By way of background, this is a site which has an established waste use and furthermore from a basic policy perspective, a provision exists for the 'reuse of existing buildings' in a rural area.
- One must ensure that the use, which I might add has been established since for circa 3 years without complaint or third party objection, will not harm the environment, character or amenity of the area.
- The development does not seek any new buildings or structures that would harm, the environment, indeed, operations are within the existing buildings.
- Two expert consultees, NIEA and the Council's Environmental Health Department, have returned no objection.
- There is no 'may' increase flood risk – the development is insitu and has not resulted in any flooding and/or drainage issues to date. Furthermore notwithstanding this, the applicant provided a Drainage Assessment which demonstrated no risk – moreover the expert consultee, Rivers Agency, has returned no objection.
- The land is subject to an option agreement which subject to planning will ensure the drainage work is completed - again, as it stands the development is there without any issue.
- Mr Dornan employs five people, he is operating in a site with a long established waste history and we cannot see any merit in how the council planners have reached this conclusion.

I would be grateful if you could confirm whether our request to speak has been granted and confirm the time of the meeting.

Kind regards,
Gavin McGill
Planner

CLYDE SHANKS

5 Oxford Street Belfast
BT1 3LA

Tel: 02890 43 43 93

www.clydeshanks.com

ITEM NO	12			
APPLIC NO	LA07/2016/0438/F	Full	DATE VALID	4/6/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Peter and Sinead Donaghy and Kinney Excel Gymnastics C.I.C 29 Hawthorn Hill Dublin Road Newry Bt35 8DE		AGENT	Raymond Mullen M.B.I.A.C 28 Mount Pleasant Newry BT34 2AW 07707675976
LOCATION	Site at No. 2G Derryboy Road Carnbane Industrial Estate Newry Co Down BT35 6QH			
PROPOSAL	Proposed change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.			
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 Department's Planning Policy Statement 4, Planning and Economic Development, SPPS and the Banbridge, Newry and Mourne Area Plan 2015 in that the existing economic land/building is a valuable resource with the potential to accommodate employment opportunities for the local area and should therefore be retained in its present use.

- 2 The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7, SPPS and the Banbridge, Newry and Mourne Area Plan 2015 in that the site is located on land zoned for economic development use which should be retained to meet further demand.

- 3 The proposal is contrary to the Department's Planning Policy Statement 4, Planning and Economic Development Policy PED 7 and PED 9 and SPPS in that the development would, if permitted, be incompatible with the existing land use identified as existing industry.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0438/F

Date Received: 01.04.2016

Proposal: Proposed change of use from approved industrial unit to Gymnastic Facilities aged plus 5 years.

Location: Site at No. 2G Derryboy Road, Carnbane Industrial Estate
Newry Co Down BT35 6QH

Site Characteristics & Area Characteristics:

The site is located within Carbane Industrial north of Newry city. At the time of inspection the proposed change of use had taken place. The building is of a design to that typically found within the surrounding Industrial Estate. To the rear of the building there is a large concrete yard and beyond that an area of hardstanding with mature planting to the side and rear.

The site is within an area zoned for Economic development as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/2007/1314/F -erection of maintenance workshop for machinery with associated offices and site works.

P/2008/0653/F -erection of service workshop, yard, car parks and 2 storey office block

P/2010/1002/F- Erection of 2 storey office building and associated site works to serve the existing workshop, granted.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement (SPPS)

The Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 3

Planning Policy Statement 4

Consultations:

Environmental Health- no objections

TransportNI- no objections

INvestNI- see below

Objections & Representations

No. of neighbours notified= 2

Advertised= 11.04.2016

No. of representations received=3 letters of support: British Gymnastics, Cllr Davy Hyland and Cllr Charlie Casey.

Consideration and Assessment:

From the above site history the approved use on the site is that of a workshop with ancillary offices. These offices had not been constructed at the time of inspection. The proposal is for a change of use from the approved workshop to a gymnastics facility. The site is located within an area zoned for economic development. The SPPS reinforces that it is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. The Council may only wish to retain flexibility to consider alternative proposal on unzoned land in the settlement which is in current economic development use or last used for these purposes.

Policy PED 7 of PPS 4 states that development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

The surroundings lands are currently occupied by Kingspan, Terra Solution and MJM.

Kingspan Environmental is part of the Kingspan Group PLC, a world leader in the supply of high performance building products to the construction industry. Kingspan Environmental have been creating sustainable, renewable and environmentally friendly solutions for domestic and large scale projects across the world.

TERRA SOLUTIONS LIMITED IS A SPECIALIST TRENCHLESS CIVIL ENGINEERING CONTRACTOR.

MJM Group specialises in new build, refurbishment and fit-out services to the marine, commercial and private sectors.

The surrounding area is characterised predominantly by industrial uses.

The proposal is for a non profitable, Community Interest Company which is affiliated to British Gymnastics. The proposed used would fall within sui generis.

Having considered the surrounding uses it could not be argued that the land has been substantially developed for alternative uses within the zoning. The policy allows for an exception within industrial zonings for a sui generis uses where it can be demonstrated that the proposal is compatible with the predominant industrial use. The proposed use as a gymnastics facility does not fit as a sui generis employment use compatible with the existing or proposed development uses.

As the proposal is simply for a change of use of the existing building the scale, nature and form of the development are appropriate to the location. The proposal

will result in a loss of approx. 730 sq metres of industrial floorspace on a plot of land 0.4 hectares in area.

The applicant has supplied a number of documents in support of the application and provided reasoning for the proposed siting. As stated above this is a non profitable organisation for the benefit of the local communities. The sport has proved itself popular through the large waiting lists in excess of 250 children. The facility has been in operation since 1999 from a number of locations including Newry Sports Centre where they have approx. 280 recreational gymnasts and 48 elite gymnasts attending on a weekly basis. They also operate from St Mark's HS Warrenpoint and have 140 children attending at this location weekly over the past 3 years.

At present Newry Sports Centre is not able to meet the demands of the applicant as the time slots are limited due the steady growth in numbers attending. The applicant has stated that he was actively seeking suitable premises for more than a year.

In support of the application the applicant has stated that the development will increase the quality and range of activities available to more local children whilst also extending this to the local primary schools.

The proposed use can be seen to offer a facility that will provide a greater good for the community in terms of improving health, community cohesion, youth work and education. It is accepted that this type of proposal should be encouraged. However, the site is within an area zoned which would restrict the proposed use and there would be concerns with regards to the safety of young children within an existing industrial zoning.

The proposal will not negatively impact on the surrounding amenity, natural/built heritage and adequate access arrangements currently exist. The proposal would require approximately 12 car parking spaces for both staff and visitors. Although the car parking arrangements is not defined on site the plans show 21 spaces to the rear 4 of which labelled disabled.

Invest NI have objected to this proposal as they have stated, it is contrary to Planning Policy. They are opposed to the loss of industrial property to non-industrial uses and the of nature industrial estates makes them inappropriate for the proposed use on safety grounds. In addition, Invest NI retains a freehold ownership of the application site and the proposal runs contrary to the terms of the Invest NI lease and they have advised the owner of this.

Recommendation:

The proposal is contrary to the area plan zoning, SPPS and PPS 4 PED 7 and PED 9

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ITEM NO	13			
APPLIC NO	LA07/2016/0496/F	Full	DATE VALID	4/15/16
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Brian McConville MJM Group Carnbane Business Park BT35 6QH	AGENT	Brian Lavery Delahunt Lavery Architecture Newry BT34 2PT 028 4177 2220	
LOCATION	Lands 10m West of MJM Group Carnbane Industrial Estate Newry Co. Down BT35 6QH			
PROPOSAL	Proposed extension to existing office block "A": comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) Reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses Signatures			
	0	0	0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0496/F

Date Received: 15.04.2016

Proposal: *Proposed extension to existing office block "A": comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) Reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof.*

Location: Lands 10m West of MJM Group Carnbane Industrial Estate
Newry Co. Down BT35 6QH

Site Characteristics & Area Characteristics:

The site is located within Carnbane Industrial Estate is an area zoned for economic development. At the time of inspection the initial phase previously approved had not been completed. The site was bounded with security fencing with an access within the MJM site and a new temporary access created to the east boundary. To the rear of the site there are a number of large industrial type units. To the north of the site is the MJM building, offices and associated carparking. Running along the southern boundary is the Newry River Corridor which is lined by large mature trees in excess of 20 metres in height.

Site History:

P/2005/0083/F- Erection of factory for manufacturing ship out fitting- approved

P/2006/1790/F- Erection of new factory- approved

P/2010/0854/F- 3 storey office block with 3 no. industrial units to the rear- approved

P/2011/0365/F- Extension to existing offices- approved

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 3
Planning Policy Statement 4*

Consultations:

NIW- statutory

TransportNI- no objections

Environmental Health- no objections

HED- HMU- content with proposal

NIEA WMU- no objections

NIEA NED- no objections sub to conditions

Rivers Agency- see report below

Objections & Representation

No. of neighbours notified= 5

Advertised= 25.04.2016

No. of representations received=0

Consideration and Assessment:

From the above history the use of offices at this location has been previously established. The history did not restrict the use of the offices and nor was there a condition attached that they remain ancillary to the industrial units approved to the rear.

In line with PPS 4, a development proposal to extend an existing economic development within the settlement will be determined on its individual merits having regard to Policy PED 9.

The proposed use as offices has been established and is compatible with the surrounding land uses.

There are no residential properties in the immediately vicinity of the application, therefore no issues regarding amenity should arise as a result of the proposal.

Along the southern boundary lies an over watercourse. Rivers Agency have been consulted at part of the application process and returned with the following:

'the proposed development associated with planning ref:LA07/2016/0496/F is not taking place within the 1 in 100 year fluvial flood plain. Rivers Agency would advise that due to the close proximity of the flood plain, the applicant seeks professional advice regarding FFL and flood proofing measures that should be taken to protect the development from potential flooding'.

In accordance with PPS 15 FLD 2 where a new development proposal is located beside a flood defence, control structure or watercourse it is essential that an

adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times. From the proposed site layout plan a distance of 10 metres at a minimum has been left between the proposed extension and the River.

The site is also in the flow path from Camlough Reservoir as a result FLD 5 applies to this site. As this proposal is for an extension to an existing approved office building and given that the Reservoirs Legislation is in draft form I do not see the need for the applicant to demonstrate that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety to enable the development to proceed.

There should be no unreasonable increase in noise disturbance as a result of the proposal.

Having assessed the additional car parking required for the extension a no. of 28 spaces is required. The number of spaces provided to the front of the building within the red line of the application site has increased from 50 approved under P/2011/0365/F to 66, an additional 16, therefore, a shortfall of 12 spaces. The agent has provided additional justification for the reduction in standards to this specific case. In line with AMP 7 of PPS 3 the agent states that the site is in a highly accessible location that is well served by public transport. There is spare capacity available along the roadsides, outside the site boundaries, if this was required. Shared car parking is a viable option in this instance. Although a formal travel plan has not been submitted for consideration the applicant operates a fleet of 8 minibuses (capacity of 136 persons) which reduces the reliance upon the private car. The applicant is in ownership of the entire site as outlined in blue. The reliance upon the private car for workers to the factory will reduce the demand for car parking spaces within the existing car parking arrangements surrounding my application site. This reduction will provide space for the additional spaces required to allow for the proposed extension.

Having considered all of the above I am of the opinion to accept the shortfall in car parking provided, to be discussed with the Snr officer.

The proposal is for a side extension to all existing floors and to provide an additional 4th floor. The units to the rear of the size are shown to have a height of 16.2 metres

with the existing offices approved to the front at a height of 18.5 metres. The proposed extension to sit at a height of 22 metres, 4.5 metres above that previously approved. The building as it sits currently on site is quite large and quite dominant within the immediate site. From surrounding approaches to the site the building sits among mature trees which line the river corridor and provide some screening to allow a development of this scale to fit in. The additional floor given the design and layout is set back from the front facade and in turn reduces the impact of the fourth floor in terms of dominance.

Recommendation:

Having considered all of the above I am of the opinion to recommend approval.

ITEM NO	16			
APPLIC NO	LA07/2016/0802/O	Outline	DATE VALID	6/13/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Darren O'Hagan 11a New Line Road Hilltown Newry		AGENT	Quinn Design and Engineering Services 36 Carrogs Road Burren Warrenpoint BT34 3PY 41772377

LOCATION 60m NE of 11a New Line Road
Hilltown
Newry

PROPOSAL Site for dwelling and detached garage

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0

Addresses Signatures Addresses Signatures

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
the proposed building is a prominent feature in the landscape;
the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
the proposed building relies primarily on the use of new landscaping for integration;
the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
the proposed building is not visually linked or sited to cluster with an established group of buildings on a farm.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the building would, if permitted,
be unduly prominent in the landscape;
result in a suburban style build-up of development when viewed with existing and approved buildings;
add to a ribbon of development;
and would therefore further erode the rural character of the countryside.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon development.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/0802/O

Date Received:

13/06/2016

Proposal: Site for dwelling and detached garage

Location: 60m NE of 11A New Line Road, Hilltown, Newry

Site Characteristics & Area Characteristics:

The site is located on New Line Road, 1.2 miles South East of Hilltown in a rural area which forms part of the Mourne Area of Outstanding Natural Beauty. Views towards Hilltown and the surrounding countryside are enjoyed to the north. Opposite the site is the principal farm dwelling, No.11A, an established bungalow. A timber building is also present within the curtilage of 11A. Further along from 11A are the associated farm buildings which include a cluster of 4 agricultural buildings, including 1 large and 3 relatively sized buildings. Adjacent to these is No.15, a two storey traditional farm house belonging to the applicant's family. Surrounding land uses are primarily agricultural, with some single dwellings which vary in architectural style.

The site itself, a portion of a larger field, slopes down from the road continuously. There is an adjacent laneway opposite which runs along the eastern boundary of the site, leading to an agricultural access into the field. The site is bound along three edges by indigenous hedgerow, with mature trees set in behind the site towards the north eastern corner. The rear and northern boundary of the site is not currently defined, with the hedgerow from the remaining part of the field forming a boundary further back. An overhead electricity pole is located within the western boundary of the site.





Above from left: view along New Line Road looking east, view into the site from the NE corner



Above from left: view towards No.15 and farm buildings, view through the site

Site History:

P/1992/0013 - 11 KV O/H line – permission granted

Relevant Surrounding Site History:

No.11A:

LA07/2016/1017/F - Proposed infill dwelling with detached garage – application received 01/08/2016

Adjacent to 11A

P/1983/0056 – Proposed erection of dwelling, granted,

Planning Policies & Material Considerations:

The planning policies and material considerations relevant to the proposal include:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry & Mourne Area Plan 2015
- PPS2: Natural Heritage
- PPS3 : Access, Movement and Parking
- PPS21: Sustainable Development in the Countryside.
- 'Building on Tradition' Sustainable Design Guide will also be considered.
- 'Dwellings in the Mournes: A Design Guide.'
- Planning History

Consultations:

- **NI Transport** - no objections subject to conditions later listed
- **NI Water** – no objections, generic response received

- **DAERA Countryside Management Compliance Branch** (formerly DARD)– confirmed the Business ID has been in existence for more than 6 years and has claimed Single Farm Payment, Less Favoured Compensatory Allowances or Agri Environment Schemes in the last 6 years.

Objections & Representations

3 Neighbour notifications issued 14/07/2016 (expired 28th July 2016)

No responses received

Consideration and Assessment:

SPPS

As there is no significant change to the policy requirements for dwellings on farms 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.

Banbridge / Newry & Mourne Area Plan 2015 (BNMAP)

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Area Plan 2015. It is also within the designated Mournes Area of Outstanding Natural Beauty.

PPS 2 Natural Heritage

Policy NH6 Areas of Outstanding Natural Beauty outlines the criteria which must be met for new development within an AONB. As this development is for outline planning permission, the design, size and scale of the proposal will be assessed at either reserved matters or full application stage, if approved.

PPS3: Access, Movement and Parking

Transport NI in their consultation response dated 9 August 2016 state there are no objections in principle to this proposal, provided a scale plan and accurate site survey is submitted as part of the Reserved Matters application showing the access to be constructed and other requirements in accordance with the attached RS1 form. This requirement will be added as a condition to this decision, if approved.

PPS 21: Sustainable Development in the Countryside

As this proposal is for a dwelling and detached dwelling on a farm, policies CTY 1 and CTY10 of PPS21 are the primary policies against which to assess the principle of development in the countryside. The subsequent policies CTY8, CTY13 and CTY14 and CTY16 of PPS21 will also apply in the assessment of this proposal. PPS21 Policy CTY1 states that a number of developments are acceptable in principle in the countryside. This includes farm dwellings which are in accordance with Policy CTY10. There are three criteria to be met:

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years.

DARD Direct in their consultation response dated 3 August 2016, have confirmed that the relevant farm business ID 612842 has been in existence for more than 6 years and has also claimed Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri. Schemes in the last 6 years. This information is sufficient to satisfy criterion (a.) in terms of 'active and established' and the Planning Department are content that the proposal meets this criterion.

Criterion (b) seeks to confirm that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application (This provision only applies from 28th November 2008.)

Having completed a thorough history check of planning records against the subject farm business and associated lands, there have been no prior development opportunities attached with this farm. As such, there is an opportunity available for a dwelling on a farm against this farm business 612842, provided all the other policy criteria are met.

Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

The established group of buildings on the farm includes the 4 agricultural buildings which are separated from the subject site by a public road 6metres in width. There is a separation distance of 35 metres from the main farm dwelling No.11A to the existing group of farm buildings, with a field intervening between. Were a dwelling to be positioned on this site, it would result in a separation distance of 25-30metres at a minimum between the existing group of farm buildings and the dwelling proposed.



In considering the development of this proposed site from critical viewpoints, it is acknowledged that from certain vantage points such as from the Kilkeel Road, the proposed dwelling would cluster or visually link with the farm buildings forming a back drop to the site. However in this case, the critical view point is considered to be from the public road side along New Line Road. From this vantage point, the proposed dwelling would not benefit from the backdrop of the farm buildings and would not visually link or cluster with these existing buildings. As such, a dwelling on this site would read in isolation when taken from this critical view. The separation distance between the farm buildings and a potential dwelling on this site would be so great with the interruption of the public road in between, as to visually remove it from the existing farm buildings.



Above: Critical views from New Line Road looking west towards the site and existing farm buildings.

This proposed arrangement is comparable to a recent appeal decision within the area (appeal reference 2016/A0009) whereby the proposed buildings would be seen in proximity to an established group of farm buildings, though the public road separated the site from the existing buildings by 25metres. In this case, it was considered that this physical separation would be readily apparent and as such the proposal failed to meet CTY10 in terms of visually linking or clustering with an existing group of buildings on the farm. In considering this together with the above, it is considered that this proposal does not satisfy requirement (c.)

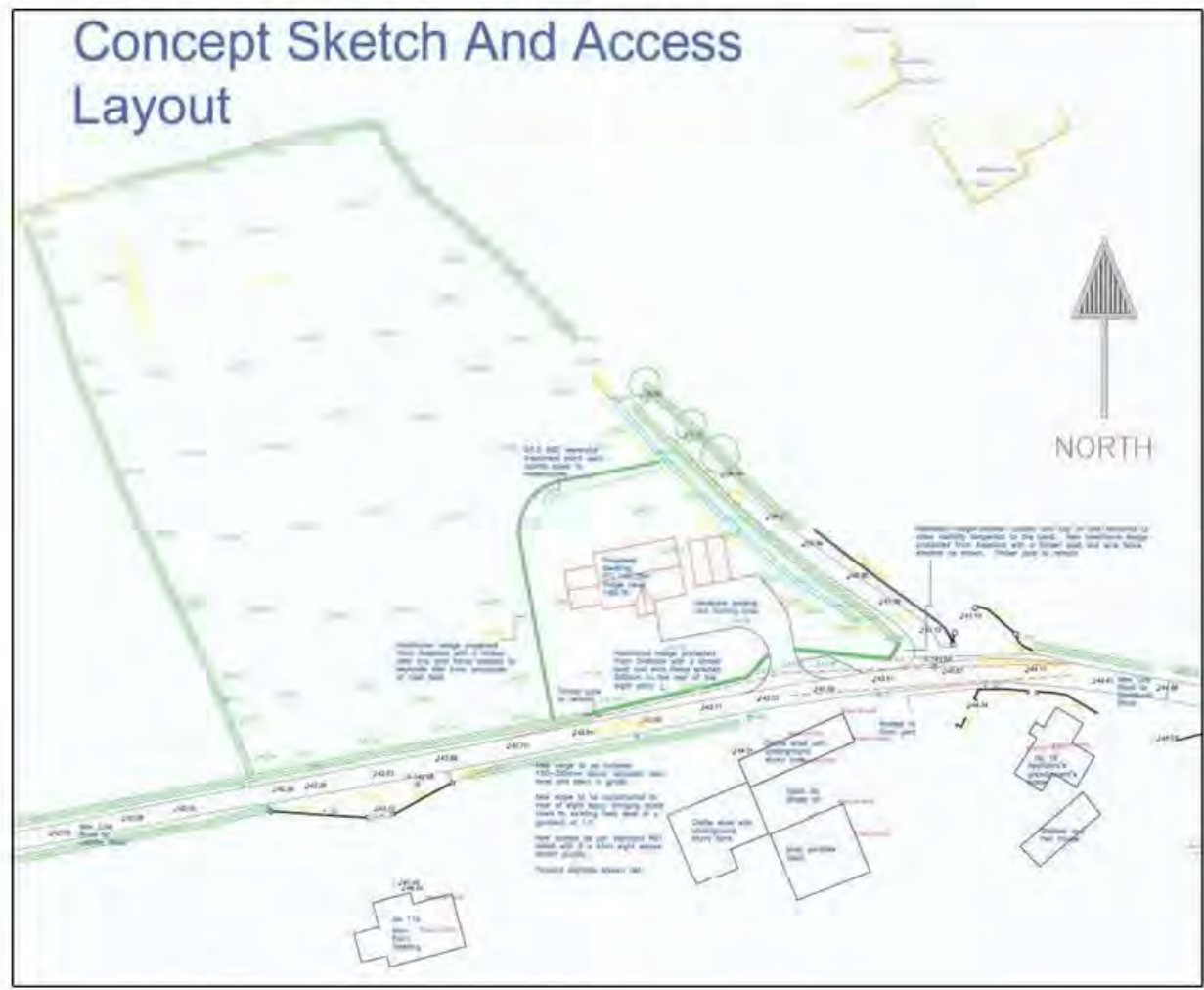
Under this criterion, access should be obtained from an existing lane where practicable. In this case, it is valuable to note that there is an adjacent laneway currently serving access to the field however this is not included within the red line and the agent has proposed another access onto the New Line Road. The issue of access provision is superfluous as the proposal fails to visually link or cluster with an established group of buildings on the farm.

