



February 6th, 2020

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 12th February 2020** at **10:00 am** in **Boardroom, District Council Offices, Monaghan Row, Newry.**

Committee Membership:-

- Councillor M Larkin (Chair)
- Councillor H Reilly (Deputy Chair)
- Councillor P Brown
- Councillor W Clarke
- Councillor L Devlin
- Councillor G Hanna
- Councillor V Harte
- Councillor C Mason
- Councillor D McAteer
- Councillor H McKee
- Councillor M Ruane
- Councillor J Trainor

Agenda

1.0 Introduction and Apologies.

2.0 Declarations of Interest.

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for the entire item.

- Item 7 - LA07/2019/1069/0 - site for dwelling and garage lands approx. 20m NE of 31A Quarter Road, Glasdrumman, Annalong - **Councillors Brown, Devlin, Mason, McAteer, Reilly and Ruane** will not take part in the discussion/decision on this application.
- Item 8 - LA07/2019/1221/F - proposed guest house tourist accommodation and associated site works land 10m NW of 180 Tullybrannigan Road, Newcastle - **Councillors Brown, Devlin, Mason, McAteer, Reilly and Ruane** will not take part in the discussion/decision on this application.

4.0 Minutes of Planning Committee Meeting held on Wednesday 8 January 2020. (Attached).

📎 *Planning Committee Minutes 08.01.2020.pdf*

Page 1

Exempt Information Items

5.0 Audio recording of Planning Committee Meetings. (Attached).

- This item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business

📎 *PC - 12th Feb 2020 - Audio recording of Planning Committee.pdf*

Not included

For Consideration and/or Decision

6.0 Addendum list - planning applications with no representations received or requests for speaking rights. (Attached).

📎 *Addendum list - 12-02-2020.pdf*

Page 11

Development Management - Planning Applications for determination (with previous site visits)

7.0 LA07/2019/1069/0 - site for dwelling and garage - lands approx. 20m NE of 31A Quarter Road, Glassdrumman, Annalong. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission attached).**

📄 *LA07_2019_1069_O- Quarter Road.pdf*

Page 12

📄 *Item 7 - LA07 2019 1069 O.pdf*

Page 21

8.0 LA07/2019/1221/F - proposed guest house tourist accommodation and associated site works - land 10m NW of 180 Tullybrannigan Road, Newcastle. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Barry Fletcher, agent, in support of the application. **(Submission attached).**

📄 *LA07_2019_1221_F_Tullybrannigan Road.pdf*

Page 23

📄 *Item 8 - LA07-2019-1221-F.pdf*

Page 28

Development Management - Planning Applications for determination

9.0 LA07/2019/1302/F - provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space - to the rear of nos 65-69 South Promenade Newcastle. (Case Officer report attached).

Rec: REFUSAL

- A written submission of objection has been received from Kieran Fitzpatrick to be presented at the Committee Meeting. **(Submission attached).**
- A written submission of objection has been received from Robin and Jacqueline Mark to be presented at the Committee Meeting. **(Submission attached).**
- A request for speaking rights has been received from Eoin Morgan, agent and Roseanne Ireland, applicant, in support of the application. **(Submission attached).**

📄 *LA07_2019_1302_F_South Promenade.pdf*

Page 31

📄 *Item 9 - LA07-2019-1302-F (objection).pdf*

Page 39

10.0 LA07/2019/1362/0 - gap/infill site for dwelling and domestic garage - adjacent and immediately south of No. 64 The Heights, Loughinisland. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Aidy Doyle, Collins & Collins, in support of the application. **(Submission attached).**

11.0 LA07/2019/1537/F - proposed conversion of existing vacant house to 2 No. apartments, rebuilding of rear return plus new garage and workshop/stores in rear garden - 23 South Promenade Newcastle. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colette Maze, agent, and Gary Kendall, applicant, in support of the application. **(Submissions attached).**

12.0 LA07/2019/1640/F - change of use from a florist shop to donut shop - 31 Central Promenade Newcastle. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from David Elliott, on behalf of objectors to the application. **(Submission attached).**
- A request for speaking rights has been received from Barry Hillen, agent, and the applicant, in support of the application. **(Submission attached).**

13.0 LA07/2018/0868/F - proposed demolition of 7 St Anne's Close and the erection of a residential development consisting of 47 No dwellings (44 semi-detached and 3 No townhouses), associated domestic garages, public open space and associated site works and landscaping, with access from St Anne's Close - Lands at and to the rear of St Anne's Close (15m SW of 6 St Anne's Close) and to the rear of St Anne's Court (7m W of 6 St Anne's Court) Killough. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Michael Graham, agent, in support of the application. **(Submission attached).**

14.0 LA07/2019/1408/0 - proposed dwelling and garage - site to south of 19A Derrywilligan Road, Ranton's Cross Roads, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from John Harkness, architect, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from Councillor D Taylor in support of the application. **(Submission attached).**

15.0 LA07/2015/0825/F - demolition of No. 81 Drumalane Road and erection of 11 No. dwellings (3 No. detached and 8 No. semi-detached), access from Drumalane Road, landscaping and all associated site works (Amended proposal) - Lands between 79

and 81 Drumalane Road Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Michael Graham, agent, in support of the application. **(Submission attached).**

📎 *LA07.2015.0825.F Amended report housing drumalane road.pdf*

Page 96

📎 *Item 15 - LA07-2015-0825-F - Drumalane Road - Planning Committee - Speaking Notes 12.2.2020 - Issued.pdf*

Page 105

16.0 LA07/2019/0943/F - proposed manufacturing facility welfare & office facilities, associated site works including: yard storage areas, boundary fencing, 2 No. vehicular & pedestrian access entrances - Lands approximately 150m North East of MJM Group Unit 01 Derryboy Road Carnbane Business Park Newry BT35 6QH. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

📎 *Modern Tyres La07.2019.0943.F.pdf*

Page 106

For Consideration and/or Decision

17.0 Local Development Plan Steering Group - Minutes of Meeting 22/1/2020 (Draft). (Attached).

📎 *DRAFT Minutes LDP SG meeting 22.1.2020.pdf*

Page 112

For Noting

18.0 Historic Actions Tracking Sheet. (Attached).

📎 *Planning HISTORIC TRACKING SHEET - UPDATED 29-01-2020.pdf*

Page 114

19.0 January 2020 Planning Committee Performance Report. (Attached).

📎 *JANUARY 2020 Planning Committee Performance Report.pdf*

Page 122

20.0 Record of meetings between Planning Officers and public representatives. (Attached).

21.0 January 2020 Appeals and Decisions. (Attached).

 *Current Appeals and Decisions issued January 2020.pdf*

Page 131

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 8 January 2020 at 10.30am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

Councillor W Clarke
 Councillor L Devlin
 Councillor V Harte
 Councillor G Hanna
 Councillor C Mason
 Councillor D McAteer
 Councillor H McKee
 Councillor M Ruane
 Councillor J Trainor

(Officials)

Mr C Mallon	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr D Fitzsimon	Planning Consultant
Mr F O Connor	Legal Advisor
Ms L Coll	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/001/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Brown.

P/002/2020: DECLARATIONS OF INTEREST

Councillor Mason declared an interest in Item 9 – LA07/2019/1234/O.

P/003/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

Declarations in relation to Para.25 of Planning Committee Operating Protocol –

Members to be present for entire item:-

- Item 7 - LA07/2019/1142/0 – proposed gap site for 1 No. dwelling – side garden at 75 Station Road, Saintfield - **Councillors Brown, Devlin, Hanna, Reilly and Ruane** would not take part in the discussion/decision on this application.
- Item 8 – LA07/2019/1231/0 – dwelling and garage on a farm – 80m south of 22 Drumgooland Road, Downpatrick – **Councillors Brown, Devlin, Hanna, Reilly and Ruane** would not take part in the discussion/decision on this application.
- Item 9 – LA07/2019/1234/0 – dwelling and garage on an infill site – adjacent and south of 22 Rocks Chapel Road, Crossgar – **Councillors Brown, Devlin, Hanna, Reilly and Ruane** would not take part in the discussion/decision on this application.
- Item 10 – LA07/2019/1257/F – two storey extension to side of dwelling – 87 Seaview, Killough – **Councillors Brown, Devlin, Hanna, Reilly and Ruane** would not take part in the discussion/decision on this application.

MINUTES FOR CONFIRMATION

P/004/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11 DECEMBER 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 11 December 2019. **(Copy circulated)**

Ms Largey advised the following amendment should be made to the Minutes:

P/129/2019: LA07/2016/1074/RM – Development of a Community Treatment and Care Centre

To include the following wording in the 'Agreed' section:

'or to enter into a planning agreement if it was considered necessary to do so to ensure all the conditions raised by Members were adequately addressed'.

The amended Minutes should read as follows:

Agreed: On the proposal of Councillor Clarke seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2016/1074/RM as per the information and recommendation contained in the Case Officer report presented to Committee.

It was also agreed that Officers be delegated authority to impose any relevant conditions to cover all the issues raised by Members at the meeting or to enter into a planning agreement if it was considered necessary to do so to ensure all the conditions raised by Members were adequately addressed.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Clarke, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 11 December 2019 as a true and accurate record subject to the amendment recommended by Ms Largey being made.

FOR DISCUSSION/DECISION

P/005/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 8 January 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Devlin seconded by Councillor Hanna it was agreed to remove the following Planning Applications from the addendum list for presentation at the February 2020 Planning Committee Meeting:

- LA07/2019/1302/F - provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space - to the rear of nos 65-69 South Promenade Newcastle. **REFUSAL**
- LA07/2019/1362/0 - infill dwelling and garage - adjacent and immediately south of No. 64 The Heights, Loughbrickland. **REFUSAL**

AGREED: On the proposal of Councillor Devlin seconded by Councillor Hanna it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 8 January 2020: -

- LA07/2018/0231/F - development of 5 detached dwellings and all associated access, parking and site works (amended proposal) - lands adjacent and to the west of No. 10 Balmoral Avenue, Newry. **APPROVAL**
- LA07/2019/0036/F - upgrade to an existing path network around the Kilbroney Park hub to 'The Fairy Glen Walking Trail' in Kilbroney Park - A walk trail network which will be made up of existing trail walks with some new build on sections of the trail" - The Fairy Glen Walking Trail' Kilbroney Forest Park Shore Road Rostrevor Co Down BT34 3AA. **APPROVAL**
- LA07/2019/0253/F - proposed upgrade of an existing path network around the Kilbroney Park hub - "The Fallows Walking Trail" Kilbroney Forest Park Shore Road Rostrevor BT34 3AA. **APPROVAL**
- LA07/2019/1398/F - Environmental Improvements to include new granite paving, kerb trims and dished channels, tactile paving - section along Chapel Road, Meigh. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/006/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) LA07/2018/0001/O (Audio recorded -YES)

Location:

Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road) and portion of Bryansford Road, Newcastle.

Proposal:

Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works (Revised access position Shan Slieve Drive to be no longer used).

Conclusion and Recommendation from Planning Official:

Approval

Mr McKay advised Members that Planning Application LA07/2018/0001/O had been withdrawn from the agenda as Planning Officials needed to review all the information that had been submitted and additionally, the applicant had indicated they would be submitting further information which would need to be considered by Planning Officials.

(Councillors Devlin, Hanna, Reilly and Ruane withdrew from the Meeting).

(2) LA07/2019/1142/O (Audio recorded -YES)

Location:

Side garden at 75 Station Road, Saintfield.

Proposal:

Proposed gap site for 1 No. dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Agreed: On the proposal of Councillor Clarke seconded by Councillor McAteer it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2010/1142/O as per the information and

recommendation contained in the Case Officer report presented to Committee.

**(3) LA07/2019/1231/O
(Audio recorded -YES)**

Location:

80m South of 22 Drumgooland Road, Downpatrick.

Proposal:

Dwelling and garage on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Ms McAlarney considered there were alternative sites that could be explored.

Agreed: On the proposal of Councillor Clarke seconded by Councillor Trainor it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2019/1231/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Mason withdrew from the Meeting)

**(4) LA07/2019/1234/O
(Audio recorded -YES)**

Location:

Adjacent and south of 22 Rocks Chapel Road, Crossgar.

Proposal:

Dwelling and garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Ms McAlarney advised the site comprised one dwelling with its own established curtilage and two stable outbuildings along the road with no defined curtilage.

- Planning Officials did not consider the proposed application would respect the development pattern along the frontage.
- The shrubbed area could be amalgamated into the current plot thereby increasing the overall plot size.
- It was for the Committee to decide if the proposed dwelling could be accommodated and if it would respect the dwelling at no. 22 in terms of frontage and plot size.

Agreed: On the proposal of Councillor McKee seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1234/O contrary to Officer recommendation on the basis that it complied with Policy CTY8 in terms of scale, mass and plot size.

It was also agreed that Officers be delegated authority to impose any relevant conditions.

(Councillor Mason rejoined the Meeting)

(5) LA07/2019/1257/F
(Audio recorded -YES)

Location:
87 Seaview, Killough.

Proposal:
Two storey extension to side of dwelling.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Ms Annette McAlarney, Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Ms McAlarney acknowledged that although there were a number of two storey extensions in the area, none of them resulted in a terracing effect the proposed application would have if it were to proceed.
- A single storey extension would not result in a terracing effect.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Larkin it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2019/1257/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Reilly left the meeting – 11.30 am).

(Councillors Devlin, Hanna and Ruane re-joined the meeting).

(6) LA07/2019/1221/F
(Audio recorded -YES)

Location:

Land 10m NW of 180 Tullybrannigan Road, Newcastle

Proposal:

Proposed guest house tourist accommodation and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In support

Barry Fletcher, agent and Colin Adams, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mrs A McAlarney, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- The proposed application would be located within the prime tourism area of Tollymore.
- Planning Officials' considered the proposed application was self-catering accommodation as opposed to a guest house.
- Ms Largey said the owner of a guest house would typically live in the house, and therefore she supported the Officer's view the proposed application did not fit the criteria for a guest house but rather for self-catering accommodation.
- Dfl requirement was for 2 x 45m visibility access splays which they did not consider was achievable.
- The sight visibility splays were not in the applicant's ownership.
- Ms Largey advised the sight visibility splays would have to be secured and maintained by the applicant prior to commencement of development.
- A traffic survey had not been conducted.

Councillor Hanna proposed to defer Planning Application LA07/2019/1221/F for a site visit. Councillor Clarke said whilst a site visit could address issues regarding sight visibility lines, it was vitally important Council support the tourism industry and therefore further discussions needed to be had involving the applicant, agent and Planning Department regarding the correct planning category under which the application should be assessed. Councillor Hanna said evidence of a traffic survey would have to be submitted. Councillor Larkin said evidence would also have to be provided that the 2 x 45m sight visibility splays would be achievable and within the control of the applicant.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2019/1221/F in order for a site visit to take place and further discussion to take place involving the applicant, agent and Planning Department regarding the correct planning category for the proposal.

A traffic survey to be submitted and evidence that 2 x 45m sight visibility splays were achievable and within the control of the applicant.

(7) LA07/2019/1001/F
(Audio recorded -YES)

Location:

To the rear of 2 Windsor Court, Rathfriland Road, Newry.

Proposal:

Proposed one and a half-storey dwelling with attached single storey garage

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In objection

Mr John Harkness presented in opposition to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

Ms Grainne O'Hagan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Mark Keane, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Mr Harkness considered the proposed application contravened the Addendum to PPS7 and the proposal was not in keeping with the pattern of development in the area. He also said a design and access statement should have been submitted.
- Ms O'Hagan said the application was a modest proposal with a lower density to others in Windsor Court and measures had been taken to reduce the overlooking issues. She said the proposed ridge height was lower than existing surrounding dwellings.
- Mr Keane said he was aware of the site history in that planning permission had originally been granted in 2008 but had expired in 2013, he said this was not a determining factor in the recommendation.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1001/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(8) LA07/2019/1069/F
(Audio recorded – NO)

Location:
Lands approx. 20m NE of 31A Quarter Road, Glassdrumman, Annalong.

Proposal:
Proposed one and a half-storey dwelling with attached single storey garage.

Conclusion and Recommendation from Planning Official:
Refusal

Speaking Rights:
In support
Colin O'Callaghan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:
Mr Mark Keane, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2019/1069/O for a site visit to take place to allow Members could assess the site in more detail.

FOR NOTING

P/007/2020: HISTORIC ACTION SHEET

Read: Planning historic action sheet. (Copy circulated)

AGREED: It was unanimously agreed to note the Planning historic action sheet.

P/008/2020: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – DECEMBER 2019

Read: Planning Committee Performance Report December 2019.
(Copy circulated)

AGREED: It was agreed to note the Planning Committee Performance Report December 2019.

P/009/2020: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

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

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

P/010/2020: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – December 2019. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions December 2019.

The Meeting concluded at 12.30pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 12 February 2020.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 6 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 12 February 2020

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below they will be deferred to the next Committee Meeting for a full presentation:-

- **LA07/2019/0943/F** – proposed manufacturing facility welfare and office facilities, associated site works including yard storage areas, boundary fencing, 2 No. vehicular and pedestrian access entrances – lands approximately 150m NE of MJM Group Unit 01 Derryboy Road Carnbane Business Park, Newry. **APPROVAL**

-0-0-0-0-0-0-



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

Application Reference: LA07/2019/1069/O

Date Received: 28/06/2019

Proposal: Site for dwelling and garage

Location: Lands approximately 20 metres North East of No. 31A Quarter Road, Glassdrumman, Annalong

Site Characteristics & Area Characteristics:

The application site forms part of an existing larger agricultural field which has frontage onto Quarter Road but extends to the rear of No's 31 and 31A Glassdrumman Road. The application site is adjoins the settlement limit of Glassdrumman/ Mullartown but is located within the countryside. The site is relatively flat and is enclosed by a concrete wall which extends from the entrance to the north round the frontage of the dwelling. The site is adjoined to the north east by a dwelling and farm complex and to the south west by a single storey dwelling. The site is within an Area of Outstanding Natural Beauty and Site of Local Nature Conservation Importance (NC 03/155).



Application Site

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

- **P/1989/0792-** Erection fo 9 mobile houses for temporary period of 1 year to allow for replacement of adjacent orlits to rear of Nos 11 and 12 Derryhea Park, Quarter Road, Annalong. Permission granted 06/10/1989.

Consultations:

- **NI Water-** Generic response provided
- **DAERA-** No objections, refer to advice and guidance
- **DFI Roads-** No objection in principle
- **Development Plan-** This response will be detailed within the assessment section of this report.

Objections & Representations:

Three neighbours were notified on 23/07/2019 and the application was advertised within one local newspaper with statutory expiry on 07/08/2019. No objections or representations have been received.

Assessment:

The site lies outside any settlement limits defined by the Banbridge/ Newry and Mourne Area Plan (2015) and within an Area of Outstanding Natural Beauty.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS 21 sets out a range of types of development which in principal are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

PPS21- Sustainable Development in the Countryside

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

Policy CTY1 states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *A dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
The proposal is not located at an existing cluster of development.
- *A replacement dwelling in accordance with Policy CTY 3;*
The proposal is not for a replacement dwelling.
- *A dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
No personal or domestic circumstances information has been provided with this application.
- *A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
No evidence of a non-agricultural business enterprise has been provided with this application.
- *The development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*

The proposal is not located on a gap site within a substantial and continuously built up frontage in the countryside.

- *A dwelling on a farm in accordance with Policy CTY 10.*
The proposal is not located on a farm nor has a P1C and farm maps been provided.

Planning permission will also be granted in the countryside for:

- *A small group of houses in a designated Dispersed Rural Community in accordance with Policy CTY 2;*
The site is not within a Dispersed Rural Community.
- *The conversion of a non-residential building to a dwelling(s) in accordance with Policy CTY 4;*
The proposal is not for the conversion of a non-residential building.
- *The provision of social and affordable housing in accordance with Policy CTY 5;*
The proposal is not for social or affordable housing.
- *A residential caravan or mobile home in accordance with Policy CTY 9;*
The proposal is not for the temporary use of a residential caravan or mobile home.
- *The conversion of a listed building to residential accommodation in accordance with the policies of PPS 6;*
The proposal is not for the conversion of a listed building to residential accommodation.
- *An extension to a dwelling house where this is in accordance with the Addendum to PPS7; or*
The application is not for an extension to a dwelling.

- *Travellers Accommodation where this is in accordance with Policy HS 3 of PPS12.*
The application of not for travellers accommodation.

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.

Supporting Statement

Supporting documentation accompanied the application which acknowledged that the proposal is not a typology that is provided for under CTY1 of PPS21. The Agent's argument is summarised below:

- It is perfectly lawful to depart from planning policies and to approve applications that are contrary to policy on the basis of some factor or other.
- The principle of "rounding off" or consolidating the development at the edge of the SDL is long-established as a means of setting aside "greenbelt" or similar planning policy-based concerns.
- Ribboning has already occurred along this laneway, filling the gap between buildings to either side of this site will have negligible consequences, visually, because the site is so small and because there is such a transient, sequential awareness of development fronting onto the lane as one travels in either direction.
- We cannot attempt to cluster with a group of building at a focal point in the countryside because the majority of building that would have to be relied on are within the countryside.
- Policy CTY2a offers no support to this proposal.
- The proposal appears as a near perfect infill opportunity but the requisite number of buildings sharing this common frontage are not located in the open countryside.
- Refer to PAC 2017/A0147 for two semi-detached dwellings within Causeway Coast and Glens Borough Council and similarities:
 - The proposal was deemed to 'round off' or consolidate the periphery of the settlement development which was deemed sufficient to outweigh the absence of policy-based support for the proposal.
 - *"The appeal site is an open rectangular field with a shed and trimmed hedge boundaries. In its setting, it does not appear as unambiguously agricultural or rural in character. Rather, it presents as a side garden area to adjoining property or as a remnant site just as much as it would an agricultural field within the countryside. It is proposed to site the proposed pair in line with the existing pair of semi detached properties. This arrangement, which could be secured by condition, would respect the existing development pattern along the frontage. Furthermore, on approach along the road in either direction, the proposed development, because of its design, the composition of the appeal site and its juxtaposition with adjacent development, would read as an integral, albeit extended part of the urban fabric of Dunloy. In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent."*

Also, given existing vegetation and boundary treatment, the retention and augmentation of which can be secured through condition, the proposal marks an opportunity to deliver an environmental enhancement through provision of a clearer, coherent, logical and unambiguous edge to the settlement limit. The fact that the proposal would deliver a better environmental outcome without visual detriment to rural character leads me to conclude there to be overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. Required visibility splays should be provided in the interests of road safety. In these circumstances the appeal succeeds and outline planning permission is granted."

- This decision will reinforce the principle of 'rounding off' can be used to justify approval of a planning application that does not comply with any other planning policy.
- Refer to PAC Decision under 2008/A0342 and acknowledge the appeals do not stand on all fours.

Whilst the appeal references have been considered, they are not considered comparable with the current proposal:

- In PAC Reference 2017/A0147 the Commissioner deemed the site does not appear as an unambiguously agricultural or rural in character rather it presents as a side garden to adjoining property or a remnant site. This is not comparable to the application site which is an agricultural field and clearly reads as rural in character particularly given its location beside a farm holding, indeed at the time of the site visit it contained hay bales.
- The site does not read as part of the urban fabric of Glasdrumman/ Mullartown , the character of this node changes from a more built up semi-detached dwellings at Derryhea Park towards the rural appearance of Quarter Road. The proposal is not similar to PAC 2017/A0147 in this regard.
- Weight was given to the fact that the proposal under PAC 2017/A0147 would deliver a better environmental outcome without visual detriment to rural character which lead to the conclusion that there was overriding material considerations that outweigh any academic conflict with policy and justifies a contrary decision. The application site is clearly rural in character and provided a visual break between the settlement limit and the countryside, there would be no environmental benefit gained from a departure from planning policy to allow a dwelling on this site.
- In PAC Decision 2008/A0342, the application site previously had permission for two dwellings and this was given weight and the application was assessed under Policy QD1 of PPS7.
- Other applications referenced in the supporting statement, include:
 - 2003/A070- no information was available on the PAC website.
 - 1995/A225 was not assessed under current planning policies
 - S/2014/0910/F was for 123 dwellings and overturned at Planning Committee for the following reasons:
 - The suitability of the site for the proposed development.
 - The economic benefits of the development through the creation of new jobs and the community benefit.
 - The emerging policies in a local development plan that has not yet been approved or adopted.
 - The suitability of the type of development in terms of compatibility with neighbouring property and the locality; and

- The potential positive impact on adjoining property from noise, odours, fumes etc.

This application is in no way comparable to the application site.

- LA07/2016/0307/O- Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms. Grounds of building to make provision for vehicle display areas and customer parking was again overturned at Planning Committee as is not a comparable scheme to a single dwelling in the countryside.
- There are also numerous appeal examples of where the PAC has resisted single dwelling which adjoin the settlement limit, as does the present application. These appeals highlight that it is not common practice to simply set aside planning policies and mar the settlement limits which Policy CTY15 seeks to protect.
 - **2016/A0119-** Single dwelling and garage dismissed by the PAC. The Commissioner stated: “*The appellant however advanced an argument on fairness by contending that precedent has been set for development adjacent to and immediately outside development limits with reference to planning permissions granted close to two settlements. The Ministerial Statement of July 2013 indicated that appropriate steps be taken to ensure everyone is treated consistently whilst paragraph 2.3 of the SPPS indicates that fairness is one of the yardsticks against which development proposals will be measured. The Lamont judicial review judgment (Lamont vs DOE, 2014) established that though policy should be adhered to where possible, it also indicated that policy could and should be disapplied in circumstances where there is good reason to do so and that it was entirely lawful for the planning authority to choose to disapply or modify a policy. This means that a planning authority does not have to slavishly follow policy but rather that due regard must be had to other material considerations.*

With respect to the grant of approval for a dwelling and garage outside the settlement of Craigavole in November 2013, the Council gave reasons for the planning authority's departure from policy in that it had placed determining weight on previous planning approvals on that site. This distinguishes it from the appeal site where there is no prior planning history. In the other example quoted by the appellant, notwithstanding that there had been a previous refusal on a site just outside the settlement limit of Waterfoot, the principle of a farm dwelling at that location was deemed acceptable under Policy CTY10 in 2013. This differentiates that approval from the appeal proposal which is unacceptable in principle. Though a subsequent approval for relocation of the farm dwelling to a more road frontage position in 2015 would appear to be at odds with other policy requirements under PPS21 as suggested by the appellant, I do not consider that this sets a precedent or provides good reason to disapply policy and set aside the objection in principle to the appeal proposal.

In essence to allow the appeal would involve perpetuating planning decisions not reflective of policy and add weight in future to precedents relied on by applicants and appellants. I conclude that the appeal proposal is contrary to Policy CTY1 of PPS21. The appellant did not argue that there are any overriding reasons why the dwelling was essential and could not be located in a settlement. The planning authority has sustained its first reason for refusal."