PPS21 CTY8: Ribbon Development

Policy CTY8 assesses whether this proposal would read together with existing or approved buildings and accesses to create or add to a ribbon of development. It is considered that a dwelling on the proposed site would add to the ribbon of development of No.20, the associated agricultural sheds, and No. 18 which is adjacent to and sited back from the site. This would result in an unacceptable erosion of the rural character of the area by ribbon development.

PPS21 CTY 13: Integration and Design of Buildings in the Countryside

Policy CTY13 assesses how successfully a new development would integrate into the rural landscape. A concept plan has been provided with this outline application which shows how the applicant proposes to develop the site.



The site slopes gradually downwards from the roadside to the rear. As is visible from this concept plan, there is only one established defined boundary to what would be the curtilage, 1.5m hedgerow which forms the eastern boundary currently running along the adjacent laneway. The southern boundary which is to form part of the curtilage of the proposed dwelling involves removing the existing roadside hedge to obtain the required visibility splays. The proposal does involve the re-planting of this boundary with a new Hawthorne hedge. In addition, the western and northern boundaries are to be formed from the planting of new Hawthorne hedgerow. As such, the site relies primarily on the use of new landscaping to define the curtilage, provide a suitable degree of enclosure and to integrate the new dwelling. Without the benefit of a backdrop of landform within the immediate area and the absence of any farm buildings to cluster or visually link with when viewed from New Line Road. On this approach, a dwelling would be increasingly visible, would appear as prominent in the skyline and would fail to blend with the landform. Given this assessment, the proposal fails to meet the requirements of CTY13.

PPS21 CTY14: Rural Character

CTY14 assesses the impact this proposal will have on the rural character of the area. A dwelling on this site when viewed collectively with No.15, No.18 and outbuildings adjacent to the north east of the site, the existing group of farm buildings and No.11A would result in a suburban style of build-up of development. A dwelling on this site would be prominent in the absence of any natural backdrop and the reliance on landscaping for integration. Additionally, this arrangement as earlier mentioned would add to a ribbon of development along the New Line Road. In this regard, it is considered that the proposal would further erode the rural character of the area and is therefore contrary to CTY14.

PPS21 CTY16: Development relying on non-mains sewerage

The application proposes to use a septic tank to dispose of foul sewerage. A standard consultation response has been received from NI Water. If approved, a condition will also be attached to this decision requiring the applicant to submit a copy of consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Planning History

Despite having established that there is an opportunity for a dwelling on farm attached to business ID 612842, the site selected must be suitable. Following an assessment of the proposal under PPS21, it is considered that the proposed site is unsuitable in terms of visual linkage or clustering with the existing farm buildings, integration and the detrimental impact on rural character. The DARD farm maps provided do not convey legal ownership and demonstrate only the verified lands on the holding. The maps provided show a number of other sites on the holding. It is considered that there are other suitable sites on the holding to allow for a farm dwelling which would satisfy the meet the policy requirements of PPS21.



Furthermore, the Planning Statement accompanying this application points out that any dwelling sited beside the farm buildings on the southern side of New Line Road would automatically be forced onto higher ground, resulting in issues of prominence and against this background the applicant has opted to apply against the subject site.

Despite these points raised in the Supporting Statement, a full planning application (reference LA07/2016/1017/F) was submitted on 1st August 2016 for an infill dwelling on lands between No11A and the existing group of farm buildings which is also in the ownership of this applicant, as certified by Certificate A on this P1 application form.

Recommendation: Refusal

Summary of recommendation: This proposal is contrary to the SPPS as well as PPS21 policies CTY1, CTY8, CTY10, CTY13, and CTY14. It is considered that there are suitable alternative sites on the holding for this development.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - The proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;
 - Health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;
 - Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - The proposed building is a prominent feature in the landscape;

- The proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposed building relies primarily on the use of new landscaping for integration;
 - The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
 - The proposed building is not visually linked or sited to cluster with an established group of buildings on a farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted:
- Be unduly prominent in the landscape;
 - Result in a suburban style build-up of development when viewed with existing and approved buildings;
 - Add to a ribbon of development;
 - And would therefore further erode the rural character of the countryside.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon development.

<p>Case Officer Signature:</p> <p>Date:</p>
<p>Appointed Officer Signature:</p> <p>Date:</p>

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Short Statement in support of planning application
LA07/2016/0802/O

Proposal: Site for dwelling and detached garage

Location: New Line Road, Hilltown

Applicant: Darren O Hagan

Timing

The timeline associated with this Planning Department's consideration of the application is very interesting and is set out below.

I have on 3 occasions by email requested information and documents relating to this application from the Planning Department to allow me to present the timeline and associated information to the Committee in a more accurate manner, however, at the time of writing the Department had declined to provide me with the requested information.

- The application was received by the Planning Department on 13th June 2016.
- The site was visited by the Case Officer who dealt with the application on 1st August 2016.
- The site was visited again by the same officer on 15th September 2016.
- The Case Officer prepared a Case Officer's Report between the 15th September and 12th October. The report confirmed that the applicant is entitled to a house. The report recommended the application should be refused with 3 refusal reasons relating to Polices CTY 1, 10 13 & 14 of PPS21
- On or before 12th October, the report was considered by a senior planning officer. The senior officer would have read the report, its photographs, perused documents submitted by me including detailed Ordnance Survey maps, DARD farm maps, siteplan sketch drawings, a written supporting statement and presumably the planning history of the area & Google Earth images.
- After considering the above and discussing the proposal with the Case Officer, the senior planning officer signed the Case Officer's Report to indicate his/her agreement with the recommendation to refuse with 3 refusal reasons. This signed document represents the Planning Department's "*Corporate View*" on the application.
- Soon after, the application appeared on the agenda for the Planning Committee meeting which took place on 26th October past with a recommendation to refuse.

- On 19th October past I submitted a written statement for inclusion in the agenda for the Planning Committee meeting which took place on 26th October past. My statement, which challenged the content of the Case Officer's Report, pointed out flaws and weaknesses in the Planning Department's consideration of the case.
- At some time between 19th October and 24th October (*after I submitted my written statement*), the application was re-assessed and a **NEW** Case Officer's Report was authored. The report **responded** to the content of my report which had been submitted a few days before hand.
- On 24th October, just before 4pm, I received an email from Miss Mc Parland of the Planning Department informing me that the Planning Department had added a refusal reason implying that the application was contrary to Policy CTY 8. I was also informed that the proposal contravened a further criterion of Policy CTY 14 in that the dwelling if approved would lead to a change in the rural character.
- At the beginning of the Planning Committee meeting which took place on 26th October, Mr Mc Kay of the Planning Department informed the Committee that the application had been removed from the agenda to allow me time to respond to the additional reasons for refusal which were added just 2 days before the meeting began.
- On 28th October, the application was included on the agenda for the Planning Committee meeting which is to take place on 10th November. The additional refusal reasons were included on the agenda along with the completely new Case Officer's Report.

From the above, we learn that after 2 site visits and at least one discussion between the Case Officer and a senior officer, the Planning Department was quite content with its corporate decision to recommend this application be refused with 3 refusal reasons.

After receiving my written statement on 19th October, the Planning Department for reasons unknown felt it necessary to respond to my report and asked a senior planning officer to re-assess the application. The re-assessment has added a refusal reason and bolstered another. This re-assessment most likely required a senior planner to visit the site. (*I asked for clarification on this and have yet to receive a reply*)

The above calls into question the processes used by the planning department in relation to this application in that the department has issued a

corporate recommendation to refuse with 3 refusal reasons. After reading my report, the planning department has changed its corporate decision and recommended refusal with additional reasons.

The applicant is struggling to understand how his site, which did not change between 1st August and 19th October miraculously offended Policy CTY 8 and a further criterion from Policy CTY 14 at some time between 19th and 24th October.

What do we learn from the 2 Case Officer's Reports.

Both the Case Officer and senior planning officer(s) are all agreed that the applicant's farming activity entitles him to a new dwelling on his farm.

The content of my presentation to the Planning Committee

My presentation to the Committee which will be assisted with visual aids will include at least the following

Discussion on the above timeline.

Discussion of the initial reasons for refusal, the 2 Case Officer's Reports along with the drawings & maps already submitted.

I intend to demonstrate to the Planning Committee that the dwelling, although on the opposite side of the road from the existing farm buildings will visually link and cluster with the existing farm buildings.

In doing so I will refer to recent similar decisions made by the planning department.

I will discuss the differences between this case and the appeal site at Ballycoshone Road referred to in both Case Officer's Reports.

I will discuss the publicly available views of the proposed dwelling and I hope to demonstrate how the proposal will not offend Policy CTY 13 and the first criterion of Policy CTY 14.

I will discuss the recently added refusal reasons and in doing so I hope to demonstrate how the proposal, which hasn't changed since 19th October will not cause ribbon development and will not lead to a change in the rural character of the area.

I wish to discuss the Planning Committee's approval of a recent application in Burren, which was recommended for refusal in similar circumstances.

If time allows, I wish to demonstrate why my client has applied on the proposed siting and correct factual inaccuracies contained within the second Case Officer's Report relating to other potential sites which the Planning Department feels would comply with the relevant policies.

After my presentation, I will be happy to take questions from the Planning Committee and planning officers present.

I would like to thank the Council in advance of the opportunity to represent the applicant.

Brendan Quinn
BSc Hon's
ICIOB

ITEM NO 18
APPLIC NO LA07/2016/1033/F Full **DATE VALID** 8/4/16
COUNCIL OPINION REFUSAL
APPLICANT Mr Conor McNally C/O Agent **AGENT** Miceal Doyle 15
 Lakeview Road
 Closkelt
 Castlewellan
 BT31 9QL
 07915605919

LOCATION 40 Ballynalack Road
 Camlough
 Newry

PROPOSAL Proposed replacement 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 for Northern Ireland and policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- 2 The proposal is contrary to The Strategic Planning Policy Statement and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to The Strategic Planning Policy Statement and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the design of the proposed dwelling is unsympathetic to, and does not respect the existing pattern of the locality.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1033/F

Date Received: 04.08.2016

Proposal: Full permission for a proposed replacement dwelling and garage

Location: 40 Ballynalack Road, Camlough, Newry. The site is in the South Armagh area within the Ring of Gullion AONB. The site is found approximately 2.6 miles South West of the Development Limit for Camlough.

Site Characteristics & Area Characteristics:

The site as defined in red on the site location plan takes in the curtilage of the dwelling to be replaced (No.40) including a portion of agricultural land to the rear and the yard area that is related to the adjacent agricultural building north of the site. The dwelling on the site consists of a derelict single storey traditional cottage 'L' in shape and apart from windows remains completely intact. Associated outbuildings are also located within the site and driveway connects it to the public road. The site benefits from good mature trees to the front of the dwelling and mature hedging along the laneway. To the rear and East of the site are uninterrupted views of Cam Lough that is it a much lower level. The land gently falls towards the East and development pressure is strong to the North of site.

Site History:

P/1975/0733

Replacement farm bungalow
Ballinleck, Camlough
Approval 05.02.1976

P/1983/0130

Extension and improvements to dwelling
Ballinleck, Camlough
Approval 13.04.1983

P/1990/0515

Extension and improvements to dwelling
40 Ballinleck Road, Camlough
Approval 31.07.1990

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3
Planning Policy Statement 2

Consultations:

Transport NI – No Objections
NI Water – Standing Advice

Objections & Representations

No properties qualified for a Neighbour Notification. Application advertised on 24.08.2016. No objections or representations received.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for replacement 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. The site lies within the Ring of Gullion Area of Outstanding Natural Beauty / Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan provided the proposal complies with prevailing planning policies.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI was consulted with regards to this policy criteria and have responded with no objections.

PPS21 – Sustainable Development in the Countryside

Policy CTY 1 details the range of development that is considered acceptable in principle in the countryside. One such development is a replacement dwelling where it is in compliance with policy CTY3. The dwelling to be replaced is completely intact and exhibits the essential characteristics of a dwelling house, including domestic windows and doors, chimneys and living accommodation. Whilst aspects of the dwelling to be replaced does exhibit some characteristics of a vernacular dwelling, considering the restrictive nature of the site I acknowledge it would be difficult to retain the building and incorporate another dwelling on the site and with it currently set back from the public road views are already restrictive to appreciate the detail of the dwelling and therefore there would be no significant sense of loss in the locality. I therefore consider its demolition to be an acceptable solution as it does not make an important contribution to the heritage or character of the area.

The siting of the dwelling is acceptable in that it is sited within the existing curtilage of the dwelling to be replaced. However the size, scale and massing is considered excessive when you consider the dwelling it proposes to replace, the established character of the area and the critical views of the site. The proposed ridge height of approx. 7.3m is substantially larger than the dwelling to be replaced and larger than

the majority of the dwellings in the vicinity of the site. The dwelling would be critically viewed on the approach to the site in both directions and also with uninterrupted views from across Cam Lough and from Keggal Road. It is therefore considered that the proposed dwelling, as submitted, would have a significantly greater visual impact than the existing building to be replaced.

The actual design features, notwithstanding the size and scale of the dwelling are, on balance, to be considered acceptable. The windows have the correct vertical emphasis and the chimneys located internally and on the ridge of the dwelling. The front projection whilst not traditional in the rural area is found in a similar fashion on dwellings in the vicinity of the site and is considered acceptable.

All necessary services are anticipated to be able to be provided without significant adverse impact on the environment or character of the locality and access to the public road will not prejudice public safety or significantly inconvenience the flow of traffic. The proposal fails to meet all policy requirements of CTY3 and therefore fails to meet the exception in policy CTY1.

As discussed above the scale of the dwelling is considered excessive. In policy CTY 13 part (e) design is a material consideration. Paragraph 5.66 of CTY 13 confirms the scale, form and massing of the building is considered with regards to the design for the purposes of this policy. As discussed above there are concerns with the size, scale and massing of the proposed dwelling when the critical views are considered with the established character of the area. A dwelling with a lower ridge height would be a much more suitable arrangement for the locality. The proposal is therefore contrary to part (e) of policy CTY 13.

A condition will be added to any decision notice that before commencement a copy of the consent to discharge will be agreed by the Council. The proposal is in compliance with CTY16.

With regard to Planning Policy Statement 2 Natural Heritage, policy NH6 is applicable as the site is within the AONB. The design of the proposed dwelling will be unsympathetic to the locality due to the size, scale and massing however there are no adverse impacts on features of importance to the character, appearance and heritage of the landscape. The proposal respects local architectural styles and materials however ever it is not considered to respect the existing pattern of dwellings in the locality in terms of the size, scale and massing. The proposal is in compliance with policy NH6 of PPS2.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
2. The proposal is contrary to The Strategic Planning Policy Statement and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to The Strategic Planning Policy Statement and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the design of the proposed dwelling is unsympathetic to, and does not respect the existing pattern of the locality.

Case Officer:

Authorised Officer:

ITEM NO 19
APPLIC NO LA07/2016/1041/O Outline **DATE VALID** 8/8/16
COUNCIL OPINION REFUSAL
APPLICANT Joseph O'Hare 53 Mayo Road **AGENT** Collins & Collins
 Newry BT34 2EZ Newry BT34 1DF
 02830266602

LOCATION Lands North of and adjacent to 53 Mayo Road
 Mayobridge
 Newry

PROPOSAL Dwelling and domestic garage on gap/infill site (amended address)

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 Policy CTY 1 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 Mayo Road.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, would create a ribbon of development and would therefore further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1041/O

Date Received: 08/08/2016

Proposal:

Dwelling and domestic garage on gap/infill site.

The applicant seeks outline planning permission to erect a dwelling and detached garage on what they claim is a gap site.

Location:

Lands North of and adjacent to 53 Mayo Road, Mayobridge, Newry.

The site is located in a rural area approximately 1.5 miles south of Mayobridge.

Site Characteristics & Area Characteristics:

This rectangular rural site is currently part of a larger agricultural field which is used for grazing. The gradient of the site increases to the south and towards the west. Access to the site is currently from the north-east of the site using an agricultural gate. The eastern boundary, with the Mayo Road, is comprised of mature hedging and a tree is located half way along this boundary. The western boundary is primarily comprised of mature hedging, except for the southern portion of this boundary which is undefined. The northern boundary with no.53A Mayo Road is comprised of a post and panel wooden fence approximately 1.2m tall and the southern boundary with no.53 Mayo Road is comprised of post and wire fencing and partially of evergreen hedging which is approximately 2.0m tall and partially of a wooden fence which is approximately 1.2m tall.

The site is located outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned however it does lie within the Mourne Area of Outstanding Natural Beauty. The historic monument DOW 051:018 (standing stone) is in close proximity to the application site. The site is adjacent to two dwellings: nos. 53 and 53A Mayo Road.

Site History:

The following planning applications have been submitted partially on the application site:

1. P/1985/0729 – Farm retirement dwelling – Granted 11/09/1985 – This application appears to relate to no.53 Mayo Road.

2. P/2001/1597/O – Site for dwelling and garage – Granted 12/11/2001 – This planning application is partially on the application site and appears to relate primarily to the site no.53A Mayo Road is located on.
3. P/2004/3002/O – Site for dwelling and garage – Granted 11/01/2005 – This planning application is partially on the application site and appears to relate primarily to the site no.53A Mayo Road is located on.
4. P/2008/0002/RM – Erection of dwelling and garage – Granted 22/04/2008 – This planning application is partially on the application site and appears to relate primarily to the site no.53A Mayo Road is located on.

Planning Policies & Material Considerations:

The following have been considered in determining this planning application:

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS 6 – Planning Archaeology and the Built Heritage.
- PPS 21 – Sustainable Development in the Countryside.
- The Building on Tradition Sustainable Design Guide.

Consultations:

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

1. Transport NI – 25/08/2016 – No objections in principle.
2. NI Water – 26/08/2016 – Generic response.
3. Historic Environment Division – 14/09/2016 – Content with the proposal.

Objections & Representations

This planning application was advertised in the local press on 15/08/2016 and then re-advertised on 26/09/2016 after the address of the application site was corrected. Three neighbours were notified (and re-notified following the change of address) of this planning application by letter. No letters of objection, or other any other representation, have been received regarding this planning application.

Consideration and Assessment:

Banbridge / Newry and Mourne Area Plan 2015

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

PPS 21 – Sustainable Development in the Countryside

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 PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regards to PPS 21, a dwelling on the site would not meet the requirements of Policy CTY 8 for an infill dwelling, which therefore makes it unacceptable in principle under policy CTY 1.

Policy CTY 8 states that *“Planning permission will be refused for a building which creates or adds to a ribbon of development.”* The exception to this rule is *“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 pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.”* Policy CTY 8 defines a substantial and built up frontage as one containing a minimum of three buildings along a road frontage with no development to the rear.

The frontage in this section of the Mayo Road is as follows (from north to south): a paddock area in front of no.53A, an access lane to no.53A Mayo Road, the application site, no.53 Mayo Road, an agricultural field in front of a farm, an access lane to a farm and no.55 Mayo Road and an agricultural field. There is therefore no section of this frontage with a build-up of three buildings and therefore this application site cannot be considered as a gap site. Also it is a requirement that a gap site should only be able to accommodate a maximum of two dwellings. As demonstrated below, the application site could accommodate more than two dwellings:



Using the site width of nine dwellings in the local area, the average site width in the area is 32.64m with a highest site width of 45.29m for no.52 Mayo Road and the lowest site width of 21.78m for no.53 Mayo Road. The application site has a width of approximately 111.34m. When the width of the application site is divided by the average site width, the answer is 3.4 which indicates that the application site is capable of housing 3.4 houses which clearly demonstrates that the site is too wide to be considered a gap site as a gap site is to accommodate a maximum of two dwellings under Policy CTY 8 of PPS 21.

The proposed development is therefore contrary to Policy CTY 8 of PPS 21 in that no substantial and built up frontage exists in the area and also that the application site is too wide and could accommodate more than three dwellings. The principle of the development therefore cannot be established.

Policy CTY 8 states that the development of a gap site must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. As this is an outline application, no details of the size or scale of the proposed dwelling have been submitted. As discussed above, the plot size of a dwelling on this site would be unacceptable in the context of the locality.

The development of a gap site must also satisfy the integration policies of CTY 13 and CTY 14. Policy CTY 13 identifies seven cases where a new building in the countryside will be unacceptable for integration and design reasons:

- (a) Even with a restricted ridge height, a dwelling on this site would be unduly prominent in the landscape as the site lacks enclosure and natural screening.
- (b) The site lacks unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape.
- (c) New landscaping will be required and the proposed dwelling will rely primarily on the use of new landscaping for integration, in the context of the local area.
- (d) Ancillary works should be able to integrate into the landscape.
- (e) The design of the dwelling is to be confirmed through a reserved matters application and will be assessed then.
- (f) The dwelling should be able to blend with the landform.
- (g) This criterion is not applicable as this is not an application for a dwelling on a farm.

Overall the proposed development fails to satisfy 3 of the policy requirements of Policy CTY 13.

Policy CTY 14 seeks to ensure that new buildings in the countryside do not cause a detrimental change to, or further erode the rural character of an area. There are five cases identified by this policy where a new building will be unacceptable:

- (a) A dwelling on this site, even with the restricted ridge height, would be unduly prominent in the landscape as the site lacks natural screening.
- (b) The approval of the proposed dwelling does not meet the requirements of Policy CTY 8 of PPS 21 and will result in a suburban style build-up of development when viewed with the existing buildings.
- (c) The proposed development respects the traditional pattern of settlement exhibited in the area.

(d) The proposed dwelling is not compliant with Policy CTY 8 of PPS 21 and would create a ribbon of development.

(e) Ancillary works are unlikely to damage the rural character.

The proposed development fails to meet three of the requirements of Policy CTY 14.

Access

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. A new access will be created onto Mayo Road and Transport NI require visibility splays of 2.0m x 60m to be supplied in both directions – see consultation response dated 25/08/2016. The provision of these visibility splays will be conditioned in the interests of road safety.

Sewerage

The site can accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. This requirement to satisfy other legislation will be included as an informative. A standard consultation response was received from NI Water on 26/08/2016. Their standard informatives will be added.

Amenity

The impact of the proposed dwelling on the amenity of adjacent dwellings cannot be fully considered in this outline application as full details of the design and layout of the dwelling have not been submitted.

Landscaping

The applicant will be required to submit details of the proposed landscaping of the site in the reserved matters planning application – this will be conditioned.

Impact on the AONB

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

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY 1 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 Mayo Road.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape, the proposed site is unable to provide a

suitable degree of enclosure for the building to integrate into the landscape, the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	D1			
APPLIC NO	P/2013/0737/O	Outline	DATE VALID	10/4/13
COUNCIL OPINION	REFUSAL			
APPLICANT	Eamon Harrison 8 Cullion Road	AGENT	Collins and Collins	
	Newry		Newry BT34 1DF 02830266602	
LOCATION	30m North East of No.8 Cullion Road Mayobridge Newry			
PROPOSAL	Proposed erection of one private dwelling with alternative access to existing shed at Cullion Road, Mayobridge, Newry, Co Down			
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 Strategy for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Cullion Road and would, if permitted, adversely impact on the amenities of neighbouring residents by reason of buildup.
- 3 The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwellings would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings; and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling would, if permitted, be unduly prominent in the landscape; the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the dwelling would, if permitted not respect the traditional pattern of settlement exhibited in that area; the dwelling would, if permitted add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0737/O

Date Received: 4th October 2013

Proposal: Proposed erection of one private dwelling with alternative access to existing shed

Location: 30m North East of No.8 Cullion Road, Mayobridge

Site Characteristics & Area Characteristics:

The site is 30 metres north east of No. 8 Cullion Road, Mayobridge which is a large, detached two storey dwelling. The site comprises an existing garden area to the front of No. 8 which is set back, approximately 92 metres, from the Cullion Road.

The existing access to the dwelling is through the middle of the site. This is a gravel drive with kerbing and a footpath on either side. The drive veers off in a southerly direction to a set of two metres high double gates and pillars.

The area to either side of the drive is currently a lawn associated with No. 8 Cullion Road.

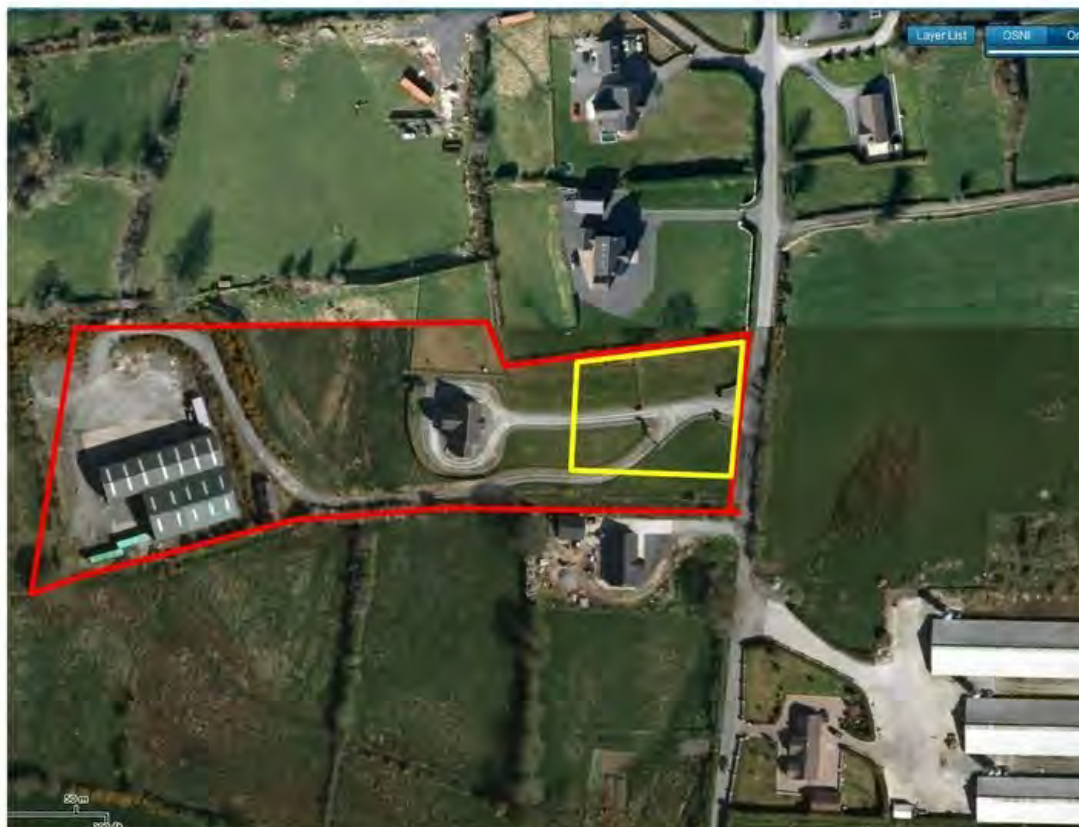
Along the roadside there is a two metre high concrete block wall and raised footpath at the entrance to No. 8 Cullion Road.

To the south of the dwelling there is a fenced off lane that is currently overgrown with grass. This lane leads to a large joinery workshop/shed to the west.

To the south east of No. 8 there is a detached single storey dwelling with first floor accommodation. This dwelling is set forward of the building line of No. 8. To the north there is a detached two storey dwelling and beyond this there is a further two dwellings. All of the neighbouring dwellings have the same building line with the exception of No. 8 which is set behind them.

Opposite the site there is an agricultural field with a number of detached dwellings to the north and south.

The site is located in an area that has experienced a lot of development pressure in recent times. There are a number of dwellings surrounding the site and the area has quite a built up feel along this is a narrow rural road



Red indicates the extent of the proposed site. Yellow indicates the preferred siting area

Site History:

Reference	Location	Proposal/Complaint	Status	Date
P/2005/0204/D	180 metres north of No.4 Cullion Road	Site for replacement dwelling	PERMISSION GRANTED	20.06.2005
P/2001/1839/D	180m north of 4 Cullion Road, Mayobridge	Site for replacement dwelling (renewal of previous outlir	PERMISSION GRANTED	17.01.2002
P/2006/1025/RM	180 metres North of No 4 Cullion Road	Erection of replacement dwelling.	PERMISSION GRANTED	17.05.2007
P/1998/0065	180M NORTH OF 4 CULLION ROAD	Site for replacement dwelling	HISTORICAL APPLICATION	
P/2003/1005/D	Opposite No.7 Cullion Road, Mayobridge	Site for two storey dwelling and garage	PERMISSION GRANTED	20.04.2004
P/2006/1466/F	6 Cullion Road, Mayobridge.	Erection of double garage.	PERMISSION GRANTED	13.02.2007
P/2004/2313/RM	Opposite No.7 Cullion Road, Mayobridge	Erection of dwelling with attached garage	PERMISSION GRANTED	18.01.2005
P/2001/1549/D	Opposite 7 Cullion Road, Mayobridge	Site for dwelling	PERMISSION GRANTED	21.01.2002
P/2003/1178/F	250 metres south west of No.9 Cullion	Erection of replacement dwelling	PERMISSION GRANTED	30.11.2004
P/2007/1109/F	210 metres north-west of 4 Cullion Roa	Retention of existing joinery workshop	PERMISSION GRANTED	15.09.2011

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

Consultations:

Transport NI – no objection, proposal to be in accordance with RS1 form

NI Water –generic response

Environmental Health Department - no objections

Objections & Representations

None received. 3No. neighbours notified on 3/12/2013 and then again on 13/03/2014 as amended plans were submitted showing the scheme reduced from 2No. dwellings to 1No dwelling. The proposal was advertised in two local papers on 8/10/2013 and then again on 11/02/2014 after the amended scheme was received.

Consideration and Assessment:

This application has appeared before the Legacy Newry and Mourne Council twice. It was initially held for a meeting with an MLA and secondly for a meeting with an MP. The opinion of the Planning Department to refuse this application remains unchanged.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan.

Under the BNMAP 2015 the site is within the rural area.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.

The SPPS states at Paragraph 3.8 that 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”.

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 therefore the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

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

Policy CTY 8 of PPS 21 clearly states that planning permission will be refused for a building which creates or adds to a ribbon of development:

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. (underlining is my emphasis). The presence of No. 8 Cullion Road and the joinery workshop are significant determining factors in the consideration of the proposal.

The dwellings along this stretch of road do read together, however they are well spread out given the large plots that they occupy. To the south of the site there is a detached single storey dwelling with first floor accommodation and detached garage set to the rear, there is then a lane and the site. This dwelling occupies a plot of 33.5 metres wide and 67 metres long. To the north of the site there is a large detached dwelling and detached garage set in a large plot. This plot is 57.5 metres wide and 98 metres long. Further to the north there is another large dwelling and detached garage set in a large plot. This plot is 75 metre wide and 98 metres long.

These three dwellings all reflect a similar building line along the Cullion Road.

No. 8 Cullion Road is set back from the roadside approximately 97 metres while the three neighbouring dwellings are set back approximately 32 metres, 55 metres and 42 metres.

There is a large joinery workshop to the south east of the site. This workshop is accessed via the existing driveway that leads to No. 8 Cullion Road.

The plot size is 51 metres along the roadside and narrows to 43 metres to the rear and is 62 metres long. It is also smaller than the two large plots to the north that only one dwelling occupies.

The dwellings on this stretch of road do not read together, even if they are slightly set back from the frontage. If the proposal was allowed it would represent a significant change in the rural character by allowing an increased density of development, and introduce a suburban style of development by introducing back land development, as this proposal would result in No. 8 sitting behind the proposed dwelling. This proposal is therefore contrary to CTY 8 in that No. 8 is located behind the application site and would represent 'accompanying development to the rear'.

CTY 13 and CTY 14 relate to new buildings in the countryside and are therefore a material consideration for all planning applications in the rural area.

Permission will be granted for a new building in the countryside where it can be visually integrated into the surrounding landscape. Policy CTY 13 lists five criteria, indicating that permission will be refused if a proposal falls into any of the categories.

With regard to the five categories I consider that:

- a) A new dwelling on the proposed site will feature prominently in the landscape because of the lack of vegetation around/within the site to provide screening and aid integration.
- b) This site does not have a reasonable means of enclosure, thereby allowing the house to integrate with the landscape.
- c) Significant new planting would be required, the proposal would therefore, rely primarily upon this landscaping to achieve integration.
- d) Ancillary works will damage the site's surroundings given the lack of the vegetation.
- e) The design of the house would have to be agreed at Reserved Matters stage.
- f) The proposal does not blend sympathetically with the site's landform given the lack of the vegetation.

Criteria g is not relevant to this proposal. I am not satisfied that the requirements of Policy CTY 13 can be met.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. It notes 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.

A new building will be unacceptable where:

- a) it is unduly prominent in the landscape; or
- b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- c) it does not respect the traditional pattern of settlement exhibited in that area; or
- d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The amplification notes at paragraph 5.78 that in assessing the cumulative impact of a building on the rural character the following matters should be taken into consideration. These include intervisibility of the building with existing development, the vulnerability of the landscape and the siting of the proposal.

With this in mind it is clear that the siting of the proposal is such that it will add to the existing line of development and therefore further erode the rural character of the area and result in a suburban style of build up through the creation of 'backland' development.

Paragraph 5.81 states "The assessment of the impact of a new building on rural character will be judged from critical views along stretches of the public road network; shared private lane-ways serving existing or approved dwellings; public rights of way and other areas of general public access and assembly."

It is my opinion that there are critical views from Cullion Road and the development of the proposed site would further erode the rural character of this area.

Recommendation:

Refusal as proposal is contrary to CTY 1, 8, 13 and 14.

1. The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Cullion Road

and would, if permitted, adversely impact on the amenities of neighbouring residents by reason of buildup.

3. The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; the ancillary works do not integrate with their surroundings; and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Strategy for Northern Ireland (SPPS) and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the dwelling would, if permitted, be unduly prominent in the landscape; the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the dwelling would, if permitted not respect the traditional pattern of settlement exhibited in that area; the dwelling would, if permitted add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Signature	Officer	
Date		
Appointed Signature	Officer	
Date		

ITEM NO	22			
APPLIC NO	P/2014/0896/O	Outline	DATE VALID	10/28/14
COUNCIL OPINION	APPROVAL			
APPLICANT	Glasgiven Contracts Ltd		AGENT	S D McMullan 2 Golf Links Road Newcastle BT33 0AN 0243724603
LOCATION	Lands situated in Townland of Glasdrumman adjacent to surrounding & including a farmhouse at 230 Glasdrumman Road Annalong Newry.			
PROPOSAL	Site for hotel and tourist accommodation (renewal of previously approved outline application under File Ref. P/2011/0385/O)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0896/O

Date Received: 28.10.14

Proposal: Site for hotel and tourist accommodation (renewal of previously approved outline application under File Ref. P/2011/0385/O)

Location: Lands situated in Townland of Glassdrumman adjacent to surrounding & including a farmhouse at 230 Glassdrumman Road, Annalong

Site Characteristics & Area Characteristics:

The site is located immediately south west of the hamlet of Glassdrumman, consisting of number 230 Glassdrumman Road and adjacent land. Number 230 is a large two storey vernacular dwelling constructed in stone with a slate roof. Access is gained via a tree lined concrete laneway. The land rises gently from the road to number 230 and beyond.

Adjacent to the site (to the north) is a small housing development consisting of 1 ½ storey semi-detached dwellings.

The site is located in a predominately rural area, adjacent to the hamlet of Galssdrumman.

Site History:

P/2011/0385/O - Renewal of Previously Approved Outline Application P/2005/2523/O; to be read in conjunction with RM Approval P/2009/0670/RM described at that time of P/2005/2523/O as a ' site for hotel & self catering accommodation', comprising of a Tourism Development, on lands adjacent to , surrounding, and inclusive of an existing farmhouse known as 230, Glasdrumman Rd. (td. of Glasdrumman) Annalong. Lands situated in T'd of Glassdrumman adjacent to surrounding & including a farmhouse @ 230 Glasdrumman Road Annalong Newry. Approved 26.11.11 (Application Site)

P/2009/0670/RM - Phase 1 - landscape and access only - forming part of the reserved matters of outline application P/2005/2523 (site for hotel and self catering accommodation). Lands situated in town land of Glassdrumman, adjacent to, surrounding and including farmhouse 230 Glassdrumman Road, Annalong, Newry. Approved 09.07.09 (Application site)

P/2005/2523/O - Site for hotel and self catering accommodation. Land adjacent to, surrounding and including 230 Glassdrumman Road, Glassdrumman, Annalong. Approved 19.08.08. (Application site)

Application P/2005/2523/O related to Site for hotel and self-catering accommodation was approved on 19th August 2008. The objectors were granted leave to judicially review this decision. The objector's original Order 53 application to the courts listed that the grounds on which relief was sought were that in reaching its decision Planning Service failed to have any or adequate regard, either individually or collectively, to the following relevant matters;

- i) the proposed development is located in the Mourne Area of Outstanding Natural Beauty (AONB), a Countryside Policy Area (CPA) and a proposed Local Landscape Policy Area (LLPA)
- ii) That the said site is outside the development area of Glassdrumman
- iii) The Planning requirements within an AONB/CPA/LLPA

The courts dismissed the majority of the arguments made in the Article 53 Order, however were content to grant leave for judicial review on the following arguments:

- 1) in reaching its decision the Planning Service failed to determine whether the application fell within or out with the terms of Policy T0U3;
- 2) In reaching its decision the Planning Service failed to accord to Policy T0U3, a site specific component or a need to consider the availability of a location outside the GB/CPA protected area for such a proposal.
- 3) In reaching its conclusion regarding the wider economic benefit from the proposed development the Planning Service failed to take account whether this benefit could accrue if the development occurred within a settlement area or otherwise outside the CPA/GB protected areas.

As the case was due to begin the objectors withdrew their action, as such the decision to approve remained valid at that time.

P/1999/0132 - Site for dwelling. Withdrawn 14.05.99 (Application site)

P/1998/0514 - Site for dwelling. No. 230 Glassdrumman Road, Annalong. Refused 10.11.98 (Application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Site is adjacent to (but outside) the development limits of Glas drumman, located in the open countryside within the AONB

Environmental Impact Assessment:

Development falls within the threshold of Category 12 (C) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (NI) 2015 - following consideration of consultations responses and outcome of Habitats Regulations Assessment it is concluded there is no likely significant environmental impact and no environmental statement is required. However it is noted that an Environmental Statement was submitted under planning application P/2005/2523/O.

Planning Policy Consideration: SPPS, PPS16, PPS21, PPS2, PPS3

While the planning history of this application is a material consideration it must also be weighed against all other factors including the changing policy context

SPPS (Sep 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 hotels in the countryside following the publication of the SPPS (which is arguably less prescriptive), the retained policy of PPS16 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS

PPS16

The policies of this statement supersede tourism policies of the Planning Strategy for Rural Northern Ireland (SP10, TOU1 to 4) as well as policy CTY1 of PPS21 in which the previous outline applications P/2005/2523/O and P/2011/0385/O were originally assessed.

Notwithstanding this, policy provision of TSM3 of PPS 16 sets out specific circumstances whereby planning permission will be granted for a new hotel, one of which is that of a new build on the periphery of the settlement. Whilst this directs development towards existing settlements development is not impeded where there is no such availability. In this case the principal of such a development just outside the limits has been established through the grant of planning permission under planning references P/2005/2523/O and P/2011/0385/O with a demonstrated case of need and site specific justification for such a location (See Sections 2 and 3 of Environmental Statement Jan 2006) a position that remains unchanged from previous. Proposals fully meet the criteria for development on the edge of a settlement limit, but further meet the sequential tests set out in policy.