- **2014/A0112-** Two infill dwellings dismissed by the PAC. The commissioner stated "Whilst I acknowledge that on the approach from the west, the appeal site is visually linked with the terrace and school to the east, these buildings lie within the urban fabric and settlement limit, occupying a different policy context from the appeal site. This reflects the approach taken in Appeals 2012/A0219 and 2013/A0114.... I judge that the proposal would result both in urban sprawl and a marring of the distinction between the urban and rural areas."
- **2016/A0145-** Erection of two semi-detached dwellings dismissed at appeal. The Commissioner concluded: "Policy CTY 15 is a visual test and No. 11 is visually and physically divorced from the land included in the urban area. No. 11 does not read as part of Maguiresbridge settlement and the appeal site acts as a buffer in this respect. I judge that the proposal would result both in urban sprawl and a marring of the distinction between the urban and rural areas. I am not persuaded that this appeal proposal is supported by Policy CTY 15 and the third reason for refusal is sustained."

Development Plan Consultation

Development Plan have been consulted on this application and their response is summarised below:

- It should also be noted that the most recent housing land availability data for the District which covers the period up to the 31st March 2018, indicates that there is 1.7 hectares of housing land remaining within the settlement of Glassdrumman/Mullartown which could deliver 42 housing units. There is thus an adequate supply of housing land and no justification in terms of housing need for this site to be included within the SDL.
- The principle of rounding off/consolidating development is indeed an appropriate approach in reviewing development opportunities within the District's small settlements. However it is through the Development Plan process, rather than the Development Management process, that the settlement development limits should be reviewed with any proposed revisions being subject to consideration through an Independent Examination process.
- As highlighted above given the level of development opportunities within this small settlement there is no need for additional lands to be included within the settlement limit. There is an adequate provision for the settlement of Glassdrumman/ Mullartown which is in line with its designation as a small settlement.

- *Any changes to established SDLs should be done in a comprehensive, open and transparent manner which allows the public the opportunity to engage in the decision making process. The development plan process, not the development management process, is therefore the appropriate mechanism for bringing forward any changes to SDLs.*
- *The site in question is set back from the public road at the end of a ribbon of development that forms the existing SDL. Adjoining the site to the north east is a farm complex. There would appear to be only scope for the provision of a single dwelling with no further extension of the ribbon being feasible. It is considered that a suitably sited single dwelling could be accommodated within this site without impacting on the character of the settlement. Careful consideration would be required in respect of the curtilage of any approved dwelling to reflect the existing character of this node. Incorporating this site or a portion thereof into the existing SDL has the potential to represent an appropriate rounding off opportunity to this particular node of development. Under these circumstances it is considered that the potential to undermine the plan process is limited.*

Policy Consideration

Despite the supporting information provided, I do not consider that the proposal would deliver environmental enhancement to justify a departure from all planning policy given the proposal given it meets none of the types of development outlined within Policy CTY1. Any changes to a settlement limit should be done through the Development Plan process, not through the Development Management process. The proposal would create a ribbon of development with the existing dwelling and farm buildings to the north east which is contrary to Policies CTY8 and criterion d of Policy CTY14.

The application site is a rural field which makes a clear distinction between the settlement limit and the countryside, the proposal would mar the distinction between the settlement limit and countryside and would result in urban sprawl by forming a continuing line of development from the settlement limit which is contrary to Policy CTY15.

PPS3- Access, Movement and Parking

Transport NI have been consulted on this application and have no concerns subject to conditions.

PPS2- Natural Heritage

Policy NH6 relates to new development within an Area of Outstanding Natural Beauty. This is an outline application and therefore it is not possible to assess the design size and scale of the proposal and how which would impact on the character of the AONB.

Recommendation: Refusal

Reasons for Refusal:

1. 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.
2. The proposal is contrary to Policy CTY8 and criterion d of Policy CTY14 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 Quarter Road.
3. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Glassdrumman/ Mullartown and the surrounding countryside resulting in urban sprawl.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Planning permission is sought for a new dwelling in a line of existing buildings. The intention is to round off and consolidate development at an existing cluster of buildings. The site is designated as open countryside, despite being surrounded by buildings. Had the adjoining buildings all been located inside the open countryside this would be approved either as an infill site or on the basis of its consolidation of a formal cluster of buildings. Because the buildings are not inside the countryside, the permissive provisions for countryside development are not engaged.

This application has been recommended for refusal because it does not neatly comply with planning policy. However, compliance with policy has not been achieved due to a minor technicality (i.e. the surrounding buildings are mostly within a settlement) – which is why the exercise of judgement is required. Situations like this can be dealt with pragmatically, and dispensation can be given because Section 45 of the Planning Act NI 2011 states: *where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.*

Planning policies are material considerations, which cannot be ignored in the planning process. However, failure to comply with a planning policy is not automatically fatal to the prospects of an application, since all other material considerations must also be taken into account. Further, the courts' attitude, as per the *Lamont* judgement in particular, is that planning policies are not to be applied as if they were singular rules with immutable meanings. The basic legal principle is that it is perfectly legitimate to depart from a planning policy where a decision-maker sees fit to do so, provided the departure is acknowledged and provided also the reasons for so doing are made clear.

Now it is established that the failure to comply with planning policy is not fatal, and it is established that policy can lawfully be departed from, we must simply ascertain whether there are valid reasons to set aside planning policy in this instance.

The rationale behind this application is that a new dwelling would round off and consolidate development at the edge of Glasdrumman, resulting in a more coherent and legible definition of the settlement limit. The planning department feels that amendments to the settlement limit ought to be carried out only through the formal local development plan process (this is not strictly correct – this is based upon a mere preference). We perceive that the planning department is concerned that approving this application, in these circumstances, would create a precedent for other cases. However, this is not actually a significant concern because applications of this nature must, by their nature, be determined on a case-by-case example. Seldom will there be two identical precedents. The planning department evidently does not feel circumstances warrant setting aside policy in this instance (it has not acknowledged our argument, that the policy can be set aside if the circumstances are deemed appropriate). Examples / precedents have been presented to show how this approach (rounding off or consolidating development) can be applied, despite not being written down expressly in any planning document. The planning department simply dismisses the other examples cited as being dissimilar, however the greater omission is the lack of analysis in relation to the actual principle of rounding off. The failure to consider whether or not the approach could be implemented is indicative of a lack of objectivity. All efforts have been committed to try and distinguish this proposal from the precedents cited, and if there had been an acceptance at the outset that the principle could actually be applied we believe that a positive decision would have been arrived at - owing to the fact that this proposal will have such limited consequences.

If the planning committee satisfies itself that the approach can be implemented, in principle, and we see no reason why it cannot (list of appeals that were allowed on the basis of "rounding off" include: 2017/A0147, 2008/A0342, 2003/A070), the next part of the assessment would involve consideration of the physical impact of the proposed development.

In the most recent PAC approval granted using this approach, the logic was that:

In these circumstances, while the proposal would offend policy, if constructed no detriment to rural character would be visually apparent. We submit that the same is true of this case.

The site is physically and visually contained within the existing cluster of development including the adjacent houses (within the settlement) and the adjacent rural house. Because the development will not encroach or break out into the open countryside, approval will not result in any diminution in character or the quality of the surrounding landscape.

That the site is an integral part of the group of buildings is evidenced by the fact that there was a temporary permission for development on this site (P/1989/0792) for the erection of 9 mobile houses for 1 year to allow for replacement of adjacent orlits, to rear of Nos 11 and 12 Derryhea Park, Quarter Road, Annalong. Permission was granted on 06/10/1989. Officers make no mention of this history in their assessment.

The planning department felt that the recent appeal decision cited is not comparable to the application site which, in its eyes, *is an agricultural field and clearly reads as rural in character particularly given its location beside a farm holding, indeed at the time of the site visit it contained hay bales.* The Dunloy example was an agricultural field and it clearly read as rural in character given it was sited beside an agricultural building while it was surrounded by agricultural lands and was perceptible from a main road as such (whereas this site is only visible from the end of a lane).

The principle of rounding off has not been applied as this site is purportedly beside a farm holding. The adjacent dwelling was indeed a farmstead however the applicant's grandfather is critically ill and has not actively farmed the land for some time, while the outbuildings are not in agricultural use and do not have the appearance of substantial farm buildings. The rationale for not applying the principle of rounding off is therefore questionable. Officers consider the site does not read as part of the urban fabric of Glassdrumman/ Mullartown, as they consider that the character of this node changes from a more built up semi-detached dwellings at Derryhea Park towards the rural appearance of Quarter Road. This attempted distinction is questionable and it ignores the reality that there are two detached bungalows after the semi-detached cottages on this lane. The two bungalows are similar in character to the old farmstead at the far end of this site. The character of the area is actually that of a sequential, continuous, line of buildings excluding only this site.

The settlement limit does not end at the last of the semi-detached dwellings. One must therefore question the logic of including the two bungalows within the settlement but excluding this site. We submit that, there being no logic for same, the proposal ought to be appreciated for its rationalisation of the settlement limit, making the limit more coherent.

Officers consider the application site is clearly rural in character and provides a visual break between the settlement limit and the countryside, however the site is large enough only for a single dwelling. It is clearly visible only from its frontage. From the site frontage, because the adjoining buildings are so close to the site, there is no perception of this site constituting a visual break between the settlement limit and the countryside.

The Council's own Development Plan team consultation response makes a number of important concessions:

- *It is considered that a suitably sited single dwelling could be accommodated within this site without impacting on the character of the settlement.*
- *Incorporating this site or a portion thereof into the existing SDL has the potential to represent an appropriate rounding off opportunity to this particular node of development. Under these circumstances it is considered that the potential to undermine the plan process is limited.*

In the circumstances, given there is an acknowledged potential to round off the settlement limit and given the PAC is content to adopt this practice, we ask the Members of this Committee to follow suit and to approve this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1221/F

Date Received: 13.08.2019

Proposal: The application is for full planning permission for Proposed Guest House Tourist Accommodation & associated site works.

Location: The application site is located outside the settlement limits in the open countryside, within Tollymore Park Historic Park, Garden and Demesne and Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is located off Tullybrannigan Road, Newcastle and to the eastern side of Tollymore Park which is designated as an Historic Park, Garden and Demesne in the ADAP 2015. Access is via an existing laneway which serves a number of other properties and lies westwards from Tullybrannigan Road approx. 360 from the road. The site lies within the forest and therefore is surrounded by trees. The site accommodates an existing detached two storey building, garage and a number of outbuildings

Site History:

R/1984/0844 - Extension To Dwelling 180, Tullybrannigan Road, Newcastle.

Planning Policies & Material Considerations:

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

Consultations:

NI water – No objections

DFI Roads – Objection

NIEA Water management – No objections

Historic Environment Division – No objections

Rivers Agency – No objections, however, although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Objections & Representations

In line with statutory requirements four neighbours have been notified on 30.08.2019. The application was advertised in the Mourne Observer and the Down Recorder on 28.08.2019.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

PPS 21 Sustainable Development in the Countryside

The site is located in the countryside, therefore the policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). Policy CTY 1 indicates that there are a range of types of development which in principle are considered acceptable in the countryside and that contribute to the aims of sustainable development.

PPS 21 states that planning permission will be granted for tourism development in accordance the TOU Policies of PSRNI. The TOU policies within PSRNI have since been superseded by SPPS and Planning Policy Statement 16: Tourism (PPS 16), published in its final form in June 2013. It follows that compliance with any of the policies in PPS16 would mean that the principle of such development in the countryside has been established in accordance with Policy CTY 1 of PPS 21. The SPPS also contains policies dealing with tourism, these do not conflict with any retained policies and consequently the relevant policy context in respect of tourist development is provided by Planning Policy Statement 16 – Tourism (PPS 16).

The proposal is to replace a number of existing buildings within the site with a building to be used for tourist accommodation. The building is 6.2m to FFL and comprises timber clad vertical boards (brown), corrugated tin roof (black) aluminium frames, double glazed and hardwood framed doors. The accommodation provides for 3 double bedrooms all three with ensuite and two with dressing rooms, kitchen/living/dining, utility and car port.

In the agents Design and Access & supporting Statement he deems the application to meet the requirements of PPS 16 – Tourism policy TSM 3 – Hotels, Guest Houses and Tourist Hostels in the Countryside.

TSM 3 – Hotels, Guest Houses and Tourist Hostels in the Countryside

TSM 3 states that planning permission will be granted for a new hotel/ guest house/ tourist hostel in the countryside in the following circumstances and will be assessed under the specified criteria:

Circumstances

- (a) The replacement of an existing rural building;
- (b) A new build proposal on the periphery of a settlement

It goes on to state the specified criteria in such circumstances.

Before this criteria can be considered it is important to refer to Appendix 1 – Glossary Of Terms at the end of PPs 16. The definition of a guest house – As defined by the Tourism (NI) Order 1992 – Categories of Tourist Establishment (Statutory Criteria) Regulations

"A guest house shall provide overnight sleeping accommodation for visitors in separate rooms comprising not less than three double bedrooms".

In the same glossary, Self Catering Establishment is also defined by the Tourism (NI) Order 1992 – Categories of Tourist Establishment (Statutory Criteria) Regulations – Schedule 4 – Criteria for self catering Establishments

"A self catering establishment shall comprise one or more self contained units providing furnished accommodation (including sleeping accommodation and catering facilities for visitors".

It goes on to state that The Tourism Order defines a self catering unit as including "houses, cottages, apartments or rooms, bungalows, chalets, cabins and caravans". The following categories of tourist accommodation established by the Article 12 of the Tourism (NI) Order 1992 and Amendment – Categories of Tourist Establishment Order (NI) 2011, have no specific policy provisions included in PPS 16: Bed & Breakfast Accommodation, Bunk Houses, Campus Accommodation, Guest Accommodation.

The agent is misguided in his assessment of the proposal as a guest house, the proposal would seem to fit as self catering accommodation in which case the application would need to be assessed under TSM 5 – Self Catering Accommodation in the Countryside

TSM 5 – self catering accommodation in the countryside

Policy TSM 5 states that planning permission will be granted for self catering units of tourist accommodation if any of the three listed circumstances are met. Circumstance (a) requires that one or more units be located within the grounds of an existing or approved hotel, self catering complex, guest house or holiday park, this would not be the case in this context. Circumstance (b) is not relevant as the proposal does not provide a cluster of three or more new units but seeks to replace two existing buildings with one building of tourist accommodation. Circumstance (c) of Policy TSM 5 allows for the restoration of an existing clachan or close through conversion and/or replacement of existing buildings. Whilst "clachans" are not defined in PPS 16, the existing buildings could not be described as a clachan. Circumstance (c) allows for the replacement of existing buildings, not just conversion, subject to the retention of the original scale and proportions of the buildings and sympathetic treatment of boundaries. In this evidential context, it is considered that the proposed development does offend circumstance (c) as it seeks to replace existing buildings not within a group of buildings defined to be a clachan. As such, it does conflict with Policy TSM 5.

Thus following consideration of the proposal against Policy TSM 5, the proposal does not meet any of the specified circumstances.

In terms of assessment of other relevant policies of PPS 21, Policy CTY4 which is entitled 'Conversion and re-use of an existing buildings' is one such instance. However, as the application is to replace the existing building, it would not fall into this category.

PPS 3 - Access, Movement and Parking AMP 2

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. Transport NI have been consulted regarding the proposal and would deem that there would be an intensification of the access.

Conclusion

Following consideration of the proposal against TSM 5 – self-catering accommodation in the countryside, the proposal does not meet any of the specified circumstances. In addition, it would fail the tests of AMP 2 of PPs 3

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to 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 Policy Statement and Policy TSM 5 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not meets any of the specified criteria.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature

Date

Appointed Officer Signature

Date

Planning Committee 'Call in' Request Form

28

Delegated Application List w/c: 05/02/20	Planning Application Number: LA07 20191221 F	Requested by: Cllr Gallagher
---	---	---------------------------------

PLEASE NOTE THAT SUBMISSIONS SHOULD BE ON THIS FORM AND LIMITED TO TWO PAGES. ANY ADDITIONAL INFORMATION BEYOND TWO PAGES WILL BE DISREGARDED.

Description of the application –

PROPOSED DEMOLITION OF OUTBUILDINGS & PROVISION OF GUEST HOUSE TOURIST ACCOMMODATION & ASSOCIATED SITE WORKS ASSESSED UNDER PPS16, TSM3 AT LAND 10m NORTH WEST OF 180 TULLYBRANNIGAN ROAD, NEWCASTLE, CO. DOWN

Proposed decision (including reasons if the decision is refusal) –

Refusal Reasons:

1. The proposal is contrary to 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 Policy Statement and Policy TSM 5 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal does not meets any of the specified criteria.
3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

Following a full assessment of the Councils initial assessment of this planning application and the recommended reasons for refusal the following should be outlined.1-This application was submitted seeking permission for a 'Proposed Guest House Tourist Accommodation & associated site works' as described within the submitted P1 application form. 2-As is outlined within the Council's planning report the definition of a guest house is as follows; 'A guest house shall provide overnight sleeping accommodation for visitors in separate rooms comprising not less than 3 double bedrooms'. An assessment of the submitted floor plans clearly illustrates that the proposed development provides three separate double bedrooms within it for guests, providing overnight sleeping accommodation. The above definition of a guest house does not preclude the provision of dining/living areas. The Council within their planning assessment have assessed the proposal as being self-contained accommodation. The definition of self-contained accommodation outlines that 'a self-catering establishment shall comprise one or more self-contained units providing furnished accommodation (including sleeping accommodation and catering facilities) for visitors'. It is further stated that 'The Tourism Order defines a self catering unit as including "houses, cottages, apartments or rooms, bungalows, chalets, cabins and caravans". This application does not propose a house, cottage, apartment (or rooms), bungalow, chalet, cabin or caravan. The application does not seek to sub-divide the plot and the existing access to the site shall be used. The guest house shall be sub-ordinate to the residential function found within the site. It is noted within the case officers report that it is

Planning Committee 'Call in' Request Form

29

stated that the proposal 'would seem to fit as self-catering accommodation'. It would appear from the case officer's statement that they are unclear/uncertain in their categorisation/assessment of the proposal. This application seeks to provide a guesthouse within the applicant's holding which shall add to the tourist offer within the Council area. It is considered that the Council have incorrectly assessed this application against the wrong planning policy.

Set out why this application should be determined by Committee rather than officers –

The applicant wishes to provide a guest house, has submitted a planning application for same and wishes for it to be assessed against the relevant planning policy which in this case is TSM3 of Planning Policy Statement 16. It is considered that the Council have incorrectly assessed this application. A recent similar case in which the Council (NMD) misinterpreted the requirements of PPS 16 includes planning approval ref: LA07/2018/0915/F. In this case the Council initially sought to refuse permission via a misinterpretation of policy TSM3 which was incorrect. Following a full assessment by the planning committee this application was granted planning approval on 20th Feb. 2019. An assessment of the case officer report provides no objections to the development in relation to neighbouring amenity levels, natural or built heritage features or the visual impact of the proposal. It is also noted that no 3rd party objections have been lodged against the proposal. It is noted that within the case officer report for planning approval ref: LA07/2016/0964/O 'Site for 4 No. earth integrated houses (Underground Houses) for holiday rental... at 30m South East of No 280 Moyad Road Kilkeel, the Council concedes that 'there is a general need for more tourist accommodation in the Mourne area'. This development seeks to provide further tourist accommodation within this area. The site is ideally located to be able to provide a secluded guest house within one of the Council's main tourist attractions/parks. This shall add to the range of tourist accommodation within the council area. The applicant is content that a condition of approval would be the inclusion of a use condition which shall ensure that the proposal is utilised for tourist accommodation only.

The applicant also wishes to be given the opportunity to address the concerns raised by DFI Roads, namely, provision of width for access & its sight visibility splays to meet the standards. As a consequence it is requested that this application is presented before the planning committee for further discussion & assessment.

Amended proposals can be submitted to planning department to represent a Guest House type accommodation as discussed at the planning committee meeting.

An amended P1 form can be submitted to Planning which serves notice on an adjoining land owner for sight visibility splays along with a report from a traffic consultant. This will satisfy DFI Roads concerns.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

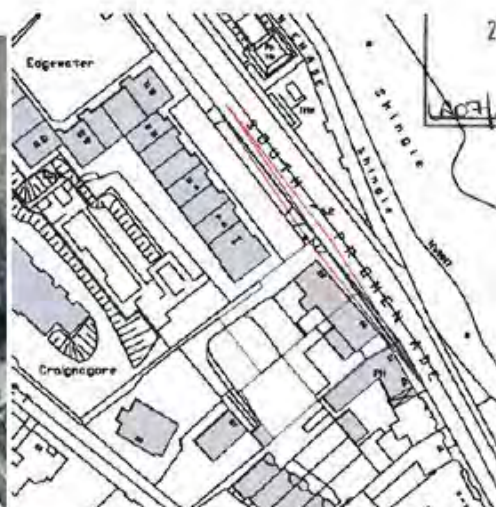
Newry, Mourne
and Down
District Council

Application Reference: LA07/2019/1302/F

Date Received: 27.08.2019

Proposal: The application is for full planning permission Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space.

Location: The application site is located within the settlements limits of Newcastle and in an Area of Townscape Character as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is located off South Promenade Newcastle and is comprised of roughly square and rectangular plot located to the rear of Nos. 65-69 South Promenade and immediately to the front of No 63 South Promenade. The site is grassed at present and rises steeply from South Promenade in a SW direction toward the properties at No 63 South Promenade and 28 King Street which sit at a higher level than those along South Promenade. The existing access to No 63 runs parallel to the NW boundary along the site, which will also serve this site. The immediate area is predominantly residential, however there are retail premises to the east of the site.

Site History:

R/1994/0072 REAR OF 65B South Promenade Newcastle Bungalow Granted

R/2000/0330/F 67 South Promenade, Ballaghbeg, Newcastle, Change of use of part of supermarket to a hot food carry out PERMISSION GRANTED 26.05.2000

R/2011/0794/F 65 and 67 South Promenade Newcastle, Proposed change of use of restaurant to retail unit on ground floor and 2no 1 bedroom apartments on the first floor PERMISSION GRANTED 03.09.2012

LA07/2017/1614/F Apartment B 65 South Promenade Newcastle Bedroom and utility room extension PERMISSION GRANTED 12.12.2017

LA07/2018/0061/F To the rear of 65-69 South Promenade, Newcastle, Proposed dwelling Permission Refused 24/01/2019.

LA07/2018/0750/F - Apartment B 65 South Promenade

Newcastle - Proposed bedroom and utility room extension to first floor apartment, with additional bedroom at second floor Permission Refused - 07.03.2019

Planning Policies & Material Considerations:

The application site is located within the settlement limits of Newcastle, within the Mourne AONB, an Area of Townscape Character (ATC) and sphere of influence of an archaeological site and monument as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 2, PPS 3, PPS 6, PPS 7 'Quality Residential Environments' and the second addendum to PPS7 'Safeguarding the Character of Established Residential Areas' (the Addendum). Supplementary guidance contained in 'Creating Places - Achieving Quality in Residential Developments' (CP) is also material to the consideration of the application as is DCAN 8 'Housing in Existing Urban Areas'.

Consultations:

NI Water – statutory response

DFI Roads – objection – detailed below

Historic Environment Division – No objections

Objections & Representations

In line with statutory requirements seventeen neighbours have been notified on 09.09.2019. The application was advertised in the Mourne Observer on 11.09.2019.

Two letters of objection have been received from the occupants at No 63 South Promenade and No 28 King Street. No 63 has also sent in a second letter to counter argue the parking survey that was submitted.

Kieran Fitzpatrick 63 South Promenade, Newcastle raises the following issues:

- Inadequate vehicular access to the site

- Build restrictions and guidance (and the need to avoid town cramming)
- Issues regarding boundaries and proposal in close proximity
- Previous application for a refusal on the same site
- Loss of privacy and overlooking
- Inaccuracies on current plans
- Allocation of parking for the apartments already approved

Robert Martin 28 King Street, Newcastle raises the following issues

- Objections from the previous application
- Existing Right of way
- Commercial storage already on the site
- Incorrect sightlines
- Additional vehicles and their impact and access to the site
- Access serves 63 South promenade and 28 King Street
- Nature of amenity space for apartments
- Excavation work has already taken place on the site, now a steep topography
- Loss of amenity to property

One letter of support has been received from Jim Wells MLA stating that the applicant has met Roads concerns and the site is brownfield site within Newcastle.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 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 application is located within the settlement of Newcastle, within the ATC and with the Mourne AONB.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

The current proposal seeks full planning permission for the erection of a detached dwelling. The dwelling has an overall height of 5.8m to FFL and an underbuild of 0.35m. There is a single storey rear return which extends 6.3m to the rear and which drops in ridge height to 4.4m above FFL. The dwelling will be finished with smooth rendered walls and black plinth, aluminium windows, aluminium and glass front door, black PPC Aluminium rainwater goods and dark flat roof tile / slate.

Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed criteria A – I.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

This is a full application to establish whether a dwelling at the site to the rear of No's 65 and 69 South Promenade is acceptable. The site layout provided shows the proposal in relation to Number 63 South Promenade and No 28 King Street. The plot on which the actual dwelling will sit is 15.5m x 15m. The remaining portion of the red line is being used to reconfigure the amenity space for the apartments at No 65 South Promenade.

DCAN 8 discusses that for a site to be successful backland development it must have appropriate plot depth and configuration. DCAN 8 states 'Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting'. The site size is less than a quarter of this, with the overall backland plot approx. half of the recommended 80m. The urban grain could not be described as a 'tight urban grain' nor would it be sufficiently tight to overcome concerns regarding residential amenity and character and to allow for a lesser plot depth.

The layout arrangement shows a dwelling positioned close to the boundaries with No 63 and 69 South Promenade and with No 30 King Street which results in poor private amenity space which is approx. 45m² of useable space (plans indicate 62m² some of which is to the rear of the rear return of the proposal which is located approx. 2m from the boundary with lands just to the NE of No 30 King Street). This is at the lower end of the guidance from Creating Places whereby amenity space should be between 40m² – 70m². The dwelling is 6.5m to the boundary with No 63 South Promenade and 1m from the boundary with No 69 South Promenade (indicated as being owned /controlled by the applicant). The front of the dwelling which includes two living room windows and a bedroom window is approx. 1.5m from the grassed bank owned by No 63 where there is a change in levels of approx. 1.5m and thus the outlook for potential residents would be poor. The owner/occupiers of No's 65 and 69 may be prepared to tolerate a lower level of amenity than is required is not a sufficient reason to permit an otherwise unacceptable proposal as its neighbours or future occupiers may not. Thus a dwelling on the plot would be overdevelopment of the site and not

respect the surrounding context and is inappropriate to the character and topography the site.



(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

Historic Environment Division have been consulted regarding the proposal and archaeological and built heritage will not be impacted upon.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Given the nature of the development public open space is not a requirement. There is adequate private space within the application site to accommodate the private open space provision.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The provision of neighbourhood services is not applicable to this application given the scale of development.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

Given the scale of development a movement pattern is not required.