Integration/ Build Up/ Impact to Rural Character (SPPS and PPS21)

In terms of integration, build up, impact on rural character and the impact on the AONB these issues were fully assessed under the 2005 and 2011 applications.

Whilst these were previously considered under the policies contained within the rural strategy which was subsequently replaced by policies contained within the SPPS, and PPS21. It should be noted that while the documents have changed the policies relating to integration, build up and change in rural character are broadly similar to those contained within the strategy. As such there are no known changes in circumstances which would warrant a reconsideration of these issues.

Urban Sprawl (PPS21)

Consideration would have previously been given to development just outside the development limits of the settlement in the original applications at this site. However as the landscape setting of the site is retained the proposed development will not detract from the setting or mar the distinction between urban/ rural areas and for this reason it meets the requirements of the policy.

SPPS and PPS2 (Natural Heritage)

NIEA Natural Heritage (20.03.15) and SES (25.10.16) in comments have advised that proposals are unlikely to result in significant environmental effects

PPS3 (Access, Movement and Parking)

Transport NI in comments dated 24.02.15 have no objection.

SPPS and PPS6

NIEA Historic Buildings Unit (06.03.15) are of the opinion that proposals are likely to have no or very little impact on the setting of the listed building

Assessment of requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended)

Having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

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

Consultations:

NIEA Water Management (25.02.15) - Impacts to the water environment unlikely to be significant

Transport NI (24.02.15) – No significant issues

Environmental Health (26.02.15) – Previous comments by Environmental Health in relation to P/2011/0385/O remain applicable to the application. Reference is made to the Noise Section of the Environmental Statement submitted in support of this application. It should be possible to design the proposed development in such a way that it does not give rise to noise nuisance complaints from local residents and provided as residents of the complex with sufficient protection from traffic noise. Therefore this department would have no objections in principle.

It is noted that the noise consultants should be asked to review his report with regard to matters outlined in the Environmental Health response.

Natural Heritage (20.03.15) - Unlikely to result in significant environmental effects

Historic Buildings (06.03.15) – Proposals are likely to have no, or very little impact on the setting of the listed building.

Shared Environmental Services (25/10/16) – No likely significant effect

Objections & Representations

- 9 Neighbour notifications issued
- Advertised 04.11.14
- 1 objection has been lodged 18.10.16 from No. 224 Glasdrumman Road.

Issues raised in objection dated 18.10.16:

- Some years from an ecological study was carried out on this piece of land
- No update in the environmental survey on the public portal
- Identifies a number of species/ wildlife in area bats, foxes, heron, curlew have wildlife and protected habits being fully considered

Consideration of issues

- The application was screened for the requirement for an environmental impact assessment however it has been determined that this is not required, although previously submitted on the original application. As an EIA was not required this is reason why it hasn't been uploaded onto the public portal.
- NIEA (Heritage) and SES (Shared Environmental Service) have both been consulted in relation to natural heritage interests, both have raised no concerns in their comments. Despite this in order to protect natural heritage

interests a condition has been attached that proposals at full or reserved matters show details regarding the retention of mature trees/ hedgerow at site this has been attached to ensure the retention of biodiversity at the site.

Objections were previous lodged in relation to the P/2011/0385/O and P/2005/2523/O applications and were fully considered at the time.

Consideration and Assessment:

The principle of a hotel and tourist accommodation has been established by the grant of planning permission under planning references P/2005/2523/O (approved 19.08.08) and P/2011/0385/O (approved 26.11.11). The current application was submitted on the 28.10.14 prior to the expiry of the previous application.

Whilst the approval on the site is material consideration this proposal nevertheless has been reconsidered afresh given changes in planning policy in relation to tourism policies as well as the recently published Strategic Planning Policy Statement (SPPS). While the policy context has changed since the original approvals the proposal remains acceptable.

1 objection has been lodged in relation to the current application relating to natural heritage interests, the objection has been given full consideration however NIEA and SES have raised no concerns in relation to such matters and the Planning Authority have also recommended a condition for the retention of mature vegetation to ensure the retention of biodiversity at the site. Objection relating to previous applications were given due consideration at the time of previous applications. Notwithstanding this, as a renewal of outline planning permission conditions will be reflective of previous reasons which were set out having regard to objector concerns.

Overall proposals comply with relevant policy as outlined above with no planning policy failures to warrant refusal, it is on this basis it is recommend approval.

Recommendation: Approval

Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of the grant of outline planning permission; or

ii. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from the Planning Authority, in writing, before any development is commenced.

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

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

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

4. The development hereby approved, in terms of siting of buildings and car parking areas within the site, shall be generally in accordance with the 1:500 site layout drawing No 02 dated 8th April 2011 as submitted under planning application P/2011/0385/O.

Reason: To ensure the development satisfactorily integrates into the landscape.

5. The hotel building hereby approved shall be generally in accordance with drawing No 03 date stamped 8th April 2011 (as submitted under planning application P/2011/0385/O) in terms of its scale, height and massing.

Reason: To ensure the development satisfactorily integrates into the landscape.

6. The self-catering accommodation hereby approved shall be used as holiday accommodation only and shall not be used as permanent residences and shall only be used for purposes ancillary to the main use of the site as a hotel complex.

Reason: To ensure that the hotel and self-catering accommodation operate as a single entity.

7. The self-catering accommodation hereby approved shall not be occupied until the hotel has been constructed in totality and has been occupied.

Reason: To ensure that the self-catering accommodation remains ancillary to the main use of the site as a hotel complex.

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

Reason: To ensure the development takes account of the sites natural features and to safeguard the amenities of the adjacent dwellings.

9. The self-catering units hereby approved shall have a ridge height of no more than 8 metres above finished floor level.

Reason: To ensure that the development integrates into the landscape.

10. The Full or Reserved Matters application shall be accompanied by a noise report.

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

11. No amplified music shall be played outside the following times 9.00am - 1.00am.

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

12. No deliveries shall be taken or dispatched from the site outside the hours of 08.00 - 20.00

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

13. One space per 25 spaces of the total car parking provision shall be provided close to the entrance and permanently retained for people with a disability and shall be clearly marked for that purpose.

Reason: To ensure the provision of adequate parking facilities to meet the needs of people with disabilities.

14. The provision of designated area(s) for the parking of vehicles shall be approved and constructed prior to the occupation of any part of this development.

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

15. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

16. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and shall be retained and kept clear thereafter.

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

17. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. This shall include a scheme of boundary planting which shall be carried out prior to commencement of works. All other planting/landscaping shall be implemented prior to occupation.

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

18. The plans and particulars submitted in accordance with Condition 2 above shall include details of the site preparation, planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting.

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

19. The plans and particulars submitted in accordance with Condition 2 above shall include:

a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the accurate crown spread of each retained tree;

b) details of the species, diameter (measured as in paragraph (a)), and the height, and an assessment of the general state of health and condition of

each retained tree and of each tree adjoining the site boundary and to which paragraphs (c) and (d) apply;

c) details of any trees to be removed on the site or on land adjoining the site boundary;

d) details of any proposed arboricultural work or tree surgery of any retained tree, or of any tree on land adjacent to the site;

e) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, including service lines; [within the crown spread of any retained tree and/or of any tree adjoining the site boundary] or [within a distance from any retained tree or any tree on and adjoining the site boundary, equivalent to half the height of that tree];

f) details of the specification and position of fencing [and any other measure to be taken] for the protection of any retained tree from damage before of during the course of development.

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

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

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

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

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

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

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

23. No construction to be made, trees planted or other obstruction made within 3 metres (or 1.5 times the depth whichever is the greater) of sewers, or 4 metres (or 1.5 times the depth whichever is the greater) of water mains. A diversion may be necessary. Consultation with NI Water is required at an early design stage.

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

24. All services within the development shall be laid underground.

Reason: In the interests of visual amenity.

25. The development hereby permitted shall be occupied until the sewage disposal/drainage works have been completed in accordance with the submitted plans.

Reason: In the interests of public health.

26. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Planning Authority.

Reason: In the interests of public health.

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

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

28. Proposals at Full or Reserved Matters stage shall show the retention of mature trees/hedgerows on site.

Reason: To retain biodiversity on site.

Case Officer:

Authorised Officer:

ITEM NO	23			
APPLIC NO	P/2014/0897/F	Full	DATE VALID	10/27/14
COUNCIL OPINION	REFUSAL			
APPLICANT	Emma and Pat McCartney		AGENT	Lakeview Design Ltd 30 Carrickcloughan Road Camlough BT35 7HQ 07738885151
LOCATION	Lands 70 metres south-east of No.21 Ballynalack Road Camlough Newry			
PROPOSAL	Erection of farm dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
- 3 The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; relying
5 primarily on the use of new landscaping for integration; ancillary works will not integrate with their surroundings and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing buildings; create a ribbon of development; the impact of ancillary works would damage rural character and would therefore result in a detrimental change to and further erode the rural character of the countryside.
- 5 The proposal is contrary to 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 Ballynaleck Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0897/F

Date Received: 27.10.2014

Proposal: Erection of farm dwelling

Location: Lands 70 metres south-east of No.21 Ballynalack Road, Camlough, Newry

Site Characteristics & Area Characteristics:

Site is located 1.4 miles SW of Camlough Lake within the open countryside. The site fronts onto Ballynaleck Road comprising of two agricultural fields but with no distinctive boundary separation and thus reads as one large roadside agricultural field. The road frontage of the site comprises of roadside verge with post and wire fencing which continues along the SE boundary. Some hedge/trees are found along the SW and northern boundary, whilst scrubland/ reeds are situated to the southern corner of the site. Land rises gently from the roadside in an N and SW direction.

The general area has experienced development pressure with a number of dwellings found within the vicinity of the site.

Site History:

P/1973/0290 – Site for hotel. Refused 31.01.1974 (Application site)

P/2015/0183/F – Site for dwelling. Adjacent and immediately north of 8 Ballynaleck Lane, Camlough, Newry (Site NW of application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: AONB

Policy Consideration: SSPS, PPS21 and PPS3

SPPS and CTY10:

DARD in their consultation response dated 22.03.16 confirm that farm business is currently active and has been established for at least 6 years.

From a check of planning records in relation to the farm holding there appeared to have been a number of development opportunities/ lands transferred or sold this was queried with the agent via an email dated 17.08.16. The agent confirmed by email on the 31/08/16 that the majority of fields listed in the farm business that have had development opportunities are on land taken in conacre by Mr McCartney and there have been no development opportunities on their own ground. (Mr McCartney has obtained planning under planning reference P/2015/0183/F)

There are no established group of buildings at this part of the holding i.e. the application site in which proposed development could visually link or site to cluster.

The holding is in the name of P and P Mc Cartney of 8 Ballynaleck Lane which is located approximately 80m SW of the site, this part of the holding comprises of an existing farm house and agricultural buildings. However the proposed site is far removed from the existing holding that it is not possible to cluster with the established group of buildings and the site is not visually interlinked (as per 5.41 of CTY10) due to the physical separation of existing agricultural lands

The SPPS in relation to dwellings on farms emphasises that development must comply with LDP policies with regard to integration and rural character however in the absence of LDP guidance direction is taken from extant policy, the recent judicial review (Justice Treacy) supports this position as does appeal reference 2014/A0260 (Assessment of other policies beyond CTY 1 and CTY10)

Overall proposals fail to meet planning policy with regard to the SPPS and CTY 10.

Integration (SPPS and CTY13)

The site is entirely visible on approach from south travelling northwards; from this vantage point the site would not fulfil the criteria of SPPS and CTY13, due to the open and exposed nature of the site.

It is difficult to envisage how a dwelling and ancillary works can be adequately integrated and deemed acceptable when the site comprises of a large roadside field with no means of natural separation of the site from surrounding ground. The site has limited vegetative boundaries which offer no degree of enclosure or screening.

There is nowhere within the extent of the red line i.e. the application site where it is acceptable to locate development without adverse visual impact. As any proposed dwelling at this location will sit higher than the roadside boundary and will require substantial landscaping in order to be adequately integrated. Any new build at this location will appear dominant in the local landscape and as a roadside site will continue suburban design solutions eroding and changing the rural character of the area.

Ribbon Development and Rural Character (SPPS, CTY8 and 14)

CTY14 indicates that planning permission will be refused where development will result in a detrimental change to or erode the rural character of an area. Within 200m of the site there are 6 existing dwellings that include 4 and 8 Ballynaleck Lane, 21, 22, 24 Ballynaleck Road and a red brick dwelling south of the site (neighbour notified manually on date of inspection).

The entire site is visible from the Ballynaleck Road when travelling from south to north from this area any development at the application site will be obvious and easily read with properties 21, 24 and the recently constructed red brick dwelling appearing as a build-up of development within the open countryside.

SE of and directly opposite the site development will read with dwellings 4 and 8 Ballynaleck Lane as well as an undeveloped site P/2015/0183/F (Approved 08.10.15 for Mr Pat McCartney of 8 Ballynaleck Lane (Applicant), as well as No. 21 and the red brick dwelling on Ballynaleck Road.

The implementation of planning permission at the site would extend the area of development. When taken with the adjacent dwellings as well as the undeveloped site (P/2015/0183/F) will add to an overall cumulative effect of buildings within this area leading to a change of the rural character of this area.

Furthermore development at this location will create a ribbon of development which is evident on approach in either direction along Ballynaleck (although views are much more prevalent on a southern approach) with such a number of dwellings creating a build-up appearance when viewed from the road.

From south heading northwards the entire site will read as a ribbon of development along with the red brick dwelling and No. 21 these existing properties already have a common frontage to the road that another building at the site will create a ribbon of development in this rural locality, thus creating a built up appearance when viewed from Ballynaleck Road

Proposals will introduce suburban siting and design solutions, which will visually link with existing dwellings on Ballynaleck Road creating a continuous urban frontage in the countryside. Development if approved at this location will inevitably create a gap site between the existing site as well as the red brick dwelling paving the way for further erosion to the rural character of this area.

Consultations:

DARDNI (22.03.16) – Confirm that the farm business i.d. has been in existence for over 6 years and single farm payment also claimed within 6 years.

Transport NI (21.01.15) – Applicant to amend 1:2500 scale plan to include sightlines

Environmental Health (12.01.15) – No objection in principle

NIW (08.01.15) – Generic response

Objections & Representations

2 neighbour notifications, additional notification printed and hand delivered to red brick dwelling to south of site.

Advertised 18.11.14

No objections received

Consideration and Assessment:

Taking into account the information from the submitted application, farm maps and P1C form it is acknowledged that there is existing buildings within the holding these are located at the holding of 8a Ballynaleck Lane the position of the site does not allow for visual linkage and clustering as the proposed site is far removed and not interlinked with the existing buildings, thus failing to meet criteria for dwellings on a farm. Overall proposals fail to fully meet criteria for dwellings on the farm under the SPPS as well as CTY10.

The recent judicial review (Treacy) and PAC decisions (2014/A0260) provide support that CTY1 and CTY 10 are not self-contained policies and that other policies should be taken into account in this case CTY 8, 13 and 14. Overall development fails to meet the policy requirements of the SPPS, PPS21: CTY1, 8, 10, 13 and 14 and should therefore be recommended for refusal

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
3. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape; lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; relying

primarily on the use of new landscaping for integration; ancillary works will not integrate with their surroundings and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing buildings; create a ribbon of development; the impact of ancillary works would damage rural character and would therefore result in a detrimental change to and further erode the rural character of the countryside.
5. The proposal is contrary to 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 Ballynaleck Road.

Case Officer:

Authorised Officer:

ITEM NO	15			
APPLIC NO	LA07/2016/0623/O	Outline	DATE VALID	5/12/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Carncastle Properties Ltd 24 Main Street Hilltown BT34 5UH	AGENT		
LOCATION	Land to the rear of 29a Billy's Road Newry BT34 2NA	NA		
PROPOSAL	New dwelling			
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 (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0623/O

Date Received: 12/05/2016

Proposal: Erection of dwelling and garage

Location: Land to the rear of 29a Billy's Road, Newry

Site Characteristics & Area Characteristics:

The site is accessed off Billys Road and is located on lands to the rear of No. 29a. The site itself is elevated as the access lane runs along the side of No. 29a towards the site. The site appears to be covered in hardcore which has become overgrown, there is a lorry trailer, a smaller car trailer and some corrugated iron sheeting located at the rear of the site. The eastern (rear) and northern boundaries are defined by a close boarded timber fence approximately 2m in height.



Google image of the site, located to the rear of No. 29a.



Lane at the side of No. 29a leading to the site

View towards the rear boundary of the site



View towards No. 29a and Billys Road

Site History:

None

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

Consultations:

Transport NI – Standard response with conditions.

Loughs Agency – standard response and informatives

Water NI – standard informatives

Environmental Health – standard informatives

Objections & Representations

None received. 4No. neighbours notified. Advertised three local papers on 16st May 2016

Consideration and Assessment:

As this application is for a dwelling in the countryside, it will be assessed under the SPPS and Planning Policy Statement 21 – Sustainable Development in the Countryside.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.

The SPPS states at Paragraph 3.8 that 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 relation to residential development the SPPS lists the same exceptions identified in Policy CTY 1 of PPS 21 which are described below.

PPS 21 – Policy CTY 1

This policy notes that 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. In relation to proposals for a new individual dwelling house, permission will be granted in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- 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.

The proposal does not meet any of the exceptions listed above.

A letter was issued to the applicant on 23rd June to inform the applicant that upon considering this application and the information in the Design and Access Statement it is likely that this application will be refused as it does not meet any of the above policy provisions.

The applicant telephoned the Planning Office on 27th June and I spoke to him about the proposal and the provisions of Planning Policy Statement 21. He confirmed that no further information would be submitted in relation to Policy CTY 1.

Concerns on amenity of No. 29a and integration due to the elevated nature of the site (CTY 13) and appearance of build up when travelling along Billys Road (CTY 14).

Recommendation:

Refusal

Reason for refusal

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would not respect the

traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature Date	
Appointed Officer Signature Date	

ITEM NO	20				
APPLIC NO	P/2013/0632/F	Full	DATE VALID	8/29/13	
COUNCIL OPINION	APPROVAL				
APPLICANT	Carncastle Properties 24 Main Street Hilltown Co. Down BT34 5UH		AGENT	C/O Applicant	
					(028)
LOCATION	Lands adjacent to 20 and 25 Mullach Allann Carnagat Road Newry				
PROPOSAL	Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	10	0	1	0	
			Addresses	Signatures	Addresses Signatures
			35	35 0 0	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th March 2016	Item Number:
Application ID: P/2013/0632/F	Target Date:
Proposal: Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description)	Location: Lands adjacent to 20 and 25 Mullach Allann Carnagat Road Newry
Referral Route: This application automatically went to the Briefing Panel on 23 rd February 2016 as representations were made by a residents association. The Briefing Panel then recommended that the decision should be made by the Planning Committee.	
Recommendation: Approval	
Applicant Name and Address: Carncastle Properties C/O Agent	Agent Name and Address: Design and Management 2 Bellsbridge Office Park 100 Ladas Drive Belfast BT6 9FH
Executive Summary: Retrospective application for the relocation of four dwellings as well as other amendments discussed below to the scheme previously approved under planning reference P/2009/0278/F. Having considered all of the material considerations, approval is recommended subject to conditions and informatives.	
Signature(s):	

Case Officer Report		
Site Location Plan: See final page of report		
Consultations:		
Consultation Type	Consultee: Transportni	Response Substantive response, content subject to conditions and informatives
Representations:		
Letters of Support	None Received	
Letters of Objection	6	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Issues involve the retrospective relocation of four dwellings previously approved with changes to the rear returns as well as the area of open space. Issues have been raised by objectors, all of which are considered below. All material planning considerations have been assessed before coming to this recommendation of approval.</p>		
Characteristics of the Site and Area		
<p>This site is accessed off Carnagat Road and is located within a newly constructed housing development, namely Mullach Allainn. The land slopes from the top of the development towards the rear boundary, with the dwellings following the site contours. 36 semi-detached dwellings have been built within the development; the first 22 units are part of phase one of development and are all semi-detached, two storey finished with red brick. The units in the second phase of development are also two –storey high, semi-detached and finished in external light brown coloured brick. This site is concerned with the four units located in the south eastern corner of the second phase of development as well as the area of open space.</p> <p>By way of designations, the site itself is situated within the settlement development limit of Newry and also forms part of committed Housing zoning NY 35 (Housing to the south east of Carnagat Park). The surrounding area is predominantly residential in character with Daisy Hill Hospital sited under 1km to the south east.</p> <p>The proposal is for full retrospective planning permission for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved planning application P/2009/0278/F and external rear return and area of open space (amended plans and description). Both sets of dwellings have been moved closer to the access road.</p>		
Planning Assessment of Policy and Other Material Considerations		
<p>History P/1997/0893/O; outline permission was granted in March 1998 on lands between Carnagat Road and Hospital Road for a site for housing development (30 dwellings).</p>		

P/2000/1013/F; full permission was granted in January 2001 for the erection of 8 dwellings and an estate road at Carnagat Road, to the rear of No's 24 and 32 Hospital Road.

P/2002/0581/F; full permission was granted in January 2003 on sites 9 and 10, 23 and 24 in Mullach Alainn for the erection of two pairs of two storey semi detached dwellings.

P/2009/0278/F; full permission granted in October 2009 for a proposed residential development of 14 units with associated site works. The site was on lands adjacent to 20 and 25 Mullach Alainn.

The agent submitted to the Department plans that he wished to be considered as a minor amendment to the above application (P/2009/0278/F). In his letters dated 3rd September 2013 and 16th October 2013, he noted that the rear returns as approved on the block plan did not match those approved on the floor plans. This was the only aspect of the development he wished to be considered as a minor amendment and further advised that an application had been submitted to deal with the repositioning of dwellings at No's 31, 33, 35 and 37. The Department approved this detail as a minor amendment and issued the letter detailing this on 22nd October 2013.

Consideration:

As detailed above, full planning permission for the erection of 14 units on lands adjacent to 20 and 25 Mullach Alainn was granted on 22nd October 2009. This current application is also for full permission and relates specifically to four of these 14 units. These four units are located in the south eastern corner of the development. The applicant has applied for the retention of these units in their current location and for amendments to the external rear returns. The four dwellings at No's 31, 33, 35 and 37 have not been built in accordance with the approved plans of P/2009/0278/F.

The four dwellings have all been built closer to the access road and have been moved up the site and closer to the first phase of development (No.31 is now approximately 5 metres closer to No.25). As a result of the moves, the amount of soft landscaping and grassy areas to the front of the dwellings has been reduced in order to allow for the parking of two cars.

The proposed block plan submitted under application P/2009/0278/F showed the rear return for the dwellings at No's 33 and 37 as being on the left side of the rear elevation. The floor plans showed these rear returns as being on the right side of the dwelling. The two plans were approved with this discrepancy. Under this application, the floor plans and the block plan match and the rear return is shown as constructed on the right side of the rear elevation for dwellings at No's 33 and 37.

The finishes of the dwellings approved were render walls, flat concrete roof tiles, double glazed windows and doors and upvc rainwater goods. As built, the dwellings have an external light brown coloured brick with white upvc windows and doors and black upvc rainwater goods. The chimneys have also been omitted and the canopy over the four doors, as shown on the plans, has not been put up. A close boarded fence to the rear and between each unit has been erected, with a decorative steel wire fence to the front of each unit and between front garden/car parking areas. This was not detailed on the approved drawings on application P/2009/0278/F. A crash barrier was erected at the end of the access road, with a close boarded fence behind this, separating the area designated as open space from the dwellings and this appears on the latest plans.

The Department and now the Planning Authority within the Council, have been in constant

contact with the applicant and his agent from the beginning of the process. The first meeting between the applicant, agent and the Department was held on 13th February 2014. At this meeting, the minor amendment to P/2009/0278/F was discussed, with the Department advising that as far as it was concerned, the minor amendment related only to the rear returns. Emails from the case officer and the agent reinforce this assertion. The agent stated that in his opinion, the minor amendment dealt with the rear return, the change from render to brick, the inclusion of railings at the front of the dwellings, the removal of the chimneys, the addition of the crash barrier and the rearrangement of parking to the front of the dwellings.

The Department advised that all the changes taken together amounted to more than a minor amendment. It was also raised at this meeting that there are other units within the development that have not been built in accordance with the approved plans. This came to light following site inspections and a site survey carried out by the Enforcement team.

The applicant stated that he was not aware of these other changes on site and agreed with his agent to carry out a full site survey and then submit the findings to the Department.

Other issues discussed at this meeting included the canopies over the front doors and the area of open space/walkway leading from the development to the Hospital Road. The applicant advised that he would be erecting the canopies prior to occupation, and would also be complying with the conditions of P/2009/0278/F in relation to landscaping, which required all landscaping works to be carried out prior to the occupation of any part of the development.

The agent submitted a site layout on 25th February 2014 showing that a further ten houses have not been built in accordance with the approved plans of P/2009/0278/F. The Senior Officer spoke to the agent on 12th March 2014 and advised that a full application to regularise the remaining dwellings would be required.

A separate application for the remaining ten units was received by the Department in April 2014. The reference number for this application is P/2014/0286/F.

Objections:

Objections received have been on behalf of the residents of Mullach Allaiinn Phase 1.

- (1) The application relates only to house No's 31, 33, 35 and 37 however the remaining properties have not been built in accordance with the approved plans.
- (2) The drawings are inaccurate and do not represent the dwellings constructed on site.
- (3) Objectors are seeking confirmation from the Department that these houses will remain as part of a private housing development as per approval P/2009/0278/F. They are aware of a social housing provider being interested in these units and have noted that the previous approval was for the extension of a private housing development.
- (4) The applicant (Carncastle Properties) is not the legal landowner. Land registry maps were submitted to justify this allegation.

Consideration of objections:

- (1) The Department and subsequently the Council, are aware that the remaining ten units within this second phase of development have not been built in accordance with the approved plans under P/2009/0278/F. The Department also drew this to the attention of the applicant and agent at an office meeting in February 2014. A separate application to rectify the breaches for the remaining ten dwellings was submitted to the Department in April 2014 and is concurrently, with this application, under consideration by the Planning Authority.

(2) Elevational drawings submitted by the agent and received by the Department on 11th February 2014 are in generally conformity with the dwellings as constructed. The door canopies as shown on the drawings have not been erected and the front elevation windows show a sash style window whereas on the ground, these windows have no detailing. Amendments to the drawings with regards the windows are required and have been requested from the agent, however this change is minor and if the recommendation to approve is agreed by Committee, then the decision notice will not issue until these drawings showing the windows as constructed have been received by the Planning Authority. In terms of the canopies, the developer has stated his intention to erect these prior to occupation and this will be conditioned by the Planning Authority on any approval notice (See condition 7).

(3) The Council cannot confirm that these dwellings are to remain private. The previously approved application (P/2009/0278/F) was for a 'Proposed residential development (14 no units) with associated site works'. It made no reference to it being an extension of the existing housing development and no condition was attached requiring the units to be occupied by private tenants only. In addition, this site was originally zoned in the Draft Banbridge/Newry and Mourne Area Plan 2015 (zoning NY47) for housing and one of the key site requirements was that 'a minimum of 19 dwellings shall be provided for social housing'. In the final plan document, this site became a committed housing zoning (NY35) with the Plan stating that it '...does not stipulate key site requirements for committed sites because future development will be subject to the conditions attached to planning permission'. However, the key site requirement relating to social housing provision was overlooked and not attached as a condition to the planning permission. Therefore, at this stage, and in line with prevailing advice, the Council cannot stipulate key site requirements and cannot require these dwellings to be provided for either social, or private housing.

(4) The residents association submitted copies of folios relating to the ownership of the site. This information, obtained from Land and Property Services, refer to folios AR62672 and AR120392; the first relating to the access road through the first phase of development, the latter relates to this current application site and the area of open space. The prior title of folio AR120392 was AR62672, and this folio was transferred to Erinvale Construction Ltd on 23rd April 2013. The objectors state that this information proves Erinvale Construction to be the legal landowner.

When queried with the agent, he provided the title register for folio AR121857, the prior title which was AR120392. This document states that Carncastle Properties Ltd is in ownership of this folio which relates to the red line of the site. The P1 form received by the Department on 10th January 2014 showed Carncastle Properties as the applicant and Certificate A was completed stating Carncastle Properties are in possession of the land. The Planning Authority is satisfied that the information presented at this stage of the application was accurate.

The spokesperson for the residents association has contacted the Department via telephone on a number of occasions and raised further issues. These included building control completion certificates, health and safety regulations, the conduct of the applicant on other housing sites and dealings between the applicant and the social housing provider as well as anti-social behaviour issues. All these issues are outside the remit of Planning and have not been considered as a material consideration by the Planning Authority.

Going back to the issue of ownership raised by objectors, the Planning Authority, was content that the area within the red line, was in the control and ownership of Carncastle Properties. However, following internal discussion, it was considered that the red line of this application needed to be amended to include the area of open space so as to ensure that this would allow the Planning Authority to place appropriate conditions relating to landscape management and maintenance plans and to ensure that the open space is brought to an appropriate standard prior to occupation of the dwellings. As a consequence, the agent was requested to submit amended

plans as well as a maintenance and management plan for the hard and soft landscape areas. A revised P1 form was submitted which amended the description to include the area of open space. The applicant/agent was asked to confirm ownership of the area of open space, and it emerged that Carncastle Properties have right of way over the area of open space and that the ownership of the area of open space currently rests with Erinvale Properties. As a consequence, Carncastle Properties served notice of the application to Erinvale Properties. All of this information was then advertised and neighbours were re-notified.

Following re-neighbour notification and re-advertisement, a further objection was received by the Mullach Alaiinn residents association on 27th November 2015. The issues raised were not new issues and included:

1. the details and specification of the open space, access to the open space and the issue of a locked gate, all of which have been considered in both application reports on this site. The Planning Authority is satisfied that these concerns have been addressed and will be conditioned appropriately and do not warrant refusal, with pre occupation requirements applied relating to the management and maintenance of the open space area. A new fence and gate shall be erected, however there will be no requirement for this to be locked.
2. Again, the residents raised the issue of ownership of the open space and concerns relating to the management company. The Planning Authority is content that the issue of ownership has been accurately addressed and concerns relating to the dissolving the management company have been dealt with via an appropriate condition (See condition 10).
3. The residents also raised the issue that some of the works have not been completed. This has been considered previously in this report and the canopy detailing shown on the plan will be negatively conditioned (See condition 7) and amended plans showing the windows as constructed have been requested from the agent and the decision will not issue until these drawings have been received.
4. The residents have also requested that a condition be put in place for private sale of the houses only, however as previously mentioned there are no key site requirements on this planning zoning and the Planning Authority cannot stipulate that the houses are for social or private sale.
5. The residents conclude that by requesting that the houses and land be completed in accordance with the originally approved plans, however the Planning Authority is content that this retrospective application is acceptable and should be approved, subject to appropriate conditions and informatives.

Conclusion:

History on this site dates back to March 1998 when the Department granted outline approval for a site for 30 dwellings. Full permission followed in January 2001 for the erection of eight units with a further four units was approved in January 2003. In October 2009, the Department granted full planning permission for the erection of 14 residential units.

As noted above, the principle of residential development at this site has already been established. Therefore, in assessing this application, the Planning Authority took into account the visual aspect of the development and the impact on existing and proposed residents from the re-siting of the dwellings. While the height and style of the dwellings as constructed is similar to those approved, there have been numerous changes to the external finishes. The Planning Authority, however, is satisfied that the effect of all these changes taken together does not detrimentally impact on the visual character of the development and the surrounding area. The dwellings are located at the end of a development that falls rather steeply from the adjoining Carnagat Road, with limited public views. The separation distance between a number of the

units has been reduced, however this has not led to any additional overlooking or overshadowing. The amount of soft landscaping to the front of the dwellings has also been reduced on some sites. Nevertheless, there still remains a small grassy strip to the front of each unit; which in turn helps reduce the dominance of hard landscaping.

Under Planning Policy Statement 7: Quality Residential Developments, the Planning Authority considers the proposal to be acceptable under Policy QD1 in that a quality, residential development has been created and recommends approval. Transportni are satisfied with the Private Streets Determination drawings and have attached conditions and informatives.

The issues raised by the objectors have been taken into account however it is considered that they do not warrant a refusal in this instance.

Recommendation: Approval

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended subject to conditions and informatives.

Conditions:

1. Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This development will have deemed to have begun on the date development was initiated.

2. No dwelling shall be occupied until that part of the surface road which provides access to it has been constructed to base course; the final wearing course shall be provided on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

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

Reason: To ensure that there is a safe and convenient road system within the Development.

4. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root sytem and a mature height of less than 5mm shall be carried out in (verges/service strips) determined for

adoption.

Reason: To ensure that there is a safe and convenient road system within the Development.

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of two spaces per dwelling.

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

6. The access gradient of the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the public road boundary and a maximum of 10% thereafter.

Reason: In the interest of road safety

7. The canopy detailing as shown on the approved plans shall be erected prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure compliance with approved plans.

8. The area of open space shall be completed in accordance with Drawing 2 (Rev 1) prior to the occupation of the dwellings hereby approved.

Reason: To ensure the area of open space is brought to an appropriate standard.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development in accordance with stamped approved drawings No 02 (Rev 1) which was received on 14th September 2009.

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

10. All areas of public open space and communal landscaping as shown on the approved drawings shall be maintained in accordance with the approved Landscape Management and Maintenance Plan drawing. The Plan shall cover a minimum period of 20 years. With regard to the developer's management company, prior to the occupation of the dwellings, it shall be demonstrated to the planning Authority what fallback measures will be provided in the event of the management company breaking down (re. para. 5.19, part (iii) – page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Recreation.

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

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

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



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

Application Reference:

LA07/2013/0632/F; LA07/2014/0286/F.

Dates Received:

03 September 2013; 26 March 2014

Proposal:

Retrospective permission for relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original permission P/2009/0278/F and external changes to gardens and driveways and are of open space (amended description).

Location:

Adjacent to 20 and 25 Mullach Allian , Carnagat Road, Newry BT35 8UU.

Addendum to Case Officer Report

At a previous meeting of the Planning Committee, on 13 April 2016, it was agreed to withhold issuing a decision pending further engagement by Planning Department officials with the applicant regarding a number of issues of concern:

- Provision/landscaping/future maintenance of green amenity area;
- Health and safety areas regarding embankment, pathway, fencing, derelict building and garage;
- Porches;
- Illicit dumping

A subsequent meeting was held with the agent, in Monaghan Row on 4 May 2016, to discuss the issues related to the above. The agent has submitted additional information, to address the issues raised at the last Planning Committee Meeting.

Additional letters of objection, dated 28 July 2016, 10 August 2016 and 24 October 2016, have also been received by the Planning Department, following the Planning Committee meeting.

The issues raised were largely referred to in previous letters of objection. They relate to the detailed design, layout and management of the area of open space; the nature of the proposed pedestrian link, in the context of the previous approval; the nature of the fencing/safety barriers/gates; the need for internal safety lighting; the gradient of the proposed pathways; and the future ownership and maintenance of the area of open space. These issues were also raised at the previous Planning Committee meeting and subsequently referred directly to the applicant, by the Planning Department.

In response, the applicant has now submitted revised drawings for consideration, as referred to above. Details are available on file and on the planning portal. The Planning Department has considered these amended details and the additional letters of objection, as summarised as follows:

- The agent has now provided amended detailed plans to include: a wider 'stepped' pedestrian path based on compacted gravel and treated timber risers; the provision of 900mm high fencing on the high side of the path; lighting on the pathway; buffer boundary planting; and a 1.8 metre fence to be erected to form a boundary between the pedestrian path and No 32, the property adjacent to Hospital Road; inclusion of vehicle barriers at both entrances.

It is considered that the proposed pathway treatments reflect the prevailing site conditions and address the nature of the existing gradients. The measures outlined in the submitted Management and Maintenance Plan, in relation to the grassed area are in keeping with and reflect the nature of the proposed area of open space. The provision of a barrier at the entrance to the open space from the housing area was required by Transport NI. While it is acknowledged that full details of the fencing or barriers have not been

submitted, as requested, these can be covered by planning condition, prior to occupation of the dwellings;

- The open space, as originally approved, was intended to perform as both an area of amenity space and pedestrian pathway, based on the terms of the original approval Ref No P/2009/0278, approved on 22 October 2009. This area was always intended to be an area of public open space to serve the residents of the Mullach Alainn housing development, in line with Policy OS 2 of PPS 8. This was clearly reflected in Condition No 3 on the formal approval notice and any reference, in the approved detailed drawings, (including the Private Streets Order drawings), to the pedestrian link being private was in the context of the pathway remaining un-adopted. It is acknowledged that the residents association has requested that the area of open space and pedestrian access link remain private, with a locked gate on the Hospital Road end. However, it was always intended to provide a pedestrian link to Hospital Road and while the approved plans referred to the provision of gates there was no requirement that this should be locked. In these circumstances, it would not be practical to stipulate that the gated access should be locked, as is suggested.
- The developer has provided further clarification on the future maintenance arrangements for the area of open space, in recent correspondence to the Planning Department. A Management Company has been set up by Carncastle consisting of 14 shareholders, one for each property. The future members of the Management Company, will be responsible for the maintenance of the open space and any related issues. The developer has appointed Carlingford Lough Property Management to carry out the maintenance work identified in the submitted Management and Maintenance Plan on behalf of the Management Company. This includes a clearance strategy for litter. It is also noted that Paragraph 3.1 of the Management and Maintenance Plan states that the plan will cover a 15 year period. A planning condition, already proposed to be attached to the formal approval notice, will require that it will

cover a period of 20 years with measures to ensure future management and maintenance of the open space, should the proposed management company be dissolved. It is considered that the proposed maintenance and management arrangements are in line with established practice.

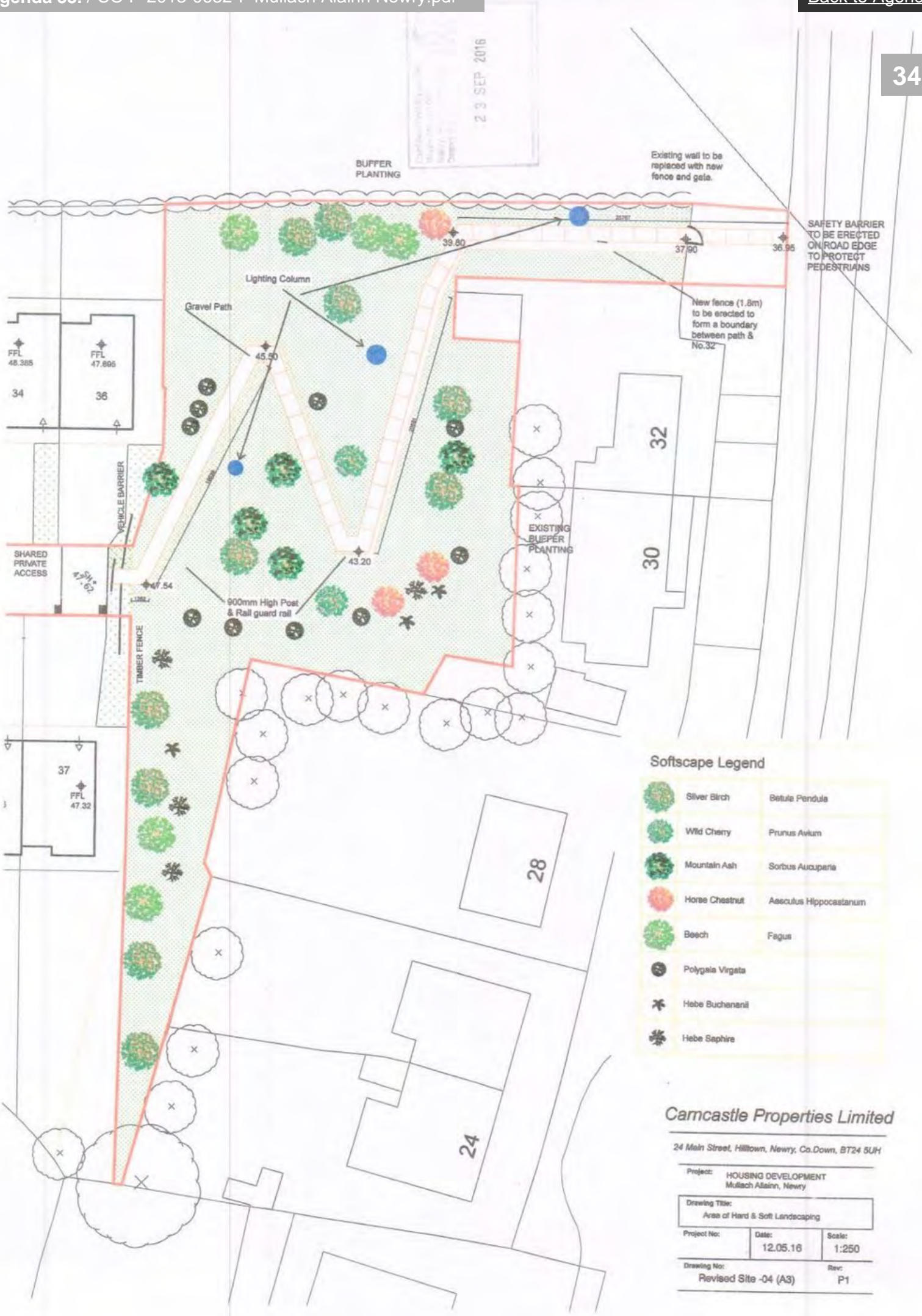
- The issue of ownership has been considered in line with normal practice. While issues of land ownership are not a matter for planning, the Planning Department is satisfied in this instance, based on the information submitted by the applicant, that this matter has been satisfactorily handled.
- In relation to the proposed porches, a planning condition can be imposed on any subsequent approval seeking their provision prior to the occupation of the approved units. The developer has confirmed his acceptance of this approach and his intention to provide the porches on this basis.