(f) adequate and appropriate provision is made for parking;

The proposal is able to provide off street in curtilage parking which is deemed to be acceptable. Parking for the adjacent proposal will be discussed later in the report.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

The proposal is for a 3 bedroom dwelling, with no issues regarding the materials and finishes of the dwelling.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

The dwelling has been designed with 3 blank wall/gables in order to reduce overlooking, however, this contrived design solution, is a reflection of the restricted nature of the plot as is the orientation of the dwelling. There will however, still be some element of overlooking of the proposal from the neighbouring properties Nos 28-30 and No 63 South Promenade.

(i) the development is designed to deter crime and promote personal safety.

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety in the same regard as the existing dwellings.

PPS 3 - Access, Movement and Parking PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

The applicant has indicated two parking spaces to serve the proposal. Also as part of this proposal the area to the rear of the apartments which is currently used for parking is to be reconfigured to remove any parking and provide communal amenity space for the apartments.

Transport NI has advised that if the proposal is permitted it would prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Departments DCAN 15 due to parked cars. Consequently, it is considered that the proposal would prejudice road safety and is therefore contrary to Policy AMP 2 of PPS 3.

In relation to the reconfiguration of the amenity space for the apartments, these had been approved under the previous application R/2011/0794/F showing two car parking spaces, it is not appropriate to now remove parking spaces so that the additional parking can now be used to serve the proposed new dwelling.

PPS 6 Planning, Archaeology and the Built Environment

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage. HED Historic Monuments has assessed the application and on the basis of the

information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Addendum to PPS 6 – Areas of Townscape Character

Policy ATC 2 – New Development in an area of Townscape Character

The Department (Council) will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. As mentioned previously the proposal is located within the ATC in Newcastle. The proposal would not provide a quality residential development and in this respect, it would not maintain or enhance the overall character of the area.

Conclusion

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the application does meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, in that there is inadequate provision for parking within the scheme as the proposal is utilising the parking provision for No 65 South Promenade to service the proposed dwelling.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3 (PPS3) Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 due to parked cars.

5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Case Officer Signature

Date

Appointed Officer Signature

Date

Mr Kieran Fitzpatrick
63 South Promenade
Newcastle
BT33 0EY

Ref: LA07/2019/1302/F

Agenda Item: 8.0

Date: 3rd February 2020

Re: *Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space*

Dear Committee Members,

My major concern is surrounding the access in and out of the private laneway onto the busy South Promenade. Due to parking demands along the Promenade combined with a limited splay width at the entrance to this driveway, negotiating a safe exit can be extremely treacherous.

I was pleased to see that *DFI Roads*, after considering this application, and the previous one by the same applicant, have recommended refusal based upon safety concerns:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility of splays of 2.0metres x 60 metres cannot be provided and maintained due to on street car parking in accordance with the standards contained in the Departments Development Control Advice Note 15.

I know that similar concerns have also been highlighted by fellow residents in the South Promenade area of Newcastle regarding this dangerous stretch of road, and I believe there are discussions regarding the introduction of traffic calming measures.

Remember that a pedestrian was fatally injured very close to the entrance of the proposed dwelling, just over two years ago.

I have attached some photographs that I have taken on two consecutive days that demonstrate the parking congestion that occurs daily around the entrance to my driveway, and of course the entrance to the proposed development.

I thank you for this opportunity to present my concerns.



**This is the view from the Harbour inn side.
The driveway is indicated with a red arrow.**



This is at the entrance to the driveway.



This is the view from Edgewater apartments.



This is the view from my front window. If there was ample parking, why would there be so much congestion.

Robin & Jacqueline Mark

28 King Street

Newcastle, BT33 0HD

Ref: LA07/2019/1302/F

Agenda Item: 8.0

Date: 3rd February 2020

Re: *Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space*

Dear Committee Members,

We, as property owners adjacent to the proposed development as above would like to highlight our views and objections in regard to the proposal.

The proposed site is in an area of township character, and the site is on back land with limited access. It is not a brownfield site by any correct definition. The land is shared amenity space and includes a historic legal right of way.

The proposed access in no way meets any of the legal requirements regarding width, sightlines or splay and parking. There are significant road safety issues which will be exacerbated by the proposal.

Indeed the above issues and concerns have been noted and stated by Planning, as follows

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility of splays of 2.0metres x 60 metres cannot be provided and maintained due to on street car parking in accordance with the standards contained in the Departments Development Control Advice Note 15.

Attached is a photo of proposed development site in normal daytime usage during working day showing issues. Traffic is required to come out of the access road at a 90 degree angle onto a busy main thoroughfare.

I thank you for this opportunity to present my concerns.

With Regards,

Robin and Jacqueline Mark



Committee Meeting 12th February 2019	Planning Application Number : LA07/2019/1302/F
--	---

Request For Speaking Rights

Provision of dwelling with associated parking and amendment of Application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space

Proposed decision (including reasons if the decision is refusal) –

Refusal:

1.The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7 (PPS7): Quality Residential Environments, as the development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of layout, as it is considered overdevelopment of the site and an unacceptable form of backland development.

Agent's Response:

The steeply rising topography is typical of the harbour of Newcastle. The vast majority of dwellings in the entire harbour area have had to mitigate the sloping topography in some way. To say that a dwelling built on a plot to the rear of South Promenade on rising topography does not respect the local character is not accurate. 27 of the surrounding houses on King Street/South Promenade have been built as split level dwellings due to the nature of the local topography. Additionally the 4 storey, terraced dwellings located at 30-36 King Street represent a much more prominent development. In addition there are 31 apartments immediately to the east (Edgewater Apartments), in addition to 3 storey apartment blocks along South Promenade. The case officer in the planning report has also incorrectly applied Development Control Advice Note 8 in stating that the 80m plot depth is required for 1 dwelling: The 80m depth of sites for back-land development is to accommodate 2 dwellings on a development site which is dual fronted. This proposal is to accommodate 1 dwelling. The back land development paragraph within Development Control Advice Note 8 summarises and re-peats findings of 'Sustainable Residential Quality' (London Planning Advisory Committee, 1998) The DCAN, paragraph 5.7 explains that it is based upon the aforementioned guidance. A diagram within this report illustrates the correct way to interpret the 80m recommendation - which is for 2 houses. In any case, the appropriate Policy Test is the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas which the proposal meets and exceeds. Regarding precedent of previous planning decisions: particularly relevant to this application is the context of application reference LA07/2018/1814/F which was granted 24th May 2019 and is located only several hundred meters from the applicants site: this application allowed 2 self-contained holiday apartment units on a site much smaller than the proposed plot (100m2) which demonstrates that although these are holiday apartments: the planning department have deemed the proposal appropriate to allow a far greater density of development and increased built footprint for this area thus meeting PPS16 TSM1 which has similar site context requirements as PPS7's QD1A. The application site proposes 1 dwelling on a site area of over 600m2 which is approximately 10 times less dense a proposal with regard to built footprint ratio!

2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion C of Policy QD 1 of PPS 7: Quality Residential Environments, in that the proposal has not made adequate provision for private amenity space.

Agent's Response:

The proposal has provided over 60m2 private amenity space. The minimum requirement is 40m2. The application site is surrounded by apartments with an average of less than 9m2 shared amenity space. The adjacent dwelling at 63 King Street has less than 30m2 of usable private amenity. The proposal is also 40m from shared amenity space on the promenade. Again, this refusal reason is based on a highly negative interpretation of policy.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, in that there is inadequate provision for parking within the scheme as the proposal is utilising the parking provision for No 65 South Promenade to service the proposed dwelling.

Agent's Response:

The application proposes to remove parking from apartments located at 65 South Promenade. The users of these apartments can avail of on street parking as demonstrated by the parking survey. Development Control Advice Note 8 encourages "Living Over the Shop" (LOTS) whereby users can avail of on-street parking. This arrangement with

apartments over shops is explained in the DCAN (DCAN 8 , 5.12-5.18). This arrangement is replicated throughout the Council area – think of any shop within any town centre in the Council Area- more often than not there are apartments over the retail space which avail of on-street parking.

As Transport NI Guidelines recommend - the parking surveys were carried out at 6am-7am in the morning and 7pm-8pm in the evening. As shown in the submitted parking surveys - 31 spaces were found to be available within 100m of the apartments.

4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3 (PPS3) Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2m x 60m cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15 due to parked cars.

Agent's Response:

Transport NI have mis-understood the proposal. The application seeks to reduce the use of the laneway. There are currently 2 parking spaces belonging to the apartments at 65 South Promenade (owned by the applicant) and accessed off the private laneway. These parking spaces will be removed at the rear of the apartments and replaced with landscaped gardens. The occupiers of the apartments who previously used these spaces can then avail of on-street parking to the front of the apartments. 2 spaces are then proposed for the dwelling ; consequently as only 2 spaces are being proposed serving a single dwelling, this will mean a reduction in the number of vehicle movements per day on the laneway by 2-3 movements.

5. The proposal is contrary to Policy ATC 2 of Addendum to PPS 6 Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character of the ATC and does not respect the built form of the area.

Agent's Response:

The proposal respects the character of the ATC. The single storey dwelling is typical of that which is found on South Promenade and King Street. The dwelling will be located on a shelf on rising topography which is reflective of the prevailing development pattern. 4 storey units at 30-36 King Street dominate the surrounding environs. The dwelling be concealed to the rear of the 65-67 South Promenade. The dwelling will also be much lower in height than the dwellings to the rear on King Street. Suitable landscaping in the form of greens areas and hedgerow will further soften the impact. The proposal is surrounded by dwellings with similar development patterns. Application reference LA07/2018/1814/F which was granted 24th May 2019 and is located only several hundred meters from the applicants site: this application allowed 2 self-contained apartment units on a site area much smaller than the proposed plot (100m²).



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1362/O

Date Received: 13th September 2019

Proposal: Infill dwelling and garage

Location: Adjacent and immediately south of no. 64 The Heights, Loughinisland

Site Characteristics and Area Characteristics:

The site is located on the northern western side of the minor road known as The Heights, Loughinisland. The site comprises an elongated narrow plot which rises steadily in height from the roadside up to the north west. The site is much higher in level to the north than to the south. The site contains a number of farm buildings and a large shed abuts the site to the west. To the north is no.64 which is on a higher level than the site. There is a large area of gorse to the roadside portion of the site. The northern boundary of the site, shared with no. 64 is defined by hedging. The southern boundary is largely undefined. Part of the south eastern boundary is defined with a wall, the rest with a post and rail fence along the roadside.

Site History

LA07/2019/0489/F – 40m South of 64 The Heights, Loughinisland

Infill Dwelling

Refused 13.06.2019

LA07/2019/1478/F – 40m South of 64 The Heights, Loughinisland

Infill dwelling

Refused 13.08.2018

Planning Policies and Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document which is read in conjunction with PPS 3 and PPS21.

Consultations:

DFI Roads – No objections subject to conditions

NI Water – no objections

Objections & Representations:

The application was advertised in the local press on 2nd October 2019 which expired on 16th October 2019 and neighbour notification issued on 26th September 2019 expired on 29th August 2019. To date there have been no objections received in relation to the proposal.

Consideration and Assessment:

Ards and Down Area Plan

Section 45 of the Planning Act (NI) 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 application is located in the open countryside outside the settlement of Loughinisland. There are no specific policies in the Plan material to this application. Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in which a number of cases which are listed, CTY 8 – titled Ribbon Development is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

The proposal seeks outline permission for the erection of a dwelling and garage. The indicative location is shown to be to the south of no. 64 and to the east of the large agricultural shed. Given that this is an outline application, no details of design have been submitted.

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

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'. When considering what a small gap site is for the purposes of the Policy, the Policy headnote's wording directs the reader to consider the existing development pattern along the frontage in terms of size, scale, siting and plot size.

The justification and amplification in paragraph 5.34, comments that the infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. Applicants must take full account of the existing pattern of development and can produce a design solution to integrate the new buildings.

Accordingly, it is the gap between buildings that is required to be assessed.

The gap is set out in the Design and Access statement as being between no. 60 and 64, The Heights. In assessment of whether this site represents a gap site within an otherwise substantial and continuously built up frontage, it is considered that No 64, no 60 and the agricultural shed to the west have a frontage to the roadside. As such, there appears to be a substantial and built up frontage. It must also be considered whether the application site constitutes a 'gap' for the purposes of the policy. The site subject of this application is a parcel of land to the front of the shed, some of which has been taken from no. 64. The Council does not consider that the site constitutes a gap site owing to the fact that the gap between the shed and no. 64 is not sufficient to accommodate one building. The building to building distance between no 64 and the shed is 21m which is insufficient to comfortably accommodate a new dwelling. In considering the existing line of development, there does not appear to be a gap between dwellings.

Policy CTY8 further requires all proposals to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Officers consider that the proposed development would not respect the existing development pattern in terms of size and scale given that the area and size of the plot would be sufficiently below that of surrounding plots. The plot is furthermore shallower than the surrounding plots, which when combined with its reduced size, makes it appear out of keeping with the character of the area in conflict with CTY14.

In terms of siting, the site extends to the front of the existing building line and so, does not read as a gap in a line of buildings but rather a new artificially subdivided site to the front of a line of existing development, further in conflict with CTY14.

Considering that the proposed development is not considered to form a gap site, it would add to a ribbon of development along this stretch of The Heights, which conflicts with CTY8.

As such, the proposed development would not be in accordance with Policy CTY8 and CTY14 of PPS21.

Recommendation:

Refusal is recommended.

Reasons for refusal:

1. The proposal is contrary to the 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 Policies CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern of development in terms of plot size, depth and siting, and would, if permitted, result in the creation of ribbon development along The Heights.

Case officer:

Authorised by:

Date

Planning Committee 'Call in' Request Form

49

Delegated Application List w/c:	Planning Application Number : LA07/2019/1362/O	Requested by: Collins & Collins
---------------------------------	--	---

PLEASE NOTE THAT SUBMISSIONS SHOULD BE ON THIS FORM AND LIMITED TO TWO PAGES. ANY ADDITIONAL INFORMATION BEYOND TWO PAGES WILL BE DISREGARDED.

Description of the application -

Gap site for dwelling and domestic garage adjacent and immediately South of No. 64 The Heights Loughinisland, Downpatrick

Proposed decision (including reasons if the decision is refusal) –

In relation to the application above and its status on the delegation list for refusal we would ask if you could represent our client Mr Paul Bloomfield and have speaking rights at the meeting dated the 20th February 2020

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

The site is located on a minor road known as the Heights Downpatrick, our red line has been increased from the initial application to allow for the road frontage to be similar to that of the neighbouring properties. The neighbouring dwelling No. 60 has since been constructed and is now habitable again allowing for a stronger evidence that this site is an infill site as there is existing dwellings and buildings on either side of the proposed site. In our professional opinion the proposal would not create ribbon development as per CTY8 as this building line is already built up with this existing gap between No. 60 and 64.

The Northern and Southern boundaries of the site have existing dense vegetation which are client is going to retain and enhance so as to allow the proposed dwelling to integrate into the surrounding landscape. The Western and Eastern boundaries are not defined but he plans to plant with native hedgerow and trees to again blend the new build into the rural landscape. In the previous full application the dwelling was of different design to that of the neighbouring dwellings, we propose because the proposed site plot has been increased that the dwelling would be of single storey build with a front elevation of 16m—18m long so as to be of consistent design of the existing dwellings as per CTY14 of PPS21.

We feel that there is genuine need for this dwelling as our client is from the immediate locality and would love to remain in the rural community beside all their relatives and family. The proposed dwelling will be of similar scale and size of the existing dwellings, the dwelling will not be a prominent feature in the landscape and will integrate with the other dwellings and landscape. The existing dwellings 54, 56,60 and 64 on this stretch of road are all relatives, it would mean a lot to our client to be situated beside his family.

Our client's parents reside in No. 64 and by building close to them they will be able to help their aging parents in their later years. We feel that the permission of this proposal would benefit both sets of families in that they would be living in close proximity enhancing both their quality of lives, allowing them to have their own space but still close enough to help with daily chores and emergencies.

Set out why this application should be determined by Committee rather than officers –

The application should be determined by the committee as the client is a local constituent who wants to reside in the immediate area beside his family.

We feel that the council can put across his reasons for a planning approval on his behalf and will be sympathetic for his reasons wanting to be close to some of the more elderly members of his family so as they have a close support network in this rural community.



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

Application Reference: LA07/2019/1537/F

Date Received: 18th October 2019

Proposal: Proposed Conversion of Existing Vacant House to 2 No Apartments, rebuilding of rear Return plus new Garage and Workshop/Stores in rear Garden

Location: 23 South Promenade, Newcastle

Site Characteristics & Area Characteristics:



The site is comprised of a 0.05 hectare site, comprising a two-storey terraced dwelling which fronts immediately onto South Promenade, Newcastle. The dwelling has a two-storey return and a small yard area to the rear. This area is defined by a stone wall and accessed via a wooden gate. Along the rear of the property, there exists a narrow service access / right way to the west of the which lies additional amenity / garden space associated with the dwelling.

This area is defined by a stone wall along the most westerly boundary to the rear and mature vegetation to the northern and southern elevations.

Beyond the western boundary of the entire site, lies a development currently under-construction and approved under LA07/2017/1130/F for two dwellings.

The site is located within the settlement limits of Newcastle and is located in a predominantly residential area. The existing dwelling is also located within the Area of Townscape Character, while the detached amenity garden area is located outside the ATC but within area zoned for housing (NE06 (04)).

Site History:

There is no previous history for development on this portion of land. However, similar applications within the vicinity along South Promenade are noted to be as follows:

LA07/2017/1130/F - Lands to south of Nos 12-28 Lawnfield Grove, Newcastle, - Proposed erection of 2 houses with integrated domestic garage - PERMISSION GRANTED - 23.11.2017

R/2007/0524/O – 25 South Promenade – 2 holiday apartments – Withdrawn

R/1997/0512/F – 25 South Promenade – 4 apartments – approved

R/1993/0463/F – 19 South Promenade – 4 flats – approved

R/1988/0872/F – 9 South Promenade – 3 Apartments - approved

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS2, 3, and 7, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 28.10.2019

Consultations:

In assessment of the proposal consultations were carried out with NIEA, NIW and HED, to which no objections have been received. DfI Roads were also consulted and have advised the Planning Authority that the proposal is unacceptable.

The relevant neighbours of the site were notified of the proposal 01.11.19

Objections & Representations

No objections or representations have been received

Consideration and Assessment:

The proposal seeks full planning permission for the conversion of the existing dwelling into 2 apartments with a new extension to the rear and the erection of a new garage and workshop in the rear garden area.

Principle of development

The application site is located within the Settlement Limit of Newcastle as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1.

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zones sites provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

PP3

Roads Interest

In consideration of the proposal (from a road safety perspective), DfI Roads have been consulted and as indicated above have advised the Planning Authority that the proposal if permitted would prejudice the safety and convenience of road users since the width / visibility of the existing access renders it unacceptable for intensification of use.

In assessment of the intensification of the access it is noted that the site is currently comprised of a 6 bedroom dwelling. The site has one in-curtilage space located in the garage / store to the rear of the property.

The proposal seeks approval for 2no 2 bed apartments which would require 3 unassigned spaces or 4 assigned spaces as per Creating Places.

The agent has provided some supporting information which states that the proposal is comparable to the existing, in that the dwelling presently uses an existing access with existing parking to the rear and avails of on-street parking at South Promenade.

In assessment of this information it is noted that the supporting drawing showing the existing arrangement details the site as utilising the existing in-curtilage space with vehicles parking on the access road to the rear of the site.

While this maybe how the development currently operates, the use of the lane for parking would not be acceptable given that an obstruction can easily occur, preventing other residents and service vehicles accessing those neighbouring properties along South Promenade.

It is also noted that double yellow lines are present along the immediate frontage of the site, preventing on-street parking at the frontage of the site. Users would therefore have to park on the opposite side of South Promenade, this is not an acceptable arrangement in terms of road safety and convenience / surveillance etc and such an arrangement would not be approved.

It is considered therefore that the existing dwelling has only 1 in-curtilage parking space and as the proposed development requires 3 – 4 in-curtilage spaces the use of the existing sub-

standard access would be intensified, such an arrangement is unacceptable and contrary to PPS 3 Policy AMP3 and those standards contained within the guidance document DCAN 15.

The proposal will therefore be recommended for refusal on this basis.

In consideration of the remainder of the proposal, the assessment is as follows.

PPS 7

Policy QD1 of PPS 7 provides the policy context. All proposals for residential development will be expected to conform to criteria (A) – (I):

(A) Context

The development, while residential, in a predominantly residential area, does not respect the surrounding context given its proposed overdevelopment of a site which cannot accommodate the required parking

(B) Features of archaeological / built heritage

The proposal is located adjacent to Annesley Estate Office and hall at 3 South Promenade a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED (Historic Buildings) have considered the effects of the proposal on the listed building and consider the proposal to be far enough away from any listed building that their settings will remain unaffected.

(C) Private amenity space,

Apartment 1 on the ground floor will have a wrap-around patio area with access to the rear garden area across the lane, therefore this apartment will have sufficient private amenity space.

Apartment 2 on the first floor is noted to have been allocated a small terraced area approximately 23sqm in size. Creating Places guidance document advises in paragraph 5.20 private open space areas should be between 10 – 30 sqm. It is considered that the provision for this apartment is sufficient particularly in light of the surrounding context and ease of access to other amenity spaces within Newcastle – park, beach, promenade etc.

(D) Provision of necessary local neighbourhood facilities

There is no requirement for the developer to make such provisions in this particular case

(E) Movement Pattern

The site is located within the settlement limit of Newcastle and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.

(F) Adequate and appropriate provision for parking

The proposed apartments will be accessed via the existing lane along the side of No.25 South Promenade. DfI Roads have advised that this access is sub-standard. In assessment of the parking provision please see above and note that it has been

considered that the parking provision required for this development would result in the intensification in use of a sub-standard access.

(G) Design

The submitted drawings indicate that the main portion of the existing dwelling will remain as existing with demolition and re-building of the rear return. The design of the dwelling is considered to be acceptable and will retain the existing character of the building which is noted to be located within the ATC of Newcastle.

(H) Conflict with Adjacent uses

The internal arrangement of the proposed apartments is similar to that which is existing, it is not considered therefore that the proposal will have an unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light etc.

On the basis of the above assessment, it is considered that the proposal does not fully comply with the requirements of Policy QD1 of PPS 7 mainly for reasons relating to access and parking.

Other Matters

Area of Townscape Character

Policy ATC 1 – Demolition Control in an Area of Townscape Character

As indicated above the proposal involves an element of demolition. The main body of the dwelling is to be retained, while the existing rear return is to be demolished and re-built.

In assessment of the existing return, while unlisted it does contribute to the historical form of the building. I do not consider, however, given its location to the rear of the building, that it makes a significant material contribution to the ATC and find that its replacement with a return which is similar in size and form to be acceptable.

WwTW

NIW have advised that the Wastewater Treatment Facilities (Newcastle WwTW) are presently available to serve this proposal.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is unacceptable in planning terms and refusal is recommended

RECOMMENDATION: **REFUSAL**

REASON:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that, if permitted, it would prejudice the safety and convenience of road users since the width / visibility of the existing access renders it unacceptable for intensification of use.

Signed

Date

Signed

Date

23 SOUTH PROMENADE, NEWCASTLE.

LA07/2019/1537

The existing property is currently a 6 bedroom house in need of extensive renovation and modernisation. This application is to convert the 6 bedroom house into 2 number 2 bedroom apartments.

The applicant wants to subdivide a property to make it a feasible project and secure its continuing existence in the ATC.

The applicant is not overdeveloping the site, there are similar sized properties in the same terrace converted into greater number of apartments & they did not fall under the same scrutiny.

Planning have recommended refusal based on the decision that there would be 'intensification' of parking numbers. The parking numbers required for both existing & proposed is the same. Planning are of the opinion that there is 1 parking space historically associated with the property so logically the remaining spaces have been facilitated with on street parking. By default if the current proposal were to avail of the same historical single parking space then logically the remaining numbers would be facilitated with the same on street parking for the same number of vehicles. This has precedent locally where a proposal for 4 apartments at 77 South Promenade, Newcastle LA07/2016/0535/F was approved in 2017 after there being similar issues raised. In that case it was accepted that there was an established historical principle of no off street parking therefore it was accepted the proposal was actually like for like.

If the applicants were to carry-out extensive remedial work and the property was retained as a 6 bedroom house then there would be no query over intensification. The parking arrangement and access would be considered existing.

In essence the same number of cars are going to be associated with the property no matter what the outcome of this application.

We ask that the committee look at the larger picture. There is no traffic intensification, no parking intensification and without intensification there is no reason to refuse.

23 SOUTH PROMENADE, NEWCASTLE.**LA07/2019/1537**

I decided to buy a property in Newcastle as I had a desire to return to live with my wife in the town where I grew up and where I still have close family and social ties – my two brothers and parents reside there as well as an extensive network of relatives and friends. As a result of my own and my family's connections it has taken no time to establish ties and get re-acquainted with my neighbours in South Promenade.

We were attracted to the South Promenade area of Newcastle as we had previously rented a holiday home there and having the uninterrupted views of Dundrum Bay to the front and walking access to the mountains to the rear was just magical.

Our objective is to make 23 South Promenade our home. We therefore we have no interest in the intensification of use or occupancy of the building and, rather than convert the property into as many apartments as possible, my wife and I have submitted a plan to establish two well-proportioned apartments and we will make the ground floor one our new home. The property is severely run-down but we see an opportunity to enhance the interior and exterior of the building to modern standards whilst maintaining the characteristic Victorian aspect of the building.

Whilst a planning application in the area of Newcastle with such a characteristic aspect should be carefully considered I also hope that our proposal to move from a six bedroom property to a four bedroom property is recognised as a deliberate decision to maintain suitably proportioned quality housing in South Promenade and to rejuvenate an existing building. From my explanation of my aspirations for the property there should be a clear realisation this proposal does not represent intensification of use, access and parking that might have been the case had we taken the stance of maximising return and income.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1640/F

Date Received: 11th November 2019

Proposal: Change of use from florist shop to donut shop

Location: 31 Central Promenade, Newcastle

Site Characteristics and Area Characteristics:

The application site comprises a ground floor unit of no. 31 Central Promenade in Newcastle, a former florist. The site has a hairdressing salon next door to the south, and a solicitor's office to the north. Above the unit are 4 apartments spread across the first and second floors of the building. The unit is largely glazed on its front elevation and extends to the rear of the building.

The wider area is characterised by a range of uses, namely food outlets, recreation and commercial businesses. It lies within the Town Centre of Newcastle and also lies within the AONB.

Planning History

R/2008/0008/A - The Gold Rose, 31 Central Promenade, Newcastle

Projecting shop sign-boxed in.

Granted 08.05.2008

Planning Policies and Material Considerations:

The proposal is assessed against the following:

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland

- PPS 3 Access, Movement and Parking,
- DCAN 4 Restaurants, cafes and fast food outlets

Consultations:

The Council's Environmental Health department were consulted in order to get their views on the ventilation and fan systems in place. Following an initial request for further information, which was provided, Environmental Health responded with conditions to attach to any permission granted.