Having considered the additional letters of objection and additional information submitted by the applicant it is considered that the application can be recommended for approval with appropriate planning conditions attached, as previously recommended above and as suggested below:

No dwelling hereby approved shall be occupied until full details of the proposed boundary treatments, fencing, safety barriers and lighting are submitted to the Planning Department of Newry, Mourne and Down District Council for agreement.

Reason: In the interests of proper planning.

Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date:	28 October 2016



Softscape Legend

	Silver Birch		Betula Pendula
	Wild Cherry		Prunus Avium
	Mountain Ash		Sorbus Aucuparia
	Horse Chestnut		Aesculus Hippocastanum
	Beech		Fagus
	Polygala Virgata		
	Hebe Buchananii		
	Hebe Sapphire		

Camcastle Properties Limited

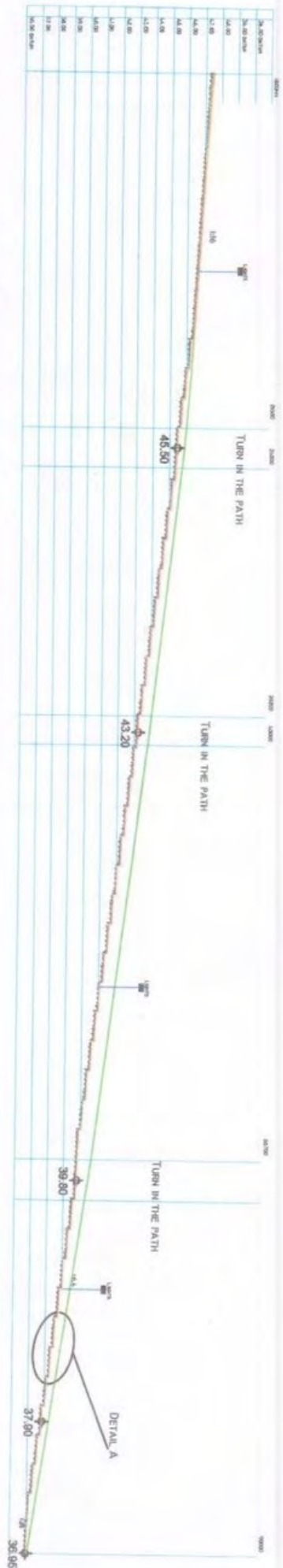
24 Main Street, Hilltown, Newry, Co. Down, BT24 5UH

Project: HOUSING DEVELOPMENT
Mullach Alaiinn, Newry

Drawing Title:
Area of Hard & Soft Landscaping

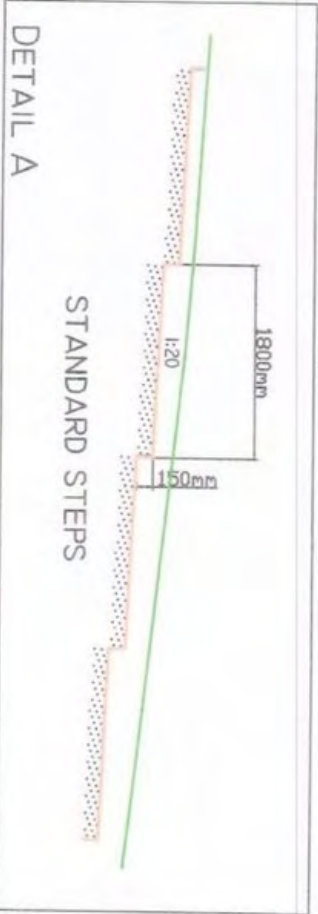
Project No:	Date:	Scale:
	12.05.16	1:250

Drawing No:	Rev:
Revised Site -04 (A3)	P1



ORIGINAL LAND LEVEL
 PROPOSED NEW STEPPED PATH

STANDARD STEPS
 MINIMUM 150MM BEDED AND COMPACTED GRAVEL BED.
 200MM X 50MM TREATED TIMBER RISER.
 PATH TO BE NO LESS THAN 1200MM WIDE



23 SEP 2018

Camcastle Properties Limited

24 Main Street, Hilltown, Newry, Co. Down, BT24 5UH

Project: HOUSING DEVELOPMENT
 Mullach Alaiinn, Newry

Drawing Title: Path steps sections & details

Project No: 12.05.18
 Date: 12.05.18
 Scale: NTS

Drawing No: Path sections
 Rev: P1

Submission Document

HEALTH & SAFETY

Carncastle have made reference to the topography of the land being quite steep. The land on which the houses were built was originally flat with a large mound at the end. As the developer had no intention of providing a green area, he therefore cut into the Land to create an extension of the gradient associated with phase one.

If the land was so steep in 2009, why did the planning department approve the layout of walkway and include a grassed area, as indicated in the original plans?

The sheer drop created by the developer on the left hand side represents a significant Health and Safety breach. The Health and Safety Executive visited the site in relation to a sewer pipe being broken as a result of a wall sinking by several feet and contaminating ground space.

Following the alteration of topography, a resident on the Hospital Rd had to contact Newry and Mourne Council Re: run-off from the site.

The residents believe that the developer is using the current topography as an excuse to avoid his responsibilities and comply with original approval. The developer has the resources to address the topography and complete the amenity space in accordance with 2009 statutory approval.

It is not 'fit for purpose' in terms of SSP8 requirements of a green area and must be laid out in accordance with what was approved in 2009 . It must be fully inspected prior to approval. If the developer refuses to carry out works prior then enforcement action must be taken as the green area being in situ is a condition of sale; a fact he chose to ignore when he used an unregistered estate agent to market the houses in September 2012... Work on the amenity space only commenced in June 2014, at the insistence of the planning department!

The residents consider unlocked gates and the continued use of the site as a public access route to be a breach of the original planning approval. It clearly states walkway/pedestrian link to remain private. As unlocked gates will do nothing to deter unauthorised access, shareholders, in the event of management company breakdown, should not be subject to the evident costs incurred due to it being left open to the general public. If the department remains resolute in leaving the gates open, then the onus is on the department to ensure that the future management of the site falls to the council, as is common practice in all public open spaces

The residents fail to comprehend why, in the interests of self preservation and to secure future prosecution, why the gates cannot be locked. What was the point of including gates if they were not to be secured to prevent public access.

Prior to the amenity space being opened up, the residents of Mullach Alainn were fortunate not to be subject to anti-social behaviour(police report as evidence) . The use of the green area as a public access route and the subsequent human traffic has severely impacted on the mental health and well being of the existing residents.

In terms of the walkway, the residents object to it being stepped as this would render it inaccessible to pram and wheel chair users.

FENCING

In respect of the fencing Carncastle has stated 'has been/ will be erected at a high of 900mm. Not acceptable. Fencing needs to be of galvanized steel and would need to be higher than 900mm.

Can the department clarify whether it is acceptable for barrier fencing to be a requirement in an area designated to be an amenity space?

What are the legal implications of its inclusion, given that barrier fencing will not prevent fatal injury as a result of the gradient created by the the developer.

OWNERSHIP

In accordance with the 2009 approval, the green area must be in situ before the houses are occupied. The developer claims that he will not carry out further works until approval is granted. The residents have no doubt that Erinvale Construction Ltd, the legal and beneficial owners of the intended amenity space, will voluntarily dissolve post approval; this would conveniently prevent Carncastle from following through. The proposed green area must be **transferred** into Carncastle's name and copy of fully registered Deed of Transfer to be submitted.

Management

We note that Carncastle have stated that 'overall management of the 'green area' is specifically outlined in the management plan for the site'. The management plan submitted by Carncastle does not extend beyond a 5 year term and indicates that future management will become the sole responsibility of the shareholders. The residents can find no logical reason as to why a new management plan had to be submitted. The future **management of the proposed amenity space should be absolute and the residents expect the original 25 year management plan** to be applied following completed

works!

In relation to the hand-picked management company, Carncastle have no legal entitlement to the said land and therefore the setting up of the management company and future maintenance is currently the responsibility of Erinvale, the holders of legal title. Carncastle would not be in possession of the necessary legal documentation in order to transfer title to shareholders.

We also note that Carncastle have stated 'that if for some reason Carlingford Lough Property Management Company fail to carry out works per schedule then the shareholders can appoint another Company'. The sub-text of this statement suggests that Carlingford Loughs involvement will be short lived, particularly as Carncastle go on to say that the 'shareholders have a duty to maintain the area and we can only assume that if this is not done satisfactorily they would be in breach and thus liable to an enforcement order'.

To expect the ratepayers of Mullach Alainn to endure additional costs to maintain a public access route would essentially be discrimination.

Any potential purchasers of Phase 2 will have to be made aware of the management Company and the implications that may arise of the breakdown of the company. They will also have to be advised of the open space being used for public use by all other neighbouring estates and any damage caused that the shareholders will have to pay for it to be fixed, failing which they will then be in breach. Who would want to buy into this!!!!!!

The Residents in Phase 1 Mullach Alainn are under no obligation to enter into a Management company but have entitlement to use the green area. This means that the residents of phase 1 can take legal action due to damage or injury as a result of it being used as a public access route. This will also have to be legally disclosed to potential purchasers.

OTHER BREACHES

We would ask what is being done regarding all other breaches re; houses??? Are they just been forgot about.....

The residents would ask the committee members to refuse the 2 applications and request this developer to adhere to the original 2009 planning approval.

Photographs attached.

ITEM NO	21				
APPLIC NO	P/2014/0286/F	Full	DATE VALID	3/26/14	
COUNCIL OPINION	APPROVAL				
APPLICANT	Carncastle Properties 24 Main Street Hilltown Co. Down BT34 5UH		AGENT	C/O Applicant	
					(028) 406 38501
LOCATION	Adjacent to 20 and 25 Mullach Allann Carnagat Road Newry BT35 8UU				
PROPOSAL	Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	10	0		0	0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th March 2016	Item Number:
Application ID: P/2014/0286/F	Target Date:
Proposal: Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description)	Location: Adjacent to 20 and 25 Mullach Allann Carnagat Road Newry BT35 8UU
Referral Route: This application automatically went to the Briefing Panel on 23 rd February 2016 as representations were made by a residents association. The Briefing Panel then recommended that the decision should be made by the Planning Committee.	
Recommendation: Approval	
Applicant Name and Address: Carncastle Properties C/O Agent	Agent Name and Address: Design and Management 2 Bellsbridge Office Park 100 Ladas Drive Belfast BT6 9FH
Executive Summary: Retrospective application for the relocation of ten dwellings as well as other amendments discussed below to the scheme previously approved under planning reference P/2009/0278/F. Having considered all of the material considerations, approval is recommended subject to conditions and informatives.	
Signature(s):	

Case Officer Report		
Site Location Plan: See final page of report		
Consultations:		
Consultation Type	Consultee	Response
Non Statutory	NI Transport - Downpatrick Office	Substantive Response Received - content subject to conditions and informatives
Representations:		
Letters of Support	None Received	
Letters of Objection	5	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Issues involve the retrospective relocation of four dwellings previously approved with changes to the rear returns as well as the area of open space. Issues have been raised by objectors, all of which are considered below. All material planning considerations have been assessed before coming to this recommendation of approval.</p>		
Characteristics of the Site and Area		
<p>This site is accessed off Carnagat Road and is located within a newly constructed housing development, namely Mullach Allainn. The land slopes from the top of the development towards the rear boundary, with the dwellings following the site contours. 36 semi-detached dwellings have been built within the development; the first 22 units are part of phase one of development and are all semi-detached, two storey finished with red brick. The 14 units in the second phase of development are also two –storey high, semi-detached and finished in external light brown brick. This red line of this site has been drawn around the ten units at No's 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 as well as the area of open space.</p> <p>By way of designations, the site itself is situated within the settlement development limit of Newry and also forms part of committed Housing zoning NY 35 (Housing to the south east of Carnagat Park). The surrounding area is predominantly residential in character with Daisy Hill Hospital sited under 1km to the south east.</p> <p>The proposal is for full retrospective planning permission for the relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original approved planning application P/2009/0278/F and external changes to gardens and driveways and area of open space. (Amended plans and description).</p>		

Planning Assessment of Policy and Other Material Considerations

History:

P/1997/0893/O; outline permission was granted in March 1998 on lands between Carnagat Road and Hospital Road for a site for housing development (30 dwellings).

P/2000/1013/F; full permission was granted in January 2001 for the erection of 8 dwellings and an estate road at Carnagat Road, to the rear of No's 24 and 32 Hospital Road.

P/2002/0581/F; full permission was granted in January 2003 on sites 9 and 10, 23 and 24 in Mullach Alann for the erection of two pairs of two storey semi detached dwellings.

P/2009/0278/F; full permission granted in October 2009 for a proposed residential development of 14 units with associated site works. The site was on lands adjacent to 20 and 25 Mullach Alann.

The agent submitted to the Department plans that he wished to be considered as a minor amendment to the above application (P/2009/0278/F). In his letters dated 3rd September 2013 and 16th October 2013, he noted that the rear returns as approved on the block plan did not match those approved on the floor plans. This was the only aspect of the development he wished to be considered as a minor amendment and further advised that an application had been submitted to deal with the repositioning of dwellings at No's 31, 33, 35 and 37. The Department approved this detail as a minor amendment and issued the letter detailing this on 22nd October 2013.

P/2013/0632/F; full application received by the Department in September 2013 which relates to four residential units at No's 31, 33, 35 and 37 Mullach Alann. The application is seeking full planning permission for the erection of these dwellings which are not built in accordance with application P/2009/0278/F. This 2013 application is being concurrently considered with this application by the Planning Authority.

Consideration:

There are two previous planning applications on this site. The first dates back to March 1997 and relates to an outline application for a site for housing development. This was approved in March 1998. The second application was for full planning permission for the erection of 14 units, approved by the Department in October 2009. Both the draft and current Banbridge, Newry and Mourne Area Plans have zoned this piece of land for housing.

Following the granting of full planning permission in October 2009, the 14 residential units were constructed. However, they were not built in accordance with the approved plans. In terms of the ten units forming part of this application, their external finish was changed from render to light brown coloured facing brick, chimneys were omitted, front door canopies were not erected and a decorative steel fence was put up between each unit. Only one set of semi-detached dwellings was built on the footprint approved (No's 22 and 24), with the remaining eight units all moved off plan. This resulted in changes to the front layout also, with the amount of soft landscaped/front garden areas being reduced to make way for the incurtilage parking of two cars. A crash barrier was erected at the end of the access road, with a close boarded fence behind this, separating the area designated as open space from the dwellings. Details relating to the contact between the agent and the Department from February 2014 until the submission of this application in April 2014 are detailed in the planning report to the application for the four dwelling under reference P/2013/0682/F.

Although seeking to regularise the development as built, this application is essentially for the

erection of ten residential units and the most relevant planning policy is QD1 which can be found in the Planning Policy Statement 7: Quality Residential Environments.

This proposal is considered to meet the criteria of QD1. The development respects the surrounding context, which is residential, and is appropriate to the character and topography of the site in terms of its layout, scale, proportions and massing, the overall appearance of the dwellings and the hard and soft landscaping areas. The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. Adequate provision has been made for private gardens to the rear of each unit with an area of open space at the end of the development. Incurtilage parking is available for two cars and Transport NI is satisfied with the Private Streets Determination drawings submitted and have attached conditions and informatives.

Objections:

Objections have been received on behalf of the Mullach Alann Private Residents Association.

- (1) The resident's state that the applicant only owns the 14 dwellings and not the area of open space, therefore the applicant cannot carry out works on land he does not own. The residents make reference to the directorship of the Erinvale Company and how this has changed hands over the course of this application.
- (2) The green area is intended to provide a private amenity space for the sole use of the residents of Mullach Alann and must include high and low ornamental planting and a private walkway with a private locked gate. The resident's state that the housing association interested in obtaining the 14 units is a public body and if they were in ownership of this land, it would contradict its private intended use.
The red line of this site does not match that of application P/2009/0278/F and the area of open space has been excluded from this current application. The residents are concerned that the area of open space will be used as a dumping ground. P/2009/0278/F has not expired and the residents insist that the green area at the end of the development is constructed as per the previous approval.
The walkway constructed by the developer in June 2014 is unsuitable for use by some elderly residents or those with prams and wheelchair users.
- (3) Concerns have been raised regarding the management company and the workability of the houses being under separate ownership from the area of open space. The residents state that the management company was to be created by the vendors with individual owners/occupiers paying for their services; therefore the residential units will have to remain in single ownership in order to ensure the management company remains throughout the 25 year programme.
- (4) The residents have stated that the developer created an artificial extension of the existing gradient and has not erected any retaining walls. They contacted the HSE with regards to the partial collapse of a garden wall and are aware of other signs of subsidence.
- (5) They raised concerns regarding the safety of driveways fronting living room windows.
- (6) The materials used in the construction of the dwellings are not in keeping with the higher specification of the dwellings in phase 1, and they have a negative visual impact on the dwellings constructed in phase 1. The objectors state these 14 units were built to a social housing standard but should complement the existing dwellings as the 2009 application was an extension of a private housing development.

Consideration:

(1) **Ownership:** an issue raised by the residents relates to the ownership of the land. The application site as submitted includes ten dwellings at No's 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36. The application form has been completed with Carncastle Properties as the applicant and Certificate A filled in stating that the applicant is in possession of the land to which the application relates. Documentation submitted by the agent in October 2014 confirmed this. The Planning Authority is satisfied that the issue of ownership has been accurately addressed. The director of a company and any changes to the directorship of a company is not a material planning consideration.

(2) **Area of open space:** the green area/area of open space originally did not form part of this application as it fell outside the red line. However, the residents have raised a number of concerns regarding this space. The first concern relates to the private use of the area, by Mullach Allainn residents only. A note on drawing No. 04 of the approved application P/2009/0278/F states that the 'pedestrian link to Hospital Road to remain private'. However, no such condition was attached to the approval notice, and while the Planning Authority can condition that the pedestrian link is constructed (as per condition 9 in attached conditions which requires all hard and soft landscaping works to be carried out prior to the occupation of any part of the development), it cannot condition who uses this link, which would be unenforceable, or who maintains this link. The residents have stated that the gate shown on drawing No.4 was to be locked with each resident given a key. Again, this was not agreed as part of the previous planning approval (P/2009/0278/F), with no references to a locked gate on either the stamped approved drawings or on the decision notice.

As correctly stated by the residents association, P/2009/0278/F has not expired and as no part of the development has been occupied the developer is not in breach of the landscaping condition No.2 of the previous approval. Condition number 2 of the previous approval is similar to the recommended condition 9 for this approval which is discussed above.

The Department were concerned also that the area of open space would not be constructed and so requested that the developer create the walkway and carry out landscaping as approved under application P/2009/0278/F. The Department inspected the pedestrian link on 12th November 2014 and was generally satisfied that the works carried out to date were acceptable. Subsequently, the Planning Authority have received complaints relating to the standard of the pathway/ walkway and in order to deal with this issue the Council deemed it appropriate to include the area of open space within the application site boundary so as to ensure that the Council could place appropriate conditions relating to landscape management and maintenance plans and to ensure that the open space is brought to an appropriate standard prior to occupation of the dwellings and maintained thereafter.

(3) **Management Company:** a management company is set up to take responsibility for the upkeep, maintenance, and insurance of common areas, amenities and services. The most common type of Management Company is made up of the owners who have an equal share in the common areas, services and amenities and have equal voting rights. Other types of management companies are available and include the developer retaining ownership of these areas, all unit owners sharing ownership or a private company assuming ownership and responsibility for maintenance. A landscape management and maintenance plan has been submitted with this application and similar to the management plan approved under the former application, this plan does not set out how the management company will be set up or how it will be run. Condition 10 has been attached to this recommendation with regards to the management company to ensure the long term maintenance of the public open space and landscaping.

(4) **Subsidence of the site:** the residents association have submitted photographs showing

cracks in a garden wall and stated that a HSE officer, who visited the site, advised them the cracks were caused by subsidence of the site. The main indicator of subsidence is cracks, however not all cracks can be attributed to the condition and subsidence can only be confirmed by a structural surveyor.

(5) Parking: there is no planning guidance with regards the provision of driveways fronting living room windows. Creating Places actually recommends that incutillage parking provision is located so it can be informally supervised from inside the dwelling and by passers-by. Transport NI has been consulted with the application and has raised no issues regarding the safety of the access road or parking.

(6) Design: application P/2009/0278/F was approved for a 'Proposed residential development (14 units) with associated site works on lands adjacent to 20 and 25 Mullach Alann. The design of the houses, and the materials to be used in their external finish, were not the same as those in 'phase 1' and so this part of the development would always have been visually different from the first phase. Taking this into account, and the location of the 14 units at the end of the sloping development, the Planning Authority does not agree that the development detracts from the visual aesthetics of the street.