Objections & Representations:

The application was advertised in the local press on 27th November 2019 which expired on 11th December 2019 and neighbour notification issued on 15th November 2019 expired on 29th November 2019.

To date there have been 9 objections received from 5 different addresses

Objection was raised on the following grounds:

- This change of use goes against Planning Order (NI) 1973 Class 1 which states that this shop may not be used for the sale of hot food – the apartments above were purchased based on this fact
- Even though permission has not yet been given, conversion work started some weeks ago creating unacceptable levels of noise and distress for the residents of the four flats above
- The plan for a charcoal filter extraction system at the rear of the shop is completely unacceptable as it would be situated a few feet from my bedroom window
- How are they supposed to store bins etc?
- Car park to the rear of the unit is for flat owners only
- Concerns over fire risks as ovens have already been installed in the shop
- Concerns over risks associated with cooking with hot oil (350 degrees centigrade) and an increase in fire risk and poisonous fumes.
- To the back of the building, adjacent to the frying area are the apartments central heating oil tank room. Above the oil tank room is a stairwell, the only emergency exits available to residents of the apartments. Should fire break out in the donut shop and spread to the oil tanks the only means of escape for residents could well be blocked.
- Fumes could travel from the donut shop up the common utility shaft to the apartments above causing potential harm
- Industrial extractor fan is to be fixed to the rear wall close to my bedroom and living room. The omissions could prevent me from opening my windows and would mean passing through fumes on entry and exit each day

- The large ugly industrial addition of the extractor fan would be erected on the same elevation as our resident's entrance and would demean the character of what is our private entrance to our apartments.
- Extractor fan is within easy reach of vandals
- Owner of 31 Central Promenade failed to seriously consult his neighbours well in advance of the proposed changes

To date there have been 81 representations of support received.

Support has been raised on the following grounds:

- The fryer and state of the art charcoal filtration system will only be in use for approximately 36 minutes per day or a maximum of 54 minutes per day. The fumes and noise will not be running all day
- Environmental Health are satisfied with the proposal
- Applicants have been liaising with fire safety officers and intend to install the highest standards of fire safety
- Using a vacant shop
- Adding variety to Newcastle's hospitality industry
- New jobs provided
- Attracting people to the area
- No donut shops in surrounding area
- Will increase footfall in this part of Newcastle
- Railway street, Cafe Nero, Cafe Creme, Mauds, Froth, The Balti house, Subway, Shimna cafe these are the coffee shops and sandwich shops that currently cook, bake boil or fry and have residents living directly above them and have done for years
- Similar extraction units are to the rear of Froth and they can be seen when walking along the Promenade

Consideration and Assessment:

Ards and Down Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within Newcastle Town Centre. There are no specific policies in the Plan relating to the proposed use which will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

Paragraph 4.11 gives an indication of material considerations which should be considered such as a range of environment and amenity considerations including

noise and air quality. Environmental Health after initially requesting further information in their first consultation response have recommended two conditions regarding waste and maintenance of the extractor system in their response dated 8th January 2019 and has raised no objection.

Officers note the five objections which have been received by residents of the first and second floor apartments which raise concern most notably with the potential disturbance from fumes and air quality from the extractor system on the rear elevation of the building. Correspondence from the agent and applicants state that the fryers and extractor fan system will only be in use for a maximum of 54 minutes per day. The charcoal filtration system is not motorised and will not make any noise as it has no moving parts. The applicants propose to comply with the manufacturers recommendation that the charcoal filters of this extractor fan be changed every 3 months. As such, it is not considered that the operations of this equipment would be more harmful to the residential amenities of upstairs properties than the surrounding noises in this town centre location.

Objection has been raised on the grounds that the charcoal filter extract system would be a harmful addition to the primary entrance to the first and second floor apartments, which are accessed via a set of stairs to the rear of the building. The extraction system would be within the red line of the shop unit and not extending onto the property of the adjoining occupiers. Officers consider that given the town centre setting, an extraction fan is an appropriate addition to the rear of a shop premises. While the extractor fan will be visible, it will only be operational for a maximum of 54 minutes per day.

Officers also note the objections claiming that the proposals could risk a fire hazard owing to the location of the fryers near the oil tanks that serve the upstairs apartments. Correspondence with the applicant states that the proposed development will be in line with all fire safety regulations and fire safety officers have been liaising with fire safety officers throughout the process. Issues regarding fire safety, while noted, are reviewed by building control rather than being assessed under a planning application.

Consideration has been given to the comment stating that the proposed works were started without permission and that insufficient consultation with neighbours was undertaken. Applicants are expected not to start work until appropriate permissions have been granted however this cannot be policed for every application. While applicants are encouraged to discuss their proposals with neighbouring properties, this is not mandatory. Neighbour notification therefore is sent out to any neighbours likely to be affected by a proposal, in order to ensure that they are aware of proposed developments.

Objections were raised on the fact that this change of use would conflict with the Planning Order (NI) use class 1 in place on the site. This application is for a change of use of the unit in order to allow its use as a donut shop.

PPS 3 Access, Movement and Parking

The proposal will use existing on-street vehicular parking near the application site along Central Promenade and in adjacent carparks nearby, which I feel is sufficient to serve the proposal given its town centre location.

Development Control Advice Note (DCAN) 4 Restaurants, cafes and fast food outlets

The purpose of this DCAN is to provide general guidance on proposals for restaurants, cafes and fast food outlets. Paragraph 5.1 of the DCAN states that in assessing the impact of proposals a number of factors need to be taken into account:

- Noise and disturbance
- Smells and fume
- Refuse and litter
- Traffic and car parking
- Provision for people with disabilities.

Noise and disturbance, Smells and fume

The proposal will not have a detrimental impact on the amenity of this part of Central Promenade as many similar food outlets exist in the surrounding area. The extractor filter would operate for 54 minutes a day and be switched off otherwise. The charcoal extractor will neutralise smells and fumes from the frying of the donuts. Issues in surrounding the residential amenities of the apartments above have been discussed above in the report. Environmental Health have not raised any concerns in regard to the amenity aspects of the proposal but suggested two conditions to be imposed as part of any permission granted.

Refuse and litter

The P1 form states that waste will be disposed of through the existing refuse collection service. Environmental Health have recommended a condition that will be attached to any permission granted requiring the all waste generated by the business to be retained inside the curtilage of the premises.

Traffic and car parking

These issues have been dealt with above under the heading PPS3 Access, Movement and Parking.

Provision for people with disabilities

Having considered the plans I feel that the proposal facilitates ease of access to the building for people whose mobility is impaired, as it is ground floor level and there are adequate on-street parking facilities available on Central Promenade.

As such, the proposed development would comply with all relevant policies.

Recommendation:

Approval is recommended

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: development has already commenced on site.

2. All waste generated from the business shall be retained inside the curtilage of the premises with the exception of occasions where the refuse is to be collected.

Reason: To ensure the amenities of adjacent occupiers is retained.

3. The odour abatement equipment must be maintained in accordance with the manufacturer's instructions as stated in the letter from the applicant's agent dated 11/12/2019.

Reason: To ensure the amenities of adjacent occupiers is retained.

Informatives:

1. The drawing number to which this decision relates is: LA07/2019/1640/F 01 - 03

Case officer:

Authorised by:

Date:

LA07/2019/1640/F – 31 Central Promenade, Newcastle - Feb 5th, 2020.

-Under the Council's own debriefing, the Planning Committee are to consider "Planning Policies and Material Considerations" when reviewing the application. We would like to highlight a few critical policies that have been overlooked during the review process, and question some of the information noted in the summary document.

-DCAN 4 5.10 states unambiguously "if ducting cannot be installed without significant detriment to visual amenity, planning permission will be refused."

-Visual amenity is barely referenced in the summary document but is critical to this application. On Page 38, Visual Amenity is **not** noted under factors that need to be taken into account. In paragraph 3, on page 37, the planners note our concern regarding a "harmful addition", but immediately focus on the extraction system being within the red line of the shop and note cooking times, both these comments are irrelevant to the issue of visual amenity. Whilst a legal issue, the red line noted by planning in the summary document is incorrect. The legal description of the premises is **"The lock-up shop on the ground floor"** with an easement to pass over the car park **"foot only for the purpose of gaining access from Post Office Lane to the rear of the demised premises"**. The proposed extraction system is **not** within the red line of the shop unit and **does** extend onto the property of adjoining properties.

-The planners note the extraction fan is an appropriate addition to the rear shop premises, but don't comment as to whether it's an appropriate addition to the front entry of the apartments. This needs to be addressed as it clearly is not! A wall mounted industrial extractor (dimensions 700x700x700mm) 8'2" off the ground, 3' below a bedroom window and 4'-4" from the primary stair leading to the apartments will absolutely detract from the visual amenity. How could one argue otherwise? We invite those reviewing the application to visit the entry to our homes and witness firsthand this visual detriment that would result (see additional/supplement images on page 3). According to **DCAN 4's** own guidelines this application should absolutely be refused by this committee. Should the neighboring 33 Central Promenade also get a change of use approval, they too could mount an extraction system, 11-12' away from the first, doubling the visual impact. In this scenario an extraction system would be located adjacent to both the bedroom and living room windows of the apartment above, this is unimaginable and of great detriment.

-On page 36 of the summary, under **Strategic Planning Policy Statement**, reference is made to paragraph 4.11 but no reference is made to **paragraph 4.12** which addresses **Safeguarding Residential Environs**. 4.12 states **"Other amenity considerations arising from development, that may have potential health and well-being implication, include design considerations, impacts relating to visual intrusion, general nuisance"**. It's alarming that reference to this paragraph has been left out of the summary document. The onus must be on Planning to address this issue and explain their reasoning for not considering a large industrial extraction system at the entry to four residential homes a detriment to visual amenity or a **"visual intrusion"** as noted in the planning guidelines.

-The summary document states the proposal does not have detrimental impact on the amenity of this part of Central Promenade. The original planning application restricted hot food production to **"safeguard the amenity of the area"** This would most certainly have included the apartments above who will clearly suffer a detrimental impact.

-DCAN 4 5.10 also notes "if unacceptable smells and fumes cannot be prevented by means of effective low or high level ducting, planning permission will be refused".

We wish to highlight the term "unacceptable smell". Odour abatement equipment does not eliminate smell. Smell is inevitable and smell is subjective. At what point is smell considered a statutory nuisance? The subjectivity regarding this matter is of fundamental concern. Did the applicant consult with a Mechanical and Electrical consultant when specifying the equipment, is there a technical report to support the equipment selection? This is critical given the proximity of windows and entries. The Planners note "The charcoal extractor will neutralize smell and fumes from the frying of donuts" this is misleading and could be falsely interpreted to mean no smell.

-On page 37 of the summary, when addressing the concern of smell, the focus turns quickly to the duration of cooking and noise, neither of which address our concern regarding the smell generated from frying donuts in oil. In the applicant's submission to Environmental Health, a maximum daily cooking time of 54 minutes is noted. The residents believe this claim is disingenuous as the applicant markets on their website their desire to cater to corporate customers, weddings, and other special events in addition to foot traffic on Main Street. With increased use comes an increased risk of smell pollution and an increased need for maintenance. The premises could well become a **catering establishment** in support of a larger business plan.

-With regards to noise, the statement “the charcoal extraction system is not motorized and will not make any noise as it has no moving parts” is misleading. The exterior component may not be motorized but the system as a whole is motorized. An in-line extractor fan will run at 60Db (equivalent to restaurant conversation). This fan will be located immediately below a bedroom floor and will run during early morning hours. Noise travels easily through this building which will cause this to be an issue.

-As noted by Environmental Health, maintenance of the extraction system is critical. It requires commitment from the applicant in order to protect those living above. The fact the applicant chose to fry donuts on the premises prior to protective measures being put in place does not set a great precedent for considerate behaviour or genuine concern to the residents above. This has resulted in significant smell pollution and discomfort for those living above. Our building was not constructed to mitigate smell pollution. This is direct evidence that any extraction system must always work effectively to prevent future hardship. If the applicants are willing to cook with no extraction system in place, why would we think they would be proactive in maintaining an extraction system moving forward? We highlight this to show the vulnerability the residents could face moving forward, should a change of use be granted.

-Environmental Health have stipulated that all waste shall be “**retained inside the curtilage of the premises**”. This needs clarification. **Appendix 2 of DCAN 4**, notes that all waste should be clearly identified on the submitted drawings. The submitted drawings do not reference waste. How were Planning able to recommend approval in the absence of this information? Legally. As previously noted, the redline shown on the applicant’s plans is misleading and factually wrong. The premises do not include the exterior spaces. As noted in **DCAN 4 5.13**, “sufficient physical space must be provided to avoid serious risk to public health”.

-There is a **covenant in the lease agreement** for 31 Central Promenade that **prohibits hot food production and restaurant use**. This covenant was **to protect the amenity of those living above**. The original planning application prohibited hot food production “**to safeguard the amenities of the area**”. These legally binding agreements gave reassurance to the apartment owners that our homes would be legally safeguarded against hot food production. If the Planning Committee were to support this change of use application and remove our legal protections it would come as a great shock and be of significant detriment to our quality of life, health and wellbeing.

-The **Ards and Down Area Plan 2015** advocates for residential use above vacant commercial properties in Newcastle’s Town Centre. Approving this change of use would set a terrible precedent for future investors and residents. Who would risk investing in property knowing elected officials could one day override the legal terms and conditions established by a private development/association? This seems contrary to supporting this planning objective.

-31 Central Promenade was not a long-standing vacant shop. A class 1 tenant could likely have been found, one that provided job opportunity, attraction, retail diversity and benefit to the local economy.

-Examples of food establishments below residential units have been cited by those supporting the application. None of these are direct comparisons and should not be used to support the application. We are happy to discuss further.

-We raise concern as to whether this application is being considered a retrospective planning application as noted in Condition 1 under recommendations (section 55 of the Planning Act (NI) 2011). Was this noted on the original planning application? Is this a valid application? Residents were assured by planning in November 2019, that no special consideration would be given should the applicant make physical improvement in advance of planning approval. We hope this remains the case as the applicant clearly decided to risk investing in shop improvements in advance of getting change of use approval from Planning. Whilst applicants are expected not to start work until appropriate permissions have been granted, the applicant did. Whilst applicants are encouraged to discuss their proposals with neighbors, it’s unfortunate they did not.

-This change of use application should not be considered a critical need for Newcastle, it’s residents or its visitors, nor necessary to ensure the vitality of Central Promenade. It certainly does not warrant overriding the legal protections and agreements that have been put in place to protect the interests of the residents living above or justify ignoring the visual detriment and intrusion that would result.

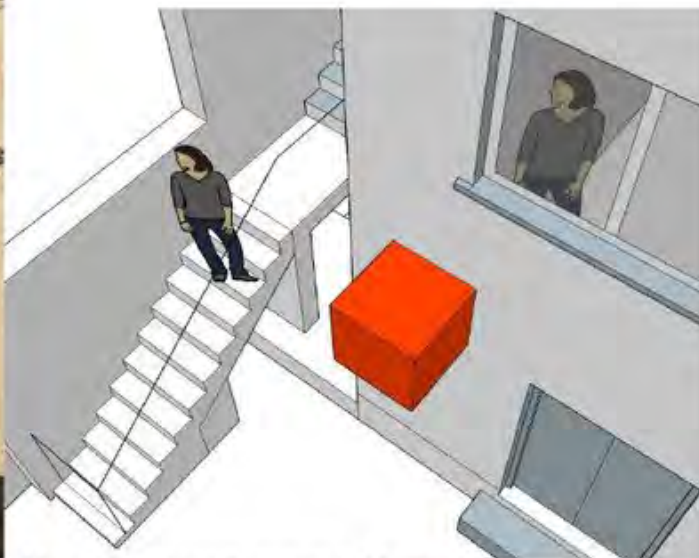
The Planners note “As such, the proposed development would comply with all relevant policies.” We disagree and feel a mistake is being made here. Based on Planning’s own policy and guidelines, along with the other items mentioned above, this change of use application should be refused.

LA07/2019/1640/F - Additional/Supporting information (Please disregard this page if a two-page limit is required)

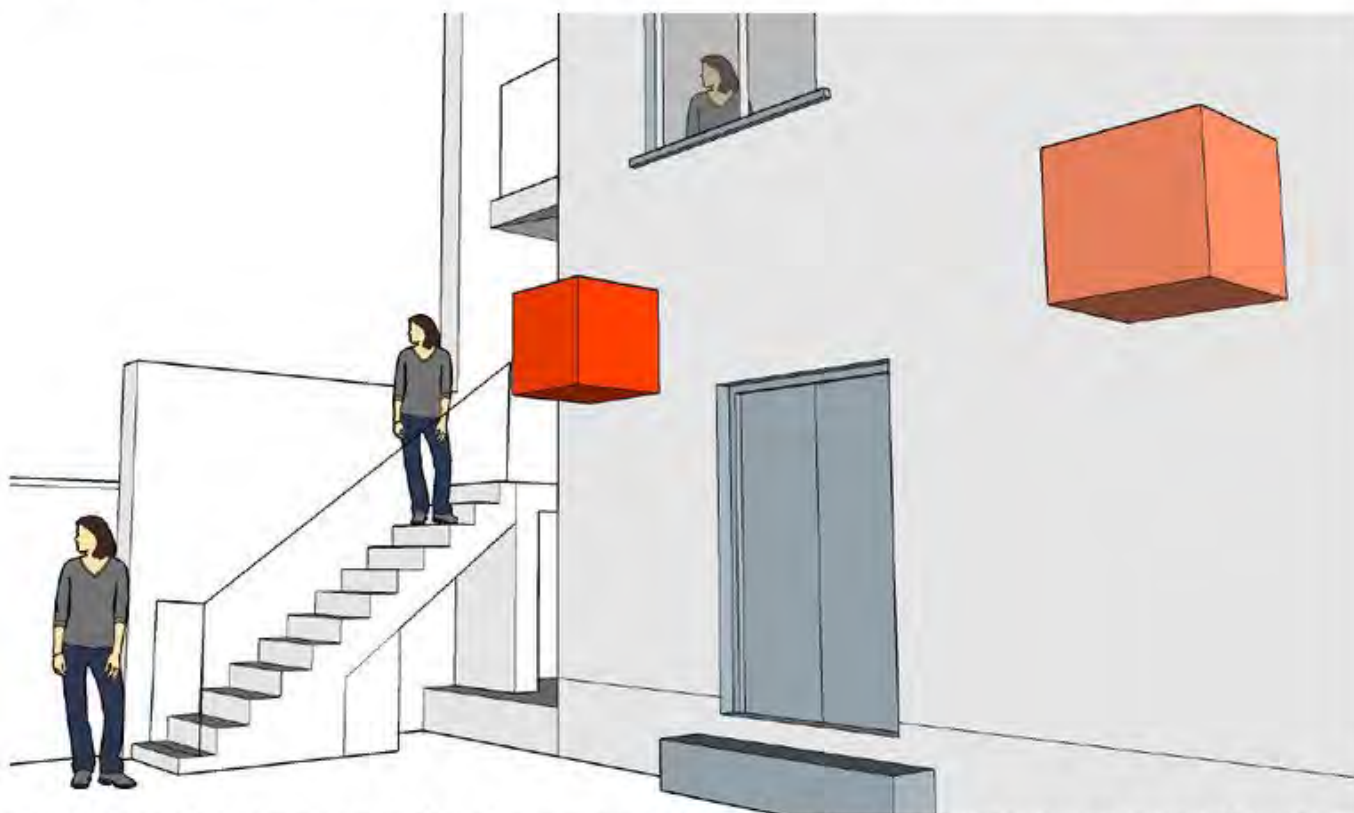
66



View of main entry to residential apartments above



View of proposed equipment looking down



View showing the primary approach to the apartments. Please note the size of the extraction system shown is accurate, but the industrial character has been simplified to be a red box. The lighter colored box shows where a similar extraction system would be located should 33 Central Promenade also be permitted a change of use in the future to support hot food/restaurant use.

These images clearly show a **visual intrusion** and **visual detriment**. They also show the proximity of the extraction system to operable windows along with its immediate proximity to the front door/main entry to the apartments.

Application Reference: LA07/2019/1640/F

Proposal: Change of use from a florist shop to donut shop

Location: 31 Central Promenade Newcastle

The above application has been scheduled for approval by NMDDC, and the proposals have been fully accepted and endorsed by Environmental Health as part of the planning application.

We have requested speaking rights in order to reinforce the following points and alleviate the concerns of the small number of objectors to the application.

- 1 a) It is proposed to install a high specification charcoal filtration system, details as per the technical data sheet submitted. This passive filtration system will filter all extracted air from the fryer area, fully deodorising the air through chemical absorption before discharging the cleansed air.
- b) The elevations included with the resubmission show the exact location of the 700x700x700mm charcoal filtration unit mounted on the external wall beside the back door of the shop. Whilst we accept that the apartment above are accessed via the stairwell beside the shop, it remains a fact that this is the back of the building, and not the front as some of the objectors have been arguing.
- c) The charcoal filtration unit is not motorised and does not make any noise as it has no moving parts. An in-line fan is located within the ductwork in the building approximately 2m from the external wall, but no motorised elements are located outside the building. This is demonstrated on the proposed floor plan.
- d) The manufacturers recommendation is to change the charcoal filters every 3 months, and we propose to adhere to this advice. The filters can be changed in 15 minutes with no disruption to any neighbour.
- e) Finally, I would stress that it is intended that the hours of operation will extend from 10am to 10pm. It should however be noted that the fryer and extract system will only be in use for a very short percentage of the time. In the morning the fryer will be used for 36 minutes to cook the donuts for the day. In some instances there may be an additional 18 minutes of use in the afternoon to prepare cook donuts if the morning supply will not be enough for the day. Outside of this maximum 54 minutes of use, the fryer and charcoal extract system will not be in use and will be switched off.

To conclude, this is a town centre location which was last used as a shop and is proposed to remain as a shop. The proposal offers employment opportunity in the area, and there has been a significant amount of support for the application in the local community.

The applicants are two local businessmen who have seen an opportunity to invest in their local community and have committed to investing a significant amount of money in this project.

Neither the planning department or environmental health have tabled any concerns in relation to the proposal, and we would hope to have this matter concluded as soon as possible.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0868/F

Date Received: 11th June 2018

Proposal: Proposed demolition of 7 St Anne's Close and the erection of a residential development consisting of 47 No dwellings (44 semi-detached and 3 No townhouses), associated domestic garages, public open space and associated site works and landscaping, with access from St Anne's Close

Location: Lands at and to the rear of St Anne's Close (15m SW of 6 St Anne's Close) and to the rear of St Anne's Court (7m W of 6 St Anne's Court) Killough



Site Characteristics & Area Characteristics:

The site is a large rectangular field to the rear, west and south of St Annes Close and St Annes Court.

The field has a mature hedge along the south, west and north boundary which separates the site from the small lane to the south and west which serves as access to the rear of St Malachys Primary, agricultural fields as well as detached dwellings. The south western corner of the site is the highest point of this undulating field which lowers in level as one moves from the south west to the north east corner which is shared with the proposed access at 7 St Annes Close.

The south west corner of the site contains concrete founs which are exposed to the elements as well as some evidence of fly-tipping and a disused redundant caravan to the east with the site.

The neighbouring St Annes Court and Close housing developments are largely 2 storey semi-detached dwellings with associated gardens and parking. However, there is a terrace row of dwellings facing onto the Downpatrick Road. The eastern boundary of the site is shared with dwellings of St Annes Close, St Annes Court which is defined by close board fencing and some shrubbery. The boundary is also shared with No 62b, a detached 2 storey dwelling access through Blacks Lane. This boundary has a mature tree and shrub definition. The proposed access route is through St Annes Close and proposed the demolition of the semi-detached 2 storey dwelling known as No 7 St Annes Close. The northern boundary is shared with a small river which travels to the Killough Bay, a protected site, and has a significant amount of, what appears to be, willow trees.

Site History:

R/2007/0605/F Proposed demolition of 7 St Anne's Close and the proposed erection of 62 no. dwellings, terraced and detached, with carports and associated site works (Amended plans) GRANTED 22.04.2009
(Image provided for context)



Objections & Representations

Advertisement in local press 18.6.2018
56 Neighbours Notified
Statutory Expiry for representations 18.07.2018
1 Objection Received.

Objection received from a resident of St Anne's Close highlighting concerns for road safety for the access through existing Housing Development of St Annes Close due to increased traffic, visibility splays, traffic speed. Consultation with Transport NI, statutory consultee on road safety, has been completed. Transport NI have no objections regarding road safety and recommend approval subject to conditions.

Consultations:

- Transport NI – no objections subject to Private Streets Determination and recommended conditions.
- NI Water – no objections and referring to information for the developer to consider in relation to connections to NI Water Infrastructure
- Department of Agriculture and Rural Environment (DAERA)
 - o Natural Environment Division (NED) – referred to the need to ensure water from the development is intercepted to protect Killough Bay, this has also been recommended by SES and will be conditioned as agreed with the applicants planning agent.
 - o Water Management Unit (WMU) – considered the Construction Environmental Management Scheme submitted and offer no objections while referring to conditions to be attached
- Rivers Agency – considered the FRA and DA submitted with the scheme and offered no objections to the proposal which abuts the Tullynispick Drain scheduled watercourse. The proposal meets criteria of policy FLD1 within PPS15 and satisfies the planning policy. They require a buffer along the watercourse which can be accessed by Rivers Agency. This has been accommodated within the layout.
- Shared Environmental Services provided advice and guidance with recommended conditions which have been worded with consent of applicants planning agent.
- Environmental Health Unit within NMandD Council provided advice and guidance

Planning Policies & Material Considerations:

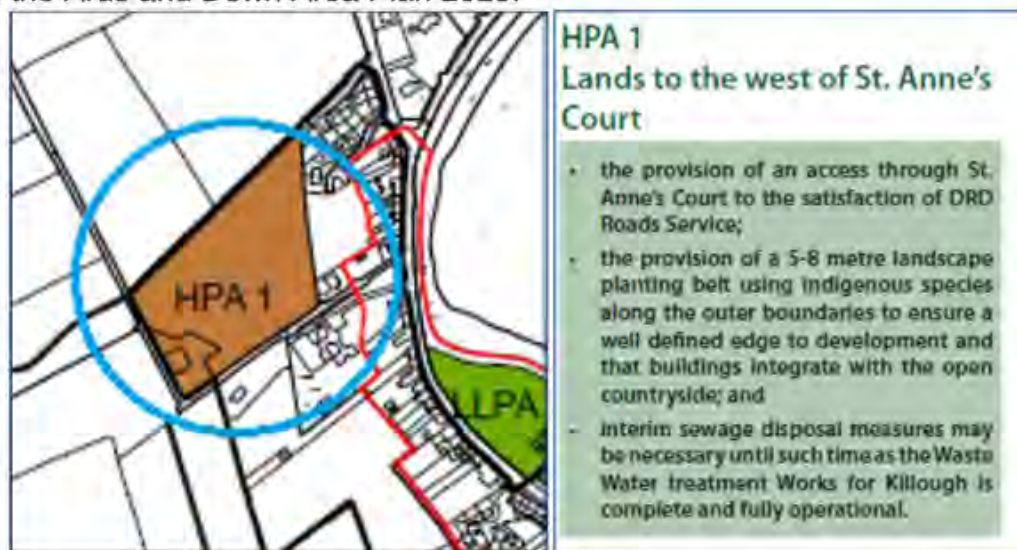
The following policy documents provide the primary planning context for the determination of this application:

- Ards and Down Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 7- Quality Residential Development (PPS7)
- Addendum to Planning Policy Statement 7 (Safeguarding the Character of Established Residential Areas)
- PPS2 Natural Environment
- Planning Policy Statement 3 (Revised) Access, Movement and Parking
- Planning Policy Statement 12: Housing in settlements (DRD July 2005)
- Creating Places
- Development Control Advice Note 8: Housing in Existing Urban Areas (DOE 2002)
- Development Control Advice Note 15: Vehicular Access Standards – 2nd Edition (DOE 1999)

Consideration and Assessment:

The site is within the settlement of Killough. The site shares its north and western boundary with the settlement limits of the village.