A revised P1 form was submitted in October 2015 which amended the description to include the area of open space. The applicant/agent was asked to confirm ownership of the area of open space, and it emerged that Carncastle Properties have right of way over the area of open space and that the ownership of this still currently rests with Erinvale Properties. As a consequence, Carncastle Properties served notice of the application to Erinvale Properties. All of this information was then advertised and neighbours were renotified.

Following re-neighbour notification and re-advertisement, a further objection was received by the Mullach Alann residents association on 27th November 2015. The issues raised were not new issues and included:

1. the details and specification of the open space, access to the open space and the issue of a locked gate, all of which have been considered in both application reports on this site. The Planning Authority is satisfied that these concerns have been addressed and will be conditioned appropriately and do not warrant refusal, with pre occupation requirements applied relating to the management and maintenance of the open space area. A new fence and gate shall be erected, however there will be no requirement for this to be locked.
2. Again, the residents raised the issue of ownership of the open space and concerns relating to the management company. The Planning Authority is content that the issue of ownership has been accurately addressed and concerns relating to the dissolving the management company have been dealt with via an appropriate condition (See condition 10).
3. The residents also raised the issue that some of the works have not been completed. This has been considered previously in this report and the canopy detailing shown on the plan will be negatively conditioned (See condition 7) and amended plans showing the windows as constructed have been requested from the agent and the decision will not issue until these drawings have been received.
4. The residents have also requested that a condition be put in place for private sale of the houses only, however as previously mentioned there are no key site requirements on this planning zoning and the Planning Authority cannot stipulate that the houses are for social or private sale.
5. The residents conclude that by requesting that the houses and land be completed in accordance with the originally approved plans, however the Planning Authority is content that this retrospective application is acceptable and should be approved, subject to appropriate conditions and informatives.

Conclusion:

History on this site dates back to March 1998 when the Department granted outline approval for a site for 30 dwellings. Full permission followed in January 2001 for the erection of eight units with a further four units was approved in January 2003. In October 2009, the Department granted full planning permission for the erection of 14 residential units.

As noted above, the principle of residential development at this site has already been established. Therefore, in assessing this application, the Planning Authority took into account the visual aspect of the development and the impact on existing and proposed residents from the re-siting of the dwellings. While the height and style of the dwellings as constructed is similar to those approved, there have been numerous changes to the external finishes. The Planning Authority, however, is satisfied that the effect of all these changes taken together does not detrimentally impact on the visual character of the development and the surrounding area. The dwellings are located at the end of a development that falls rather steeply from the adjoining Carnagat Road, with limited public views. The separation distance between a number of the units has been reduced, however this has not led to any additional overlooking or overshadowing. The amount of soft landscaping to the front of the dwellings has also been reduced on some sites. Nevertheless, there still remains a small grassy strip to the front of each unit, which in turn helps reduce the dominance of hard landscaping.

Under Planning Policy Statement 7: Quality Residential Developments, the Planning Authority considers the proposal to be acceptable under Policy QD1 in that a quality, residential development has been created and recommends approval. Transportni are satisfied with the Private Streets Determination drawings and have attached conditions and informatives.

The issues raised by the objectors have been taken into account however it is considered that they do not warrant a refusal in this instance.

Recommendation: Approval

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval is recommended subject to conditions and informatives.

Conditions:

1. Planning permission is hereby granted in retrospect under Section 55 of the Planning Act (Northern Ireland) 2011 and takes effect from the date of this permission.

Reason: This development will have deemed to have begun on the date development was

initiated.

2. No dwelling shall be occupied until that part of the surface road which provides access to it has been constructed to base course; the final wearing course shall be provided on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

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

Reason: To ensure that there is a safe and convenient road system within the Development.

4. Notwithstanding the provisions of the Planning (General Development) Order (NI) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 5m shall be carried out in (verges/service strips) determined for adoption.

Reason: To ensure that there is a safe and convenient road system within the Development.

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of two spaces per dwelling.

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

6. The access gradient of the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the public road boundary and a maximum of 10% thereafter.

Reason: In the interest of road safety

7. The canopy detailing as shown on the approved plans shall be erected prior to the occupation of any of the dwellings hereby approved.

Reason: To ensure compliance with approved plans.

8. The area of open space shall be completed in accordance with Drawing 2 (Rev 1) prior to the occupation of the dwellings hereby approved.

Reason: To ensure the area of open space is brought to an appropriate standard.

9. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development in accordance with stamped approved drawings No 02 (Rev 1) which was received on 14th September 2009.

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

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10. All areas of public open space and communal landscaping as shown on the approved drawings shall be maintained in accordance with the approved Landscape Management and Maintenance Plan drawing. The Plan shall cover a minimum period of 20 years. With regard to the developer's management company, prior to the occupation of the dwellings, it shall be demonstrated to the planning Authority what fallback measures will be provided in the event of the management company breaking down (re. para. 5.19, part (iii) – page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Recreation.

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

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

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

Signature(s)

Date:



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

Application Reference:

LA07/2013/0632/F; LA07/2014/0286/F.

Dates Received:

03 September 2013; 26 March 2014

Proposal:

Retrospective permission for relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original permission P/2009/0278/F and external changes to gardens and driveways and are of open space (amended description).

Location:

Adjacent to 20 and 25 Mullach Allian, Carnagat Road, Newry BT35 8UU.

Addendum to Case Officer Report

At a previous meeting of the Planning Committee, on 13 April 2016, it was agreed to withhold issuing a decision pending further engagement by Planning Department officials with the applicant regarding a number of issues of concern:

- Provision/landscaping/future maintenance of green amenity area;
- Health and safety areas regarding embankment, pathway, fencing, derelict building and garage;
- Porches;
- Illicit dumping

A subsequent meeting was held with the agent, in Monaghan Row on 4 May 2016, to discuss the issues related to the above. The agent has submitted additional information, to address the issues raised at the last Planning Committee Meeting.

Additional letters of objection, dated 28 July 2016, 10 August 2016 and 24 October 2016, have also been received by the Planning Department, following the Planning Committee meeting.

The issues raised were largely referred to in previous letters of objection. They relate to the detailed design, layout and management of the area of open space; the nature of the proposed pedestrian link, in the context of the previous approval; the nature of the fencing/safety barriers/gates; the need for internal safety lighting; the gradient of the proposed pathways; and the future ownership and maintenance of the area of open space. These issues were also raised at the previous Planning Committee meeting and subsequently referred directly to the applicant, by the Planning Department.

In response, the applicant has now submitted revised drawings for consideration, as referred to above. Details are available on file and on the planning portal. The Planning Department has considered these amended details and the additional letters of objection, as summarised as follows:

- The agent has now provided amended detailed plans to include: a wider 'stepped' pedestrian path based on compacted gravel and treated timber risers; the provision of 900mm high fencing on the high side of the path; lighting on the pathway; buffer boundary planting; and a 1.8 metre fence to be erected to form a boundary between the pedestrian path and No 32, the property adjacent to Hospital Road; inclusion of vehicle barriers at both entrances.

It is considered that the proposed pathway treatments reflect the prevailing site conditions and address the nature of the existing gradients. The measures outlined in the submitted Management and Maintenance Plan, in relation to the grassed area are in keeping with and reflect the nature of the proposed area of open space. The provision of a barrier at the entrance to the open space from the housing area was required by Transport NI. While it is acknowledged that full details of the fencing or barriers have not been

submitted, as requested, these can be covered by planning condition, prior to occupation of the dwellings;

- The open space, as originally approved, was intended to perform as both an area of amenity space and pedestrian pathway, based on the terms of the original approval Ref No P/2009/0278, approved on 22 October 2009. This area was always intended to be an area of public open space to serve the residents of the Mullach Alann housing development, in line with Policy OS 2 of PPS 8. This was clearly reflected in Condition No 3 on the formal approval notice and any reference, in the approved detailed drawings, (including the Private Streets Order drawings), to the pedestrian link being private was in the context of the pathway remaining un-adopted. It is acknowledged that the residents association has requested that the area of open space and pedestrian access link remain private, with a locked gate on the Hospital Road end. However, it was always intended to provide a pedestrian link to Hospital Road and while the approved plans referred to the provision of gates there was no requirement that this should be locked. In these circumstances, it would not be practical to stipulate that the gated access should be locked, as is suggested.
- The developer has provided further clarification on the future maintenance arrangements for the area of open space, in recent correspondence to the Planning Department. A Management Company has been set up by Carncastle consisting of 14 shareholders, one for each property. The future members of the Management Company, will be responsible for the maintenance of the open space and any related issues. The developer has appointed Carlingford Lough Property Management to carry out the maintenance work identified in the submitted Management and Maintenance Plan on behalf of the Management Company. This includes a clearance strategy for litter. It is also noted that Paragraph 3.1 of the Management and Maintenance Plan states that the plan will cover a 15 year period. A planning condition, already proposed to be attached to the formal approval notice, will require that it will

cover a period of 20 years with measures to ensure future management and maintenance of the open space, should the proposed management company be dissolved. It is considered that the proposed maintenance and management arrangements are in line with established practice.

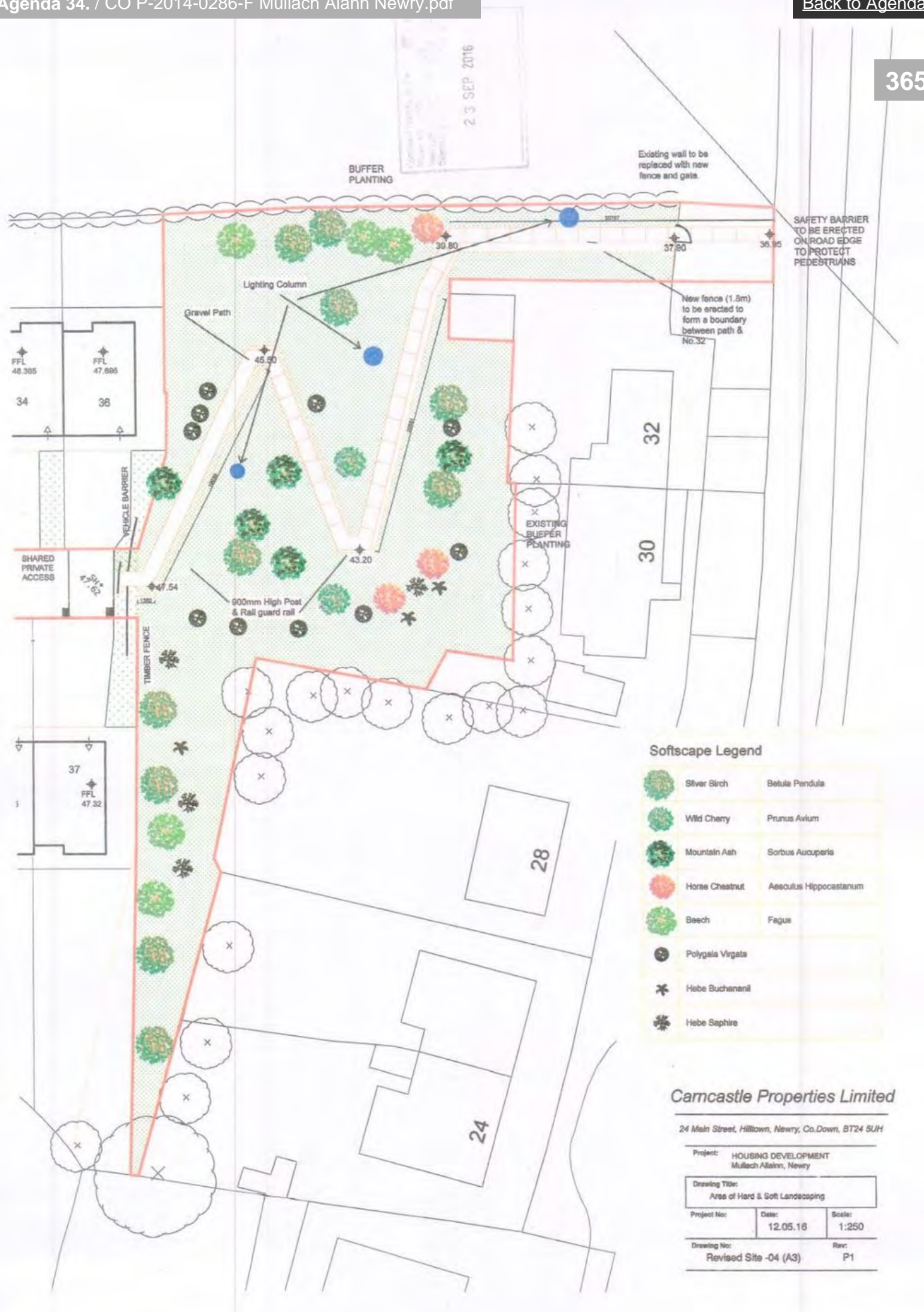
- The issue of ownership has been considered in line with normal practice. While issues of land ownership are not a matter for planning, the Planning Department is satisfied in this instance, based on the information submitted by the applicant, that this matter has been satisfactorily handled.
- In relation to the proposed porches, a planning condition can be imposed on any subsequent approval seeking their provision prior to the occupation of the approved units. The developer has confirmed his acceptance of this approach and his intention to provide the porches on this basis.

Having considered the additional letters of objection and additional information submitted by the applicant it is considered that the application can be recommended for approval with appropriate planning conditions attached, as previously recommended above and as suggested below:

No dwelling hereby approved shall be occupied until full details of the proposed boundary treatments, fencing, safety barriers and lighting are submitted to the Planning Department of Newry, Mourne and Down District Council for agreement.

Reason: In the interests of proper planning.

Case Officer Signature:	
Date:	
Appointed Officer Signature:	
Date:	28 October 2016



Existing wall to be replaced with new fence and gate.

SAFETY BARRIER TO BE ERECTED ON ROAD EDGE TO PROTECT PEDESTRIANS

New fence (1.8m) to be erected to form a boundary between path & No.32

32

30

28

24

FFL 48.385

FFL 47.695

34

36

SHARED PRIVATE ACCESS

VEHICLE BARRIER

TIMBER FENCE

FFL 47.32

37

Lighting Column

Gravel Path

900mm High Post & Rail guard rail

EXISTING BUFFER PLANTING

BUFFER PLANTING

23 SEP 2016

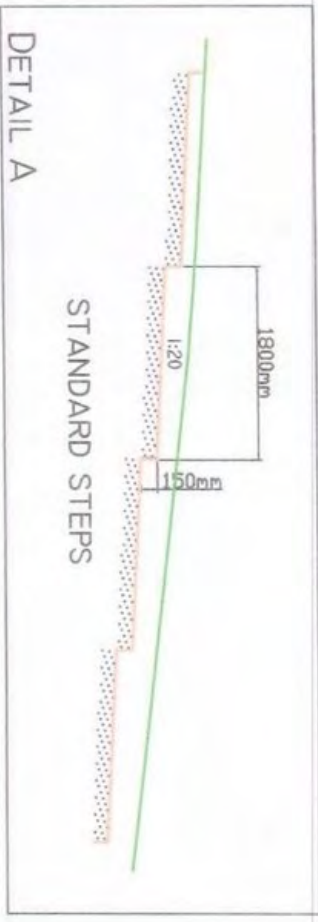
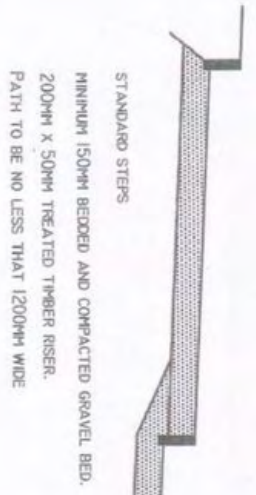
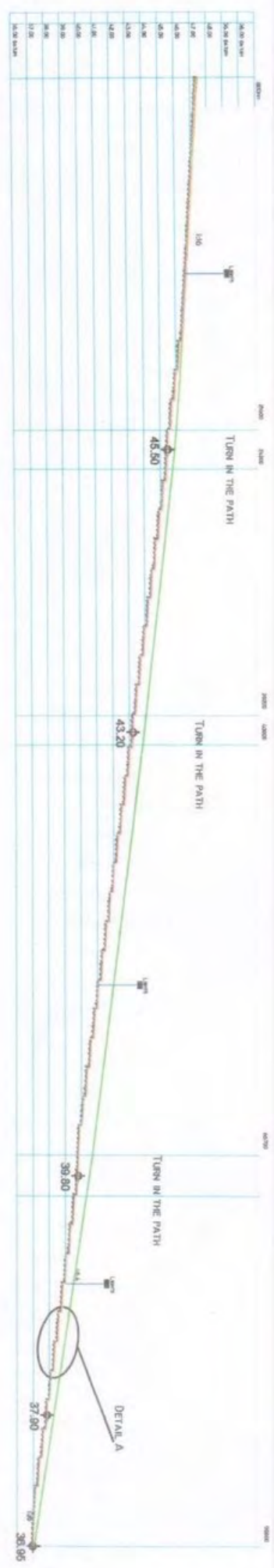
Softscape Legend

	Silver Birch	Betula Pendula
	Wild Cherry	Prunus Avium
	Mountain Ash	Sorbus Aucuparia
	Horse Chestnut	Aesculus Hippocastanum
	Beech	Fagus
	Polygala Virgata	
	Hebe Buchanani	
	Hebe Saphire	

Camcastle Properties Limited

24 Main Street, Hilltown, Newry, Co. Down, BT24 5UH

Project: HOUSING DEVELOPMENT Mullach Alann, Newry		
Drawing Title: Area of Hard & Soft Landscaping		
Project No:	Date: 12.05.16	Scale: 1:250
Drawing No: Revised Site -04 (A3)		Rev: P1



2 3 SEP 2018

Camcastle Properties Limited

24 Main Street, Hilldown, Newry, Co. Down, BT734 5LH

Project: HOUSING DEVELOPMENT
 Mullach, Alalain, Newry

Drawing Title: Path steps sections & details

Project No.:	Date:	Scale:
	12.05.16	NTS
Drawing No.:	Rev.:	
Path sections	P1	

Agenda Item:	Six Month Update on the Planning Review
Report to:	Regulatory and Technical Services Committee
Subject:	Review of Development Management Function of the Planning Department following a report by Jim McKinnon in February 2016.
Date:	19th October 2016
Reporting Officer:	Canice O'Rourke
Contact Officer:	Anthony McKay

Decisions Required

Members are asked to consider the report and approve the recommendations.

1.0 Purpose & Background

1.1 During January and February 2016 Jim McKinnon undertook a review of the Development Management function within the Council's Planning Department.

Following a presentation to a Special Council meeting on 17th February 2016, Council approved a series of recommendations and committed to a review after six months.

A copy of the original report is attached at Annex 1.

This report reviews the progress against those recommendations and the impact this has had on the function and for ease of reference, follows the format of the original report

2.0 Key Issues

2.1 This review deals with the recommendations as set out under the Key Issues section of the original report of February 2016.

Tackling The Backlog:

- *To enable urgent and sustained effort to be focused on the backlog, work on the Area Plan be temporarily suspended, and the Area Plan resource be diverted to work on straight forward applications in the backlog*

This recommendation was implemented and while it has had a detrimental impact on the progress towards the production of the NMD Local Area Plan, it significantly increased the throughput of outstanding applications for determination, both through delegated authority and for decision by committee.

- *Consideration be given to the appointment of short term 3rd party resource (consultants) to specifically focus on the more detailed and complex applications in*

the backlog, on-going Appeals and the Area Plan

Following detailed consideration it was believed that by the date of the report (February 2016), sufficient additional resources, in the form of temporary and agency staff, had already been put in place and that the appointment of consultants at that stage was unnecessary.

- *To facilitate the potentially increased throughput of applications requiring committee decisions, additional committee meetings are scheduled as required*

Additional Committee meetings were scheduled, with Committee meeting twice a month through April, May and June. The significantly increased throughput of applications but has also necessitated additional committee meetings in September and October, with the intention of continuing these additional meetings until the end of this calendar year.

- *The priorities used to determine the order in which applications are addressed, should be reviewed, agreed and thereafter adhered to, until such time as the backlog has been removed*

This recommendation has been implemented and while applications are still prioritised with respect to grant funding, economic development and personal need, additional factors such as ease of turn round and length of time on the backlog are also taken into consideration. The availability of additional resource has also enabled specific applications to be reprioritised as necessary.

- *Applications to be considered and progressed in non-chronological order*

This recommendation has been implemented and has therefore allowed for additional criteria to be legitimately considered when prioritising an application.

The Council's Planning Department inherited almost 1200 live applications in April 2015. The figure for live applications rose to almost 1600 in January 2016. As a result of the actions taken following the review, the number of live applications has been reduced to under 1000.