The site has been zoned for housing within the Ards and Down Area Plan 2015. lies within an area zoned for housing within the settlement limit of Killough as detailed within the Ards and Down Area Plan 2015.



There is planning approval granted in April 2009 for the demolition of the dwelling at 7 St Anne's Close and erection of 62 dwellings on this site granted the 21st of April 2009 (planning reference R/2007/0605/F).

Prior to submission of this current application the applicant has had previous consultation with the Council within Pre Application reference LA07/2017/1545/PAD and community consultation as detailed within Pre-Application Notification reference LA07/2017/0181/PAN.

The principle for development of the site for housing has been established through the Ards and Down Area Plan 2019 Policy HPA1 which zoned the lands for housing. There is also history of a recent planning approval for 62 dwellings on the site granted 21st April 2009 (planning ref R/2007/0605/F).

The proposal included the submission of Flood Risk and Drainage Assessment Addendum from WYG dated August 2018. DfI Rivers Agency has been consulted and acknowledge the proposal meets the 'Exceptions Test' within PPS1% Planning and Flood Risk Policy FLD1 (Undefended Areas b).

Rivers Agency refer to a watercourse which is designated under the Drainage (NI) Order 1973 and known to DfI Rivers as the 'Tullinespick Drain', flows along the north western boundary of the site. No modification of the watercourse is required to facilitate the development. DfI Rivers (Planning Advisory Unit) acknowledge that provision under 6.32 of the Revised Policy PPS 15 FLD 2, for a working strip to be retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners, is detailed in Drawing A098619 C110 Proposed Drainage Layout.

The proposal is for 47 dwellings, includes a sewage treatment plant, provision of open space and a buffer along the settlement limits of Killough which abut the site.



Policy PPS7 requires planning permission for new residential development to demonstrate a quality and sustainable residential development where the design and layout will reflect the positive aspects of the character and appearance of the surrounding area. Such proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Policy QD1 outlines criteria for residential development;

- (a) The development respects the surrounding context and is appropriate to the character of the area in terms of layout, scale, massing and appearance of buildings, structures and landscaped and hard surfaced areas

The density of development as well as the scale, height, proportion, material's, finishes and design of the dwellings proposed reflect that of the neighbouring St Anne's Close and St Anne's Court. This is in keeping with PPS7 Addendum Policy LC1 (a). The size of the proposed dwellings will not be less than those set out within A Annex A Space Standards extracted from DSD's Housing Association Guide 2009: Design Standards referred to within the PPS7 Addendum (LC1c). The pattern of development is in keeping with the overall character and environmental quality of the established residential areas of St Anne's Close and housing developments within Killough.

The proposal will not detract from the character of the residential area. The internal layout of the proposed dwelling provides accommodation that is in keeping with dimensions recommended within planning policy while the mix of house types provides a variety of design within the site.

- (b) Features of archaeological and built heritage, and landscape features are identified and where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The application site is hydrologically connected to Killough Bay and Strand Lough ASSI & Killough Bay SPA/Ramsar (hereafter referred to as the designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002 therefore there are landscape features that must be considered. The site also shares 2 boundaries with the settlement limits of Killough. There are no features of archaeological, or built heritage importance. Consultation has been completed with Natural Environment Division and advice sought from Shared Environmental Services in relation to the designated sites the proposal may have an impact on.

The Habitats Regulation Assessment has been completed by Shared Environmental Services which stated 'This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations'.

A Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the mitigation measures recommended by NED and SES are conditioned to ensure the Final Construction Method Statement is submitted to the Planning Authority and Water Management Unit 8 weeks prior to commencement of development addressing several points regarding the proposed buildings works on site and use of inert material.

I am content to recommend the planning conditions as advised due to the close proximity with Killough Bay. This will ensure the proposal will satisfy QD1 (b) and PPS2 Policies NH1 (European and Ramsar Sites – International), impact on species and habitats has been considered and the proposal does not offend policies NH2 (Species Protected by Law), NH3 (Sites of Nature Conservation Importance - National), NH5 (Habitats, Species or Features of Natural Heritage Importance).

- (c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The site layout includes provision of private amenity space for each unit and incorporates an area of open space as a feature within the housing development. There is a suitable level of private amenity space for each unit.

The proposal incorporates an area of open amenity space within the north eastern corner of the site which the applicant details measures at 0.22 Ha. This is in keeping with the requirement under PPS8 Open Space, Sport and Outdoor Recreation Policy OS2 Public Open Space in New Residential Development which states the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The layout proposed ensures the communal open space would be overlooked by dwellings on sites 3, 4 and 42-47. The side gable of the semi-detached dwelling of site 1 is house type Sa.s which details a double fronted design for this dwelling and facilitates overlooking of the landscaped area at the entrance as well as the communal amenity space.

The Ards Plan 2015 HPA1 included a key criterion as a 5-8m buffer planting along the outer boundaries of indigenous species to provide definition and facilitate integration of the site with the open countryside as the site abuts the countryside. The layout includes a suitable landscape buffer within the site along the boundary the site shares with Killough settlement limits. This will provide a visual buffer between the urban area of the village and the countryside the site abuts. The layout includes a low level wall finished with natural stone surrounding the landscape feature and access road entrance to the site and continues to site 9, it would also be a feature of the dwellings facing the communal amenity space at site 42-47.

A breakdown identifying the allocation of private amenity space for each unit has been provided within the submitted plans. While the curtilage associated with the corner plots are generous, some plots have a lower level of amenity space however it remains within private amenity levels recommended within PPS7 Addendum and Creating Places.

The rear amenity space associated with the dwellings is largely ensured through the provision of fencing with the exception of dwellings on site 1, 47, 38, 34, 10, 11 and 27 including a link wall and gate. The detail of the wall and gate is included within drawing number 2658-0101-02-BD-001. This is to ensure privacy of the rear amenity space on the highlighted site and would be necessary due to the orientation of the properties within the layout as well as the relationship between the dwellings and the internal access road.

The proposal includes a detailed landscape management plan which will be conditioned to ensure the communal open space and landscaped detail at the site entrance to St Anne's Close is managed and maintained in keeping with PPS8 Planning and Open Space Policy OS1 the Protection of open space and PPS7 Quality Residential Environments Policy QD1.

- (d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The developer has provided open space to be laid with ornamental lawn and planting of trees within the area. This is in keeping with the requirement under PPS8 Open Space, Sport and Outdoor Recreation Policy OS2 Public Open Space in New Residential Development which states the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development.

- (e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site layout is to be adopted by Transport NI. The layout is legible with footpath along the road access to and from St Anne's Close. The previous application for over 60 units did not include a movement pattern and it is not required for the less dense scheme proposed in this application. Objection submitted highlighted concerned relating to road safety and traffic. The amount of traffic generated would be significantly less than that associated with the previous planning approval.

The Council consulted with Transport NI and after amending the layout to address their minor concerns they returned no objection subject to recommended conditions. I am mindful the land is zoned for housing with the HPA zoning requirements including reference to access to be through St Anne's Close.

The expired planning approval for 62 dwellings was granted with access through St Anne's Close and the proposal reflects the previously approved access route.

(f) Adequate and appropriate provision is made for parking;

Parking is facilitated within each unit. A parking schedule was submitted with the application and identified a suitable accommodation of parking to facilitate the development with each unit capable of accommodating 2 private car parking spaces within the confines of their individual plot. This is in keeping with Parking Standards.

(g) The design of the development draws upon the best local traditions of form, materials and detailing;

The site is located to the rear of an established housing development. The proposal includes a mix of house types and their design, scale, materials and finishes reflect that of St Anne's Close. Killough village is within the designated Lecale and Strangford Area of Outstanding Natural Beauty. Policy NH6 of PPS2 refers to new development within the AONB and permits development where it is of an appropriate design, size and scale for the locality.

(h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

The proposal has received an objection which refers to road safety regarding access through St Anne's Close. Considering the history of approval for 62 units through St Anne's Close, and this proposal would result in less traffic through the established housing development and Transport NI consultation response the proposal would not create a road safety concern.

The separation distance and configuration of dwellings on sites within what could be identified within the site layout as the 'middle island of housing' on sites 28-47 will have a small setback from the internal road, and the rear amenity space, associated with the dwellings would not be overlooked or overshadowed by the neighbouring dwellings. The rear amenity space of site 39 and 35 is reduced by the garage however the layout details over 50sqm of rear amenity space.

The dwellings on sites 2-27 share their rear boundary with that of the site. Sites 2-10 abut the rear boundaries of established dwellings within St Anne's Close, St Anne's Court and detached dwelling of 58 Main Street as well as the dwellings accessed through Blacks Lane ie 62a and 62b. The separation distance between proposed and existing units is in keeping with recommended levels and the boundaries, both current and proposed ensure no loss of privacy.

The proposal would not result in loss of light, overlooking or create overshadowing of the existing or between the proposed units within the development. Back-to-back separation distances are suitable within the 'island' section of the layout.

The proposed layout includes a sewage pumping station. The separation distance with the neighbouring dwelling, site 27, is 15m. The neighbouring dwelling is a semidetached dwelling of house type Sc and it is not double fronted so the side gable has windows servicing the toilets on both the ground floor and 1st floor as well as a narrow window serving the ground floor hall. The dwelling opposite the pumping station, site 38 is double fronted house type Sa.s which will overlook this corner of the site.

Environmental Health has considered the detail of the proposal and consultees, including Shared Environmental Services offered no objections to the proposal with pre-commencement conditions to be attached due to the close proximity of designated sites of Killough Bay.

(i) The development is designed to deter crime and promote personal safety. The layout is legible with dwellings orientated to face onto the internal layout. The open space will be adequately overlooked by several dwellings and the sewage pumping station, positioned within the NE corner of the site will also be overlooked to a degree. The layout would not result in creating concerns for safety or promote crime.

Recommendation:

Approval

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

Conditions:

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

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

Recommended by SES:

Condition: A Final Construction Method Statement (CMS) must be submitted to the Planning Authority and Water Management Unit at least 8 weeks prior to the commencement of the works. The CMS should identify all potential risks and pollution pathways to the waterway, demonstrate adherence to good working practices as detailed in current guidance and detail all mitigation measures as detailed within the outline CEMP to be employed to minimise the risk of pollution to the waterway. The CMS should also include:

- a. Detailed plans, demonstrating a suitable buffer of at least 10 metres between locations of construction activities, including refuelling, storage of oil/fuel and spoil, concrete mixing and washing areas and watercourses adjacent to site;
- b. Location of silt fencing along all watercourses;
- c. Location of hydrocarbon interceptor prior to surface water discharge to the watercourse;
- d. All potential in-river works including construction of culverts and outfall structures.

Reason: To prevent any adverse impact to any designated European Site from the proposal.

All material used for in-filling must be strictly inert.

Reason: To prevent any adverse impact to any designated European Site from the proposal.

NB: As surface water disposal to the adjacent watercourse is authorised by DfI Rivers and will be adopted by NIW under Article 161 Agreement, the previous condition requiring a hydrocarbon interceptor is no longer required, as Regulations 43 and 47 apply under the Habitats Directive.

Conditions to include provision of open space, landscape management plan submitted with the scheme, and its associated plan reference.

PRIVATE STREETS CONDITIONS to be provided by Transport NI.

Case Officer signature:

Date:

Appointed Officer signature:

Date:

St Anne's Close, Killough – LA07/2018/0868/F – Speaking Notes

Introduction

Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Michael Graham and I am a Chartered Town Planner and Director of **WYG Planning**. I represent the applicant, **KAP Properties**, and we are agent for this planning application.

We are very pleased that Council's Planning Department has recommended approval.

Principle of Development and Background

The application site is located within the settlement development limit of Killough, as defined in the **Ards & Down Area Plan 2015 ('ADAP')**.

Within the ADAP, the site is identified as lands zoned as **HPA1 - lands to the west of St. Anne's Court**. This is a housing zoning.

The overall layout and design have been developed in accordance with the Key Design Considerations ('KDCs') of zoning HPA1.

There was a previous Planning permission (ref. no. **R/2007/0605/F**) was granted on 21st April 2009 for:

Proposed demolition of 7 St Anne's Close and the proposed erection of 62 no. dwellings, terraced and detached, with carports and associated site works on lands to the rear of St Anne's Close and St Anne's Court, Killough.

The scheme before you reduces dwelling numbers to 47No.. This provides better family sized house types on larger plots, which better responds to current market demands.

Key Elements of the Proposed Development

- As you can see from **Slide 1**, the scheme involves construction of 47No. dwellings with associated public open space, infrastructure and landscaping.
- The housing mix comprises 44No. semi-detached and 3No. townhouses.
- The density is in keeping with densities found in the immediate surrounding area and will provide a good mix of house types.
- The scheme is in keeping with the existing local context and it create an attractive and sustainable place to live.
- The pedestrian and vehicular access to the scheme is achieved via St. Anne's Close. It involves the demolition of No.7 St. Anne's Close, which is owned by the applicant. The principle of such demolition for access is the same as that previously granted under planning permission **R/2007/0605/F**.
- The scheme includes an area of public open space as you arrive into the development, along with a landscaped buffer along the northern boundary of the site with the settlement development limit that is cognisant of the need to provide a 5metre wayleave for maintenance to the existing undesignated watercourse along this boundary.

St Anne's Close, Killough – LA07/2018/0868/F – Speaking Notes

- A sewage pumping station is also provided in the north-west corner to facilitate the development and has been situated so that it is at least 15metres away from the nearest dwelling.
- Existing boundary hedgerows and trees will be retained to enhance the environment quality of this development and all additional planting will consist of native species trees and hedgerows.
- The layout proposes that all dwellings have private gardens to the rear. Garden areas will include a mix of both soft and hard landscaping and planting.
- As you can see from **Slides 2 to 6**, the proposed dwellings are 2No. storeys in height. This is reflective of existing dwelling heights found in the locality. This ensures that the dwellings will integrate at this location without any impact upon visual amenity of the surrounding area or impact upon adjacent residential amenity.
- The concept driving the scheme is that it will deliver an aesthetically acceptable and pleasing design which respects the local architectural character and setting. Its design and materials are entirely sympathetic.
- Existing dwellings in the immediate surrounding area are a mixture of material and finishes. The palette of materials proposed is in keeping and reflective of those found in the surrounding area.
- The architectural style of the proposed house types reflects those existing residential properties found in the surrounding area.
- It will deliver a quality residential development wholly suitable and appropriate for this location that provides accommodation types to meet market demand.

Overview

To summarise, the scheme is consistent with and meets the aims, objectives and policies of the ADAP, as well as all relevant planning policy, guidance and advice. It is acceptable in land use terms and will provide residential development on zoned housing land. In particular, the quality objectives, as per Policy QD1 of PPS7 and its second Addendum, underpinned by DCAN8 and Creating Places, have been carefully considered, incorporated and adhered to in developing the proposed layout.

The scheme provides a highly sustainable approach to the development of these lands. We take this opportunity to thank the Planning Committee for the opportunity to speak and we trust that the Elected Members agree that planning permission ought to be granted. I am happy to answer any questions.



The Sa.5 Semi Floor Plans & Elevations

Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")

First Floor Plan

Ground Floor Plan

Front Elevation

Side Elevation

Technical Specifications:

- Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")
- Plot Area: 100.00 sqm (2322.78 sq ft)
- Building Area: 100.00 sqm (2322.78 sq ft)
- Use Class: Residential (C3)
- Planning Permission: Required
- Building Regulations: Required
- Energy Rating: EPC Rating: E
- Construction: Brick
- Roof: Pitched
- Windows: Double Glazed
- Doors: Solid
- Heating: Gas
- Water: Mains
- Drainage: Sewer
- Access: Private
- Site: Level
- Orientation: South
- Access: Private
- Site: Level
- Orientation: South

Prepared for: KAP Properties Ltd
Address: 10.0m (32'10") x 10.0m (32'10")
Drawing No: 2018-05-01-01
Date: May 2018
Drawn by: JH
Scale: 1:100 @ A1

Architect: KAP Properties Ltd
10.0m (32'10") x 10.0m (32'10")

The Sa.1 Semi Floor Plans & Elevations

Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")

First Floor Plan

Ground Floor Plan

Front Elevation

Side Elevation

Technical Specifications:

- Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")
- Plot Area: 100.00 sqm (2322.78 sq ft)
- Building Area: 100.00 sqm (2322.78 sq ft)
- Use Class: Residential (C3)
- Planning Permission: Required
- Building Regulations: Required
- Energy Rating: EPC Rating: E
- Construction: Brick
- Roof: Pitched
- Windows: Double Glazed
- Doors: Solid
- Heating: Gas
- Water: Mains
- Drainage: Sewer
- Access: Private
- Site: Level
- Orientation: South
- Access: Private
- Site: Level
- Orientation: South

Prepared for: KAP Properties Ltd
Address: 10.0m (32'10") x 10.0m (32'10")
Drawing No: 2018-05-01-01
Date: May 2018
Drawn by: JH
Scale: 1:100 @ A1

Architect: KAP Properties Ltd
10.0m (32'10") x 10.0m (32'10")

The Sa Semi Floor Plans & Elevations

Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")

First Floor Plan

Ground Floor Plan

Front Elevation

Side Elevation

Technical Specifications:

- Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")
- Plot Area: 100.00 sqm (2322.78 sq ft)
- Building Area: 100.00 sqm (2322.78 sq ft)
- Use Class: Residential (C3)
- Planning Permission: Required
- Building Regulations: Required
- Energy Rating: EPC Rating: E
- Construction: Brick
- Roof: Pitched
- Windows: Double Glazed
- Doors: Solid
- Heating: Gas
- Water: Mains
- Drainage: Sewer
- Access: Private
- Site: Level
- Orientation: South
- Access: Private
- Site: Level
- Orientation: South

Prepared for: KAP Properties Ltd
Address: 10.0m (32'10") x 10.0m (32'10")
Drawing No: 2018-05-01-01
Date: May 2018
Drawn by: JH
Scale: 1:100 @ A1

Architect: KAP Properties Ltd
10.0m (32'10") x 10.0m (32'10")

The Sa.s (H) Semi Floor Plans & Elevations

Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")

First Floor Plan

Ground Floor Plan

Front Elevation

Side Elevation

Technical Specifications:

- Overall Dimensions: 10.0m (32'10") x 10.0m (32'10")
- Plot Area: 100.00 sqm (2322.78 sq ft)
- Building Area: 100.00 sqm (2322.78 sq ft)
- Use Class: Residential (C3)
- Planning Permission: Required
- Building Regulations: Required
- Energy Rating: EPC Rating: E
- Construction: Brick
- Roof: Pitched
- Windows: Double Glazed
- Doors: Solid
- Heating: Gas
- Water: Mains
- Drainage: Sewer
- Access: Private
- Site: Level
- Orientation: South
- Access: Private
- Site: Level
- Orientation: South

Prepared for: KAP Properties Ltd
Address: 10.0m (32'10") x 10.0m (32'10")
Drawing No: 2018-05-01-01
Date: May 2018
Drawn by: JH
Scale: 1:100 @ A1

Architect: KAP Properties Ltd
10.0m (32'10") x 10.0m (32'10")

The Town House

Elevations

Floor Area : As Shown (using RICS NSA Method)

Finishes

Roof:

Interlocking concrete tiles
Ridge tiles to match

Walls:

To be self-coloured render
in selected palette of colours
(Washroom/Pantry/Dirt-white)
Chimney to match

Openings:

Windows to be uPVC finish
Doors to be hardwood timber painted
Fibrous cement moulded surrounds
to windows and doors where shown

Other:

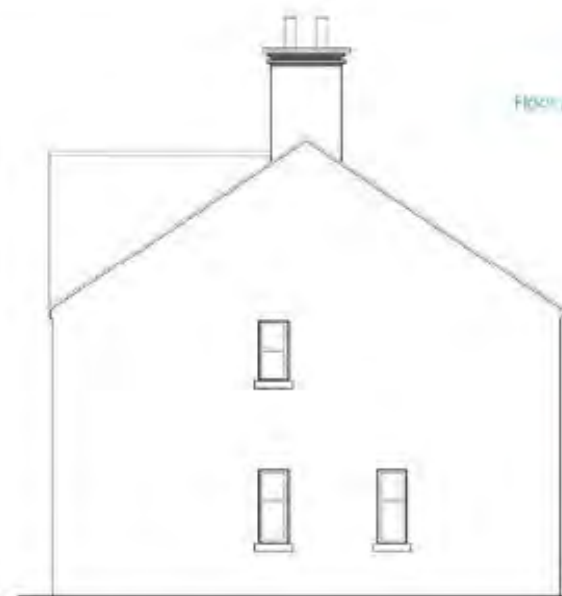
Rainwater goods to be uPVC
Concrete window sill
Fibrous cement coping
piece to chimney



1079 sq ft
Front Elevation

1267 sq ft

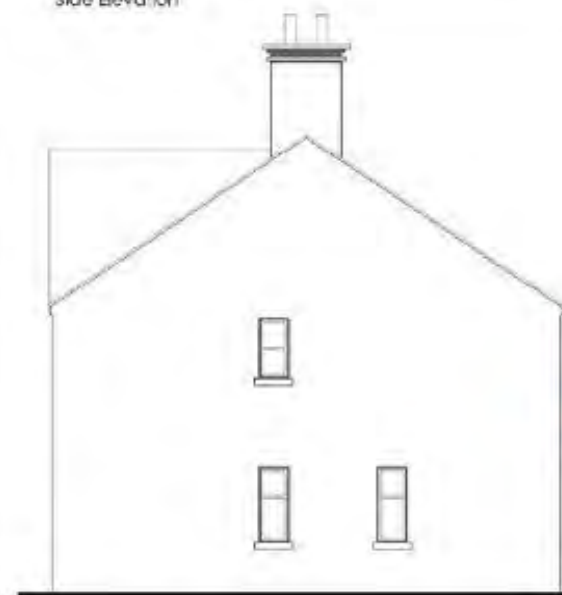
1083 sq ft



Side Elevation



Rear Elevation



Side Elevation

Proposed development for
KAP Properties Ltd
Lands at St. Annes Green, Killough.

Drawing : TH Sketch Plans

Drawing No : 2658-010-02-TH-002

Date: May 2018

Drawn by: GR

Scale: 1:100 @ A3



Alan Patterson Design LLP
© COPYRIGHT ESTABLISHED BY ALAN PATTERSON DESIGN LLP









Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1408/O

Date Received: 18.09.2019

Proposal: Proposed dwelling and garage

Location: Site to south of 19A Derrywilligan Road, Newry.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area plan 2015.

The application site is a small area of land on the edge of the public road at a crossroads, the crossroads are identified on Spatial NI as Ranton's Cross Roads. The site is adjacent to a recently constructed dwelling No 19A which has the appearance of a single storey dwelling although it does have first floor roof lights. The site is small and is relatively flat with a mixture of hedges and timber fencing defining its boundaries.

The site is located close to a number of existing dwellings and other sheds and associated buildings, the existing buildings are prominent when traveling along the public road and the site given its location on the edge of the public road is also open to views.

Site History:

No relevant planning history on the application site.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Building on Tradition

Consultations:

DFI Roads – No objections following the submission of amended plans.

NI Water – Generic response,

Health and Safety Executive NI – Comments state that the site is within 300 m of pipeline and that they would advise to contact the operator. An email was sent to the operator GNI (UK) Ltd, the response received raised no objections to the proposal.

Objections & Representations:

The application was advertised on 09/10/2019, 4 neighbours were notified on 01/10/2019, 2 responses have been received with one objection and one petition of objection.

The main areas of objection raised are;

- Proposal contrary to policy
- Impact on neighbour amenity

the areas of objection will be considered in detail within the main consideration of the proposal.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for new dwellings in existing clusters in accordance with policy CTY2a and also for infill dwellings in accordance with policy CTY8.

Policy Consideration

Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

It is considered that the group consists of four or more buildings with at least three being dwellings, as such the proposal complies with the first criterion of Policy CTY2a.

Given that a number of the buildings within the group can be viewed when travelling along the public road it is considered that the cluster appears as a visual entity and so the second criterion is met.

The application is located at a cross-roads along Derrywilligan Road and so the third criterion is met.

The application site has development on just one side and not the two sides as set out in policy. The agent has submitted information in which he has tried to include development on the opposite side of the road to be included. The site has development on one side with public road on two sides and a field on the final side, as such the site is not bounded on at least two sides and so the proposal fails the fourth criterion.

It is considered that development on the application site would add to the linear form of development at this location which will further erode the rural character of the area. The proposal would not round off and consolidate development but would unacceptably alter the rural character and visually intrude into the open countryside. The agent has submitted information to try and argue that the proposal is in line with this area of the policy. If approved a dwelling on this side would be viewed when travelling along two roads and would extend linear development as previously stated and as such it is considered that the proposal does not meet the fifth criterion of the policy.

The proposal is for outline planning permission and as such no details have been provided with regards to the design of any dwelling. An objection received raised concerns with the potential to impact on the amenity of neighbouring properties, it is considered that a dwelling could be designed for the site that would ensure there is no adverse impact on residential amenity, a condition restricting the height of any dwelling would ensure there was no overlooking issues.

As two of the above criteria are not met the proposal is considered contrary to policy CTY2a.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The proposal is not a site within an otherwise substantial and continuously built up frontage and so would not be considered an infill opportunity. The site when viewed with existing development would result in an extension of ribbon development along Derrywilligan Road. The proposal is contrary to Policy CTY8.

The proposal is considered contrary to policies CTY2a and CTY8, as there are no reasons why the development is essential in this rural location and does not meet any of the exceptions and so it is contrary to CTY1.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposal is for outline permission and no details of design or layout have been provided, conditions could be placed on any approval to restrict the design of any dwelling.

It is however considered that the proposal would be a prominent feature in the landscape and that it would not integrate into the area given its open and prominent location.

Rural Character

It is considered that a dwelling on this site would result in a suburban style build up when viewed with existing buildings in the area and that it would add to a ribbon of development along Derrywilligan Road. The proposal is considered contrary to Policy CTY14.

Access and Parking

DFI Roads stated in their consultation response that they have no objections subject to 1:500 site plan being submitted as part of any Reserved Matters.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the site is not bounded on at least two sides with other development in the cluster

-the dwelling would if permitted significantly alter the existing character of the area and visually intrude into the open countryside.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site in an otherwise substantial and continuously built up frontage that respects the existing development pattern, and would, if permitted, result in the addition of ribbon development along Derrywilligan Road.

4. 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.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer:

Date:

Authorised Officer:

Date:

REQUEST FOR SPEAKING RIGHTS

PROPOSED DWELLING BESIDE 19A DERRYWILLIGAN ROAD, NEWRY

PLANNING REF: LA07/2019/1408/O

Please note that we request speaking rights for the Planning Committee meeting on the 12th February 2020.

WE WOULD WISH TO DEMONSTRATE HOW THE PROPOSAL COMPLIES TO CTY2A OF PPS21 AND SHOW CLEAR PRECEDENT FOR THIS TYPE OF PROPOSAL BEING APPROVED.

We believe it can be clearly demonstrated that there is in fact development on two sides

The proposed dwelling on the application site is fairly naturally absorbed & integrated into the existing cluster of buildings without the need for new boundaries being formed to establish the site. The size of the site is most appropriate for a detached dwelling and the proposed dwelling provides a completeness to the existing cluster by filling this 'gap' to suitably round off the overall group of buildings. The proposed dwelling both consolidates and strengthens the cluster's presence within the overall rural setting and at the same time helps distinguish this crossroads focal point. The proposal is not visually intruding into the open countryside, it simply consolidates the overall form of the existing cluster.

We would also draw your attention to clear precedent for this proposal where, under Planning Application reference S/2011/0338/F, Planning Permission was granted. This precedent demonstrates that this current application is actually a stronger case for approval.

We have attached documents we would wish to have displayed at the Planning Committee meeting when we are speaking at the meeting.

Should you require clarification on any matter please do not hesitate to contact me at any time.

Yours faithfully,

John Harkness

John Harkness

for

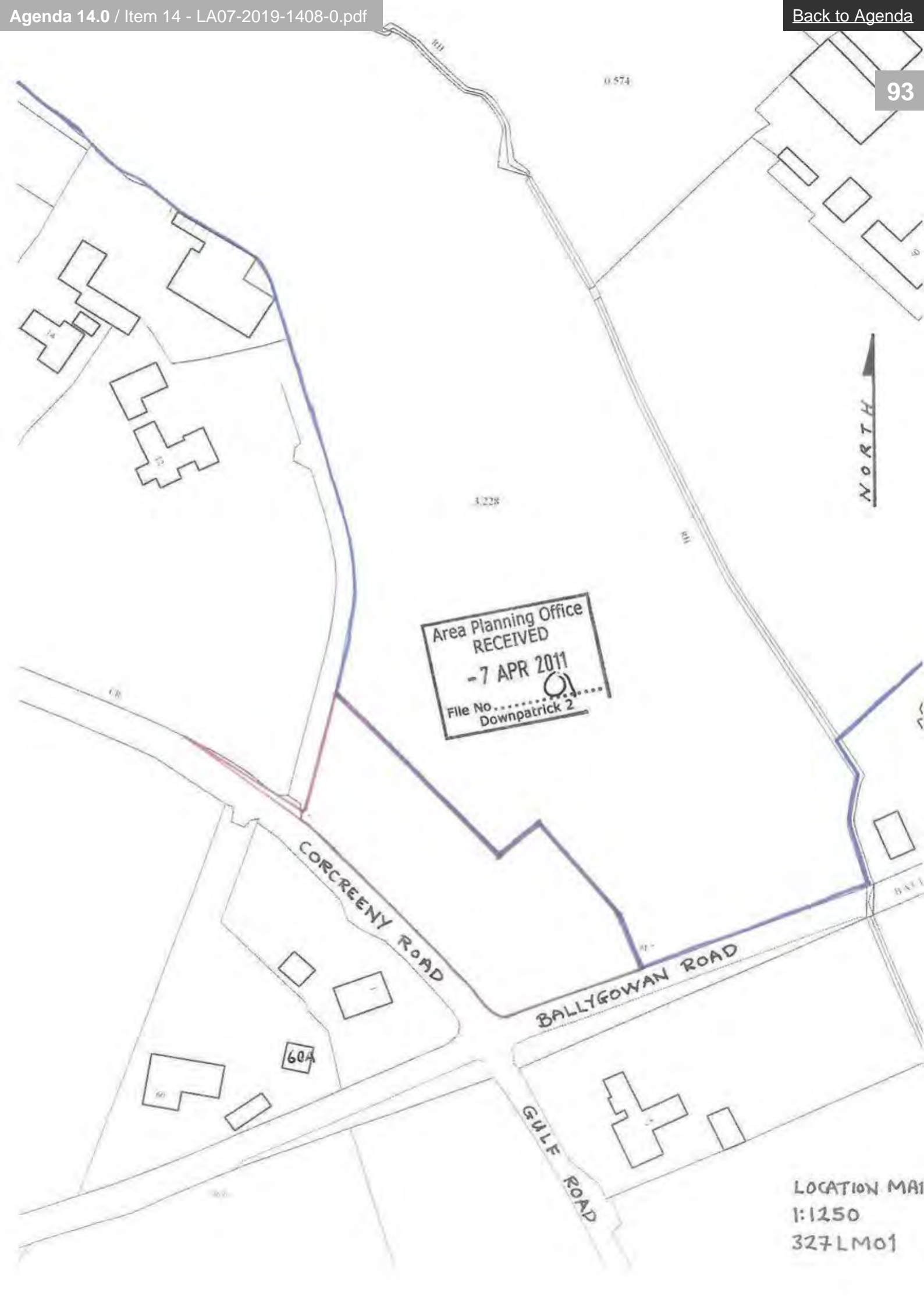
ADA architects

5 Gransha Road, Gransha, Newry, Co. Down, BT34 1NS

m 07747 690 610
e info@adaarchitects.co.uk
w www.adaarchitects.co.uk

This document, and any attachment to it, is intended for the addressee only. It may contain information that is confidential and/or copyright material. If you are not the intended recipient of this e-mail, any disclosure, copying or distribution is prohibited. No responsibility is accepted for any action taken or not taken in reliance on the contents.

If this message was received in error please use the 'reply' facility to inform us of the misdirection.



Area Planning Office
RECEIVED
- 7 APR 2011
File No.
Downpatrick 2

LOCATION MAP
1:1250
327LM01

revisions
A septic tank indicated (28 06 11)
B access amends for Roads Service (29 09 11)
C cross section line indicated (15 12 11)
D levels & cross section line BB indicated (28 12 11)
E visibility splay indicated tangential to curve (24 08 12)

PROJECT

PROPOSED DWELLING & GARAGE

ADDRESS

BALLYGOWAN RD / CORCREENY RD

HILLSBOROUGH

CLIENT

MR U KENNEDY

DRAWING

SITE LAYOUT

DRAWING NO. 327L01D

SCALE

1:500

5 Grantha Road, Grantha, Newry, Co. Down, BT34 1NB

07747 690 610

info@adaarchitects.co.uk

ADA

architects

Design,
Planning
&
Construction
Specialists

94



Area Planning Office
RECEIVED
28 AUG 2012
File No.....
Downpatrick 3

RE: LA07/2019/1408/O – Item 14

I believe that it can be clearly demonstrated that there is in fact development on two sides. The proposed dwelling on the application site is fairly naturally absorbed & integrated into the existing cluster of buildings without the need for new boundaries being formed to establish the site. The size of the site is most appropriate for a detached dwelling and the proposed dwelling provides a completeness to the existing cluster by filling this 'gap' to suitably round off the overall group of buildings. The proposed dwelling both consolidates and strengthens the cluster's presence within the overall rural setting and at the same time helps distinguish this crossroads focal point. The proposal is not visually intruding into the open countryside, it simply consolidates the overall form of the existing cluster.

Attention will also be drawn to a clear precedent for this proposal where, under Planning Application reference S/2011/0338/F, Planning Permission was granted. This precedent demonstrates that this current application is actually a stronger case for approval.

Kind regards

Councillor David Taylor



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0825/F

Date Received: 24.08.15

Proposal: Demolition of No. 81 Drumalane Road and erection of 11 No. dwellings (3 No. detached and 8 No. semi-detached), access from Drumalane Road, landscaping and all associated site works (Amended proposal)

Location: Lands between 79 and 81 Drumalane Road, Newry

Site Characteristics & Area Characteristics:

Site comprises of existing vacant land that fronts onto Drumalane Road.

Existing development adjacent and N comprises of 3 storey terraced housing within an Area of Townscape Character whilst directly opposite is two storey terrace housing, surrounding land to N and S is vacant and undeveloped.

The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area plan 2015 and zoned for housing under NY36 with buildings immediately adjacent located within an Area of Townscape Character.

PLANNING POLICIES & MATERIAL CONSIDERATIONS:

Regional Development Strategy (RDS)

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

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI)

Planning Policy Statements

PPS 3 - Access, Movement and Parking

PPS6 - Planning, Archaeology and the Built Heritage

PPS6 (Addendum) Areas of Townscape Character

PPS 7 and its Addendum- Quality Residential Environments

PPS8 - Open Space, Sport and Outdoor Recreation

PPS12 - Housing in Settlements

PPS15 – Planning and Flooding Risk

Further Guidance

DCAN 8 - Housing in Existing Urban Areas

DCAN15 – Vehicular Access Standards

Parking Standards

Creating Places and Design Guide.

SITE HISTORY:

LA07/2015/0761/F - Extension and alteration to existing terraced dwelling with improvements to access. Refused (adjacent and N) (Size of extension and impact to ATC)

P/2009/1161/F - Erection of 4 semi-detached, 3 storey, townhouses with garages to ground floor and associated site works. 83 Drumalane Road, Newry. Granted (Adj and S)

P/2007/1644/F Erection of residential development comprising 6 No. townhouses, 12 No. apartments and 16 No. duplex apartments (34 No. residential units in total), associated parking provision and ancillary works (with demolition of existing No. 81 Drumalane Road and reduction to the curtilage of No. 79 Drumalane Road (existing No. 79 Drumalane Road otherwise to remain). Granted (Application site)

P/2006/1328/F - Demolition of No 81 Drumalane Road and erection of housing development of 5 No dwellings. Granted (Application site)

P/2005/1461/F - Alterations to internal site layout and house types as previously approved under Planning Reference P/1992/0631/F. Granted. (Application site)

P/1980/1029 - Site for Housing Development (Including the application site and land to w)

CONSULTATIONS:

DAERA:

Water Management (27.08.19) - Content subject to conditions

Natural Heritage (27.08.19) - Unlikely to impact on natural heritage features. (comments 08.06.17 - NED is content that the development is unlikely to significantly impact badgers. (Comments 08.06.17 - notes that no further information has been provided regarding bats, if the planner is content that the site does not contain features suitable to support roosting bats no further information would be required). (Observation upon site inspection that there are no existing buildings or vegetation on site to accommodate bat habitat therefore a report is unnecessary)

NIW (19.08.19) - Public and foul water sewer within 20m but no surface water sewer, Available capacity at WWTW.

Environmental Health (08.08.19) - No objection

Transport NI (07.01.2020) - No objection

Rivers (21.01.2020 and 03.12.19):

FLD1 - Does not lie within a flood plain

FLD2, FLD4 and FLD5 - Not applicable

FLD3 - Accepts logic of Drainage assessment and have no reason to disagree with conclusions.

OBJECTIONS & REPRESENTATIONS:

16 neighbours notified and the application was advertised September 2015 and July 2018 (clarification of proposal). 16 objections were lodged at the time of the planning committee with a further 5 objections lodged between (19-23 August) following the submission of amended plans.

Concerns are summarised as follows:

- Objector from 6 Hill Road and 15 Ballintemple Rd – note changes to planning application but problems originally created still remain and further exacerbate the situation (this relates to footpath provision and congested road)
- Drastic effect on creation of additional traffic
- Impact to view
- Intensification/ increase of traffic
- Create nuisance, noise, dust, dirt and vibration
- Concerns regarding access arrangements and failure to provide pedestrian access and disability access
- Impact to parking
- Houses on higher levels than road will impact on privacy through overlooking
- Current site attracts anti-social behaviour and dumping
- Owner is not in control of land that fronts No. 79
- Light pollution from headlights
- Absence of appropriately qualified structural engineer on stability of steep embankment

Consideration of objections:

- Transport NI have no objections and have raised no concerns with regard to traffic, access etc
- Impact to view is not a planning consideration
- Nuisance, dirt etc. is likely to be short lived during construction works and unlikely to have long term implications.
- A footway has been shown along the road frontage which will link in with the proposed housing development.
- The proposed layout incorporates adequate in-curtilage parking that will avoid parking on the roadside.
- The revised layout has increased the separation distance between existing and proposed properties thus reducing overlooking and loss to privacy compared with the previous scheme. The Planning Authority has no concerns with regard to overlooking or loss of privacy.
- There is already some light pollution due to movement of vehicles along the roadside that the erection of this development is unlikely to exacerbate this situation than what already exists.
- It is outside the remit of the Planning Authority regarding the structural safety of retaining structures and embankments, the onus is on the developer to ensure that the development can with stand lateral loads and is in compliance with British Standards, notwithstanding a condition emphasising this responsibility will be attached to the decision notice.

PLANNING ASSESSMENT AND CONSIDERATION

Planning History: The principle of residential development has been established at the site for housing through the grant of planning permission at the site P/2005/1461/F, P/2006/1328/F and P/2007/1644/F.

PPS3, DCAN 15 and Parking Standards: Transport NI in comments date 07.01.2020 have no objection, each dwelling has adequate in curtilage parking for 2 vehicles.

SPPS, DES 2, PPS7 (QD1), PPS7 (addendum), PPS12, DCAN8 and Creating Places

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

The proposed development comprises of detached and semi-detached properties. Dwelling types and layout are generally reflective of previously approved planning applications at the site and are in keeping with finishes and styles of properties found within this urban locality that proposals will not appear misplaced.

There are no identified features of archaeological or built heritage at this location although the site abuts a designated ATC, the amendments to proposals from previous submissions are now deemed acceptable and do not detract from the setting from the ATC.

The proposed dwellings have been allocated adequate private amenity space. Although there is no public amenity space included in the wider scheme, the proposed dwellings are within walking distance of open space i.e. playing fields as well as other community and local neighbour facilities.

Proposals include planting along the road frontage boundary which will assist in integration as well as softening the visual appearance of the development particularly when travelling in either direction along Drumalane Road. While planting is absent to the rear of the property it will nevertheless be flanked by existing vegetation to the South.

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

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

PPS12 (PCP1, PCP2 and HS4)

The density of development is comparable to other sites along this road and the overall footprint of the development resembles original approved development at this location. As a previously developed site, redevelopment will ensure sustainable form of development.

PPS15

FLD1, 2, 4 and 5 are not applicable. Consideration has been given to FLD3 and Rivers Agency in their consultation response dated 21.01.2020 accept its logic and have no reason to disagree with its conclusion.

Consideration and Assessment:

The amended layout and houses types are a vast improvement from the original submission ensuring that the existing building line is maintained, the introduction of green spaces and landscaping to the front assist in integration and soften the overall appearance from previous, separation distances are improved and there is now adequate enclosed private open space within the development along with adequate incurtilage parking. Impact to amenity has been considered within the development. All objections have been fully considered and amended proposals now fulfil the

requirements of planning policy on this basis, it is recommended to approve the application.

Recommendation: Approval

Conditions:

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

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

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 02 bearing the date stamp 6th November 2019.

Reason: In the interest of road safety.

3. The visibility splays of 2.4 metres by full frontage at the junction of the proposed access road shall be provided in accordance with Drawing No. 02 bearing the date stamp 6th November 2019 prior to the commencement of any other works or other development.

Reason: In the interests of road safety.

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: In the interests of road and pedestrian safety.

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 a rate of 2 spaces per dwelling.

Reason: In the interests of road safety.

6. The development hereby permitted shall not commence until any highway structure/ retaining wall/ culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highway Structures: Volume 1: Design Manual for Roads and Bridges the details of which will be submitted to the Planning Authority and agreed in writing to the satisfaction of Transport NI.

Reason: In the interests of road safety.

7. Any telegraph poles/ street furniture shall be re-sited to the rear of sight visibility splays and to the satisfaction of Transport NI.

Reason: In the interests of road safety.

8. The development hereby permitted shall not commence until a Street Lighting scheme design is submitted to the Planning Authority and agreed in writing to the satisfaction of the Department of Infrastructure Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

9. The Street Lighting scheme including the provision of all plant and materials and installation of same, will be implemented as directed by the Department of Infrastructure Street Lighting section.

Reason: To ensure provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

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

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

11. The gradient of the private access shall not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of road safety.

12. The developer / applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to the Planning Authority which shall be agreed in writing to the satisfaction of the Department for Infrastructure Transport NI.

Reason: To facilitate the free movement of road users and the orderly progress of work in the interests of road safety.

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

Reason: In the interests of road safety and traffic progression.

14. No construction to be made, trees planted or other obstruction made within

- 3m (or 1.5 times the depth whichever is greater) of sewers, OR
- 4m (or 1.5 times the depth whichever is greater) of watermain <350mm diameter or 8m of watermain of 350mm diameter or greater.

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

15. All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution to surface waters which is detrimental to fisheries interests.

16. The existing natural screenings of this site as shown in drawing No..... date stamped 23rd October 2019 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

17. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

18. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with the Proposed Landscaping and Management Plan (Drawing No. ...) received on the and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

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

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

20. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and that the retaining wall design accommodates any lateral loading from the retained slope. Any such designs and assessments should be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed to meet relevant British Standards and Codes of Practice

Case Officer

Authorised Officer



**& Drumalane
Developments**

LA07/2015/0825/F – Speaking Notes



105

Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Michael Graham and I am a Chartered Town Planner and Director of **WYG Planning**. I represent **both the applicant, McKinley Contracts Ltd** and **owner of the site, Drumalane Developments**, being retained by **both**, as planning consultant.

I was before this Committee back on **4th April 2019** at which Committee agreed to a deferral to meet with Council's planning officers to discuss and agree a revised scheme. I am pleased that following a meeting, submission of a revised scheme and re-consultation of same with statutory consultees that this revised scheme is now recommended to Committee for approval.

This revised scheme is both sustainable and acceptable and should be granted. In summary, it provides the following changes:

- The layout has been amended to 3No. detached and 8No. semi-detached (it was previously 2No. detached and 10No. semi-detached) on this zoned housing site;
- The building line along Drumalane Road is maintained;
- Dwellings will provide a frontage to Drumalane Road;
- Landscaping has been introduced along the frontage with Drumalane Road to soften the overall appearance and assist integration;
- A public footpath will be provided across the entire site frontage of Drumalane Road;
- Increased separation distances to dwellings have been provided;
- The garden sizes (i.e. private open space) of each dwelling have been increased and all are above the *guidance* of Creating Places;
- Incurtilage car parking at 2No. spaces per dwelling is included; and
- The dwelling types, styles and finishes are in keeping with the locality, including with the adjacent Area of Townscape Character.

This revised scheme has been reconsulted on and all statutory consultees have responded with no objection.

Given the history of this planning application and the planning history pertaining to this site itself, I respectfully request Members agree to now grant full planning permission.

I would like to thank the planning officers, particularly Patricia Manley and Andrew Davidson, for their efforts in helping to resolve this application.

Again, I thank the Planning Committee for the opportunity to speak today and I trust that Members agree that this application should be granted.

I would be happy to take any questions.

**Michael Graham MRTPI
Director
WYG Planning.**



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0943/F

Date Received: 10.06.2019

Proposal: Proposed manufacturing facility welfare & office facilities, associated site works including: yard storage areas, boundary fencing, 2 No. vehicular & pedestrian access entrances.

Location: Lands approximately 150m North East of MJM Group Unit 01, Derryboy Road, Carnbane Business Park, Newry

Site Characteristics & Area Characteristics:

The site takes in approximately 2.79ha of open vacant land in an area zoned for Economic Development under designations NY65 and NY63 of the Banbridge Newry and Mourne Area Plan 2015.

Site History:

LA07/2018/0167/PAN

Proposed erection of 1 No. industrial unit with associated office and all site and access work

Pan Acceptable: 21.02.2018

P/2009/0642/F

Infrastructural works to facilitate industrial development, including access, internal roads layout, drainage and the creation of two development platforms.

Permission Granted: 26.04.2010

P/2009/0640/O

Industrial Development

Permission Granted: 22.03.2010

P/2000/2164/F

Access Road and services for multi-user industrial estate.

Permission Granted: 01.10.2001

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland

The Planning (Use Classes) Order (Northern Ireland) 2015

Planning Strategy for Rural Northern Ireland

Banbridge Newry and Mourne Area Plan 2015
 PPS4 – Planning and Economic Development.
 PPS3 – Access, Movement and Parking / DCAN 15
 PPS15 – Planning and Flood Risk,
 Parking Standards

Consultations:

NI Water – No objections, public water supply within 20m of site, sewage networks unadopted and currently the responsibility of Invest NI.

Environmental Health – Following further information, no objections subject to attached conditions.

Shared Environmental Service – Development not likely to have a significant effect on the selection features, conservation objectives or status of any European Site. Email on file.

DAERA

Land, Soil and Air – no objections subject to conditions.

Drainage and Water – no objection subject to conditions

Natural Heritage – standing advice

Transport NI – No objections subject to conditions.

Rivers Agency – following submission of Drainage Assessment, no objections.

Historic Environment Division – no objections.

Loughs Agency – no objections.

Objections & Representations

6 Neighbours notified on 09.07.2019 and the application was advertised in press on 26.06.2019. No objections or representations received.

Consideration and Assessment:

Proposal of Application Notice was considered acceptable on 21.02.2018 under reference LA07/2018/0167/PAN. The Statement of Community Involvement accompanied with this application meets the legislative requirements for a major application, as specified in the Planning Act 2011 (Northern Ireland).

The application was considered against Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. It was determined under regulation 10 (1) that the planning application does not require to be accompanied by an Environmental Statement.

A Habitats Regulation Assessment was considered and subsequently screened out as not likely to have a significant impact on any European designated site.

Banbridge Newry and Mourne Area Plan 2015 (BNMAP)

The site is located within the development limit for Newry City on land zoned for Economic Development under zonings NY63 and NY65. The key site requirements for these zonings have been met within this application ensuring the application is consistent with policy SMT 2. The BNMAP confirms Class B4 uses acceptable on land zoned for Economic Development as well as Class B3 where it is compatible with adjacent land uses. I consider the proposal to comprise both a B3 and B4 use element and also compatible with the existing surrounding land uses. The proposal is compliance with the BNMAP.

The retained policies as noted below are more prescriptive than the SPPS and therefore will be considered with determining weight as part of the consideration.

The proposal includes a B3 and B4 use class element to it. As the proposal is to be sited within the development limit for Newry City, policy PED 1 of PPS4 is applicable.

Planning Policy Statement 4 / Policy DES 2 of PSRNI

PED 1

This policy confirms a B3 use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. The proposed development is proposed to be located on land zoned for Economic Development which is surrounded by other industrial development. The Area Plan confirms B3 uses are acceptable in this area where they are compatible with adjacent land uses. As established above, the siting of the proposal is deemed acceptable. In terms of scale and form, the proposal is comparable with existing built development in the surrounding lands. The nature of the proposal of manufacturing, storage and distribution is acceptable for the location.

Policy PED 1 confirms proposals for a Class B4 storage and distribution uses will be permitted in an area specifically allocated for such purposes in a development plan. The BNMAP confirms B4 uses will normally be acceptable on land zoned for economic development – which the proposed site it.

The proposal is expected to meet all the criteria of policy PED 9 (considered below) in addition to the above provisions.

- (a) The proposal is compatible with surrounding land uses
- (b) The proposal will not harm the amenities of nearby residents to an unacceptable level. Environmental Health has raised no objections.
- (c) The natural or built heritage will not be compromised by the proposal.
- (d) The site is not located within an area at flood risk and will not cause or exacerbate flooding. DFI Rivers Agency has no objections to the proposal.
- (e) The proposal is not anticipated to create a noise nuisance, Environmental Health has no objections, subject to hours of operation condition.
- (f) A negative condition will ensure the proposal is connected to the sewer and agreed by NIW prior to the commencement of development.
- (g) DFI Roads has no objections to the proposal with regard to the existing road network.
- (h) There is adequate access arrangements, parking and manoeuvring areas. DFI Roads has no objections, subject to attached conditions.
- (i) The proposal is in general compliance insofar that is practical and proportionate to the proposal.
- (j) I consider the site layout, building design, associated infrastructure and landscaping arrangements to represent a high quality and assist the promotion of sustainability and biodiversity.
- (k) The site has been appropriately enclosed by fencing. The building, fencing and planting will ensure that areas of outside storage will be adequately screened from public view.
- (l) The proposal is designed to deter crime and promote personal safety.
- (m) As the proposal is not within the countryside this criterion is not applicable.

In conclusion the proposal is considered to meet the policy requirements in full of PED 9 of PPS4 and DES 2 of PSRNI.

Planning Policy Statement 15.

Following the submission of a drainage assessment, DFI Rivers has no objections with regard to PPS 15. Email on file from DFI Rivers confirming Schedule 6 is not required.

DFI Roads has been consulted with regard to the PPS3 Access, Movement and Parking. The Department has responded with no objections to the proposal subject to attached conditions.

Parking Standards Consideration.

Having assessed the information on vehicles attending the site and in consultation with the parking standards I conclude the parking provision on site including, domestic, commercial and turning provision is adequate to serve the proposal.

Recommendation:

Approval

Conditions:

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

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

2. 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 the details on the approved plans.

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

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

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

4. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan 02 bearing the date stamped 10-06-19 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide

a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

REASON: In the interest of public health

7. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

8. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. After completing the remediation works under Condition 8 and prior to occupation of the development, a Verification Report shall be submitted in writing and agreed with Planning Authority. This report shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. The business operating hours shall be restricted to 0700 hours to 1800 hours Monday - Friday, 0700 hours to 1300 hours on Saturday and shall be closed on Sundays.

Reason: To prevent noise annoyance.

11. All Lorry washing must take place in the designated concrete wash bays only.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

12. No development hereby permitted shall be occupied until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment and to ascertain that a feasible method of sewage disposal is available at the site.

Case Officer

Authorised Officer

NEWRY, MOURNE AND DOWN DISTRICT COUNCIL

Minutes of the Local Development Plan Steering Group Meeting

22 January 2020

Board Room, Monaghan Row, Newry Mourne and Down District Council

Attendees:

Members: Cllr M Larkin (Chair)
Cllr W Clarke
Cllr H McKee
Cllr L Devlin
Cllr V Harte
Cllr C Mason

Officials: Mr A McKay Chief Planning Officer
Mr A Hay Principal Planning Officer
Mr M McQuiston Senior Planning Officer
Mrs L O'Connor Senior Planning Officer
Mrs R McCrickard Business Support Manager (Secretariat)

Guest: Dr E Magennis Senior Economist, University of Ulster Economic Policy Centre

Apologies: Chief Executive: Marie Ward
Director Enterprise Regeneration and Tourism: Conor Mallon
Cllrs G Hanna, M Ruane

1 Minutes of last meeting on 20 November 2019

Member were asked to note that the minutes of the last meeting were agreed at the Planning Committee on 11 December 2019.

2 Employment Needs Analysis Study

(Note - Restricted and Confidential: Not for Disclosure)

Mr Hay outlined the background to the study and introduced Dr Eoin Magennis from Ulster University Economic Centre (EPC). EPC had been appointed to undertake the study. In reference to the study report, Dr Magennis gave a presentation on the Employment Needs Analysis Study and the findings.

Much discussion on the findings followed with Mr Hay and Dr Magennis responding to questions and issues raised by Members.

In concluding the item, Mr Hay advised members of the next steps in finalising the report and advised that the work undertaken by the EPC will inform the terms for a complimentary piece of work looking at an analysis of employment land supply, and that together these studies will inform how the LDP can help meet the economic development needs of the District to 2030.

3 LDP Progress Update and Work Programme

Mr Hay referred to the LDP Progress Update and Work Programme Report which provided Members with an update on progress in respect of the preparation of the Local Development Plan (LDP) and for Members to note the ongoing work programme for the coming year.

Mr Hay advised that over the last year, work has been progressing on the preparation of the draft Plan Strategy. He advised that the preparatory work for the draft Plan Strategy requires a number of work strands, and work has progressed on a number of key areas. The ongoing programme of work includes reviewing and keeping up to date our evidence base along with further preparatory work, some of which requires specialist input including consultancy service. Mr Hay then referred to the key work strands and study areas being progressed in the preparation of the draft Plan Strategy as set out in the accompanying report appendix.

Mr Hay went on to advise that in respect of the current work programme, taking account of progress to date, and some of the resource issues experienced over the last year, it is clear that across the various work strands the workload has intensified putting increased demands on the Development Plan Team's staff resources and the ability to adhere to the current LDP Timetable. He advised that the LDP Timetable would remain under review.

Cllr McKee raised the matter of the demand for additional land. Mr Hay confirmed that the need for additional lands be it for housing, employment uses or to meet other identified development needs would be assessed as part of the ongoing plan preparation process, and that this was central to the work of the Development Plan Team in bringing forward a spatial plan strategy for the District and in identifying where additional lands are needed over the plan period to 2030.

Cllr Larkin enquired at what stage we were at in the plan process compared with other councils. Mr Hay explained that the overall process of this new plan making approach was taking longer than any of the councils or the Department had envisaged. A number of councils were ahead of us in the process, with seven having now published their draft Plan Strategy, including a number in recent months. He added that no council to date had proceeded to Independent Examination. Newry, Mourne and Down was one of four councils at a similar stage in the preparation of their draft Plan Strategy.

4 Any Other Business

The next meeting is scheduled for 18 March 2020.

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 09 MAY 2018			
LA07/2017/1721/F	Millvale Services Ltd – proposed parking for neighbouring Millvale Service Station – Millvale Road, Bessbrook	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.	Pat Rooney	<p>21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18.</p> <p>Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity.</p> <p>Remains under consideration</p>	N
		PLANNING MEETING – 1 AUGUST 2018			

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N
		PLANNING MEETING – 29 AUGUST 2018			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneynabane, Ballynahinch.	Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting	Annette McAlarney	Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>await the submission of this application and its conclusion before returning to consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened. Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.</p> <p>No application submitted to date 04/06/2019</p>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				Application for poultry houses received LA07/2019/0953/F on 13/06/2019 Being processed.	
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site between 54 and 58 Edenappa Road, Jonesborough	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N
LA07/2018/0820/F	Erection of a semi-detached pair of dwellings and associated car parking – lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.	A McAlarney	Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee – DEFER Under consideration	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 26 JUNE 2019			
LA07/2018/0930/F	New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2PIB apartments and 1 No. 2PIB wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0 – 41 Belfast Road, Newry	Defer for a site visit	M Keane	Site visit held – 08-07-2019 – application returned to July Committee Meeting – agreed to defer for further discussions between applicant/planning officers to see if an acceptable proposal can be agreed and decision making powers be delegated to Planning Officers Office meetings held with applicant. Amended plans received Jan 2020. Remains under consideration	N
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility	Defer this application, which the Committee agreed was an exception under FLD 1, and refer	A McAlarney	Application to come back to Committee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Building – 23 Downpatrick Road, Killough	the completed Flood Risk Assessment to Rivers Agency to be reviewed.		Under consideration.	
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2019			
LA07/2017/1235/F	Demolition of No. 31 and erection of two shop units on ground floor with 4 No. apartments on first and second floors – No. 31 Cardinal O’Fiaich Square, Crossmaglen	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson		
LA07/2018/1670/F	Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Road Road – 30m NE of 6 Main Street, Camlough	Defer for discussions between agent and Planning Officers to agree a suitable scheme and delegate authority to Planning Officers to issue the decision	A Davidson		
LA07/2018/0860/F	Proposed replacement dwelling (amended drawings) – 45 metres NE of No. 14 Rath Road, Clonallon Glebe tb Warrenpoint	Defer for further discussion between Planning Officers and agent/applicant – additional information to be provided	M Keane	Remains under consideration Awaiting dates from agent for meeting	
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0935/F	Extension to side dwelling – 4 Oldpark Road, Loughinisland	Defer for further discussions between agent/Planners with a view to agreeing a suitably	A McAlarney	Meeting held with Agent and applicant on 5 Dec 2019.	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		designed extension which would not impact on the streetscene. Planners to be given authority to issue the decision		Agent to make amendments. Amendments made and issued approval on 17/01/2020	
PLANNING COMMITTEE MEETING 11 DECEMBER 2019					
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Return to Committee March 2020	
PLANNING COMMITTEE MEETING 8 JANUARY 2020					
LA07/2019/1302/F	Dwelling with associated parking and amendment of application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space – rear of nos 65-69 South Promenade Newcastle	Withdrawn from addendum list and re-present at February Meeting	A McAlarney	On agenda for February Meeting – 12-02-2020	
LA07/2019/1362/0	Infill dwelling and garage – adj and immediately south of 64 The Heights, Loughbrickland	Withdrawn from addendum list and re-present at February Meeting	A McAlarney	On agenda for February Meeting – 12-02-2020	
LA07/2019/1221/F	Proposed guest house tourist accommodation and associated site works – land 10m NW of	Defer for site visit and further discussion to take place with applicant, agent and Planners re: correct planning category for the	A McAlarney	On agenda for February Meeting – 12-02-2020	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	180 Tullybrannigan Road, Newcastle	proposal. Traffic survey to be submitted and evidence that 2 x 45m sight visibility splays were achievable and within the control of the applicant			
LA07/2019/1069/F	Proposed one and a half-storey dwelling with attached single storey garage – lands approx. 20m SE of 31A Quarter Road, Glassdrumman, Annalong	Defer for a site visit	A McAlarney	On agenda for February Meeting – 12-02-2020	

Newry, Mourne & Down District Council – January 2020

122

1. Live Applications

MONTH 2019/20	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	177	1,173	269
May	192	1,196	266
June	155	1,184	264
July	139	1,157	250
August	127	1,108	249
September	110	1,026	241
October	155	981	234
November	149	963	229
December	106	933	221
January	169	945	219

Newry, Mourne & Down District Council – January 2020

123

2. Live Applications by length of time in system

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	1,173
May	718	212	81	61	124	1,196
June	718	202	86	57	121	1,184
July	664	243	76	51	123	1,157
August	632	227	77	44	128	1,108
September	574	211	70	45	126	1,026
October	534	213	80	39	115	981
November	522	212	71	40	118	963
December	496	216	70	43	108	933
January	520	206	79	39	101	945

3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79
June	73
July	76
August	76
September	76
October	67
November	58
December	57
January	62

Newry, Mourne & Down District Council – January 2020

124

4. Decisions issued per month

Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152
June	165	148
July	163	157
August	170	142
September	181	158
October	193	185
November	148	138
December	127	121
January	147	138

Newry, Mourne & Down District Council – January 2020

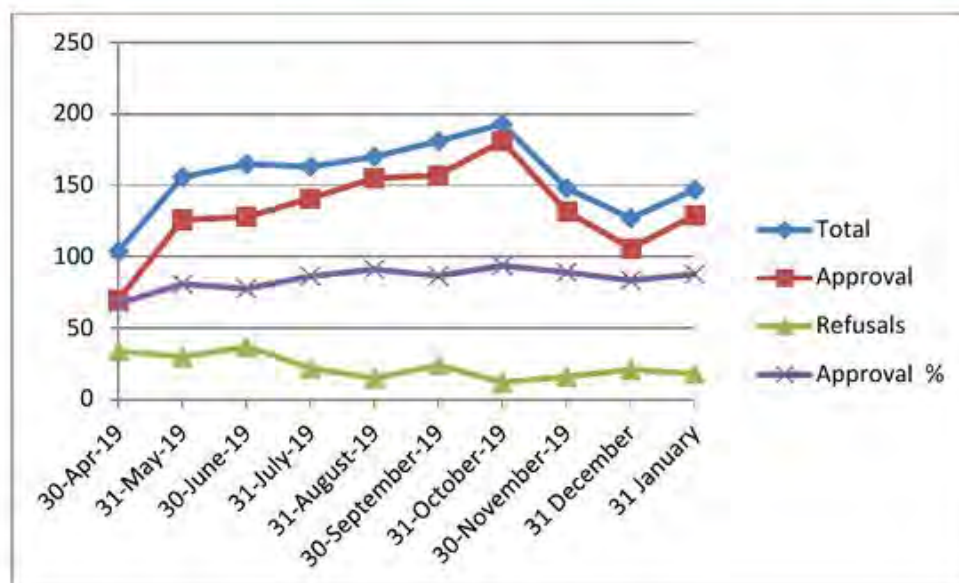
125

5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
April	104	Approvals (70)	67%
		Refusals (34)	33%
May	260	Approvals (196)	75%
		Refusals (64)	25%
June	425	Approvals (324)	76%
		Refusals (101)	24%
July	588	Approvals (465)	79%
		Refusals (123)	21%
August	758	Approvals (620)	82%
		Refusals (138)	18%
September	939	Approvals (777)	83%
		Refusals (162)	17%
October	1,132	Approvals (958)	85%
		Refusals (174)	15%
November	1,280	Approvals (1090)	85%
		Refusals (190)	15%
December	1,407	Approvals (1196)	85%
		Refusals (211)	15%
January	1,554	Approvals (1325)	85%
		Refusals (229)	15%

Newry, Mourne & Down District Council – January 2020

126



6. Enforcement Live cases

Month 2019/20	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	329	230	183	79	63	179	1,063
May	308	247	174	85	62	178	1,054
June	286	249	171	83	61	174	1,024
July	283	261	166	83	60	170	1,023
August	264	256	179	81	55	175	1,010
September	248	264	179	89	45	174	999
October	240	260	169	84	38	164	955
November	244	256	165	89	35	151	940
December	230	251	152	90	35	146	904
January	233	255	144	96	39	146	913

Newry, Mourne & Down District Council – January 2020

127

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
10 April 2019	17	11	6	5
29 May 2019	15	12	3	5
26 June 2019	16	13	3	3
24 July 2019	27	18	9	8
21 August 2019	34	29	5	5
18 September 2019	17	12	5	6
16 October 2019	15	12	3	3
13 November 2019	11	8	3	2
11 December 2019	14	7	7	2
8 January 2020	14	9	5	1
Totals	180	131	49	40

8. Appeals

Planning Appeal Commission Decisions issued during January 2020

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	23	0	0	0	0
Down	14	3	2	1	0
TOTAL	37	3	2	1	0

Newry, Mourne & Down District Council – January 2020

128

Statutory targets monthly update - April 2019 - December 2019 (unvalidated management information)

Newry, Mourne and Down

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	1	51.8	0.0%	163	81	22.0	22.2%	28	66	192.0	30.3%
May	0	1	600.0	0.0%	152	138	21.1	28.3%	29	36	85.4	44.4%
June	2	3	230.8	33.3%	123	145	24.6	22.1%	25	48	114.7	37.5%
July	0	-	0.0	0.0%	110	152	20.2	36.2%	41	44	165.2	29.5%
August	0	2	55.4	50.0%	100	160	22.1	30.0%	24	42	83.5	47.6%
September	1	1	321.0	0.0%	113	166	22.4	24.1%	34	35	185.7	40.0%
October	1	-	0.0	0.0%	117	158	19.2	38.6%	44	73	161.2	31.5%
November	0	2	169.4	0.0%	155	136	24.3	33.8%	24	54	189.2	29.6%
December	1	-	0.0	0.0%	83	112	20.7	40.2%	19	43	121.2	37.2%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	10	169.4	20.0%	1,116	1,248	21.5	30.8%	268	441	145.4	35.4%

Source: NI Planning Portal

Notes:

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

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

Newry, Mourne & Down District Council – January 2020

129

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

Record of meetings between Planning Officers and Public Representatives 2018-2019

130

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
05/04/2019	A McAlarney	Cllr Curran
22/05/2019	A McAlarney	Cllr Curran
04/06/2019	A McAlarney	Colin McGrath
04/06/2019	A McAlarney	Colin McGrath
06/06/2019	A McAlarney	Cllr Andrews
11/06/2019	A McAlarney	Colin McGrath (Dominic O'Reilly)
12/06/2019	A McAlarney	Cllr Walker
18/07/2019	A McAlarney	Cllr Doran
06/08/2019	A McAlarney	Cllr Walker Jim Shannon
12/08/2019	A McAlarney	Cllr McEvoy
13/08/2019	A McAlarney	Cllr McEvoy
16/08/2019	A McAlarney	Cllr Curran
06/09/2019	A McAlarney	Colin McGrath
10/09/2019	A McAlarney	Cllr Burgess
07/10/2019	A McAlarney	Cllr Walker
06/11/2019	A McKay	Chris Hazzard
14/11/2019	A McKay	Colin McGrath
25/10/2019	A McAlarney	Cllr Curran
28/10/2019	A McAlarney	Cllr Walker
06/11/2019	A McKay	Chris Hazzard
14/11/2019	A McKay	Colin McGrath
12/12/2019	A McAlarney	Cllr Andrews
09/01/2020	A McAlarney	Cllr Doran
17/1/2020	A McKay	J Shannon MP

Current Appeals

131

AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2018/A0201
Planning Ref:	LA07/2018/0410/	DEA	Rowallane
APPELLANT	Mr And Mrs Stevenson		
LOCATION	80m South East Of 2 School Road Saintfield		
PROPOSAL	RT24 7.IH Proposed dwelling and garage (Change of design from that previously approved under R/2015/0060/F)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	2	PAC Ref:	2018/A0251
Planning Ref:	LA07/2018/0015/	DEA	The Mournes
APPELLANT	Gordon Graham		
LOCATION	Between 20 And 22 Ulster Avenue Annalong		
PROPOSAL	Cn Down Proposed change of house type and integrated domestic garage (Amended scheme)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	29/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

132

ITEM NO	3		
Planning Ref:	LA07/2018/0785/	PAC Ref:	2019/A0064
APPELLANT	Mr W McMahon	DEA	Crotlieve
LOCATION	Approximately 50 Meters North West Of 78 Upper Dromore Road Warrenpoint		
PROPOSAL	Proposed dwelling and detached garage (infill site)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	26/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	P/2014/0920/F	PAC Ref:	2019/A0065
APPELLANT	Mr Brian Mulholland	DEA	Crotlieve
LOCATION	To The Rear Of 37A Ballyholland Road Ballyholland Lower		
PROPOSAL	^{Newry} Retention of existing agricultural shed, hardstanding, agricultural laneway and earthen embankments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	27/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

133

ITEM NO	5		
Planning Ref:	LA07/2018/0496/	PAC Ref:	2019/A0069
APPELLANT	Eugene Stranney	DEA	Slieve Croob
LOCATION	149 Ballydugan Road Downpatrick BT30 8HH		
PROPOSAL	Change of use of existing garage, study & games room to a dwelling as ancillary to the main existing dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6		
Planning Ref:	LA07/2017/1068/	PAC Ref:	2019/A0094
APPELLANT	Mr And Mrs M Pedan	DEA	The Mournes
LOCATION	Between No's 42 And 46 Fair Road Greencastle BT34 4L S		
PROPOSAL	Erection of dwelling on gap site		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	02/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

134

ITEM NO	7		
Planning Ref:	LA07/2017/1064/	PAC Ref:	2019/A0096
APPELLANT	Mr Pat McCartan	DEA	The Mournes
LOCATION	60 Metres South East Of No. 77 Tullyframe Road Kilkeel		
PROPOSAL	BT34 4R7 Site for dwelling and garage on equestrian holding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	02/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/1845/	PAC Ref:	2019/A0097
APPELLANT	Mrs Celine McMullan	DEA	Downpatrick
LOCATION	Between 4 And 8 Ballintogher Road Saul		
PROPOSAL	Downpatrick 2no new dwellings and garages and associated site and access works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	08/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

135

ITEM NO	9	PAC Ref:	2019/A0104
Planning Ref:	LA07/2019/0005/	DEA	Downpatrick
APPELLANT	Clare Higgins & Shauna Mageenan		
LOCATION	Between 45 And 49 St Patrick's Road Raholp		
PROPOSAL	Downpatrick Proposed two one and half storey dwelling and detached garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	23/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2019/A0106
Planning Ref:	P/2014/0427/O	DEA	Crotlieve
APPELLANT	Joseph McGivern		
LOCATION	To The Rear And South Of 2 Berkley Grove Warrenpoint		
PROPOSAL	Site for dwelling (amended plans)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	27/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

136

ITEM NO	11		
Planning Ref:	LA07/2019/1054/	PAC Ref:	2019/A0108
APPELLANT	EDB Construction	DEA	Newry
LOCATION	On Lands Between The Sacred Heart Grammar School And Newry High School		
PROPOSAL	Ashgrove Avenue Erection of approved dwellings on sites 9 & 10 of approval P/2011/1067/F		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	29/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2017/0078/	PAC Ref:	2019/A0111
APPELLANT	Mr D Mahon	DEA	Slieve Croob
LOCATION	20m East Of 223a Newcastle Road Seaforde BT30 8NP		
PROPOSAL	Erection of 3 light industrial units (Additional supporting info received)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	05/09/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

137

ITEM NO	13		
Planning Ref:	LA07/2018/1023/	PAC Ref:	2019//A0112
APPELLANT	Mr & Mrs D Sloan	DEA	The Mournes
LOCATION	10 Tullybrannigan Brae Newcastle		
PROPOSAL	Loft conversion & rear 1.5 storey extension with integral single storey garage with utility room to side & rear of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/09/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2018/1758/	PAC Ref:	2019/A0121
APPELLANT	Around A Pound	DEA	Crotlieve
LOCATION	19 Church Street Warrenpoint		
PROPOSAL	Retrospective shop sign with static exterior illumination		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	18/09/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

138

ITEM NO	15		
Planning Ref:	LA07/2019/0462/	PAC Ref:	2019/A0126
APPELLANT	Mr Colm Watters	DEA	Slieve Gullion
LOCATION	118 Cullaville Road Crossmaglen		
PROPOSAL	Newry Erection of replacement dwelling house, ancillary site works and landscaping		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	20/09/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	LA07/2015/1302/	PAC Ref:	2019/A0129
APPELLANT	EDB Construction	DEA	Newry
LOCATION	Lands To Rear Of 11-29 Thomas Street And Adjacent To Access Road To Buttercrane Shopping Centre		
PROPOSAL	Proposed new retail development at ground floor with 4No. 2 bedroom apartments at first floor level, relocation of existing NIE sub-station and provision of associated carparking and landscaping.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	25/09/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

139

ITEM NO	17		
Planning Ref:	LA07/2017/1213/	PAC Ref:	2019/A0143
APPELLANT	Tullyherron Farm Feeds	DEA	Slieve Gullion
LOCATION	38 Tullyherron Road Mounthorris Armagh		
PROPOSAL	Retention of extension to existing farm feeds business, including extension to hard standing area, storage buildings silos and associated works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/10/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2019/1056/	PAC Ref:	2019/A0150
APPELLANT	Felix McEvoy	DEA	Slieve Croob
LOCATION	60m South East Of No 36 Derryneill Road Ballyward Castlewellan		
PROPOSAL	Proposed holiday chalet with retention of sub structure as commenced on site		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/10/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

140

ITEM NO	19	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT LOCATION	Anthony Flanagan 152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20	PAC Ref:	2019/A0159
Planning Ref:	LA07/2019/1313/	DEA	Newry
APPELLANT LOCATION	EDB Construction Ltd 58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

141

ITEM NO	21		
Planning Ref:	LA07/2019/0450/	PAC Ref:	2019/A0165
APPELLANT	Mr Paul Murney	DEA	Crotlieve
LOCATION	39 Chapel Hill Road Mayobridge		
PROPOSAL	Retention of Agricultural Shed used for the wintering of animals and the storage of fodder and farm machinery.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	14/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2018/0995/	PAC Ref:	2019/A0168
APPELLANT	Ian Taylor	DEA	Slieve Croob
LOCATION	Site South-east Of 123b Ballylough Road Castlewellan		
PROPOSAL	Replacement dwelling previously approved under application R/ 2011/0332/F with new access		
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure		Date Appeal Lodged	19/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

142

ITEM NO	23		
Planning Ref:	LA07/2019/0866/	PAC Ref:	2019/A0169
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	Lands Opposite Numbers 20-24 Watsons Road Newry		
PROPOSAL	Proposed residential development comprising 20 No dwellings (18 Semi-detached and 2 detached) change of house type in respect of Approval P/2006/1117/F.		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	19/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2019/0990/	PAC Ref:	2019/A0181
APPELLANT	The Trustees Of Newry I.N.F.	DEA	Newry
LOCATION	To Rear Of No. 2 John Mitchell Place Newry		
PROPOSAL	RT34 2RP Erection of illuminated signage (pixel pitch on road fronting elevation of commercial premises)		
APPEAL TYPE	DC - Advertisement Consent		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	03/12/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

143

ITEM NO	25		
Planning Ref:	LA07/2019/0149/	PAC Ref:	2019/A0187
APPELLANT	Liam Phillips	DEA	Downpatrick
LOCATION	Adjacent To 11 Saul Road Downpatrick		
PROPOSAL	Proposed Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/01/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2018/0901/	PAC Ref:	2019/A0188
APPELLANT	Mrs Eileen Gribben	DEA	Crothieve
LOCATION	74m South Of No. 50 Castlewellan Road Ballyaughian Hilltown		
PROPOSAL	Proposed site for farm dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	23/12/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

144

ITEM NO	27		
Planning Ref:	LA07/2018/0442/	PAC Ref:	2019/A0190
APPELLANT	Mr M McCartan	DEA	The Mournes
LOCATION	12-14 Seacliff Close Ballaghbeg Newcastle		
PROPOSAL	Retrospective approval for existing constructed dwelling at 14 and approval for new dwelling at 12 incorporating new road layout and turning head (Road layout approved by Road Service Engineer)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/12/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2018/1975/	PAC Ref:	2019/A0192
APPELLANT	Joanna Groves	DEA	Downpatrick
LOCATION	To The Rear Of 15A Lisoid Road Rossglass With Access From Ballylig Road Rossglass Dwelling		
PROPOSAL			
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	23/12/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

145

ITEM NO	29		
Planning Ref:	LA07/2019/0811/	PAC Ref:	2019/A0194
APPELLANT	C McManus	DEA	The Mournes
LOCATION	Land Adjacent To 177 Dundrum Road Newcastle		
PROPOSAL	Proposed temporary mobile accommodation		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	06/01/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30		
Planning Ref:	LA07/2019/0459/	PAC Ref:	2019/E0025
APPELLANT	Roger And Simon Foster	DEA	Slieve Gullion
LOCATION	165m North West Of 20 Barkers Road Newtownhamilton Newry		
PROPOSAL	To confirm that the works which were undertaken to construct a building to accommodate heating boilers, associated plant and staff welfare facility and the erection of a vertical storage silo were lawful.		

APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure	Written Reps	Date Appeal Lodged	18/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

146

ITEM NO	31	PAC Ref:	2019/E0026
Planning Ref:	LA07/2019/0460/	DEA	Slieve Gullion
APPELLANT	Roger And Simon Foster		
LOCATION	65m SW Of 8 Blaney Road Newtownhamilton Newry		
PROPOSAL			

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	18/07/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2019/E0037
Planning Ref:	LA07/2019/1057/	DEA	Newry
APPELLANT	EDB Construction		
LOCATION	Lands To Rear Of 11-29 Thomas Street And Adjacent To Access Road To Buttercrane Shopping Centre.		
PROPOSAL	Completion of retail building granted planning permission by approvals P/2009/0003/F and P/2011/1020/F.		

APPEAL TYPE	DC - Non Determination of a Planning Application	Date Appeal Lodged	25/09/2019
Appeal Procedure	Informal Hearing		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

147

ITEM NO	33	PAC Ref:	2019/E0043
Planning Ref:	LA07/2019/0514/	DEA	The Mournes
APPELLANT	Alastair Chestnutt		
LOCATION	177a Kilkeel Road Annalong BT34 4TN		
PROPOSAL	Retention of existing building		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	21/10/2019
Appeal Procedure	Informal Hearing		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34	PAC Ref:	2019/E0044
Planning Ref:	LA07/2019/0746/	DEA	The Mournes
APPELLANT	Anna Marie Quinn		
LOCATION	20A Cranfield Road Kilkeel		
PROPOSAL	Existing Dwelling		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	30/10/2019
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

148

ITEM NO	35		
Planning Ref:	LA07/2019/0907/	PAC Ref:	2019/E0050
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	Site 5 Of Approval P/2006/1117/F On Watsons Road 100m West Of No. 26 Lis Ard Court		
PROPOSAL	Newry Erection of approved dwelling on site 5 of approval P/2006/1117/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	19/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36		
Planning Ref:	LA07/2019/1216/	PAC Ref:	2019/E0053
APPELLANT	Mary Rooney	DEA	Crotlieve
LOCATION	80A Kilbroney Road Rostrevor BT34 3RI		
PROPOSAL	Dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	28/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

149

ITEM NO	37	PAC Ref:	2019/E0059
Planning Ref:	LA07/2019/0876/	DEA	Downpatrick
APPELLANT	Mr Michael Trainor		
LOCATION	42b And 42c, Clanmaghery Road Tyrella		
PROPOSAL	Downpatrick 2 no dwelling units		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	20/01/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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

150

Appeal Reference:	2019/A0041
Appeal by:	Mr. Harvey Lynch and Mr. Eddie Ferguson.
Appeal against:	The refusal of full planning permission.
Proposed Development:	2 No. apartments with associated parking and amenity.
Location:	Land east of 2 Castle Place, Newcastle.
Planning Authority:	Comhairle Ceantair an lúir, Mhúrn agus an Dúin. Newry, Mourne and Down District Council.
Application Reference:	LA07/2017/1799/F.
Procedure:	Written representations and accompanied site visit on 16 th October 2019.
Decision by:	Commissioner Damien Hannon, dated 14 th January 2020.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the impact of the proposal on the residential amenity of neighbouring occupiers and whether the development respects its surrounding context.
3. The appeal site is located within the settlement limit of Newcastle as designated in the Ards and Down Area Plan 2015 (ADAP). The ADAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to the appeal proposal. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and any retained policies regarding issues raised by this appeal. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 7 - Quality Residential Environments (PPS 7). Guidance in the document entitled 'Creating Places: Achieving Quality in Residential Environments', May 2000 (Creating Places), is also material to consideration of this appeal.
4. The addendum to PPS 7 entitled 'Residential Extensions and Alterations' (the Addendum), provides additional planning policy for proposals for the extension and/or alteration of a dwelling house or other built development ancillary to a residential property such as a domestic garage or outbuilding. The appeal proposal is a freestanding apartment block, which is neither the extension to nor alteration of a dwelling house or development ancillary to a residential property. The provisions of the addendum therefore, offer no assistance to consideration of this appeal.

5. Nos. 2 and 4 Main Street and Nos. 1, 2 and 4 Castle Place form a group of adjoining buildings. Nos. 2 and 4 Main Street and No. 1 Castle Place have a frontage onto Main Street whereas Nos. 2 and 4 Castle Place have elevations facing the shore. Castle Place is a laneway that runs from Main Street and provides a main access to Nos. 2 and 4 Castle Place as well as rear access to Nos. 2 and 4 Main Street and No. 1 Castle Place. The appeal site is a rectangular plot of land measuring some 20m x 11m, located beyond the rear of No. 2 Castle Place and accommodating single storey corrugated iron roofed sheds. It is proposed to demolish the sheds and construct a two-storey building comprising two, three bedroomed duplex apartments with integral parking. The proposed design incorporates a first floor terrace measuring 5.5m x 6.5m, to be used by occupants of both apartments as shared amenity space. This terrace would be sited as close as 3.3m from the rear elevation with No. 2 Castle Place which presents a living room and kitchen window at ground floor level, a living room and bedroom window at first floor level and a second floor bedroom window.
6. Policy QD 1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. It further requires that all residential development conform to a number of stated criteria. The council argued that the proposal would fail to respect its surrounding context contrary to criterion (a) of Policy QD 1, would not make adequate provision for private open space contrary to criterion (c) and would have an adverse effect on existing and proposed properties in terms of overlooking and noise contrary to criterion (h). The terrace provides an adequate quantum of private open space in compliance with guidance in 'Creating Places'. The council however, argued that this amenity area was inadequate as, not only would it be overlooked from windows in No. 2, but also would cause occupants of No. 2 to suffer unacceptable loss of amenity through overlooking, noise and disturbance.
7. While the proposed 1.8m high opaque glass screen and planting would eliminate overlooking between the amenity area and first floor windows in No. 2 Castle Place, mutual overlooking would still take place between the terrace and a second floor bedroom window of No.2. However, the bedroom window of No. 2 is currently overlooked from the beach and I consider it reasonable that occupiers of the proposed development, suitable for holiday accommodation, would expect some form of privacy compromise in a busy seaside location. In these circumstances I do not regard this limited level of overlooking to be unacceptable and conclude that criterion (c) would be complied with. The council's second reason for refusal, based on criterion (c) of Policy QD 1 is not therefore sustained.
8. I accept that the appellant owns No. 2 but must base my decision on the fact that this may not always be the case. Although primarily designed to mitigate overlooking, the proposed screening would have some impact on noise reduction. Furthermore, one of the first floor rooms of No. 2 has a dual aspect. Also, the appeal site is located close to both a busy main street and a promenade where pedestrian use is encouraged. Nonetheless, taking the evidence in the round, I am persuaded that the noise and disturbance generated by a 36m² amenity area shared by two apartments, notwithstanding that they may be used seasonally, located 3.3m from habitable room windows, would give rise to unacceptable levels of noise and disturbance. In these circumstances, I conclude that the design and layout would create conflict with adjacent land uses and that criterion (h) would not

be complied with. Consequently, I further conclude that the proposal would fail to respect its surrounding context contrary to criterion (a). The council's first and third reasons for refusal, based on Policy QD1 of PPS 7 are therefore sustained.

9. The appeal site currently accommodates unsightly, disused sheds and a small, neglected open area. The proposal does not involve the loss of any land used as amenity space and incorporates sufficient integral parking to meet the relevant standards. Furthermore, the evidence presented does not demonstrate that the scheme would impede rear service access or reduce bin storage capacity for any of the occupiers in the existing block of properties. Objection on these grounds is not therefore sustained.
10. The council's first and third reasons for refusal, that I have found sustained, are determining in this case.

This decision is based on the 1:1250 scale Location Map numbered 01 received on 24th November 2017 and the following drawings received on 5th September 2018:-

1:50 and 1:100 scale Plans and Elevations numbered 02.

1: 100 Scale Proposed Site Plan numbered 03

1: 250 scale Contextual Elevations from Promenade numbered 04.

COMMISSIONER DAMIEN HANNON

List of Appearances

Planning Authority:-	Ms Claire Cooney
Appellants:-	Mr Eddie Ferguson Mr Barry Hillen (Hillen Architects)

List of Documents

Planning Authority:-	C1	Statement of Case
Appellants:-	A1	Statement of Case
Third Parties:-	T1	Statement of Case of Ms Anne Cotton



Appeal Decision

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

154

Appeal Reference: 2019/A0023
Appeal by: Mr Stephen Skelly
Appeal against: The refusal of full planning permission
Proposed Development: Extension to dwelling
Location: 36 Demesne Heights, Downpatrick
Planning Authority: Newry Mourne and Down District Council
Application Reference: LA07/2018/0264/F.
Procedure: Written representations and Commissioner's site visit on 12 September 2019
Decision by: Commissioner Pauline Boomer, dated 30 January 2020.

Decision

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

Preliminary Issue

Admissibility of amended drawings.

2. Section 59 (1) of the Planning Act (NI) 2011 states that a party to the proceedings is not to raise any matter which was not before the Council at the time the decision appealed against was made unless that party can demonstrate (a) that the matter could not have been raised before that time or (b) that it not being raised before that time was a consequence of exceptional circumstances. Section 59(2) states that nothing in subsection (1) affects any requirement or entitlement to have regard to (a) the provisions of the local development plan, or (b) any other material consideration.
3. The planning application for the proposal was submitted to the Local Planning Authority (LPA) on 12 February 2018. Once made aware of the concerns raised by the LPA and the objector, the appellant submitted revised plans on 22 June 2018 which he was advised in writing were still deemed unacceptable in terms of size, scale and design. Although forwarding a letter contending that the latest scheme was acceptable in design terms, the appellant did not submit any further revisions during the processing of the planning application. The appellant has now submitted a further revision to the proposed extension with his Statement of Case, reducing its width whilst increasing its depth to extend beyond the existing rear elevation. As these issues were considered by the LPA during the processing of the planning application, I conclude that these are not new matters with the revised plans seeking to address the concerns of the objector and the LPA. However the latest scheme has not been readvertised and the neighbouring properties have not had an opportunity to

comment on these amendments. I share that concerns of the LPA that third party prejudice would result if the revised plans were considered admissible.

4. No explanation has been given as to why these latest revisions could not have been submitted in the intervening 7 months before the decision notice issued on 16 January 2019. No evidence has been presented to confirm that there are exceptional circumstances which prevented the appellant from making further amendments to the scheme prior to the issue of the decision notice. In these circumstances, I find that the revised plans submitted with the appellant's Statement of Case are not admissible and cannot be considered as part of this appeal process.

Reasons

5. The main issues in this appeal are whether the proposal would harm the character and appearance of the host dwelling and the surrounding area and whether the proposed extension would be dominant in relation to the neighbouring properties, resulting in an loss of residential amenity.
6. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. The Ards and Down Area Plan 2015 (ADAP) operates as the relevant Local Development Plan (LDP) for the area within which the appeal site is located. The appeal site lies with the Settlement Development Limits of Downpatrick in the ADAP which does not contain any provisions relevant to residential extensions.
7. The relevant policy context is provided by the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations (APPS7), one of the policies retained in the Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development. Policy EXT1 of APPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where four specific criteria are met. The LPA argue that the proposal does not meet criteria (a) which requires that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area. They also consider that the appeal proposal conflicts with criteria (b) which indicates that a proposal should not unduly affect the privacy or amenity of neighbouring properties.
8. I will firstly consider the issue of scale, massing and design of the proposed extension, addressed in the 2nd reason for refusal. The LPA considers that the proposed extension would dominate the character of the host property, contrary to Criterion (b) of Policy EXT 1. Detailed guidance in relation to residential extensions is found in Annex A of APPS7. Paragraph A4 states that an extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually, rather than designed in isolation solely to fit in a required amount of accommodation. It goes on to stress the importance of ensuring that such extensions do not

detract from the street scene but appear as part of the existing property and not an obvious addition.

9. Whilst the LPA has concentrated its assessment on the fact that the proposed extension almost duplicates the size of the existing dwelling at No. 36, the footprint of the proposed extension has now been reduced to 63m², falling below the existing floor area. They raised no issue about the materials to be used or the size or proportions of any openings which would mirror those in the host dwelling. As the first floor would be recessed and the ridgeline dropped below the main roofline, I agree with the appellant that this would be effective in reducing the overall massing, ensuring that it would appear subordinate to the main structure. However the critical issue in any assessment of this appeal proposal is the location of the host building and the limited visibility of the proposed extension, not considered by the LPA in their Statement of Case. Given the position of the host building orientated towards the north western edge of the turning head, projecting forward of the main block, it is obscured from view as one enters the cul de sac by the dwellings at Nos 38-42. The LPA acknowledged at the site visit that the host building is only visible from the entrance to the turning head, given its projection and orientation, with only limited short range views available. I consider that the proposed extension would be even less visible in the streetscene, tucked behind and screened by the original dwelling, limiting any public awareness. As No. 36 is much smaller in scale than the other more substantial properties in the terrace, the increase in the massing as now proposed would not be out of keeping with the proportions of other adjoining properties. From the limited viewpoint available via an oblique angle, I am satisfied that the extension would not dominate the host building but would read as subordinate to the existing structure. In this particular context, I conclude that the appeal proposal would be sympathetic to the built form and appearance of the existing property and therefore does not offend Criterion (b) of Policy EXT 1.
10. Given the limited plot size and restricted access, I am not persuaded that the extension could operate as a separate dwelling as suggested by the objector and in any case, that would require separate approval. The 2nd reason for refusal and the objector's concerns on scale, massing and design have not therefore been sustained.
11. Concerns about the potential impact of the proposed extension on residential amenities are raised in the LPA's first reason for refusal. The LPA considers that the proposed extension would have an overbearing and dominant impact on those neighbouring properties at Nos 4 and 6 Demesne Road. The objector at No. 4 raises further concerns including the potential for overlooking and overshadowing. I shall consider each in turn.
12. No. 36 sits within a substantial plot which benefits from a sizeable side garden extending to a maximum width of 10m. The erection of the proposed extension would move the gable wall to within 5m of the party boundary with Nos 4 and 6. It is unhelpful that these adjacent properties were not shown on the submitted block plan with no information presented about the differential in levels. These two adjacent properties which lie to the north west of the appeal premises are split level with accommodation on three levels. At the site visit,

the appellant indicated that their rear gardens sit approximately 3.6m below the side garden of No.36, which was not disputed by the LPA.

13. Paragraphs A31-A33 of APPS7 addresses the issue of the potential impact of extensions on adjoining properties. Paragraph A31 states that dominance is the extent to which a new development adversely impinges on the immediate aspect or outlook from an adjoining property and goes on to say that neighbouring occupiers should not be adversely affected by a sense of being "hemmed in", often as a result of the construction of a large blank wall. Whilst the LPA considers that the appeal proposal would appear overbearing and dominant, they have offered no explanation in their submissions as to how they reached that conclusion.
14. The layout of this housing development has resulted in different tiers of development with the appeal site sitting at a lower level than those dwellings immediately to the south west but at a higher level than those properties to the northwest. Nos 4 and 6 Demesne Road have been designed as split level with the 10m deep rear garden situated at first floor level. Enclosed by a 1.8m high screen fence on top of a retaining wall, the rear garden and rear elevation of both properties are currently impacted by these retaining structures. The gable wall of the host building is orientated towards No. 4 but does not abut the party boundary with No. 6. The proposed side extension would project the building 4.9m closer, extending to within 5-6m of the party boundary of No. 4. Whilst the objector queries why the appellant has not considered a 2 storey rear extension as an alternative, the unusual alignment of dwellings in this particular terrace with No. 36 projecting well forward of the adjacent properties makes that impractical. The installation of a single ground floor window in the gable wall of No 34 on the party boundary with No. 36 means that this is not a practical option for the appellant, leaving the only viable alternative to extend to the side in order to provide additional accommodation for his growing family.
15. The proposed extension would retain a 15m separation distance from the rear elevations of Nos 4 and 6. Positioned on a level 3.6m above the adjacent rear gardens, the proposed gable wall would project approximately 8m in height, 6.2m above the top of the screen fence and would not present as a blank wall given the two small openings within. Despite the differential in levels, the adequate separation distance retained persuades me that the extension would not create a "hemmed in" feeling when viewed from those adjoining properties as suggested by the LPA and objector or appear overbearing and dominant from that aspect. I therefore conclude that the first reason for refusal and the objector's concerns in this regard are not sustained.
16. The objector has also raised concerns that the appeal proposal would also result in overlooking and overshadowing to his own and other properties. Paragraph A28 and A30 of the APPS 7 recognises that few households in an urban setting can claim not to be overlooked to some degree and accepts that the use of obscured glazing can help to minimise the potential for overlooking. Two modest windows proposed in the gable wall serving a toilet and en suite would have opaque glass installed to ensure that no overlooking would result. Given the orientation of the windows in the front elevation towards the turning head, I am satisfied that no overlooking of bedroom windows to the rear of No 4 would result. The objector has also raised concerns about the potential for

overlooking of No. 38 which sits on the opposite side of the turning head. Given the unusual juxtaposition of No. 36 orientated to face towards the rear garden of No. 38, some overlooking already exists. The proposed ground floor living room window would be screened by the existing wooden fencing enclosing the frontage and I am not persuaded that the introduction of an additional bedroom at first floor would have such a detrimental impact on the residential amenities to justify dismissal of this appeal. I find that the appeal proposal would not result in unacceptable overlooking of any adjacent property.

17. The issue of overshadowing has also been raised by the objector and whilst Criterion (h) of Policy QD1 does require that account be taken of this factor, it offers no further guidance. The objector considers that the proposed extension would result in his private amenity space being overshadowed. I note that the differential in levels and enclosure of their rear garden area by retaining structures already reduces the light available there. Although the appeal site lies to the south east of No. 4, I am satisfied that this would not be reduced significantly by the proposed extension, given the adequate separation distances involved. Concerns about the potential for ground disturbance on or close to the party boundary, threatening the stability of the existing retaining wall, are unsubstantiated.
18. Having considered all of the additional issues raised by the objector, I am not persuaded that the appeal proposal would have an adverse impact on his residential amenities or those of other adjoining properties and these objections are not sustained.
19. As both reasons for refusal have not been sustained and the objector's concerns are not given determining weight, the appeal is allowed.

CONDITION

- (1) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1: 2500 site location plan and Drawing A4371, both date stamped refused by Newry Mourne and Down District Council on 16 January 2019.

COMMISSIONER PAULINE BOOMER

2019/A0023

Appearances

LPA	Ms Claire Cooney Newry Mourne and Down District Council
Appellant	Mr David Burgess (agent) Mr Stephen Skelly (Appellant) Ms Rebecca Rogan (Appellant's partner)

List of Documents

LPA 1	Statement of Case from Newry Mourne and Down District Council
LPA 2	Rebuttal from Newry Mourne and Down District Council
APP1	Statement of Case and Appendices from Appellant



Appeal Decision

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

Appeal Reference: 2019/A0082
Appeal by: Mr Niall Branniff
Appeal against: The refusal of outline planning permission
Proposed Development: Replacement dwelling
Location: 50 Drumkeeragh Road Ballynahinch
Planning Authority: Newry Mourne and Down District Council
Application Reference: LA07/2019/0013/O
Procedure: Written representations and Commissioner's site visit on 13 January 2020.
Decision by: Commissioner Pauline Boomer, dated 16 January 2020.

Decision

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

Reasons

2. The main issue in this appeal is whether there is a structure which exhibits the essential characteristic of a dwelling to be replaced on the appeal site.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Ards and Down Area Plan (ADAP) operates as a LDP. The appeal site is located outside any designated settlement development limit but within the Mourne Area of Outstanding Natural Beauty (AONB). The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.
4. Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The appellant argues that the appeal building represents a replacement opportunity in accordance with Policy CTY 3. It automatically follows that if the proposal complies Policy CTY 3, it will comply with Policy CTY 1.
5. In addition to the above, Policy CTY3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum, all external walls are substantially intact. Other criteria require that any alternative position outside the

existing curtilage would result in demonstrable landscape, heritage, access or amenity benefits and that the overall size of the new dwelling should allow it to integrate into the surrounding landscape.

6. The appeal building is a modest single storey structure which is located close to the western side of Drumkeeragh Road, abutting a laneway serving a dwelling and farmgroup. The building to be replaced is a modular structure which appears to be of a pre-fabricated construction with a flat roof. No plans or structural details were submitted by the appellant but my site inspection has confirmed that whilst there are some holes in the outer covering exposing insulation material, the structure remains intact. The main entrance and external steps lie in the southern elevation with a secondary door opening onto the kitchen in the northern elevation. There are three windows in both the front and rear elevations, all of which are intact. The structure sits on a concrete blockwork base which is clearly evident on the ground. The curtilage of the building is defined on all sides by a mix of post and wire fencing and ranch fencing, with a gravelled driveway and overgrown garden area evident.
7. The test in Policy CTY 3 is whether or not there is a building to be replaced and if it exhibits the essential characteristics of a dwelling. The Local Planning Authority (LPA) disputes that this building is a replacement opportunity which satisfies the requirements of that policy. The appellant's mother has submitted a sworn affidavit stating that this building was erected by her husband in 1989 and occupied by her and her family until 1998 when they moved to her current address at No. 48. Whilst she is of the opinion that outline planning permission was granted for this building in approximately 1989, this has not been confirmed by the LPA in the planning history submitted and remain of the opinion that the structure was erected without the benefit of planning permission. Nonetheless, it is argued that the building provided residential accommodation for the appellants' family between 1989 and 1998 and once they moved, it was occupied by another relative until her death in 2008. This is confirmed by the submission of domestic Rates bills for the property between 2007 and 2012 which the local Council categorised as a "House" and provided a residential address. Whilst it is stated that the building has been vacant since August 2008, with the building maintained in the intervening period to keep it in basic repairs, it is currently in a poor condition. However, I am satisfied that all the walls and the roof are substantially intact.
8. The 2nd test in Policy CTY 3 requires that the building to be replaced exhibits the essential characteristics of a dwelling. Despite its restricted footprint of less than 60m², the layout on the ground indicates that a kitchen, livingroom, bathroom and three bedrooms were provided. The internal walls have been removed across the front of the building but the different wall and floor coverings and individual light fittings confirm that there were originally three separate but small rooms here. Whilst there are no longer any bathroom fittings evident, I disagree with the LPA's assessment that the kitchen was no longer fitted. At my site visit, fitted kitchen cabinets were clearly visible enclosing the sink and cooker. There is evidence of the remains of domestic electricity and heating supply to the property. Whilst the appellant indicates the existence of a septic tank, this was not readily apparent given the overgrown nature of the plot. The curtilage of the building is well defined and the absence of a washing line or storage shed is not fatal to the proposal, given the fact that the building has been vacant for more than 10 years. Taking account of the external appearance of the building and the plot and the internal

layout and fittings, I am satisfied that the appeal building does exhibit the essential characteristics of a dwelling.

9. Despite its dilapidated condition, its walls and roof are structurally intact. There is no requirement in policy for any dwelling to be constructed in blockwork with a specified roof type and I am satisfied that it represents a permanent structure with blockwork foundations. Its curtilage is clearly defined with adequate provision for access, parking and amenity space. I am therefore satisfied that this building represents a replacement opportunity in accordance with Policy CTY 3.
10. The LPA in their Statement of Case has placed particular emphasis on the appeal building not having the benefit of planning permission. They have concluded that as there is no lawful status to this structure, the correct method of confirming that this structure was or is a dwelling house would be through the submission of a Certificate of Lawfulness for an Existing Use or Development (CLEUD.) Without the benefit of planning permission and in the absence of a CLEUD being submitted, the LPA is not persuaded that the building has been occupied as a dwelling for a period of 5 years and continues to do so. However I agree with the appellant that there is no requirement in Policy CTY3 to submit a CLEUD. The appellant has provided evidence that the building was rated as a dwelling up until 2012 which the LPA has not disputed. I note that the headnote of Policy CTY3 clearly states that all references to dwellings will include buildings previously used as a dwelling. Although unoccupied since 2008, the building has not been used for any other purpose and remains rated as a house by the Council at present. As I have concluded above that the building is substantially intact and displays the essential characteristics of a dwelling, I find that the appeal building represents a replacement opportunity which satisfies the requirements of Policy CTY3.
11. Policy CTY3 also requires that any alternative position outside the existing curtilage would result in demonstrable landscape, heritage, access or amenity benefits. The appeal site under consideration extends beyond the existing curtilage across the full width of the adjacent field. Whilst I acknowledge that the existing curtilage is restricted, with a frontage width of 18m, the appeal proposal seeks to extend the plot width to 66m, representing a significant increase in area. The appellant has failed to explain why such a significant increase in the overall plot size is required to accommodate the replacement dwelling, especially as policy requires that the new dwelling should not have a visual impact significantly greater than the existing building. Whilst the restriction of the curtilage was not referred to specifically in the reason for refusal, it is relevant to discussions about possible conditions to be attached if the appeal were to be allowed.
12. In his rebuttal, the appellant has indicated that he seeks to introduce a separate access independent of the shared laneway which currently serves the property and the adjoining farmgroup. However only a 1:2500 site location plan was submitted by the appellant without any indication of the size or position of the new dwelling or details of the alternative access position. Transport NI (TNI) has indicated that an alternative access should be centrally positioned within the appeal site frontage, with sightlines of 2.4m required across the entire frontage, necessitating the removal of the limited hedgerow across the extended frontage. The appeal site represents the frontage section of the large host field where the land raises to the south. Whilst this provides a backdrop along with the Drumkeeragh Forest to the south west, the frontage field is devoid of any

vegetation with the exception of a low intermittent hedge along the northern site boundary. I agree with the LPA that the resiting and/or extension of the replacement dwelling encroaching into the open field devoid of vegetation would significantly increase the overall visual impact of the development. The LPA has not made any recommendations about the size or footprint of the proposed dwelling which would have to be increased to provide a reasonable standard of accommodation. However to ensure compliance with the policy requirement that the overall visual impact should not be significantly increased, I consider it necessary to introduce a condition restricting the curtilage to the area shown hatched red on the annotated drawing Drawing PAC1. This would allow for the provision of a separate access in accordance with TNI recommendations whilst providing sufficient parking and amenity space for a larger replacement dwelling without having a detrimental impact on visual amenity. Subject to this restriction, I am satisfied that the appeal proposal finds support in Policy CTY 3 and as a result complies with Policy CTY1. The LPA has not therefore sustained the reason for refusal and the appeal succeeds.

13. With regards to other conditions, the existing building should be removed prior to the commencement of development. Given the differential in levels within the appeal site, details of existing and proposed ground levels and finished floor levels should be submitted. To ensure that the new dwelling does not have a significantly greater visual impact than the existing building, I agree with the LPA that the ridge height of the dwelling should be restricted to 5m with 0.45m underbuild. In the interest of road safety, the alternative access should be centrally positioned within the appeal site with visibility splays of 2.4m across the entire frontage are required to be provided prior to the commencement of development and permanently retained. In the interest of visual amenity, a landscaping scheme including hard and soft landscaping should be submitted to and agreed with the LPA, introducing native hedgerows and trees around all the boundaries of the extended curtilage identified within the hatched area shown on Drawing PAC 1 and behind the required sightlines.

Conditions

- (1) Except as expressly provided for by Conditions 2 and 4 the following reserved matters shall be as approved by the Planning Authority – the siting, design and external appearance of the dwelling and the means of access thereto.
- (2) The dwelling shall be demolished and all resultant rubble removed from the site prior to the commencement of development.
- (3) The dwelling hereby permitted shall be sited within the curtilage as shown hatched red on Drawing PAC 1 and its ridge height shall not exceed 5m above finished floor level and underbuilding shall not exceed of 0.45m.
- (4) Any application for approval of reserved matters shall include plans indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels, all in relation to an identified datum point on Drumkeeragh Road and cross sections through the site.

- (5) Visibility splays of 2.4m across the site frontage shall be laid out on Drumkeeragh Road before any building operations commence and shall be permanently retained thereafter.
- (6) No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing hard and soft landscaping, including trees and hedgerows to be provided along the boundaries of the proposed curtilage shown hatched red on Drawing PAC1, including to the rear of the visibility splays, the location, numbers species and sizes of trees to be planted within the sites during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced during the next planting season with others of a similar size unless the Planning Authority gives written consent to any variation.
- (7) Application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
- (8) The development shall be begun before the expiration of 5 years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on Drawing PAC1.

COMMISSIONER PAULINE BOOMER

2019/A0082

List of Documents

LPA 1	Statement of Case and appendix from Newry Mourne and Down District Council
APP1:	Statement of Case and Appendices from Appellant.
APP 2	Rebuttal from Appellant.



ACEmap® Single

Printed: 13/12/2018 Customer Ref:

Centre Point (Easting, Northing): 334329, 347338

50 DRUMKEERAGH ROAD, DRUMKEERAGH, BALLYNAHINCH, BT24 8QU, 185245432

Scale: 1:2,500

Order no ORD64243

Plan No 22301NE

PLANNING AREA
COMMISSION
23 JUL 2019
File No

COPYRIGHT STATEMENT
Except as otherwise indicated under the Copyright Design and Patents Act 1988 and 1992 this map may only be reproduced in whole or in part without the written permission of the Ordnance Survey.



Every care has been taken to ensure accuracy in the completion of this map at the time of publication. Land & Property Services cannot, however, accept responsibility for errors or omissions and when such are brought to our attention, the amendment of any future publication is not guaranteed.

License / Permit No.

© Crown Copyright 2018

Drawing PAC1 annotated by
Commissioner P Boomer