The latest Northern Ireland Planning Statistics 2016/17 First Quarterly Statistical Bulletin (April-June) were published on 29 September 2016. In this period only Belfast City Council (474) and Armagh / Banbridge / Craigavon (397) received more planning applications than Newry Mourne and Down (379).

In this period, Newry Mourne and Down issued the most decisions on major applications (9) and on local decisions (592) of all the Councils.

Out of these statistics one of the key points to emerge was the fact that **in this period the Council processed four times as many applications as it did during the same period last year**. It would therefore be fair to conclude that the actions taken have enabled Council to bring the backlog of planning applications, under control.

Simplifying the Processes:

- *Implement streamlining to existing activities with respect to validation, statutory consultations, site visits etc*

This recommendation is the subject of ongoing implementation. Progress is in part hampered by the constraints imposed by the existing computer system for handling planning applications known as 'EPIC'. Nevertheless progress is possible where the system can be bypassed.

In this regard, a major exercise has been undertaken to eliminate unnecessary consultations with statutory and other bodies. In addition site visits are being undertaken much earlier in the planning application process.

- *All cases to be allocated to a case officer within 24 hours of validation*

This recommendation could not be achieved due to the constraints imposed by the EPIC system. However the improved processing times being achieved generally is evidence that all the procedures associated with processing planning applications are being streamlined and/or performed with greater speed.

- *Implement a new simplified template for reporting applications to the Planning Committee*

A new simplified template for reporting applications to the Planning Committee has been adopted. The suitability of this form of reporting is being kept under review.

- *All presentations to the committee to be delivered by the PPTO using this new simplified template, allowing other SPTOs and PTOs to remain at their desks working on cases*

This recommendation was initially implemented but due the volume of applications coming before Committee, had to be reviewed and reversed as it transpired to be impossible for only one or two officers to carry out this task. Nevertheless, the time that senior planning officers spend attending committee has been minimised.

- *Signing of decisions to be delegated to SPTOs and all decisions to be issued within three days of committee approval/rejection*

This recommendation has been implemented, although on occasions the three day target may not have been achieved, normally as a result of changes required by Committee to the decisions being issued.

Once again, the demonstrable increase in the throughput of applications would indicate that the actions taken to streamline the process have had a significant impact of the efficiency and effectiveness of the Development Management function.

Culture Change: This section deals with a subject matter which is difficult to measure objectively.

- *Planners to understand their role as facilitators and enablers of development and to be conscious of the impact of delay on economic development*

While NMD's planning staff understand their professional role and have always acted in line with that professional code, since the review of the Development Management function, the Planning Managers have been at pains to ensure that the staff also understand the Council's role in economic development and in particular the critical role the Planning Department plays in achieving this.

- *There should be a presumption in favour of sustainable development and should be permitted where doing so does not demonstrably do harm to interests of acknowledged importance*

This is a fundamental principle of the planning system and is understood and applied by the planning staff. This is evidenced by examining the Planning Statistics Bulletin reports wherein NMD's approval rate of 93.3%, compares very favourably to the overall Northern Ireland approval rate of 94.5%. As the backlog of older and typically problematic applications are reduced, this approval rate is likely to rise further.

- *Planners to be significantly more accessible and to schedule meetings with Agents and/or Applicants when requested*

This recommendation has been implemented and the level and quality of engagement is improving month on month. There is no baseline data against which the level of improvement can be gauged but there is anecdotal evidence and direct testimony of agents that they have experienced a significant change for the better.

- *The Area Planning Manager to lead a concerted cultural change programme for the Planning Staff*

This recommendation has been taken on board and work is on-going to progress it.

- *A document defining what constitutes an acceptable submission must be created and issued by way of guidance to Agents/Developers*

This recommendation is a work in progress and we would hope to present such a guidance document to agents before the end of the calendar year.

- *Thereafter, where applications fall short of this expected standard, they should be quickly refused*

This recommendation, particularly in relation to applications falling short of the expected standard, is being acted upon. However the proper scrutiny of all refusals by the Planning Committee tends to elongate the process.

Planning Committee

- *Implement changes to the 'Scheme of Delegation'*
 1. *The list of delegated decisions to be issued monthly, two weeks in advance of the committee meeting*
 2. *All 'refusals' to go onto committee agenda*
 3. *Approvals with six or more objections to go onto committee agenda*
 4. *Briefing Panel to be abandoned*
 5. *Speaking rights for Applicants/Agents and Objectors to be allowed*
 6. *No 'new information' to be presented to committee – i.e. agents/applicants and/or objectors only allowed to present on previously submitted information*
 7. *Agents/Applicants and/or Objectors who intend to speak at committee to serve five days notice of intention, and provide summary of information to be presented*
 8. *The issuing of the weekly list of validated applications will provide an opportunity for councillors to highlight applications they wish to be determined by committee, assuming they have a valid planning reason for doing so*

A new Scheme of Delegation and a new Operating Protocol for Planning Committee have been developed and implemented. This has resulted in the following changes:

1. Weekly lists are issued detailing all applications received and all planning decisions taken
2. All recommendations for refusal go onto the Planning Committee agenda
3. Recommendations attracting six or more objections go onto the Planning Committee agenda
4. The Briefing Panel has been abandoned
5. Speaking rights for applicants/agents and objectors have been introduced at Planning Committee
6. No new information is allowed to be presented to the Planning Committee
7. Procedures for requesting speaking rights at the Planning Committee have been developed

The changes listed above have radically altered the way in which the Planning Committee operates. Significantly increased numbers of applications are now being considered by Committee. Of those applications coming to Committee, as many as 50% may be accompanied by requests for speaking rights. As a result, on average, it may take 20 -30 minutes to deal with one application. On occasion it has taken more than one hour to consider and determine an application. This clearly impacts on the ability of the Committee to get through the business on the agenda. There presently is a backlog of applications awaiting consideration by Planning Committee. To deal with the backlog, Planning Committee has moved to holding meetings fortnightly, at least until Christmas.

While this is a challenging situation to manage, it is also a measure of the progress that has been achieved in terms of moving so many applications through the planning process.

Capacity Building

- *Initiate a capacity building programme for councillors, covering both Planning Matters and the councillors Code of Conduct*

A capacity building programme for Councillors has been initiated. One half day training session has already been delivered. At its meeting on 28 September 2016 the Planning Committee received a report from the Chief Executive setting out a programme of further capacity building sessions.

- *Provide a time line and agreed publication date for the Council's Local Area Plan*

Having assisted in bringing the backlog of planning applications under control, the Council's Development Plan team will resume its work on 1 November 2016. One of its earliest tasks will be the production of a development plan timetable.

- *While awaiting the publication of the Local Area Plan, create specific and dedicated policy updates and guidance of key issues, such as Housing in the countryside*

Following detailed consideration, this recommendation was not progressed because, in standing down the development plan team, there was no longer a staff resource available to undertake the work. To have undertaken such policy development work, with all of the associated requirements for stakeholder engagement and public consultation, would have absorbed such a large staffing resource that it would most likely have undermined the principal thrust of the McKinnon Report which was to reduce the backlog.

- *Implement collective and regular (quarterly) briefing sessions for agents*

This recommendation has been implemented. The first briefing session was held at the end of May 2016. The date of the second briefing has slipped, largely as a result of the redirection of significant resources towards servicing the Planning Committee. The second of the briefing sessions is scheduled for mid-November 2016.

- *These briefings to assist with the development and documentation of a Customer Service Charter*

This recommendation is the subject of on-going implementation and will form part of a wider corporate standard.

ICT and Associated Issues

- *Officers given authority to investigate an alternative to the use of EPIC, working with the DoE and other councils to find a workable and economically viable alternative*

This recommendation is the subject of on-going implementation. All of the Councils, together with the Department for Infrastructure (DfI), are engaged in a 'discovery exercise' to map out the required specification for the replacement of EPIC. RTS Committee last month agreed a paper setting out this Councils' contribution to the funding of that discovery exercise.

- *Accelerate the capital programme aimed at upgrading the council's underlying IT Infrastructure*

This recommendation is being implemented within the wider corporate IT strategy.

- *Provide the necessary tools required to carry out the job, e.g. Scanners, Photocopiers, Cameras, Mobile Phones*

This recommendation has been implemented. The one outstanding matter is the provision of a new MFD to the Newry Planning Office.

Action Plan

- *Planning Management to develop an action plan, identifying ownership and timelines for the recommendations above*

This recommendation has been implemented. An action plan was developed and subsequently revised in light of the achievements over the period.

3.0 Resource Implications

- 3.1** The McKinnon report indicated that there were likely to be significant financial implications, particularly relating to the appointment of consultants if this was seen to be necessary. Consultants were not appointed. However there has been a significant financial commitment by way of the appointment of additional planning staff and business support staff.

At the start of the review period (Jan/Feb) there were an additional 8 professional planning staff appointed on temporary contracts or as agency staff. Over the review period, 4 professional planning staff left the Department – 2 full time staff and 2 agency staff. By June 2016 the number of additional professional planning staff sat at 4. This remains the case.

On the Business Support (Admin) side, 5 additional officers were appointed on temporary contracts. This has since been reduced to 4.

It has previously been acknowledged that the numbers of staff inherited from DOE was not sufficient to carry out the planning function in NM&D. This was again publically acknowledged at a NI Planning Conference in October of this year

There is a need for an on-going commitment from Council to maintain an enhanced planning staff complement in order to be able to discharge the planning functions.

It is worth noting that the planning function generates a significant level of fee income and is largely self-financing and therefore has the potential to be cost neutral to the Council. Any upturn in the wider economy will result in greater fee income capable of offsetting any additional staffing costs incurred.

Not only have the additional staff contributed to the reduction in the number of live applications, they have had a significant impact in reducing processing times for planning applications.

The statistics for the first quarter of 2016/17 indicate that NM&D still has the longest processing times for local applications (27.2 weeks). Until the legacy applications inherited by NM&D are determined and removed from the system, the Council will continue to perform poorly against this measure. (See "Analysis of Average Processing Times" paper on this agenda).

However, when the legacy applications are excluded from the statistics and consideration is given only to applications submitted to NM&D a quite different picture emerges.

Considering the period 1 April 2016 to 31 July 2016, and taking into account only those applications submitted to NM&D directly and excluding the legacy applications, **average processing times were less than 10 weeks.**

The focus for the most part over the past ten months has been on the development management process. There is a need now to shift that focus towards Planning Enforcement where the situation is just as challenging as it has been in relation to Development Management. Currently there are in the region of 600 enforcement cases being investigated by the Council's Planning Department yet there are only four planning staff working in that area. This area requires a substantial and immediate commitment of additional staff to address this workload.

While this would require an on-going financial commitment from Council, historically, planning enforcement action generates additional fee income to the planning authority by way of retrospective planning applications seeking to remedy breaches of planning control.

The planning environment is likely to remain a challenging one. The Council, in implementing the changes that it has, and in funding the additional staff posts, has radically changed the performance in development management for the better. The same commitment needs to be made in terms of planning enforcement while at the same time

	<p>resuming work on the local development plan.</p> <p>Previous experience within the former DOE would give sufficient grounds for optimism that the necessary enhanced staffing levels would in time become largely self-funding; arising from increased levels of enforcement activity.</p>
4.0	<u>Summary</u>
4.1	<p>The changes initiated at the start of the year have had a telling and positive impact on planning performance.</p> <p>There has though been a significant financial cost to the Council and certainly a considerable burden on the Planning Committee in terms of the numbers of meetings, the size of the agenda and the numbers of applications having to be considered.</p> <p>However these negative impacts are expected to reduce. A planning authority that is working effectively across all of its core functions should expect to see income rise to such an extent that it would over time offset the current spending on additional staff by Council.</p> <p>In relation to the burden on Planning Committee; once the legacy applications inherited from DOE are determined, it would be reasonable to assume that the workload of the Planning Committee would be accommodated within the normal working arrangements for a Council Committee.</p>
4.2	<u>Recommendation</u>
4.3	<p>In light of the above comments it is recommended that;</p> <ul style="list-style-type: none"> • The changes initiated since the January / February 2016 review be endorsed, no changes are made to the Scheme of Delegation or the Operating Protocol for Planning Committee and that a further review be carried out in March 2017 and • That the present additional staff complement be retained with a view to a subsequent recommendation being brought to the SP&R Committee to make these posts permanent, and in so doing allow the costs of such a move to be included in the upcoming Budget / Rates Setting Exercise.

Report to:	Regulatory & Technical Services Committee
Date of Meeting:	19 October 2016
Subject:	Analysis of Average Processing Times (Local Applications)
Reporting Officer:	Canice O'Rourke, Director of Regulatory & Technical Services
Contact Officers:	Johnny McBride, Assistant Director: Transformation, Innovation & Performance

Decisions Required:

Members are asked to:

- **Note the contents of the report.**

1.0 **Purpose & Background**

1.1 The purpose of this report is to provide, for Member consideration, an analysis of the average processing time for Local (Planning) Applications. This paper forms part of the review of the improvements made in relation to Development Management (Planning) and as a direct outcome from Jim MacKinnon's original review.

1.2 Members will be aware the average processing times for Local Applications represents one of the Council's statutory key performance indicators.

2.0 **Key Issues**

Average Processing Times (Local Applications)

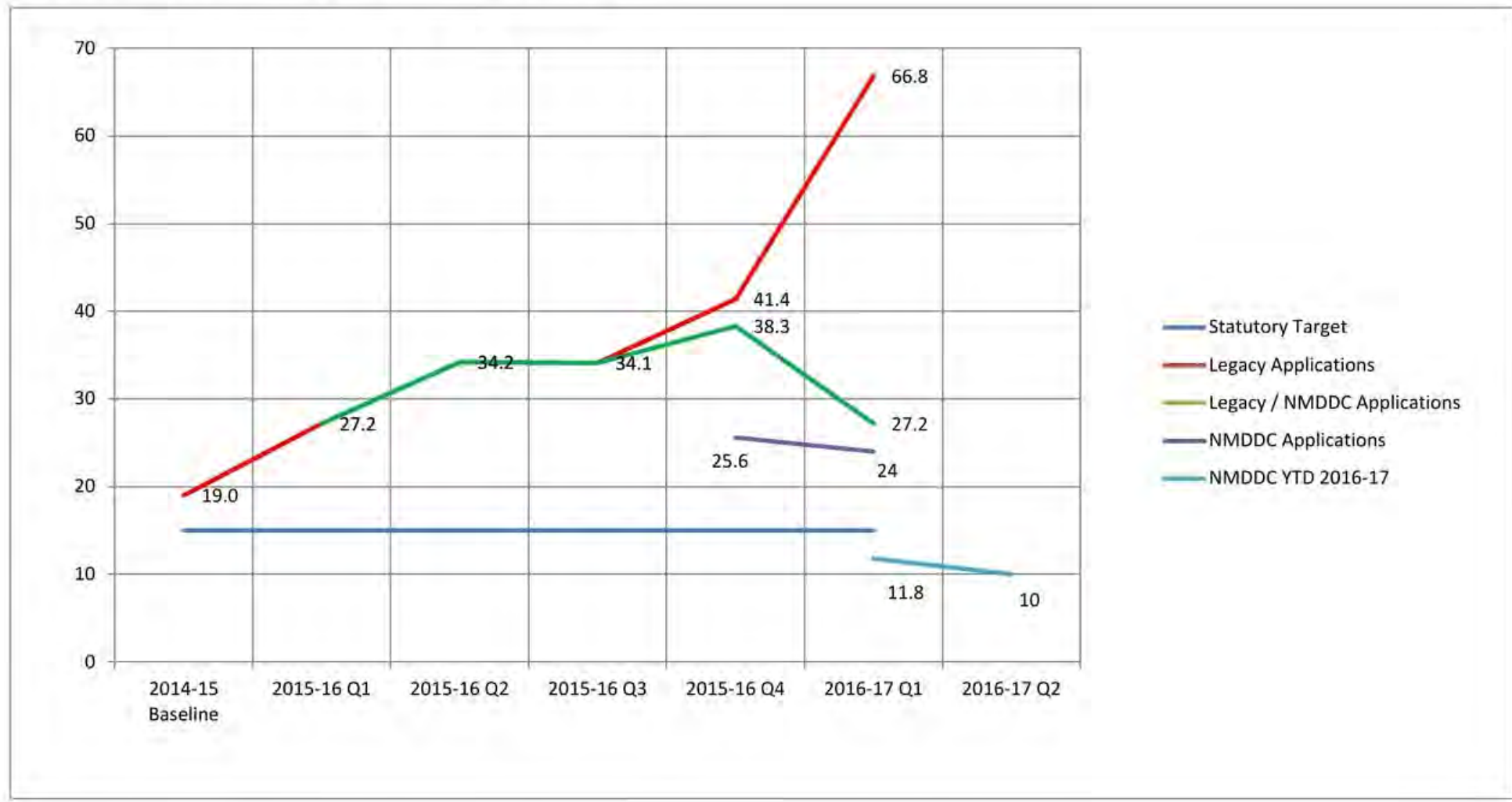
2.1 The Council's overall performance is illustrated in the line graph at **Appendix I** and explained in further detail below:

- i. The Council's statutory target is an average of **15 weeks** for the processing of Local Applications. This is represented on the line graph as a **dark blue** line. The average processing time for all Councils is **18 weeks**;
- ii. The Council's current performance in respect of the average processing time for Local Applications is **27.2 weeks**. This figure is a combination of those applications received, decided / withdrawn before the 1 April 2015 (Legacy) and those received, decided / withdrawn after the 1 April 2015. This is represented on the line graph as a **green** line;
- iii. The Council's performance improves to an average of **24 weeks** when Legacy applications are separated from those applications received after the 1 April 2015. This is represented on the line graph as a **purple** line;
- iv. Separating Legacy applications from those received, decided / withdrawn since the 1 April 2015 results in the average processing time of **66.8 weeks** for Legacy applications.

	<p>This illustrates the negative impact of those Legacy applications on the overall performance of the Council. This is represented on the line graph by a red line; and</p> <p>v. The Council's performance again improves to an average of 10 weeks when year-to-date performance information for Quarters 1 & 2 are considered for those applications received, decided / withdrawn from the 1 April 2016. This is represented on the line graph by a light blue line. It is important to note this information has yet to be validated and therefore may be subject to change.</p>
	<p>Summary Analysis</p>
2.2	<p>Members are asked to note the key findings from this analysis, which include:</p> <ul style="list-style-type: none"> i. Despite not meeting its statutory target of 15 weeks, the Council continues to make significant improvements in its average processing time for Local Applications. This is further enhanced in that by the sheer number of applications being processed by the Council. The most recent statistical bulletin from NISRA recognises that although the Council had the longest average processing time amongst the eleven Councils, notably it processed four times as many applications in Quarter 1 of 2016-17 when compared with the same period in 2015-16; ii. Legacy applications are having a significant detrimental effect on the Council's overall performance. This suggests an early resolution of these applications should be prioritised and considered by Members; iii. Consequently, the resolution of these (Legacy) applications is likely to have a significant positive effect on the Council's performance in this area; and iv. The improvement actions the Council has put in-place are now bearing fruit in that the average processing times for Local applications in 2016-17 are now comparable with Planning authorities in other jurisdictions. For example, the average processing time for Local applications in England is 8 weeks.
3.0	<p>Guidance Notes</p>
	<p>Guidance notes for interpreting the performance information contained within this report is provided at Appendix II.</p>
4.0	<p><u>Resource, Equality & Good Relations Implications</u></p>
	<p>There are no resource, equality or good relations implications contained within this report.</p>
5.0	<p><u>Appendices</u></p>
	<ul style="list-style-type: none"> ▪ Appendix I – line graph of Council performance (average processing times for Local Applications); ▪ Appendix II – guidance notes for interpreting the performance information.

APPENDIX I

Analysis of Average Processing Times for Local Applications



APPENDIX II

- **Data Sources** – the overwhelming majority of the performance information included in this analysis has been sourced from the quarterly reports of the Northern Ireland Planning Statistics Bulletin, as well as locally from EPIC (the Planning Portal).
- **Local Applications** – Local Applications form the overwhelming majority of the applications submitted in Newry, Mourne & Down DC. Therefore, a corresponding analysis of Major Applications has not been completed.
- **Average Processing Times Pre-Transfer** – Legacy performance information is only available in 2014-15 for the former Downpatrick and Southern Planning Divisions (DoE), therefore a robust performance comparison with Council performance is not available. For the purposes of this analysis, the higher figure for the two former Divisions has been taken as the baseline. This was Downpatrick with an average processing time of 19 weeks¹.
- **Separation of Legacy & Council Performance Information** – this has only been made available by NISRA since Quarter 4 2015-16.

¹ This is purely for illustration purposes and any comparison should be treated with caution. It is important to note that legacy applications from the former Southern Planning Division were assigned to both Newry, Mourne & Down DC and Armagh, Banbridge & Craigavon BC. The corresponding figure for the Southern Planning Division was 18 weeks. Source: