



March 7th, 2019

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 13th March 2019** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

3.0 Declarations of Conflicts of Interest in relation to Paragraph 25 of Planning Operating Protocol.

- **Item 6** - LA07/2018/0758/0 - Mr and Mrs Hickland - new dwelling and detached garage - lands approx. 50M south of 56 Crawfordstown Road, Drumaness - Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Clarke, Devlin, Loughran, Larkin, McAteer and Macauley.**
- **Item 7** - LA07/2017/1469/F - change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars) amended plans - 186 Killowen Road, Rostrevor - Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Casey, Clarke, Ruane, Harte, Larkin, McAteer, Loughran, Craig and Macauley**
- **Item 18** - LA07/2016/0408/F - erection of replacement dwelling house and garage as substitute for previously approved planning application P/2013/0764/F - 99 Windmill Road, Cranfield, Kilkeel - Members who were present for the entire item and who can take part in the discussion/decision on this application are **Councillors Larkin, McAteer, Clarke, Devlin, Hanna, Harte, Loughran, Craig, Macauley, Murnin and Ruane**

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 13 February 2019. (Attached).

 *Planning Committee Minutes - 13 February 2019.pdf*

Page 1

For Discussion/Decision

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

 *Addendum list - 13-02-2019.pdf*

Page 17

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

6.0 LA07/2018/0758/0 - Mr and Mrs Hickland - new dwelling and

detached garage - lands approx. 50M south of 56 Crawfordstown Road, Drumaness. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2016-0758-O Crawfordstown Road.pdf* Page 18

📄 *Item 6 - submission of support (LA07-2018-0758-O).pdf* Page 23

7.0 LA07/2017/1469/F - change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars) amended plans - 186 Killowen Road, Rostrevor. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Matthew Crothers and Robert Dunlop in support of the application. **(Submission attached).**

📄 *LA07,2017,1469, Killowen Road.pdf* Page 30

📄 *Item 7 - submission of support (LA07-2017-1469-F).pdf* Page 50

Development Management - Planning Applications for determination

8.0 LA07/2016/0185/F - 70m SE OF 1 Rowallane Close, Saintfield - proposed farm dwelling. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Adrian Murray, objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Andy Stephens, agent, in support of the application. **(Submission attached).**

📄 *Reconsideration_LA07_2016_0185_F_Rowallane_Close.pdf* Page 53

📄 *Item 8 - submission of objection (LA07-2016-0185-F).pdf* Page 55

📄 *Item 8 - submission of support (LA07-2016-0185-F).pdf* Page 56

9.0 LA07/2017/1458/F - 150m west of 40 Ballyculter Road,

Ballyalton, Downpatrick- Proposed woodland burial site to include new entrance to Ballyculter Road; vehicle parking and turning, extensive native species planting; new dry stone walling and pedestrian pathway network. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Eugene Gallagher objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Ronan Downey, agent, in support of the application. **(Submission attached).**

📄 *LA07-2017-1458- Ballyculter Rd.pdf* *Page 58*

📄 *Item 9 - submission of support (LA07-2017-1458-F).pdf* *Page 65*

📄 *Item 9 - objection (LA07-2017-1458-F).pdf* *Page 67*

10.0 LA07/2018/0001/0 - 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) - 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. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Marie-Louise Anderson re: issues of concern on the planning application - Andy Stephens objecting to the application - and SD McMullan, Architects on behalf of a representative of Don Holdings Ltd and Dr. M Rooney. **(Submissions attached).**
- A request for speaking rights has been received from Dermot Monaghan, agent; a representative of Lidl; Nicholas McCrickard and Dave Goddard Mourne Mountain Rescue Team and Tim Cousins, Traffic Engineer, in support of the planning application. **(Submission attached).**

📄 *LA07-2018-0001-F Lidl Newcastle.pdf* *Page 69*

📄 *Item 10 - objection from M L Anderson (LA07-2018-0001-0).pdf* *Page 85*

📄 *Item 10 - objection from A Stephens.pdf* *Page 86*

📄 *Item 10 - Dr M Rooneys letter of Notice.pdf* *Page 87*

📄 *Item 10 - Don Holdings Notice to Planning.pdf* *Page 90*

11.0 LA07/2018/0470/F - Construction of a new 51 bedroom hotel to include; conference facilities, a function suite, bars and restaurant; and a spa, that houses a gym, fitness suite, swimming pool, changing rooms, and treatment rooms - 38 Belfast Road Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

LA07-2018-0470-F Belfast Rd, Downpatrick.pdf

Page 95

12.0 LA07/2018/1238/F - Conversion of 2 small dwellings to 1 dwelling unit with 2 storey rear extension, alteration to front elevation, replacement roof, internal alterations, reshape existing rear gardens, provision of walkway from dwelling to garden and formation of pedestrian access onto King Street - 191 and 193 South Promenade Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2018-1238-F- 191-193 South Promenade, Newcastle.pdf

Page 99

Item 12 - submission of support (LA07-2018-1238-F).pdf

Page 104

13.0 LA07/2018/1500/F - proposed new village play park - Killough Car Park Quay Lane, Killough. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

LA07-2018-1500-F Playpark killough quay Lane.pdf

Page 110

14.0 LA07/2018/1515/F - 1st floor extension to existing garage to provide a single person home office - 6 Kinedale Cottages, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2018-1515-F_6_Kinedale_Cottages.pdf*

Page 117

📄 *Item 14 - submission of support (LA07-2018-1515-F).pdf*

Page 123

15.0 LA07/2019/0020/F - amendment to planning application R/2014/0632/0 - 40 Flying Horse Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

📄 *LA07-2019-0020-F Flying Horse Rd.pdf*

Page 124

16.0 LA07/2018/0015/F - proposed change of house type and integrated domestic garage (amended scheme) - between 20 and 22 Ulster Avenue, Annalong. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07.2018.0015.F - Between 20 and 22 Ulster Avenue Annalong.pdf*

Page 127

📄 *Item 16 - submission of support (LA07-2018-0015-F).pdf*

Page 136

17.0 LA07/2018/0650/F - proposed dwelling to the rear of 45 Greenpark Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2018-0650-F rear of 45 grenpark road.pdf*

Page 143

📄 *Item 17 - submission of support (agenda version) (LA07-2018-0650-F).pdf*

Page 150

18.0 LA07/2016/0408/F - erection of replacement dwelling house and garage as substitute for previously approved planning application P/2013/0764/F - 99 Windmill Road, Cranfield,

Kilkeel. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2016-0408-F - Windmill Road replacement re-consideration 408.pdf*

Page 154

19.0 LA07/2017/1023/F - proposed development of 45 no. dwellings, comprising 8 no. apartments, 8 no. townhouses, 22 no. semi-detached houses and 7 no. detached houses, infilling and re-grading of lands, associated site works and landscaping - lands at Ardmore Road, opposite 17-43 Ardmore Road and adjacent No. 2 Beechwood Villas, Newry. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Joseph Burns objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Lynsay Magill (Radius Housing); Philip Hill (Flood Risk Consulting) and Mark Hardy (Roads Engineer).

 *LA0720171023F Ardmore Road Housing.pdf*

Page 158

 *Item 19 - objection Joseph Burns (LA07-2017-1023-F).pdf*

Page 174

 *Item 19 - submission of support (LA07-2017-1023-F).pdf*

Page 175

20.0 LA07/2018/1810/F - new synthetic surface to existing 4 No. tennis courts; new bubble cover over 2 no. courts only; new pedestrian access from the west and new disabled access from the south - Our Lady's Grammar School, Chequer Hill, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07.201781810.F Tennis Courts Our Ladys School.pdf*

Page 176

21.0 LA07/2017/1437/F - erection of dwelling and garage (amended dwelling design, siting of dwelling and garage and relocation of access approved under application P/2013/0820/F) - lands 85m NW of junction of Blackrock Road and Teer Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Peter McNulty, Barney McKeivitt and Stephen Hughes in support of the application. **(Submission to follow)**.
- A request for speaking rights has been received from Councillor Hearty in support of the application. **(Submission to follow)**.

📄 *LA07-2017-1437-F.pdf*

Page 180

22.0 LA07/2018/0753/F - proposed new "Sure Start" nursery building, with additional 3 No parking spaces provided by extension of existing car park - lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road, Bessbrook. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07.2018.0753.F Surestart.pdf*

Page 183

📄 *Item 22 - submission of support (LA07-2018-0753-F).pdf*

Page 188

23.0 LA07/2018/1145/0 - proposed erection of detached dwelling (infill dwelling) - lands 22m north of 15 Corliss Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Patrick O'Reilly, agent, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from Councillor T Hearty in support of the application. **(Submission attached)**.

📄 *la07-2018-1145-0 Corliss Road.pdf*

Page 189

📄 *Item 23 - submission of support (LA07-2018-1145-0).pdf*

Page 193

📄 *Item 23 - submission of support Cllr. Hearty (Corliss Road).pdf*

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For Noting

24.0 Historic Tracking Sheet. (Attached)

📄 *Planning HISTORIC TRACKING SHEET - UPDATED 14-02-2019.pdf*

Page 200

25.0 February 2019 Planning Committee Performance Report.

📄 *FEBRUARY 2019 Planning Committee Performance Report.pdf*

Page 207

26.0 Report of meetings between Planning Officers and Public Representatives.

📄 *Record of Meeting report.pdf*

Page 214

27.0 February 2019 Appeals and Decisions.

📄 *Planning Appeals and Decisions February 2019.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13th February 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Casey
 Councillor W Clarke
 Councillor L Devlin
 Councillor G Craig
 Councillor V Harte
 Councillor K Loughran
 Councillor J Macauley
 Councillor M Murnin
 Councillor M Ruane

(Officials)

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/012/2019: BEST WISHES

Councillor Casey extended his best wishes to Councillor Hanna and wished him a speedy recovery.

P/013/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Hanna.

P/014/2019: DECLARATIONS OF INTEREST

Declaration of Interest received from Councillor Devlin in respect of Item 10 - Planning Application LA07/2018/0221/O.

**P/015/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 19
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item 6** – LA07/2018/0661/0 – erection of dwelling and domestic garage – between 17a and 17b Hilltown Road, Mayobridge – Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Clarke, Devlin, Larkin, Loughran, McAteer and Macauley.**
- **Item 7** – LA07/2018/0250/F – dwelling and garage on farm – lands 50m south of 30 Fofanny School Road, Newry – Members were were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Casey, Clarke, Craig, Devlin, Hanna, Larkin, Loughran, McAteer, Macauley and Ruane.**
- **Item 8** – LA07/2017/1494/0 – proposed one and a half storey dwelling and detached domestic garage – opposite and north of No. 43 Bryansford Road, Stang, Hilltown – Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Casey, Clarke, Craig, Devlin, Hanna and Murnin.**
- **Item 13** – LA07/2017/1030/0 – site for 100 bedroom hotel and spa – 200m east of No. 25 Greenpark Road, Rostrevor – Members who were present for the entire item and could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Casey, Clarke, Devlin, Hanna, Loughran, Craig, Macauley, Murnin and Ruane.**
- **Item 15** – P/2014/0427/0 – site for dwelling – to the rear and south of 2 Berkley Grove, Warrenpoint – Members who were present for the entire item and could take part in the discussion/decision on this application were **Councillors Casey, Clarke, Craig, Devlin, Hanna, Harte, Larkin, Loughran, McAteer, Macauley and Ruane**
- **Item 25** – LA07/2017/1895/F – erection of dwelling and detached garage, new landscaping and associated site works in compliance with PPS21-CTY6 – personal and domestic circumstances – approximately 55 metres south east of No. 6 Molly Road, Lower Jonesborough, Newry, BT35 8JR – **All Members were present for the entire item and could take part in the discussion/decision on this application.**

MINUTES FOR CONFIRMATION

**P/016/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 16 JANUARY 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 16 January 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Craig seconded by Councillor Clarke it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 16 January 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/017/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 13 February 2019. **(Copy circulated)**

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

Item 20 - LA07/2018/0753/F – Proposed new 'Sure Start' nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within 'the Pond Field' park at No. 8 Mill road, Bessbrook.

REFUSAL

Removed from the Addendum List at the request of Councillor Larkin, to be presented at the next available Planning Committee Meeting.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 13 February 2019: -

- **Item 10** – LA07/2018/0221/0 – proposed off-site replacement dwelling and garage - Drumee Road, Castlewellan.
APPROVAL
- **Item 14** – LA07/2018/1834/F – proposed new village play park at Ballyholland Play Park, 11 Betty's Hill, Newry.
APPROVAL
- **Item 16** – P/2014/0276/0 – site for dwelling and detached garage – approx. 275m west of 79 Aughnahoor Road, Kilkeel.
REFUSAL
- **Item 21** – LA07/2018/1003/F – proposed change of house type at plot Nos 37, 41-43, 50, 51, 64-66, 71, 76, 77, 82, 91-94, 163, 170, 174-177, 180, 181, 186, 193, 194, 195, 196 and 208 (31 No. total) from these previously approved under LA07/2016/0617/F (see proposal below) lands under construction at Hillcrest Village McKnights Hill to the North Church of the Good Shepherd to the rear of Derramore Crescent and to the West of Brooklawns and Millvale Park, Bessbrook, Newry.
APPROVAL
- **Item 22** – LA07/2018/1103/F – erection of 11 dwellings (Proposed change of house types (T&S) at plot Nos 197-207 from those previously approved under ref. LA07/2016/0617/F – Plot Nos 197-207 at Hillcrest Village McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent and to the west of Brooklawns and Millvale Park.
APPROVAL
- **Item 23** – LA07/2018/1388/F – extraction of glacial aggregate – lands approximately 264m due NE of No. 88 Longfield Road, Forkhill.
APPROVAL
- **Item 24** – LA07/2018/1299/F – upgrade of existing pathway from the South Cairn to Calliagh Berra's Lough, Slieve Gullion, including remedial landscaping and all associated works – pathway located between Calliagh Berra's Lough and South Cairn, Slieve Gullion Mountain, Slieve gullion Forest Park, 89 Drumintee Road, Meigh.
APPROVAL

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/018/2019: PLANNING APPLICATIONS FOR DETERMINATION

AGREED: **On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning application from the schedule:-**

Item 19 - LA07/2015/0149/F - Change of use of building to provide for storage and distribution of fuel with alterations, and new bulk fuel tank in yard – site between 54 and 58 Edenappa Road, Jonesborough.

REFUSAL

Withdrawn by the Planning Department to allow further consultation to be completed.

The following applications were then determined by the Committee:-

(1) LA07/2018/0661/0
(Audio recorded – YES)

(Councillors Casey, Harte, Craig, Murnin and Ruane withdrew from the meeting)

Location:

Between 17a and 17b Hilltown Road, Mayobridge

Proposal:

Erection of dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Mr J Young, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms J McParland, 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.

Mr Young referred to medical evidence that had been submitted on 5 December 2018 regarding exceptional personal circumstances and said this information had not been considered by the Planning Officials in determining their recommendation.

Mr McKay said that as per planning protocol, no new information would be considered and there was an expectation in statute for planning applications to be delivered within a fifteen week period. He continued, saying a new application would have had to be submitted if there had been a substantial change in personal circumstances.

Councillor Macauley proposed and Councillor Clarke seconded to refuse Planning Application LA07/2018/0661/0.

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

FOR:	5
AGAINST	1

ABSTENTIONS 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2018/0661/O — as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillors Casey, Craig and Ruane re-joined the Meeting
(Councillor Harte and Murnin remained withdrawn)

**(2) LA07/2018/0250/F
(Audio recorded – YES)**

Location:

Lands 50m south of No. 30 Fofanny School Road, Newry

Proposal:

Dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Sam Hawthorne, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms 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.

Ms McAlarney said the main issue for consideration was the application site did not visually link or cluster with the established group of buildings on the farm. Councillor Clarke asked if the new dwelling could be located where the septic tank was currently sited. Ms McAlarney replied this option would have to be considered under a separate application.

Councillor Devlin referred to the existing laneway that was not in total control of the applicant and due to this restraint, the applicant could not avail of a mortgage and asked if this could be taken on board by Planning Officials.

Ms McAlarney again reiterated the main issue to be considered was that the application site did not visually link or cluster with the established group of buildings on the farm and the access issue would have to be dealt with separately.

Councillor Devlin referred to the agent's report which included five examples of previous applications with similar circumstances, all of which had been granted approval, Ms McAlarney said she had carried out a review of the five planning applications referred to in the agent's report but she could not find any comparisons in terms of clustering.

Mr Hawthorne said he considered No. 30 to be part of the original holding given that it was a replacement to the original farm dwelling and he asked for clarification regarding this.

Ms McAlarney said having looked at the farm maps that had been submitted and on carrying out a search of ownership, it was apparent that No. 30 was not linked to the farm owner.

Mr Hawthorne said the applicant's sister lived at No. 30 and that buildings and farm yards were not included on farm maps. In response to a query from Councillor Larkin as to whether the resident at No. 30 was named on the farm business, Mr Hawthorne replied that although this was not the case, the applicant's sister did participate on the farm.

Councillor McAteer asked for the legal position regarding the location of the septic tank and if it was deemed to have a discernible border between the original farm dwelling and the replacement dwelling.

Ms Largey said she agreed with the Officer's recommendation that No. 30 was not on the farm and any discussions relating to the siting of the septic tank were irrelevant.

Mr McKay said Planning Officials had established that No. 30 was not part of the farm business, he acknowledged it had been a replacement dwelling but said there were no restrictions as to who resided in the house. He continued, saying that to conform to policy, the dwelling at No. 30 would need to visually link or cluster with the established farm buildings, which in the case of Planning Application LA07/2017/0250F it did not.

Mr Hawthorne said he totally disagreed with the Planning Department's recommendation, saying he believed that No. 30 was part of the group of farm buildings.

Councillor Macauley proposed to issue a refusal in respect of Planning Application LA07/2018/0250/F as per the Officer recommendation, Councillor Larkin seconded the proposal.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2018/0250/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(3) LA07/2017/1494/0
(Audio recorded – NO)**

(Councillors Loughran, Macauley and Ruane withdrew from the Meeting)
(Councillor Harte remained withdrawn)

Location:

Opposite and north of No. 43 Bryansford Road, Stang, Hilltown

Proposal:

Proposed one and a half storey dwelling and detached domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Ms 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.

Ms McAlarney said Planning Application LA07/2017/1494/O was before the Committee for reconsideration having previously been deferred to allow Planning Officials time to review the application and to look at the sight lines at no. 72 Kilkeel Road, Hilltown. Ms McAlarney continued, saying the current application was for the proposed dwelling to be located off site and it would have to be demonstrated why the dwelling could not be located on the original site.

General discussion took place regarding access and visibility splays. Mr O'Callaghan said the applicant had a signed declaration from the two relevant landowners which stated they would not provide the land to instate the visibility splays required. Mr O'Callaghan, continued, saying the existing lane was too narrow and the applicant would be unable to secure a mortgage due to lane access issues and the numbers of dwellings on the lane.

Ms McAlarney said the required 2.4m x 100m splays could be achieved by imposing negative conditions and she confirmed there were two outstanding planning applications for infill on the lane, both of which had negative conditions attached regarding visibility splays.

Ms Largey said it was not unlawful to impose negative conditions.

Mr O'Callaghan said there was no reliance on negative conditions and additionally, environmental health issues had been flagged up regarding the two infill applications currently being processed regarding their siting so close to the applicant's farm.

AGREED: On the proposal of Councillor Craig, seconded by Councillor Larkin it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2017/1494/O as per the information and recommendation contained in the Case Officer report presented to Committee.

**(4) LA07/2018/0820/F
(Audio recorded – YES)**

(Councillors Harte, Loughran, Macauley and Ruane rejoined the Meeting)

Location:

Lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise, Newcastle

Proposal:

Erection of a semi-detached pair of dwellings and associated car parking

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Chris Brannigan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms 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.

Ms McAlarney acknowledged the history on the site saying there had been two previous approvals on the site and the application before the Committee had been submitted as a renewal application, however there had been a change in policy since the previous approvals had been granted.

During discussions, Ms McAlarney confirmed the expiry date of the most recent planning approval was June 2018 and she acknowledged the renewal application had been received by Planning Department in May 2018. She continued, saying the application then had to go through the consultation process which took time, but she did not believe there was any undue delay incurred by Officers during this time.

Councillor Clarke said flexibility should be afforded to the applicant as the renewal application had been received by Planning Department before the expiry date.

Ms McAlarney said that although the application had been submitted prior to the expiry date, it was important that a precautionary approach be taken in terms of the change to planning policy. She continued, saying that previous approvals had been granted in a previous policy context and due regard would have to be given in view of the revised policy now in place and that public safety was paramount in terms of potential flood risk. Ms McAlarney acknowledged the site was in a defended area but she said the site was not previously developed land and consequently the risk of flooding could not be eliminated.

Discussion took place regarding the revised PPS15 which required that all planning applications, including renewal applications would be determined with reference to the most up to date flood risk information available to the Planning Authority.

Particular reference was made to FLD 5 – Development in Proximity to Reservoirs, and concern was expressed by Members regarding the onus being on the applicant to provide assurance from a suitably qualified engineer with supporting evidence from DfI Rivers on the safety aspect of the reservoir. Ms McAlarney said FLD5 required the applicant to demonstrate the condition management of the reservoir, however she said this information should be available from the reservoir owner. Ms McAlarney also said the revised policy would require a working strip of 5-10m to facilitate maintenance, which in the case of Planning Application LA07/2018/0820/F would not be possible.

Councillor Clarke proposed to defer Planning Application LA07/2018/0820/F to allow time for a meeting to take place with the Rivers Agency and the applicant to discuss all flooding issues and that Council request an up to date safety report from NI Water regarding Lough Island Reavy Reservoir for all future applications.

Mr McKay advised against requesting a report from NI Water regarding Lough Island Reavy Reservoir as the report they would hold would not detail the condition of the dam but rather

the impact downstream if there was a failure of the dam. He continued, saying there would not be a report available that would be specific enough to be used for future applications.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Devlin it was agreed defer Planning Application LA07/2018/0820/F to allow for a meeting to take place with Rivers Agency and the applicant.

(5) LA07/2018/0891/F
(Audio recorded – YES)

Location:

30m SE of 22 Rossglass Road South, Killough, Downpatrick

Proposal:

Conversion and extension of existing vernacular structure to form a residential dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Ms 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.

Ms McAlarney advised Members that as per protocol, late information received from the applicant had not been assessed when determining the application.

Councillor Devlin asked how the process worked regarding the submission of additional information by the applicant.

Ms McAlarney replied that the onus was on the applicant to submit all the required information with the application.

Mr Hillen said all issues raised by Planning in their correspondence dated 24 July 2018 had been addressed.

Discussion took place on whether the buildings to be converted were of local historical importance. Ms McAlarney said Planning had taken the view they did not have historical architectural merit, additionally Transport NI had also advised they did not consider the buildings to be locally important. Ms McAlarney continued, saying the design of the proposed conversion and extension was not sympathetic to the scale and massing of the existing buildings.

Councillor McAteer proposed to overturn the Officer's recommendation and issue an approval in respect of Planning Application LA07/2018/0891/F on the basis that he accepted the buildings were of local historical importance. Councillor Clarke seconded the proposal.

Mr McKay reminded Members the late information that had been submitted by the applicant had not been assessed by Planning officials. Councillor McAteer said he was content to

proceed with his recommendation as he had local knowledge of the area and he believed the buildings to have historical merit.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed issue an approval in respect of Planning Application LA07/2018/0891/F contrary to officer recommendation on the basis that the buildings were of local historical importance.

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

(6) **LA07/2018/0915/F**
(Audio recorded – YES)

Location:

Land 15m north of 6 Largy Road, Kilcoo.

Proposal:

Provision of bunk house tourist accommodation and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Ms 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.

Councillor Devlin in referring to policy TMS3 asked Ms McAlarney what she would deem to be significant environmental benefit. Ms McAlarney replied it would have to be demonstrated there was a benefit to the environment by removing the existing building.

Discussion took place regarding the interpretation of environmental benefit. Councillor Clarke said there was an increasing interest in this type of holiday accommodation in a remote area but close to tourism amenities, and he believed there were eco-tourism benefits to be had from a sustainability aspect.

The Applicant said the RDP funding stream would be opening shortly but he would not be eligible to apply for it unless he had planning permission in place.

Councillor Casey said the Council encouraged new start-up businesses and Councillor Craig said whilst he was very keen to support the potential for tourism development in the area, he also wanted to comply with policy.

In response to a query from Councillor McAteer as to the fact the application could not be assessed against a specific policy, Ms Largey said she agreed with the Planning Officer that the proposal was very similar to that of a hostel and therefore had been assessed correctly.

Mr McKay said the policy under which the application was assessed was entirely appropriate but he did not believe the agent had correctly addressed the policy.

Councillor Clarke referred to the RDP funding programme which the applicant could avail of, to secure funding and said this was also a Council led project.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0915/F contrary to officer recommendation on the basis that the development would bring an environmental benefit to the area and that the proposed building would be well integrated

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

**(7) LA07/2017/1030/0
(Audio recorded – YES)**

(Councillor Harte withdrew from the Meeting)

Location:

200m east of No. 25 Greenpark Road, Rostrevor

Proposal:

Site for 100 bedroom hotel and spa

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Michael Graham, WYG Planning; Andrew Bunbury, Park Hood Landscape Architects; John Cole, Cole Partnership and Miceal Tinnelly, Shoreside Developments, in support of the application.

Power-point presentation:

Ms J McParland, 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 an approval in respect of Planning Application LA07/2017/1030/0 as per the information and recommendation contained in the Case Officer report presented to Committee.

(8) P/2014/0427/O
(Audio recorded – YES)

(Councillor Harte rejoined the meeting)
(Councillor Murnin withdrew from the meeting)

Location:

To the rear and south of 2 Berkley Grove, Warrenpoint

Proposal:

Site for dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Brendan Quinn, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

DEA Councillor M Carr, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms J McParland, 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.

Ms McParland said the application had been previously discussed at length and had been deferred so that DFI Roads could review the visibility splays, this had been done and DFI Roads had reported they were content with the visibility splays.

Councillor Devlin referred to the improvement that would be made to the Well Road /Berkley Grove junction should the application be approved and asked what weight would have been given by Planning to this.

Ms McParland replied whilst she acknowledged the access was substandard, there was no evidence to suggest it was dangerous.

Councillor Devlin asked who would benefit if the Well Road / Berkley Grove junction was improved. Mr Quinn replied the occupants at the eleven dwellings at Well Road and the four dwellings at Broseley, Well Road plus anyone travelling North on the Well Road would all have the benefit of improved visibility.

Councillor McAteer asked for clarity on the different plot sizes on the development. Ms McParland said there were two policies that had to be applied, one was LC1 that applied to all residential development within the surrounding area and the second one was ATC policy which applied only to the ATC area. Ms McParland continued, saying she considered the plot to be below the average plot size when assessed under each of the policies.

Councillor McAteer proposed to defer Planning Application P/2014/0427/O to allow for a site visit to take place to assess the site in more detail. Councillor Macauley seconded the proposal.

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

FOR:	9
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Macauley it was agreed to defer Planning Application P/2014/0427/O to allow for a site visit to take place so that Members could assess the site in more detail.

It was also agreed Planning Application P/2014/0427/O be brought back to Committee.

(9) **LA07/2018/0788/F**
(Audio recorded – NO)

(Councillor Murnin rejoined the meeting)

Location:

Lands adjacent to and NW of 10 Donaghaguy Road, Warrenpoint

Proposal:

Change of house type to approved reserved matters LA07/2015/0799/RM to detached storey and a half dwelling and detached garage and associated siteworks

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Seainin Hanna, O'Callaghan Planning, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms J McParland, 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.

Councillor Ruane said the agent had requested a deferral to allow time for discussion to take place regarding the amended plans.

AGREED: On the proposal of Councillor Ruane, seconded by Councillor McAteer it was agreed defer Planning Application LA07/2018/0788/F to allow time for discussion to take place on the amended plans.

It was also agreed that officers be delegated authority to impose any relevant conditions and issue the decision.

(10) LA07/2017/0810/F
(Audio recorded – YES)

Location:

Approximately 60 metres north of 9 Shepherds Way, Carnbane, Newry

Proposal:

Creation of new car park to provide additional car parking facilities at existing commercial premises, erection of bridge across Newry River, erection of perimeter fencing, erection of totem sign and associated site works.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

George Berry and David Berry presented in objection of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Speaking rights:

Deborah Loughran, MJM Group and Donald Walker, Newry & District Angling Association, in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr A Davidson, 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.

George and David Berry said whilst they did not object to the proposed car park or bridge, they had concerns regarding pollution in the river and access to the river was no longer possible due the erection by MJM Group of a perimeter fence.

Mr Davidson said there was no public Right of Way on the stretch of river bank that George and David Berry referred to and he was not aware of aware of an application for a private Right of Way.

Ms Loughran said MJM Group was an environmentally friendly company and the water way was a huge asset to it. She continued, saying the storm drains drained into the waterways using Class 1 Bypass Interceptors. She said for security reasons, there could not be open access, however Rivers Agency would have access along the bank.

Mr Walker said bailiffs from the Angling Society patrolled the river and were empowered to act on any pollution issues. Mr Walker continued, saying the Angling Society was engaged with the Loughs Agency in installing styles along the river to carry out any maintenance required. He said the Angling Society had a lease agreement with the owners Mourne Estate which gave it reparian rights and MJM were working alongside them to this end.

Councillor Murnin proposed to accept the officer's recommendation and issue an approval in respect of Planning Application LA07/2017/0810/F. Councillor Ruane seconded the proposal.

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

FOR:	9
AGAINST:	0

ABSTENTIONS: 2

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2017/0810/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Casey left the Meeting – 3.20 pm)

(11) LA07/2017/1895/F
(Audio recorded – NO)

AGREED: On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to exclude the public and press from the Meeting during discussion on the following matter which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual.

Location:

Approximately 55 metres South East of No. 6 Molly Road Lower Jonesborough Newry BT35 8JR.

Proposal:

Erection of dwelling and detached garage, new landscaping and associated site works in compliance with PPS21-CTY6 – personal and domestic circumstances.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent; Barney McKevitt and Brian and Olive Gallagher, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr P Rooney, Principal 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.

On the proposal of Councillor Macauley, seconded by Councillor Loughran, it was agreed to come out of closed session.

When the Committee was out of closed session the Chairperson reported the following decision had been taken following a vote:

FOR: 6
AGAINST: 2
ABSTENTIONS: 2

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/1895/F contrary to officer recommendation on the basis that genuine hardship would be caused if planning permission were refused. Any issues regarding integration could be resolved with relevant conditions.

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

FOR NOTING

P/019/2019: **HISTORIC ACTION SHEET**

Read: Planning historic action sheet. **(Copy circulated)**

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

P/020/2019: **PLANNING COMMITTEE MEETING PERFORMANCE REPORT JANUARY 2019**

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

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

P/021/2019: **MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives 2018-2019. **(Copy circulated)**

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

P/022/2019: **APPEALS & DECISIONS**

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

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

The Meeting concluded at 3.50pm

For confirmation at the Planning Committee Meeting to be held on 13 March 2019.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List**Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 13 February 2019**

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:-

- **Item 10 – LA07/2018/0221/0** - proposed off-site replacement dwelling and garage - Drumee Road, Castlewellan. **APPROVAL**
- **Item 14 - LA07/2018/1934/F** - proposed new village play park at Ballyholland Play Park, 11 Betty's Hill, Newry **APPROVAL**
- **Item 16 – P/2014/0276/0** – site for dwelling and detached garage – approx. 275m west of 79 Aughnahooroy Road, Killeel **REFUSAL**
- **Item 20 - LA07/2018/0753/F** - proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park - lands immediately to the north of Bessbrook Community Centre within "the Pond Field" park at No. 8 Mill Road, Bessbrook **REFUSAL**
- **Item 21 - LA07/2018/1003/F** - proposed change of house type at plot Nos 37, 41-43, 50, 51, 64-66, 71, 76, 77, 82, 91-94, 163, 170, 174-177, 180, 181, 186, 193, 194, 195, 196 and 208 (31 No. total) from these previously approved under LA07/2016/0617/F (see proposal below) lands under construction at Hillcrest Village McKnight's Hill to the North of Church of the Good Shepherd to the rear of Derramore Crescent and to the West of Brooklawns and Millvale Park Bessbrook Newry **APPROVAL**
- **Item 22 - LA07/2018/1103/F** - erection of 11 dwellings (Proposed change of house types (T&S) at plot Nos. 197-207 from those previously approved under ref. LA07/2016/0617/F - Plot Nos 197-207 at Hillcrest Village McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent and to the west of Brooklawns and Millvale Park **APPROVAL**
- **Item 23 - LA07/2018/1388/F** - extraction of glacial aggregate - lands approximately 264m due NE of No. 88 Longfield Road, Forkhill **APPROVAL**
- **Item 24 - LA07/2018/1299/F** - upgrade of existing pathway from the South Cairn to Calliagh Berra's Lough, Slieve Gullion, including remedial landscaping and all associated works - pathway located between Calliagh Berra's Lough and South Cairn, Slieve Gullion Mountain, Slieve Gullion Forest Park, 89 Drumintee Road, Meigh **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0758/O

Date Received: 08th June 2016

Proposal: New dwelling and garage

**Location: lands approximately 50M South of 56 Crawfordstown Road,
Drumaness.**



Site Characteristics & Area Characteristics:

The site in question is located along the Crawfordstown Road on what appears to be rocky lands that are heavily overgrown with access lanes running off at differing points. There are differing styles of dwellings and agricultural lands and facilities in the area. The site itself is generally overgrown to the south and east and has what

appears as walls providing an enclosure and container units on the site operating as a yard as such but not clear exactly what. An access lane runs through part of the site that serves two dwellings.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. There are no specific site constraints identified. The character of the area is generally of single dwellings in a nucleated fashion with large curtilages to dwelling and set back away from the road.

Site History:

R/2001/1281/O – Site for dwelling – 130m South West of 58 Crawfordstown Road, Drumaness – Granted – 04-04-2002

R/2000/0607/O – site for dwelling – 160m N of 48 Crawfordstown Road, Drumaness – site for dwelling – 05-03-2001

R/2001/1007/RM – 160m NW of 48 Crawfordstown Road Drumaness – private domestic dwelling – granted – 16-10-2001

R/2003/0710/RM – 130m SW of 58 Crawfordstown Road – private domestic dwelling – granted – 05-09-2003

R/1993/0224 – Crawfordstown Road (140 M SE of 56 Crawfordstown Road – Refused 24-11-1993

Planning Policies & Material Considerations:

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

Consultations:

NIEA – Water Management Unit – no objections, no specific comments to make.
NI Water – no objections

Transport NI – originally requested that the applicant amend the 1:500 scale plan clearly showing 2.4m and full frontage setback and amend P1 question 12 accordingly. The agent was not willing to submit the information and Transport NI was re consulted but could not provide comment in the absence of the requested drawings and therefore did not comment due to lack of information.

Objections & Representations

The application was advertised 22nd June 2016 which expired 06th July 2016. Neighbour notification took place 23rd June 2016 which expired 07th July 2016. To date no representations have been made.

Consideration and Assessment:

The application has not been submitted with any supporting information or clear policy intention, therefore all aspects of PPS 21 must be given consideration.

Policy CTY 2 is clearly not applicable as this is for a single dwelling.

Policy CTY 2A relates to a single dwelling however this application clearly does not meet with this section of policy with there being no focal point, no visual entity.

Policy 3 for replacement dwellings is not applicable as there is no building to replace, the applicant makes reference to a mobile home being on the site, there is a mobile classroom type building on the site but this would not be eligible for replacement.

Policy CTY 4 is not applicable as there are no buildings of permanent construction to convert.

Policy CTY 6 is not applicable as no evidence has been put forward to support an application of this nature which would be essential.

Policy CTY 10 is not applicable as there has not been any information submitted in relation to a farm dwelling and the site demonstrates no farming activity.

Having considered the aspects of PPS 21 it appears the application is most suitably considered against CTY 8 Ribbon Development.

SPPS makes comment on infill and ribbon development however does not add any additional weight than that in PPS 21 Sustainable Development in the Countryside, CTY 8.

The main policy context for this application is PPS 21, CTY 8 Ribbon Development. Policy requirements states that planning permission would be refused where a building creates or adds to ribbon development. Exception would be made for the development of a small gap site sufficient enough to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided that the development respects the existing development pattern along the frontage.

The site in question from the public view point's appears as an area of rough growth with an access lane through it. While it is not evident from the road the access through the site serves two properties that are set back off the road and are accessed onto the lane at adjacent points and fork off the lane.

When travelling in a north western direction towards Drumaness there is no perception of a continuous and built up frontage with a small gap in place. The site includes an access lane that serves two dwellings however said dwellings are not visible from the road and face onto the lane, there is no frontage onto the road and the access point is not manicured to either side so there is no perception of dwellings even being located on the lane. When standing on the site, adjacent to the structure shown on the site location plan within the red line there is an awareness of a building either side, being no 56 Crawfordstown Road and 54A Crawfordstown Road. This awareness is not present when moving to the Road and does not constitute or make a contribution to a continuous and built up frontage. 56 Crawfordstown Road does

face onto the road however no 54A clearly does not and is set well back from the road and faces onto a separate access lane.

To the south of the site is an agricultural crush yard, not a building but rather walls and a crush yard for handling livestock. Beyond this fronting onto the road are agricultural fields. Property no 54A is set back from the road, Fronts onto a separate lane and would not be considered to be part of a continuous and built up frontage along the Crawfordstown Road.

There are a number of dwellings in the area however given the siting of the existing dwellings there has been a continuous frontage created and therefore a continuous frontage, nor gap exists to accommodate a dwelling. Furthermore this application would lead to the creation of ribboning along the Crawfordstown Road along with 56 and 58 Crawfordstown Road.

As there is no gap to be filled as there is no development suitable for consideration to the south of the site consideration of the size of the gap cannot be considered. The red line of the application site would however not be an unreasonable plot size when read in the context of the wider area however would offer 67m of frontage in comparison to no 56 which is 25m wide and no 58 which is 40m at the frontage however occupies a narrower plot of 25-27m generally. The plot size curtilage could be reduced to respect the existing pattern. It is important to note the frontage is that of the site outlined in red only as there is no gap size here that can be considered.

It is also noted that the application, being at the end of the lane and not in a gap offers no possibility of fulfilling policy in terms of a gap in an otherwise substantial and continuously built up frontage along the lane.

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

A building would be unacceptable where it would be a prominent feature in the landscape however the site in question could accommodate a well-designed dwelling that would not be a prominent feature in the landscape.

The site has boundaries at present in the form of rough planting and whinn and does sit in a hollow area of land. There are no long distance views of the site given the topography of the land and existing planting. The site would not be considered to lack boundaries or be unable to provide a suitable degree of enclosure, nor would the site rely on new planting and landscaping for integration.

As this is an outline application full particulars of siting and design have not been submitted, however, it is considered that a dwelling could be accommodated on the site to meet with all aspects of CTY 13.

The application is also considered against CTY 14 Rural Character. Planning permission will not be granted for a dwelling where it would cause a detrimental change to or further erode the rural character of the area. It is clear when travelling through this particular area and when viewing the aerial images that this area has seen a considerable amount of development that through the nature of single dwellings has no formal plan, adding to this already heavily developed area will

further erode the rural character of the rural area and lead to further detrimental change.

The application also fails point D of CTY 14 in that the site will create a ribbon of development along the Crawfordstown Road.

Additional information was requested in order to allow Transport NI to fully consider if the application however the agent was not willing to submit the requested information and therefore Transport NI have not been able to provide full comment.

Having considered the relevant policy context the application is not considered acceptable.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to represent a small gap within an otherwise substantially and continuously built up frontage and would, if permitted, result in the creation of ribbon development along Crawfordstown Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along Crawfordstown Road and would therefore result in a detrimental change to further erode the rural character of the countryside.
- Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the agent has failed to provide information requested by Transport NI. This information is material to the determination of this application.

Case officer:

Authorised by:

Date:



Speaking Rights Submission – LA07/2016/0758/O – Lands approximately 50m south of 56 Crawfordstown Road, Drumaness

The starting position on all applications is that permission should be granted in the absence of clearly identifiable harm. The officer's report accepts that the proposal is in accordance with the local development plan (BNMAP 2015) that there are no objections from any 3rd parties.

The statutory agencies have raised no objections to the proposal. The Officer has failed to re-consult DFI Roads following receipt of the amended access drawing as outlined overleaf an in my email.

Reasons for Refusal

Policy CTY1 – Principle of development

The provisions of policies contained within (PPS21) will prevail unless there are other overriding policy or material considerations to outweigh them and justify a contrary decision. On that basis Policy CTY 1 must be considered subject to paragraph 5.0

Policy CTY2 – Dwellings in existing clusters

The six tests in CTY2a are not mandatory requirements. Any failure to meet one or more of them must be considered against other material considerations and the broad thrust and direction of the policies objectives.

There is always a duty to consider the objectives and thrust of a policy where a proposal on its face fails to meet the letter of the policy. This is where balanced decision taking and judgement is required.

The overall thrust of Policy CTY2a, is to round off and consolidate existing development without changing the overall character of the area.

The area is characterised by numerous single dwellings with road frontage or set back off the road and I note the Case Officer accepts that development is "nucleated" at this location. The proposed site is located in the middle of a concentration of development consisting of >30 buildings and extending for >900m on both sides of the Crawfordstown Road.

There is strong awareness of development, which appears as a visual entity in its own right, considering the scale and saturation of the buildings that are outwith the settlement limits of Drumaness and Loughinisland.

I'm reassured that I have interpreted the policy correctly as the three appeals previously provided did not have the same amount of development over such a prolonged distance. However, in each case were regarded as being a visual entity in the landscape and meeting visual policy test.

In respect of the focal point. I would direct you to the most recent appeal decision (6/06/2018) under 2017/A0222 and I can read this during questioning.

The Commissioner determined that a failure to meet the focal point test was not determining as the overall thrust is to round off and consolidate existing development. I attach a letter from the Deputy Chief Commissioner in this regard.

I would state the same in this case and ask you to find the following factors determining:



- There are several focal points in the wider vicinity of the application site at either end of the Crawfordstown Road, namely St Colemans GAC, cross roads at the Crawfordstown Road/The Heights and Loughinisland GAQ at the junction of Teconnaught Road/Crawfordstown Road;
- The site is previously developed land in the context of the existing buildings, containers and hardcored yard that are present;
- It is contained by adjoining dwellings on two of its three side and taking account of its size and relationship it accords with the existing pattern of development;
- The site is unsuitable for agricultural use and all services are available on site;
- There would be environmental benefits as result of its redevelopment;
- The proposal represents a rounding off, of development within an otherwise substantial and continuously built up frontage that is contained by Nos.56, Nos.58 and No.60 to the North and an agricultural building to the south.
- The vegetation and rocky outcrops contain the development and there is no demonstrable harm if the site was developed for a single dwelling

Collectively, these constitute material considerations **readily justifying approval in the absence of a focal point.**

Ribbon Development

The report accepts that the site has no road frontage onto the Crawfordstown Road, as it is physically and functionally detached from the road by the existing rocky outcrop. By virtue of this it cannot add to the existing ribbon of development if it has no road frontage.

Impact on Rural Character

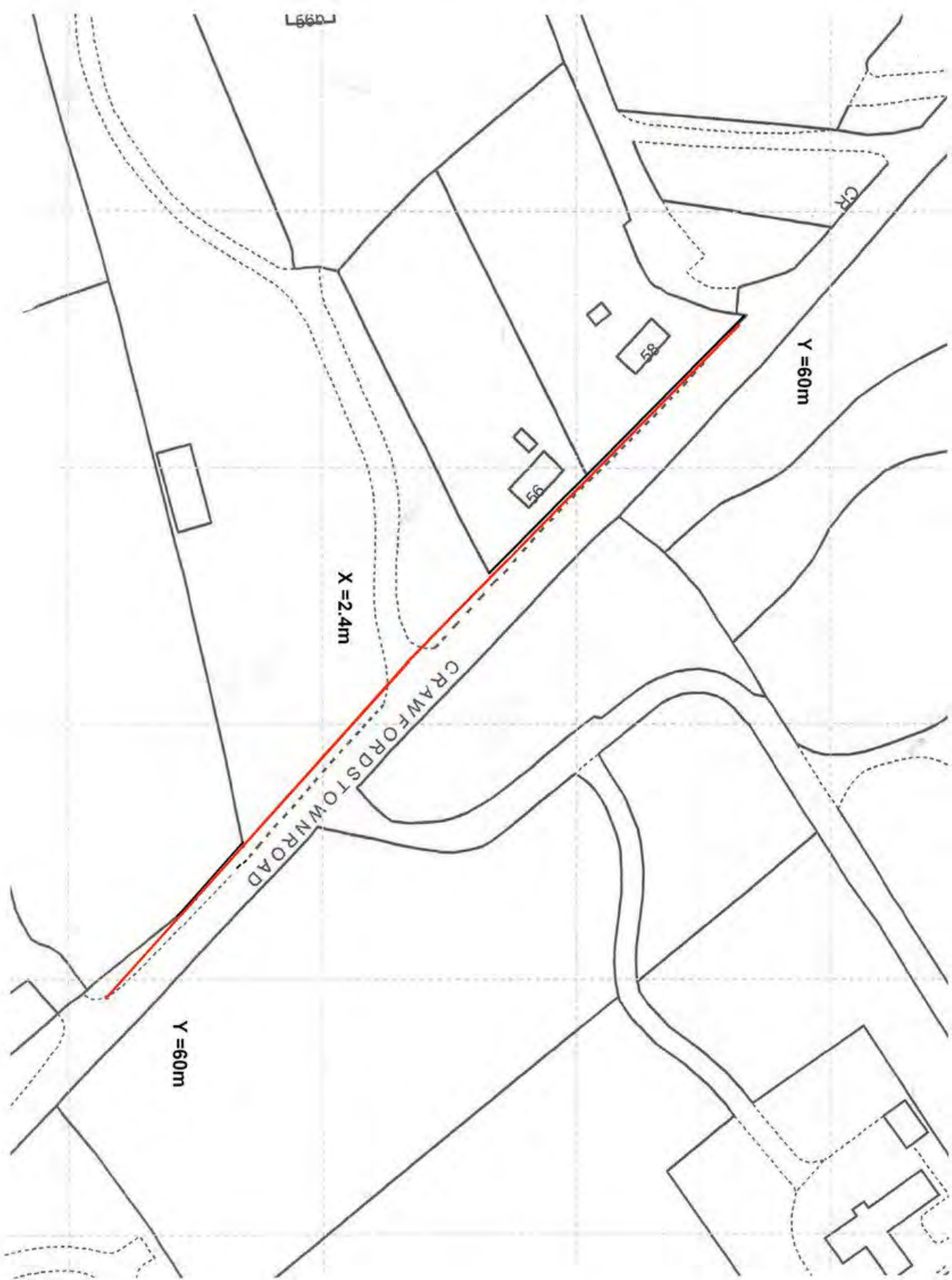
The Case Officer accepts that; "There are no long-distance views of the site given the topography or the land and existing planting" and that the site is well integrated and lacks prominence and "would not be an unreasonable plot size when read in the context of the wider area".

The report openly accepts that "this area has seen a considerable amount of development" by way of single dwellings and that it is "already heavily developed".

On this basis the character has already significantly altered. The introduction of a single dwelling on the site would not cause a detrimental change to or further erode the rural character of the area.

Roads Issue

An email was sent to the Local Planning Office on 12/10/2018 with an attached map depicting visibility splays of 2.4m x 60m. I then followed up with the Planning Office on 2/11/2018 as DFI Roads had not been reconsulted in respect of this amendment. The proposal would accord with paragraph 1.2 of DCAN 15 in that no intensification is considered to occur as the proposed development would not increase the frequency of two-way trips(arrivals/departures using the access by >5% given the two existing properties and that yard have no conditions on the frequency of vehicles visiting the site.



Access Plan

Location - Lands approximately 50m South East of 56 Crawfords Town Road, Drumanness, BT24 8LZ

Applicant - Mr & Mrs Hickland
Proposal - New Dwelling and Garage
Date - 8th February 2017

Scale 1:500 @A3



Planning Appeals
Commission

Ms Ann McCullough
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Ards and North Down Borough Council
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Newtownards
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PAC reference: 2018/K005

Date: 19th July 2018



Dear Ms McCullough

Proposed dwelling at Craigdarragh Road, Helen's Bay (2017/A0222)

I am replying to your letter of 16th July 2018 addressed to the Chief Commissioner, who is currently on annual leave, in which you complain about a recent appeal decision taken on behalf of the Commission by Commissioner Fitzsimons. While you use the phrase "interpretation of policy", it seems to me that your complaint relates to the manner in which policy has been applied.

I wish to make some general points at the outset. I agree with you that failure to comply with every aspect of a policy need not be fatal. It is well established in case law that when making discretionary planning decisions there is no need to adhere slavishly to policy. A tick-box approach to policy criteria is therefore inappropriate.

You refer in your letter to the "ethos" of sustainable development within PPS 21. Sustainable development is not specifically defined in PPS 21. Paragraph 1.5 refers to striking a balance between the need to protect the environment while simultaneously sustaining a strong and vibrant rural community. Paragraph 3.1, which sets out the aim of PPS 21, refers to balancing countryside protection while supporting rural communities.

Sustainable development, therefore, is a multi-faceted concept. It is not solely about environmental protection. It requires a balancing of social, economic and environmental objectives. This is brought out even more clearly in Paragraphs 3.1 to 3.4 of the SPPS.

In the appeal context, there is an onus on those opposed to a development proposal to demonstrate harm to interests of acknowledged importance (see Paragraph 5.72 of the SPPS). If there is no persuasive evidence of such harm, then the development is likely to be found sustainable and to be permitted.

I now turn to Commissioner Fitzsimons' appeal decision. In its statement of case, the Council said there is a loose cluster of buildings surrounding the site, comprising a ribbon of seven dwellings on the south-eastern side of the road and five large dwellings and outbuildings on the north-western side. The Council went on to argue that the cluster does not appear as a visual entity in the landscape and that it is not associated with a focal point.

The existence or otherwise of a visual entity is not a matter of fact but of subjective judgment on which opinions may differ. In this instance, the Commissioner did not agree with the Council's assessment. She found there was a strong awareness of the cluster and that because of relatively undeveloped lands on either side of it the cluster appears as a visual entity in the landscape. That was a planning judgment she was entitled to make.

The Commissioner accepted that the cluster is not located at a focal point or crossroads. She nevertheless did not attach determining weight to the failure of the proposal to meet the third criterion of Policy CTY 2a of PPS 21. You perceive an inconsistency of approach between this decision and seven other appeal decisions you have reviewed. Having studied these decisions, I have noted the following:-

- 2017/A0133** There is no reference to Policy CTY 2a. The main issues related to access.
- 2017/A0099** The Commissioner found that the cluster was not a visual entity in the landscape. The proposal therefore failed not only against Criterion 3 but also against Criterion 2 of Policy CTY 2a.
- 2017/A0080** The Commissioner found that the site was bounded on only one side by other development in the cluster and that the proposed development would not round off or consolidate the cluster. The proposal therefore failed against Criteria 4 and 5 as well as Criterion 3.
- 2017/A0058** The Commissioner found that the proposal failed against Criteria 2, 4 and 5 as well as Criterion 3.
- 2017/A0009** The Commissioner found that there was no existing cluster.
- 2016/A0163** The Commissioner, having found that the proposal failed against Criterion 3, specifically considered whether the failure could be set aside. He rejected the argument that the development would cause no harm as he found it would extend ribboning and erode rural character.
- 2016/A0060** The Commissioner found that the proposal failed against all six criteria of Policy CTY 2a.

As can be seen from the above summary, in all the appeals you have listed where Criterion 3 was found to be offended, other policy failures were also identified. The failure against Criterion 3 contributed to the conclusion that the appeals should be dismissed but in no appeal was it the sole



reason for dismissal. These decisions are all distinguishable from the decision complained of and I do not accept that they disclose an inconsistency of approach.

You may wish to look at two other appeal decisions – 2010/A0202 and 2014/A0245. In each of these decisions, as in the decision complained of, the Commissioner found that, taken in the round, the proposal was acceptable notwithstanding a failure against one of the criteria in Policy CTY 2a. That of course does not necessarily mean that in every instance where only one criterion is offended, that criterion will not be determining. It is important to stress that in applying policy every appeal must be decided on its own merits. That is why comparisons of this kind are of only limited value.

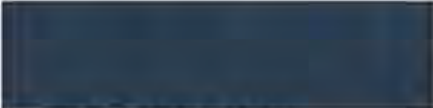
You express concern in your letter that the appeal decision may create a precedent for other dwellings on the western side of Craigdarragh Road. As the approved dwelling has been found acceptable, I do not believe it will create a bad precedent. Any future proposals will have to be considered on their merits against prevailing policy. The appeal decision will be a material consideration but the weight attached to it will depend on the similarities and differences between what has been approved and what is being proposed.

As you point out, Commissioner Fitzsimons made reference to the lack of definition on the northern boundary of the appeal site not being critical to the provision of a suitable degree of enclosure but went on to impose a condition requiring new planting on that boundary to ensure the proposed development would be further integrated into the countryside. It is important to note that the condition also referred to the retention of the existing vegetation along the eastern, western and southern boundaries of the site.

There is nothing illogical about the Commissioner's approach to enclosure and integration. It is entirely consonant with Paragraph 5.64 of PPS 21, which states that new tree planting for integration purposes will be considered together with existing landscape features.

Having carefully considered all the matters raised in your letter, I do not find your complaint to be justified. I hope that you will nonetheless find this reply helpful in explaining the Commission's approach to the application of policy.

Yours sincerely


TREVOR A RUE
Deputy Chief Commissioner



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1469/F

Date Received: 25 September 2017

Proposal: Change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars), replacement outbuilding and detached carport for 2 cars.

Location: 186 Killowen Road, Rostrevor

Site Characteristics & Area Characteristics:

This rural site is accessed off the main Kilkeel to Warrenpoint Road (A2). The site is elevated from the main A2 Road and the gradient of the site increases to the north. Two dwellings are located approximately 52m and 79m north-east of the dwelling and an agricultural shed is also located to the north of the site. At the time of my site visit a dwelling was under construction on the site.

Site History:

- LA07/2016/1448/F Replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars – Granted 07/02/2017
- P/1979/0495 – Proposed extension and improvements to dwelling – Granted 11/10/1979.
- P/1988/0288 – Site for replacement dwelling – Granted 09/11/1988.
- P/1993/0042 – Erection of replacement bungalow – Granted 29/03/1993.

Planning Policies & Material Considerations:

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

Consultations:

No consultations were required in relation to this application as the proposal is for a change of house type only.

Objections & Representations

5 neighbour notifications were issued on 17 October 2017 to neighbouring properties at 188, 188a, 182, 184 and 178 Killowen Road. The application was advertised in local papers on 11 October 2017.

Amended plans were received on 5 December 2017, 18 June 2018 and 7 September 2018. The properties above as well as all objectors to the proposal were notified of the amended plans and the application re-advertised on all occasions.

In total 50 separate objections have been received from 30 objectors to the proposal and the key points from these are summarised below.

Objector name	Address if provided	Date	Key points
Thomas O'Rourke	188, Killowen Road	30/10/2017	<ul style="list-style-type: none"> • Points in relation to enforcement • Loss of privacy and overlooking • Too close to 188 Killowen Road • Not in accordance with PPS 7 Annex A - A23,24,25,26,28,29,30,31,32,33,34,35,36,38,40 • Dwelling now visible from 188 • Description of original application misleading • Height of new shed impacts on outlook from 188 • Impact on landscape • Impact on natural heritage • SEA should have been carried out • Environmental Impact study should have been carried out • Impact on Kilfeghan Dolmen and right of way to this • Risk to walkers due to removal of hedge and new fence which impacts site lines

			<ul style="list-style-type: none"> • Contrary to PPS policy objectives 3.2, 4.5 and 4.6 • Contrary to PPS 7 paragraphs 4.27, 2.12 and 2.13 • Photographs provided with this letter have been noted.
Thomas O'Rourke	188, Killowen Road	26/12/2017	<ul style="list-style-type: none"> • Work continuing on site • Site has been elevated and is in the AONB • Inadequate levels on previously approved plans • Photos enclosed have been noted.
Majella O'Rourke	188, Killowen Road	22.11.2017 (email)	<ul style="list-style-type: none"> • Points in relation to enforcement • Overlooking and loss of privacy with views into kitchen, garden and living room • Damaging to rural setting • Contrary to Creating Places, SPPS, PPS 21 – CTY 2, CTY 3 and CTY 13 • Contrary to European Convention on Human Rights • Size and siting un-neighbourly, adverse impact on amenity and overbearing
Majella O'Rourke	188, Killowen Road	22.07.2018	<ul style="list-style-type: none"> • Proximity to 188 Killowen Road • Overlooking and loss of privacy • Does not respect the surrounding context, character and topography of the site • Impact on character of countryside • Breach of human rights and creating Places, Policy CTY2, CTY 3 and 13 of PPS 21
Thomas and Majella O'Rourke	188, Killowen Road	21.10.2018	<ul style="list-style-type: none"> • Height and raising of levels • Loss of privacy to 188 Killowen Road • Raised height of shed and distance of buildings to boundary • Breach of human rights – article 8 and Protocol 1, Article 1 • Previous objections still stand.
Bernadette Cousins	188a Killowen Road	05/10/2017 (email)	<ul style="list-style-type: none"> • Points in relation to enforcement • Loss of privacy • Loss of light • Replacement of hedge with fence and potential detrimental impact on wildlife.
		15/11/2017 (email)	<ul style="list-style-type: none"> • Photographs provided – examples of sites under construction where the dwellings have been "built into the landscape" – (addresses not provided)
		26/12/2017 (email)	<ul style="list-style-type: none"> • Points in relation to enforcement • Planning permission should be revoked • Entire site elevation has been raised • Loss of privacy to 188a and 188 • Impact on AONB • Impact on Hill Walkers • Disruption to business
		21/10/2018	<ul style="list-style-type: none"> • Elevation of entire site has been raised • Level of shed significantly higher than the original

			<ul style="list-style-type: none"> building • Pictures attached noted • Loss of privacy
Mrs J Huston	182 Killowen Road	30/10/2017	<ul style="list-style-type: none"> • Site in and AONB • Significant impact on local landscape and view from costal route • Size
Seamus Killen	170 Killowen Road	30/10/2017	<ul style="list-style-type: none"> • Height, bulk and design of the house appear overbearing and visually intrusive • Out of character with local area • Ridge height not in keeping with local properties • Contrary to PPS 2 objective 3.0, 3.2, 4.0, 4.5, and 4.6 and NH6 A, B and C
Ceibha O'Hare		27/10/2017 (email)	<ul style="list-style-type: none"> • Points not material to consideration of this application (e.g. alleged conduct of builders) • Loss of privacy to 188a
Dierdre Smyth		30/10/2017 (email)	<ul style="list-style-type: none"> • New building is an eyesore and larger than previous buildings, out of keeping • Can be viewed from walking route to Knock She and other hills and mountains • Impact on view of walkers • In breach of SEA directive
Dierdre Smyth	Fullerton Road, Newry	02/01/2017 (email)	<ul style="list-style-type: none"> • As before with some additional points in relation to size being bigger than previous buildings on site
Dierdre Smyth		04/07/2018 (email)	<ul style="list-style-type: none"> • Amended plans do not address previous objections • Breach of SEA directive , out of place due to scale, much larger than original dwelling, negative impact on landscape, out of keeping with character of area, clearly visible by hill walkers
Mark Cousins	15 Council Road, Kilkeel	30/10/2017 (email)	<ul style="list-style-type: none"> • New building is an eyesore and larger than previous buildings, out of keeping • Can be viewed from walking route to Knock She and other hills and mountains • Impact on view of walkers • In breach of SEA directive
		02/01/2017	<ul style="list-style-type: none"> • As before (same letter submitted)
		04/07/2017	<ul style="list-style-type: none"> • As before
Mary Cromac	80 Greencastle Pier Road, Kilkeel	30/10/2017 (email)	<ul style="list-style-type: none"> • Height bulk and design of house overbearing and visually intrusive to neighbouring properties • Out of character with AONB and contrary to policy NH6 of PPS 2 • Overbearing and visible from road • Raised ridge height significant and does not comply with PPS annex A • Does not meet SEA directive • Replacing fence with hedge overbearing and detrimental to wildlife

			<ul style="list-style-type: none"> • Impact on access to Kilfeaghan Dolmen and visibility and safety of those accessing this route
		29/12/2017 (email) In response to amended plans	<ul style="list-style-type: none"> • Greater impact than originally approved development • Lack of levels on previously approved plans • Lack of clarity as to how much the level of the site has been raised • Suburban style build up • Impact on countryside • View from A2 coastal route • Size and scale contrary to CTY 3, CTY 13 and CTY 14
		23/07/2018 (email) Photos attached	<ul style="list-style-type: none"> • Contrary to planning policy • Proposal has a greater impact than original dwelling • Not possible to establish how much building has been raised • Detrimental to rural character • Excessive size and unduly prominent from coastal route • Lack of integration • Criticism of original approval
Timothy Crowley		31/10/2017 (email)	<ul style="list-style-type: none"> • Photographs provided • In breach of planning policy, SEA directive and NI Planning Act • Overlooking and loss of privacy to no 188 • Quotes paragraphs from PPS 7 and PPS 7 annex • Concerns in relation to ridge height • Legal duty to preserve and enhance character of AONB • PPS 2 objectives and policy NH6
Timothy Crowley		26/12/2017 (email)	<ul style="list-style-type: none"> • Points in relation to enforcement • Overlooking and loss of privacy to 188 in particular kitchen, private gardens and living room • European Convention of Human Rights • Contrary to PPS 21 policy CTY 2, 3, 13
Timothy Crowley		23/07/2018 (email)	<ul style="list-style-type: none"> • Ground levels on amended plans not accurate • Height not in keeping with surrounding area • Shed too close to boundary and elevated • Unacceptable impact on amenity of neighbouring properties
Daniel McConville	26 Great Georges Street	31/10/2017 (email)	<ul style="list-style-type: none"> • Loss of privacy, overlooking, loss of privacy, visually overbearing, bulk, proximity, ridge height, overshadowing • Impact on adjacent properties • Intended use as holiday/rental accommodation
Daniel McConville	26 Great Georges Street	27/12/2017 (email)	<ul style="list-style-type: none"> • Dwelling raised several meters above ground • Effect of raised ground level on drainage • Loss of privacy, overlooking, loss of privacy,

			<p>visually overbearing</p> <ul style="list-style-type: none"> • Dwelling closer to the boundary of the site than the old dwelling • Detrimental to rural character • Use of materials • Intended use as holiday/rental accommodation • Overshadowing
Daniel McConville		03/07/2018 (email)	<ul style="list-style-type: none"> • Adverse impact on neighbouring properties – overlooking, loss of privacy, overbearing • Does not respect local character due to scale, proportions, size and siting • Ground levels raised – out of keeping with area • Close to boundary with neighbouring properties • Dominance and impact on property to rear • Impact on rural character • Use of materials • Potential use as a holiday let • Overlooking
Daniel McConville		05/11/2018 (email)	<ul style="list-style-type: none"> • As above
Sarah Ferris		6.11.2017 (email)	<ul style="list-style-type: none"> • Impact on landscape and natural heritage • Loss of privacy to neighbours due to height • Clearly seen from road compared to previous dwelling
Elizabeth Crowley	Rowallan, Warrenpoint	17.11.2017 (email)	<ul style="list-style-type: none"> • Photographs provided have been noted • Points in relation to enforcement • Unacceptable visual impact, overbearing, out of scale, out of character in comparison to other dwellings in the vicinity • Loss of privacy and reasonable space • Contrary to PPS 7 • European Convention on Human Rights • Legal duty to preserve and enhance character of AONB • PPS 2 objectives and policy NH6
Elizabeth Crowley		26.12.2017 (email in response to amended plans)	<ul style="list-style-type: none"> • Work ongoing • Ground levels provided in revised plans not accurate • Shed built on the boundary is too close to site boundaries • Impact on amenity of neighbouring properties – overlooking, loss of privacy, over bearing
Elizabeth Crowley		23.07.2018	<ul style="list-style-type: none"> • Ground levels on amended plans not accurate • Height not in keeping with surrounding area • Shed too close to boundary and elevated • Unacceptable impact on amenity of neighbouring properties
Elizabeth Crowley		21.10.2018	<ul style="list-style-type: none"> • Previous objections have not been addressed • Inaccurate site levels and potential of creating a precedent to accept incorrect levels

			<ul style="list-style-type: none"> • Inappropriate height, distance from boundary • Adverse impact on amenity of neighbouring properties
Gerard McConville		20.11.2017 (email)	<ul style="list-style-type: none"> • Dwelling too high and out of keeping with others in the surrounding area
Caroline Anderson	72 McAteer Villas, Ballyholland	30/10/2017	<ul style="list-style-type: none"> • Points in relation to enforcement • In breach of planning policy statements, the SEA directive and Planning Act (NI) 2011 • Contrary to PPS 7 and addendum to PPS 7 and PPS 2 – several paragraph references given, in terms of privacy, the fence to replace existing hedge, ridge height, elevation and natural heritage

In addition 15 objection letters (unsigned) were received on 23 July 2018 from addresses in Mayobridge, Attical, Warrenpoint, Newry, Ballynahinch, Kilkeel, Burren and Ballyholland. The points raised in these are:

- Contrary to CTY 3 of PPS 21 and paragraph 6.73 of SPSS as overall size of replacement does not integrate into landscape and would have a significantly greater impact than original dwelling
- Ridge height on higher level than previously approved dwelling
- Contrary to CTY 13 of PPS 21 in that proposal is prominent, site lacks established boundaries, enclosure and integration, building does not integrate
- Contrary to CTY 14 of PPS 21 due to prominence and detrimental to rural character
- Contrary to SPSS and NH6 of PPS 2 in that the proposal is detrimental to the character of the AONB
- Contrary to DES5 of PSRNI
- Inaccuracies in levels and issues with levels provided as part of original application
- Out of keeping with character of the area
- References to policies A35, A24, A29 and A31

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside of settlement development limits as defined by the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned however it does lie within the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPSS and PPS 21. The impact on the AONB will be assessed under PPS 2. PPS 7 and Creating Places do not apply to dwellings in the countryside, however issues of amenity and character are usually always relevant to the assessment of planning applications and policies in relation to these are set out in the SPSS paragraph 6.7 and policies CTY 3, 13 and 14 of PPS 21 and policy NH6 of PPS 2.

Approval was granted on 07 February 2017 for a replacement dwelling, car port and garage on the site under planning application LA07/2016/1448/F. However, the dwelling currently under construction is not being built in accordance with these

approved plans. The current application is for a change of house type, seeking approval to build the house and outbuildings shown in the most recent set of plans received on 15 June 2018, rather than the dwelling type originally approved. The impacts of these changes are discussed below. Weight must be given to the extant approval on the site and the fact that the house as originally approved could still be built.

A site visit was carried out on 13 November 2017. During this site visit the case officer visited both number 188 and 188a to view the impacts of the proposal from these properties. Following the site inspection, a letter was issued to the applicant on 20 November 2017 requesting sectional drawings for the proposal as well as the removal of the proposed external staircase, door and light fitting.

Amended plans were received on 5 December 2017. These show the removal of the external staircase which has already been constructed on the site.

Following further discussions with the senior planner, who also visited the site, further amended drawings were submitted on 18 June 2018. Following submission of amended plans, the differences between the original approval and the current proposal are as set out below.

Outbuilding

It was originally proposed that the existing outbuilding to the north east of the site would be retained rather than replaced. The original approval allowed for the ridge height of the outbuilding to be raised to match the height of the proposed dwelling. However, on site the original outbuilding has been demolished and work has begun to replace this rather than retain it. The proposal is therefore to replace rather than retain the outbuilding. The size of the proposed outbuilding has been reduced in the most recent set of drawings and it now measures 5.7metres by 3.5 metres with a maximum height of 2.9 metres high.

Height/Attic space

A ridge height of 6.25m from finished floor level (ffl) was originally approved. This has been increased by 90mm and the ffl increased by 110mm. Therefore the plans show that overall the dwelling will be 200mm higher (from the ffl of the original house) than the originally approved dwelling house.

Other alterations

- South facing front elevation – height of 2 window heads reduced, window in centre façade increased in size, metal guard rail
- North facing rear elevation – reduction in size of proposed roof lights, removal of window, external meter box
- East facing side elevation – additional roof light added, approved roof lights reduced in size, new downpipe, windows reduced in size, previously approved canopy removed.
- West facing side elevation – inline tile vents, soil vent pipe, adjusted window position to left hand side, additional window opening to the right hand side.
- New enclosure for oil tank with gate and double board fencing 2.1 metres high
- Repositioning and resizing chimney
- increases to footprint - increases in wall thickness from 0.2m – 0.3m
- New zinc standing seam link roof between the bedroom and living room areas

Levels

It is clear from my site inspection that cutting and filling of the site has taken place, and the current proposal includes a retaining wall to the rear of the site which was not part of the previous approval. Photographic evidence of how the site looked before this work took place has been provided by objectors and photographs were also available on the file for previous approval LA07/2016/1448/F. In addition, although not stamped approved, drawings on the original application file (LA07/2016/1448/F) do provide details of the levels on the site as set out below:

- Drawing 02 (not stamped approved) – Existing site plan shows spot level of existing house as 47.54 – 47.64; Shows level of gate to lane at rear of site as 49.09 and levels of existing oil tank as 48.91
- Drawing 03 – (not stamped approved) shows level of existing house at 47.5 and outbuilding at 49 sloping down to 48. The level of the proposed house is indicated as 47.5.

In comparison, the current set of drawings gives the following levels:

- Finished floor level of dwelling indicated as 47.75 and described as +110 when compared to the original ffl of the dwelling house. This would tally with drawing 02 above where the original ffl was indicated as 47.64. 47.64 plus 110mm would give a ffl of 47.75.
- Sections provided show the ffl of the outbuilding at 1.2 metres higher than the ffl of the house which would be 48.95. This matched the ffl indicated on drawing 03 Rev B and appears to match what has taken place on site.

Objectors have alleged that the ground levels provided do not accurately reflect what has taken place on site and that the site levels have been raised. They have also raised the issue that no finished floor level was shown on the approved drawings for LA07/2016/1448/F.

The issue of lack of finished floor levels has been addressed through the current application with finished floor levels now provided. Having studied the photographic evidence provided I consider that the levels provided are now accurate.

To the rear of the site, the level of the laneway is unaltered and can be used as a point for comparison. The photograph below, taken on 13 November 2017 shows the rear of the site where it meets the laneway and views towards the area for the proposed new shed. Filling of the site does appear to have taken place behind the new retaining wall to bring this section of the site level with the laneway. However, this is reflected in the drawings provided by the applicant and is not considered to have an unacceptable adverse impact on the character of the area or on the residential amenity of nearby properties.



Site visit photograph, 13 November 2017



Site visit photograph, 13 November 2017 (from living room of 188)



Objectors photograph – view towards original shed

In addition the photographs below show the retaining wall and foundations for the shed taken from the front and side of the site. As indicated by objectors, there is a retaining wall approximately 1.5 metres high underneath the shed foundations. This is reflected in the drawings and sections.



Site visit photograph, 13 November 2017



Site visit photograph, 13 November 2017



Case officer's photograph (LA07/2016/1448/F), 02/12/2016



Photograph provided by objectors

Objectors have provided photographs of “kerbing disappearing into the ground” below. However, taking into account photographs from the previous case officer’s file I am not satisfied that this demonstrates that the overall site levels have been raised to a significant degree. In comparing the photographs below, the site contours appear to be similar to those in place when the original dwelling house was on the site. Although some levelling out may have been carried out, I do not consider that this is so significant as to have unacceptable adverse impacts on the character of the area or residential amenity.



Objector’s photograph



Case officer's photograph (LA07/2016/1448/F), 02/12/2016



Site visit photograph, 13 November 2017



Case officer's photograph (LA07/2016/1448/F), 02/12/2016

Assessment

Overall I do not consider that the proposal will have a significantly greater impact on the character of the area or on the amenity of nearby properties than the dwelling originally approved under planning approval LA07/2016/1448/F.

In relation to the main house, an increase of 200mm in the overall height of the building is proposed. I do not consider that this will have a significantly greater impact on the character of the area or on residential amenity than the dwelling originally approved.

My concerns about the impact of the external staircase and related doorway on the privacy of the neighbouring property to the rear of the site have been addressed as this has been removed from the proposed plans. Although this has already been built on site a condition can be attached to any approval requiring its removal within a specified timeframe. Taking into consideration separation distances as well as proposed fencing and planting, I do not consider that an unacceptable degree of overlooking or loss of privacy will occur. The reduction in the size of the proposed shed will help mitigate the impact on the outlook from 188 Killowen Road.

In relation to the other changes proposed, listed above, such as changes to window types, addition of a zinc link etc. I do not consider that these will significantly add to the bulk and scale of the proposed dwelling or have any unacceptable negative impacts on neighbouring properties. They are considered to be in keeping with the design of the house and therefore acceptable.

In making this assessment I have taken into account potential views from significant viewpoints such as walking routes, Knock She, the main coastal route and the Kilfeghan Dolmen. The impact of the dwelling in the landscape is not considered to be so substantial as to unacceptably adversely impact on these viewpoints. See for example photograph below taken from main coast road in comparison the photograph of the original dwelling house.



Case officer's photograph (LA07/2016/1448/F), 02/12/2016



Site visit photograph, 13 November 2017

I consider that the proposed planting scheme will also assist with the integration of the dwelling into the countryside. For the reasons above it is not considered that the proposal will have an unacceptable impact on the character of the AONB.

Other issues raised by objectors

Many of these issues raised by objectors have been addressed in the discussion above. Enforcement issues can be dealt with separately through the enforcement process. In addition, objectors have raised the following points:

Impact on natural heritage/Impact of removal of hedge on wildlife

NIEA were consulted as part of the original planning application and had no objections. The majority of existing hedgerows are to be retained and additional mature trees will be planted on the site as part of the proposal which should mitigate any adverse impacts due to loss of hedgerows.

SEA should have been carried out

A Strategic Environmental Assessment is not considered necessary for a development of this scale. However SEA of the SPPS (taken into account in the assessment of this proposal) was undertaken in accordance with the European Directive 2001/42/EC 'on the assessment of the effects of certain plans and

programmes on the environment' and the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

Environmental Impact study should have been carried out

An Environmental Impact Assessment is not considered necessary under the provisions of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

Impact on Kilfeqhan Dolmen and right of way to this/Risk to walker due to removal of hedge and new fence which impacts site lines

DfI Roads were consulted on the original proposal and had no objections in relation to road safety.

Legal duty to preserve and enhance character of AONB

Impacts on the AONB are considered above.

Contrary to European Convention on Human Rights

The impacts of the proposal on the privacy of adjacent properties and on the enjoyment of these properties has been considered above.

Disruption to child minding business at 188a Killowen Road

Number 188 is primarily a residential dwelling as no planning permission has been sought for business use. The impacts on the privacy and amenity of the dwelling have been considered above and are not considered to be unacceptable.

Intended use as holiday/rental accommodation

Use of the site for holiday/rental accommodation has not been applied for and this would require a separate planning consent.

Impact on potential right of way

No changes are proposed to the existing lane.

Impact on human rights

The impact of the proposal on the amenity of neighbouring properties has been considered above.

Recommendation:

Approval

Conditions:

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

Reason: This is a retrospective application.

2. The existing natural screenings of the site as indicated on approved drawing ref 09, date stamped received 18 June 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

3. All hard and soft landscape works shall be carried out as indicated on approved drawing ref 09, date stamped received 18 June 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling.

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

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

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

5. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

6. The development hereby permitted shall be carried out accordance with the approved plans, including removal of the external staircase within 3 months from the date of this approval.

REASON: To ensure that the development is carried out in full accordance with the approved plans.

Case officer: _____

Authorised officer: _____



Ref: A105505/Planning/MC
Date: 6th March 2019

Democratic Services
Newry, Mourne & Down District Council
Monaghan Row
Newry

By Email (democratic.services@nmandd.org)

Dear Sir/Madam,

REQUEST TO SPEAK AT PLANNING COMMITTEE MEETING ON WEDNESDAY 13th MARCH 2019 IN RESPECT OF PLANNING APPLICATION – LA07/2017/1469/F.

I refer to the above.

We wish to reserve speaking rights in relation to the **Newry, Mourne and Down District Council Planning Committee Meeting** scheduled for **10am on Wednesday 13th March 2019** in the **Boardroom, Monaghan Row, Newry**, in respect of **Planning Application LA07/2017/1469/F - 186 Killowen Road, Ballintur, Rostrevor.**

Speaking rights are requested on behalf of the applicant for the following people in order to speak in **support** of the planning application:

- **Mr Matthew Crothers, Associate, WYG Planning; and**
- **Mr Robert Dunlop, RHD Architects, (Agent).**

All of the above will attend and one of the above, will act as spokesperson, upon request from the Committee Chairperson.

We also enclose information which we will be speaking to and would ask that it is circulated to the members of the planning committee for information purposes.

We trust the above is acceptable and look forward to receiving confirmation of our request for speaking rights in advance of the meeting.

Should you have any queries then please do not hesitate to contact me at this office.

Kind regards.

Yours sincerely,

Matthew Crothers MRTPI
Associate
For and on behalf of WYG

Enc.

1 Locksley Business Park, Montgomery Road, Belfast, BT6 9UP
Tel: +44 (0)28 9070 6000 Fax: +44 (0)28 9070 6050 Email: belfast@wyg.com www.wyg.com

WYG Environment and Planning (Northern Ireland) Limited. Registered in Northern Ireland Number: N3050736
Registered Office: 1 Locksley Business Park, Montgomery Road, Belfast BT6 9UP



Speaking Notes for Planning Application LA07/2017/1469/F

Newry, Mourne and Down District Council Planning Committee Meeting

13th March 2019

Introduction

- On behalf of the applicants, I thank you for affording us an opportunity to address Council's Planning Committee.
- We are very pleased that Council's Planning Department has again recommended approval of this application.

Principle of Development and Background

- It is very important to understand that the principle of development at this location has previously been established through Planning permission **LA07/2016/1448/F** which was granted on **7th February 2017** for: **"Replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars"**.
- This application seeks a change of house type to that granted under **LA07/2016/1448/F**.
- The amendments sought under this change of house type application comprise very minor design and inconsequential changes from that previously granted under planning permission LA07/2016/1448/F.
- As you will recall this application was previously brought before the Planning Committee on **16th January 2019** with a recommendation to approve. However, due to concerns raised regarding privacy issues in relation to nearby properties at Nos.188 and 188a Killowen Road it was agreed by the Planning Committee to defer consideration of the application pending a site visit by the Committee Members.
- We understand the site visit took place on **8th February 2019**.

Velux Windows

- One of the matters raised in relation to privacy to Nos.188 and 188a Killowen Road at the last Planning Committee Meeting was the provision of velux windows along the eastern elevation of the dwelling.
- The dwelling has 3No. velux windows along this eastern elevation as shown on the proposed roof plan on the attached visual presentation.
- Of these velux windows, 2No. belong to the first-floor bedroom which is not a main habitable room (i.e. living room/dining room etc) and therefore there is no impact upon privacy of properties Nos.188 and 188a Killowen Road from views from these windows.
- The design and orientation of these velux windows which face east and are orientated away from Nos.188 and 188a Killowen Road further confirms this position. As we believe will have been apparent from the site visit, anyone would struggle to be able to obtain views towards No.188 and 188a Killowen Road from these windows.
- Whilst designed to have the appearance of a velux window, the third window is in fact a 'light well', the purpose of which is to draw light down into the master bedroom on the groundfloor. Views out of this window are therefore not possible.
- As such, the velux windows pose no impact to the privacy of the adjacent properties at Nos.188 and 188a Killowen Road and we believe this position will have been confirmed by the Committee Members site visit.

Outbuilding and Rear Boundary Treatment

- Another matter raised was that of the previous out building which was on site and the rear boundary treatment.
- The outbuilding has since been removed due to structural issues, the extent and nature of which only became apparent when site works and clearing around the outbuilding began (structural cracks and lack of foundations). Evidence of this can be seen on Photograph Nos. 1-3 on the attached visual presentation.

- However, a replacement outbuilding is proposed in the form of a domestic store which will provide screening along this boundary similar to that provided by the previous outbuilding. This domestic store will be built at exactly the same ground level as that of the previous outbuilding.
- In addition, a 1.8m high stone wall is proposed along the rear northern boundary and the existing hedge will be retained which will prevent any direct views and ensure adequate privacy for both existing residents of Nos.188 and 188a Killowen Road to the rear and those of the dwelling. Details of the proposed rear boundary treatments are shown on the plan and northern boundary elevation on the attached visual presentation.
- The existing hedge will also be augmented with semi mature planting as per the submitted landscape proposals and as shown on the attached visual presentation which will further assist in strengthening the screening already provided along this boundary by the existing hedge.
- It should also be noted that windows and openings along the rear northern boundary of the house have been reduced in scale and size from that originally granted under **LA07/2016/1448/F**. This coupled with the proposed boundary treatments, screening, planting and separation distances between the nearest part of the dwelling and Nos. 188 and 188a (some 27metres and 50metres respectively – see annotated map on the attached visual presentation) mean that there is no loss of privacy to these adjacent properties.

Other Matters

- As we have set out, no impacts upon privacy result from the dwelling and we are therefore surprised at the nature of the objector's comments raised at the previous committee meeting on 16th January 2019.
- However, following the previous committee meeting and following further research it would appear that the objectors concerns regarding impacts upon their privacy may in fact be completely unrelated to this planning application and instead be due to their own actions in removing elements of their own site boundaries around No.188 Killowen Road. We understand this occurred at some point between June 2016 and June 2017.
- As shown in photograph 4 taken in June 2016 in the attached visual presentation, the property at No.188 had an existing established mature tree and established 2m high hedge around the boundary of their garden which would have provided an element of screening and privacy to this property. However, in photograph 5 taken in June 2017 in the attached visual presentation both the tree and hedge have been removed.
- As such, these changes undertaken by the objectors on their own property may have had a negative impact on their own feelings of reduced privacy. Notwithstanding, even without these boundaries around No.188 Killowen Road the dwelling subject of this planning application will not result in any impact upon privacy or overlooking of adjacent properties as has been set out. To the contrary, the minor changes will improve the situation from that previously granted under LA07/2016/1448/F.

Overview

- As previously set out, the changes under this application are of a very minor nature. They are wholly in keeping with and involve no substantial changes to the design concept granted under LA07/2016/1448/F.
- This dwelling ultimately strengthens and consolidates the scheme previously granted under LA07/2016/1448/F.
- It is compliant with relevant planning policy, guidance, advice and legislation and we believe that the site visit will have confirmed to the Committee Members that there will be no impact upon the privacy of the adjacent properties at Nos.188 and 188a Killowen Road.
- 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.
- We would of course be happy, if required to answer any questions regarding this planning application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application reference:	LA07/2016/0185/F
Date Received;	09/02/2016
Proposal:	Proposed farm dwelling
Location:	70m south east of 1 Rowallane Close Saintfield

Reconsideration

The application has been further considered following its inclusion at item 6 on 21/06/2017 Planning Committee Meeting with a recommendation to refuse. The item was withdrawn from the Schedule at the request of the Chief Planning Officer so that developments on site could be fully investigated regarding the demolition of existing building(s) on the site.

The agent was asked to clarify the position on site with regard to the demolition and Planning were advised that the buildings were demolished due to the presence of asbestos in the roofing which had been removed by specialist contractors. (See file for full details).

Following on from the previous reconsideration the only issues that remain to be resolved relate to the following matters.

Policy requires the proposal to be assessed under CTY 10 of PPS 21.

Criteria a) – The proposal would meet the policy in that the farm business is currently active and established having been in existence since 2011. Due to the passage of time, the applicant has had the business number for more than 6 years.

Criteria b) – The Council is satisfied that no development opportunities have been sold off from the farm holding outside the settlement limits. (development opportunities inside the settlement limits cannot be considered under this criteria).

Criteria c) – that the proposed dwelling would visually link or site to cluster with an established group of buildings on the farm and where practicable access to the dwelling should be obtained from an existing lane.

The issue previously related to whether there were a sufficient number of **buildings** to cluster with in order to satisfy the policy. Following further consideration the smaller building that had its roof removed following repair work, where only three walls remained had been discounted

as a building for the purposes of the policy. The agent has put forward an argument that the Planning (General Permitted Development Order (NI) 2015 defines a 'building' to include 'any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building'. While there had been more than one building on the site, prior to the repair work, it is now accepted that the structure would constitute as a building, as per the GPDO definition and can now be accepted along with the existing building presently on the site, as *buildings* to cluster the proposed dwelling with. Thus, since the proposal is located immediately adjacent to these buildings it would now comply with Criteria c. Issues regarding siting and design are also deemed to be acceptable.

Proposed access

The other issue related to the proposed access. DFI Roads have responded in terms of the acceptability of the access but advise that they would have concerns about farm traffic using this access. The application relates only to a proposed farm dwelling seeking a residential access via Rowallane Close, which also serves a number of other properties. No reasons for refusal are offered in relation to the access which is deemed to be acceptable in principle by DFI Roads.

The Planning office are now content that all matters have been considered and addressed and on balance would recommend that the application be approved, subject to conditions.

Signed
.....

Newry, Mourne and Down District Council
Democratic Services
Planning Committee
District Council Offices
Monaghan Row
BT35 8DJ

1 Rowallane Close
Saintfield
Co. Down
BT24 7PA

6th March 2019
Planning Ref: LA07/2016/0185/F

Dear Colette McAteer

Re: Proposed Farm House Dwelling

Further to your request and in line with protocol, I wish to inform you that I intend to speak on the following issues.

Road Safety:

Issues arising from this Planning Application – Farm machinery movement. The impact on the safe use of the residential street of Rowallane Close for its residents, visitors and associated traffic. DfI Roads and the viewpoint of mixing residential Use with agricultural traffic.

Consultees:

Information provided.



Speaking Rights Submission – LA01/2016/0185/F – 70m south of 1 Rowallane Close, Saintfield

The starting position on all applications is that permission should be granted in the absence of clearly identifiable harm.

The officer's recommendation is to grant permission, as the proposal complies with the local development plan and prevailing regional planning policies contained within the SPPS, PPS21 and PPS3. We support this recommendation.

No harm has been identified or demonstrated and this has been confirmed by the statutory agencies who offer no objection to the principle of a farm dwelling at this location.

However, given the 3rd party objectors comments and for completeness I will cover all the aspects.

Proposal before Committee

The proposal before the committee is for a farm dwelling (residential use) and therefore comments in respect of agricultural machinery or vehicle movements fall outside of the scope of the application and are not material to the determination in this instance.

Criterion (a) of Policy CTY 10 – Active & Established

Appeal 2017/A0010, which I was involved with, establishes some relevant principles and provides a consideration at paragraph 8 of the word 'active', where it states;

"I note that policy does not require a particular level of agricultural activity; the farm does not have to be economically viable, and a 'hobby' farmer could feasibly meet the requirement...."

The purpose of the duration of time (6year period), applied in Criterion (a) is to demonstrate an ongoing commitment to farming and deter the speculative formation or sub-division of farm businesses for sole purpose of obtaining planning permission under this policy.

In this circumstance the applicant has provided a copy of their farm map and Business ID for confirmation by DAERA (formerly DARD).

DAERA replied on 9/03/2016 indicating that the Business ID was established in 2011 and that it makes a return for Single Farm Payment (SFP).

I note the reference to the previous application R/2011/0001/F in the Committee Report and the specific circumstances of how the applicant inherited the lands. DAERA indicated it was only established in 2011 and this would accord with the transfer from the applicant's late husband.

Irrespective of the above circumstances, it is a material fact that the Business ID has now been established for more than 6years and as such is deemed to be active and established and meets Criterion (a).

Criteria (b) of Policy CTY10 – Sell off's

The policy is implicit as it states: "no dwellings or development opportunities **out-with settlement limits have been sold off** from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and"



The dwellings referenced by the objector are clearly located **within** the settlement limits of Saintfield and as such do not constitute development opportunities for the purposes of this policy.

In respect of R/2011/0001/F it is now time expired and has lapsed without being implement. As such there have been no development opportunities limits that have been sold off from the farm holding, as per direction of paragraph 5.40 of the Justification and Amplification (J&A) text. Therefore criterion (b) of Policy CTY 10 is met.

Criteria (c) of Policy CTY 10 – Visual Linkage or Clustering

The final criteria of the policy relates to the linkage of the proposed dwelling to the existing established buildings. It requires that the new building be visually linked or sited to cluster with an established group of buildings on the farm and is a disjunctive test.

The Planning (General Permitted Development) Order (NI) 2015 defines a "building" to include "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

It is common case that a group of buildings is normally taken to mean two or more buildings, but that buildings are not required to be in agricultural use.

Taking account of the topographical survey, aerial photography and my own observations on the ground, there are a minimum of two existing buildings. Furthermore, I note that Mr Murray's letter dated 9/03/2016, also accepts this position, where it states:

"However, it should be noted that three of the four buildings (some are open sided structures) are dilapidated and currently not in use..."

All the evidence demonstrates there is an existing group of buildings and the proposal is located immediately adjacent to these and as such complies with Criterion (c).

Integration & Design

Paragraph 5.58 of the accompanying J&A test of Policy CTY 13 states that the test of whether a new building integrates into the landscape is not a test of invisibility. Rather a consideration of the development in the context of its immediate and wider surroundings.

The proposed site is located back from and at an angle from the Saintfield Road. It is screened by the existing development and vegetation, whilst being read against the existing farm buildings and sloping topography. Consequently, it is accepted that are very limited transient or static critical views when travelling in any direction along the public road network. Whilst there are more localised views from Rowallane Close they must be taken in the urban context of Nos. 10, two storey, detached red brick dwellings, with hipped roofs fronting Rowallane Close with associated parking and amenity space.

Access

Paragraph 1.2 of DCAN15 states that if the total two-way (arrivals/departures) trip generation is <5%, it is not deemed for intensification to have taken place. When considering there are Nos. 10 dwellings already served off Rowallane Close and that the proposal is for a single dwelling. There is no evidence to indicate there are any issues pertaining to road safety, access, movement and parking.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1458/F

Date Received: Sept 2017.

Proposal:

Full permission is sought for a woodland burial site to include new entrance to Ballyculter Road; vehicle parking and turning, extensive native species planting; new dry stone walling and pedestrian pathway network, on lands off Ballyculter Road, 150m West of no.40, Ballyalton.

Applicant: Down to Earth Ltd

Location:

The lands comprising the application site are located in the countryside, between Downpatrick and Strangford, adjacent to Loughmoney lake, in an AONB and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015. It is also noted Loughmoney is identified as a SLNCI, while there are several scheduled and unscheduled monuments in the wider area. The Ballyculter Rd is considered to be a minor rural road whereby this stretch of road and lands slope down to Loughmoney.

Site Characteristics & Area Characteristics:

The site outlined in red extends to comprise a large field off the Ballyculter Rd. This field extends to adjoin the Ballyculter Rd and slopes steadily downhill towards Loughmoney. Ballyculter Rd runs along the southern boundary, while Loughmoney and a further field form the western boundary. The eastern boundary is marked by a laneway with a field and Loughmoney forming the northern boundary. It is noted there are several dwellings in the vicinity of the site.

Site history

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes:

LA07/17/0291/PAN- Proposed woodland burial site to include new entrance to Ballyculter Road; vehicle parking and turning; extensive native species planting; new dry stone walling and pedestrian pathway network Pre-Application Notice, Applicant: Down To Earth Ltd

LA07/16/0745/PAD- Woodland Burial Project, Applicant: RDA Architects

It is also noted permission has been granted for a farm dwelling further along the laneway to the north of the site and also previously for alterations and extensions and replacement dwelling to properties in the vicinity of the site.

Representations

It is noted there has been both representations in support and opposition to the proposal.

Some 10 representations have been received to date (18-02-19) in opposition to the proposal from the owner/occupiers of 33, 39 and 75 Ballyculter Rd, 2 Struell Rd, 79 Ballyhornan Rd, 8 Saul Mills Rd, 56 Myra Rd, 17 Loughmoney Rd and also from Colin McGrath MLA, whereby the main issues raised include:

- infrastructural issues from further increased traffic flow along this already overcrowded minor windy dangerous rural country road,
- it is expected the applicants would have undertaken relevant site investigations/surveys to discover watercourse, land drains, and also to ascertain if a burial site at this location would contaminate ground water,
- the site is elevated above Loughmoney whereby there are concerns this development would have a negative and polluting impact on the delicate environment in this AONB setting,
- the car park could attract certain individuals and anti social behaviour, (this is already experienced at the existing Loughmoney car park),
- no toilet facilities, litter bins are being provided,
- neighbours feel their personal space will be increasingly invaded by cars being abandoned or on around the driveways and by people requesting the use of toilet facilities,
- there are already at least 12 graveyards within a 5 mile radius of all faiths and beliefs, thus there is no need for this graveyard,
- this is not an asset to this rural setting,
- was an EIA undertaken,
- opposed to this type of burial,
- queries regarding the P1 form submitted (date submitted and Certificate),
- the proposal will damage local flora and fauna,
- there is no legislation in N.I to cover the provision of woodland burial sites. This application requires both Ministerial guidance and a change in legislation, and cannot be accepted until N.I.s devolved government is back in place,
- insufficient information has been submitted for NIEA, Rivers Agency, SES, HED and Environmental Health to comment.

Reference was made to the public consultation meeting advising that none of the concerns raised were considered or addressed

8 representations have also been received to date in support of the application from properties in Belfast (x2), Dromore (x1), Lisburn (same letter twice), Shareholders of Down to Earth (Applicant), while 2 representations have not provided addresses.

The main points raised include:

- there are no designations on or near the site which would preclude a development of this nature,
- this proposal will enhance the area by complying with the core principles of the SPPS, namely, Creating and Enhancing Shared Space, Supporting Good Design and Positive Place Making, Preserving and Improving the Built and Natural Environment,
- in accordance with the RDS 2035 the proposal is based on environmental sustainability,
- the Wildlife and Natural Env Act (NI) 2011 places a statutory duty on every public body to further the conservation of biodiversity,
- the State of Nature 2016 report for NI states that very little ancient woodland remains in NI,

- the Biodiversity Intactness Index suggests that the UK is among the most nature depleted countries in the world and has ranked NI as the UK region with the Lowest BII,
- this project will preserve, restore and enhance ecosystems and will turn an arable field in to a nature reserve,
- with regards to Hydrology, Drainage and Ecology, all efforts have been made to provide evidence that the project has been designed to protect groundwater and waterbodies. This will be a truly natural burial site. There are no embalming fluids allowed and coffins have to be biodegradable,
- With regard to concerns about traffic volumes associated with burials, evidence from other sites indicate that much fewer people actually attend woodland burials. The majority of mourners go to the cremation or the church service or the off-site ceremony and as these ceremonies will be based off-site, there will be relatively little traffic movement,
- Down To Earth has shown itself to be committed fundamentally to environmental and social responsibility. The project is modest and low impact
- The project will provide the opportunity for job creation within the local area and could make an important contribution to sustainable economic growth.
- There are no buildings on the site and in landscaping terms this will be an environmental improvement,
- there is a need for a project like this in Northern Ireland. There are none in NI. The first natural burial site in the UK opened 25 years ago in Carlisle. There are now over 270 natural burial sites in England, Scotland and Wales. The Republic of Ireland opened their first natural burial site in Wexford in 2010 with plans for another in West Cork. It would not be unreasonable to deduce from this that there would be a similar demand for a natural burial site here.
- In light of the recent reports regarding lack of burial grounds in Northern Ireland and the proposal of so-called Super Cemeteries, it is incumbent upon us to think outside the box and to seriously consider natural burial sites as alternatives to the traditional granite & marble burial grounds. With the global mind-shift towards conservation and the protection of our environment, a natural burial site offers an alternative in keeping with these objectives. This project which has been carefully and sensitively thought-out would be a model for future natural burial sites throughout Northern Ireland,
- the site itself is a place of natural beauty as native wild flowers and native woodland will be planted
- there will be little to no impact on the local area as the burials will be few in number and managed in a very sensitive way,
- new burial grounds are required as existing facilities are filling up. The woodland burial movement has provided a sustainable and viable alternative,
- woodland burial sites are non-denominational and can be accessed by people of any religion and none, and contributes to a shared sense of belonging at the same time as disposing of peoples remains in an environmentally responsible way,
- difficulty in distinguishing between public and private interests should not hamper fair planning decisions.

See file for full content of ALL representations received, as the above is only a summary of the main issues raised.

Having account the extent of the red line and current procedures and practice neighbour notification was undertaken with no.39 Ballyculter Rd in Oct 2017, while the application was also advertised in the local press in Oct 2017.

Consultees

Having account the nature of this proposal, and constraints of the site and area, consultation was undertaken with a number of bodies including with NIEA, Environmental Health, Shared Environmental Services (SES), Transport NI, Rivers Agency and Historic Environment Division (HED), as part of this application.

Transport NI offer no objections subject to condition.

Environmental Health offer no objections.

Following the submission of an Archaeological Impact Assessment HED offer no objections subject to conditions.

NIEA (Drainage and Water, Land, Soil and Air, and Natural Heritage and Conservation) all each require further information.

SES require further information to enable a HRA to be completed.

Rivers Agency require the submission of a Drainage Assessment.

The above information was first requested from the agent in May 2018.

An extension of time was then granted to the end of July 2018 to supply the information.

The agent submitted an Archaeological Impact Assessment for HED in Aug. At this time the Agent then advised they were unable to undertake the remaining work until the Archaeological Licence has been issued. Final comments were received from HED in Sept 2018 advising the proposal satisfies the requirements of PPS6.

As such the agent was requested to proceed to submit the outstanding information on 1st Oct.

Despite reminders and further extensions of time being granted, initially until the end of Dec and then to the end of Jan, nothing further has been received to date (31-01-19).

A further email was received from the agent on 31st Jan, seeking a further extension of time.

The Planning Dept issued a response to this email advising that no further extension of time is being afforded and that the Planning Dept is proceeding with the application as submitted, whereby the next stage is to present it to the Planning Committee with a recommendation of Refusal.

Policy considerations:-

RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS11, PPS15, PPS21, and associated guidance.

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby Policy CTY 1 sets out the 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, including proposals for a new community facility to serve the local rural population.

A woodland burial site is considered to fall within policy CTY1. The content of the provisions of the RDS and SPPS including the 5 listed core planning principles, and also reference to

the support of the 6 guiding principle of N.I's Executive Sustainable Development Strategy, are also noted.

(The core planning principles of the SPPS are also referenced in the representations received in support of the application).

As part of this application a P1 form, site location plan, site layout and section, landscaping plan and statement, Detailed Supporting Statement, Traffic Assessment, Ecological Appraisal, Groundwater Impact Assessment have been submitted.

(The 3rd party comments made in respect of the P1 form have been noted, whereby it is considered the application is Valid, and the correct Certificate has now been completed). The EIA Regs were also noted, whereby it was not considered necessary to undertake a determination.

As stated above the site is located off the Ballyculter Rd, adjacent to Loughmoney. The application site extends to include a large roadside agricultural field at present, whereby the lands including road slope downhill to Loughmoney, and a sharp corner. Having account the topography of the landscape this existing field and application site is only visible from the immediate environs.

The application site is considered to be located in a sensitive setting, being located within an AONB, whereby the adjacent Loughmoney is identified as a SLNCI. There are also several scheduled and unscheduled monuments in the wider area.

It is proposed to create a woodland burial site with new vehicular entrance on to the Ballyculter Rd. This entrance will be centrally located along the roadside boundary and will be some 100m from the laneway which runs along the eastern boundary. The existing roadside planting is to be removed to provide sightlines, with a new hedgerow being planted to the rear of these sightlines with pillars at the entrance. A car park will be contained within the site with in excess of 50 car parking spaces and 1 bus space being provided. The site plan also indicates a central gathering area, grass pathways and meadow being provided with several burial areas, and an In Memorium Tree Planting area.

Supporting Statement:

The supporting statement advises that the applicant (Down to Earth Ltd) are a recently formed not-for-profit cooperative, who came together to research and identify best practice with the aim of establishing woodland burial projects in N.I. This company is a social enterprise that exists to promote environmental, economic and social regeneration.

This project consists of the creation of new native woodland and wildflower areas which will be the dominant and distinguishable features of this burial site.

The basic common principles to ensure the environmental principles are adhered to include:

- no toxic embalming fluids allowed,
- only biodegradable coffins permitted and low carbon climate friendly materials,
- no headstones (burials are recorded on a map),
- only native trees permitted with native wildflower meadows in open glades,
- prohibition on all chemicals on the site (No herbicides or pesticides),
- strict standards and principles of the association of Natural Burial Grounds will be adhered to,
- family plots will be common place,
- there is no direct association between the deceased and an individual tree, rather the memorial is the entire woodland ecosystem.

Also, the site will be open to those of all faiths and none, and burials will be as in a normal cemetery. (Graves will be dug by hand).

Assessment.

Having account the provisions of PPS21, it is considered there can be no objections in principle to this proposal.

It is noted this site measures almost 6 hectares, whereby the proposal falls within the category of Major applications, and in line with current requirements a PAN was previously submitted.

As stated above this existing field slopes downhill to Loughmoney, and although appears elevated when travelling east along this stretch of Ballyculter Rd, the site is only visible from the immediate area.

It is considered this proposal complies with policies CTY13 and CTY14 of PPS21 due to its nature. It is noted no buildings are proposed as part of this application with only a car park being provided. It is considered the extensive planting proposals will mitigate any potential impact from this car park, whereby its presence and impact will be limited.

However in order to alleviate concerns by local residents it is considered it is appropriate to ensure the site is gated and consideration be given to include appropriate conditions in respect of the site being locked at specific times. It is also noted this proposal makes no provision for toilets, bin provision or lighting etc.

It is also considered the site is located a sufficient distance from any other property to prevent any unacceptable noise, nuisance or impact.

It is noted concern has been expressed regarding roads and infrastructural related matters. Comment was sought from Transport NI who offer no objections to this proposal. The issue of vehicles parking and using existing residents driveways is a private matter outside the remit of planning.

It is also considered HED and Environmental Health offer no objections to the proposal in principle (Conditions).

As stated above the site is also located in an AONB whereby the provisions of PPS2 apply, whereby Policy NH6 sets out the criteria for permitting new development in an AONB.

It is accepted the siting and scale of the proposal will not result in any unacceptable harm to the character of this AONB and largely respects existing boundaries. In the absence of the information required by NIEA, SES and Rivers Agency however it is not possible to consider whether the proposal respects or conserves the existing features of importance in the area, including adjacent Loughmoney which is identified as a SLNCI.

This information is also required to seek further comment and determine whether the proposals comply with the requirements of Policy NH4 of PPS2 (Sites of Nature Conservation Importance- Local).

While it is considered the proposals will not create any unacceptable visual or residential impacts, due to its nature, it is considered further information is required for the consultees which also encompasses a number of concerns raised from interested parties.

As outlined above NIEA, SES and Rivers Agency still require further information to enable them to fully assess and provide detailed comment.

3 separate Depts within NIEA (Drainage and Water, Land, Soil and Air, and Natural Heritage and Conservation) each require further information, SES require further information to enable a HRA to be completed, while Rivers Agency require the submission of a Drainage Assessment.

At present these bodies are unable to provide detailed comment.

This information is crucial and pertinent to the application. It must be noted that if this application did not fall within the category of Majors, it would likely have been issued as a Refused under Delegated powers, as the information was requested and despite reminders, several extensions of time and deadlines being set, this information still has not been submitted. (A time line of events is outlined above in the consultee section).

It is most unfortunate this information is not available and has not been provided to date, and while there may be no objection in principle to this proposal, it is not possible to fully consider the merits of the case at this time.

In order to progress the case and prevent any further delay, the application is hereby recommended for Refusal due to insufficient information being received to determine the application.

Recommendation: Refusal

Refusal reason:

- Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information is required from NIEA, Shared Environmental Services and Rivers Agency to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

STATEMENT BY AGENT**5th March 2019****Re: Proposed Woodland Burial Site****Ballyculter Road, Ballyalton, Downpatrick,****Co. Down, BT30 7BL****For: Down To Earth Ltd.****Ref: LA07/2017/1458/F**

We request that the committee defer this application on the grounds that the premise for refusal detailed within the Case Officer's Report of 27th February 2019 i.e. **insufficient information**, is factually inaccurate. As of 26th February 2019 the Case Officer (Mark Keane) had in his possession all requested information sufficient for the normal processing of this application and the communications between the Agent and Planning Service between 31st January and 26th February 2019, as well as their contents, are not detailed within the report which we suggest is a misrepresentation to the committee.

Timeline of Communications between Agent & Planning (4th February to 26th February 2019):

The timeline contained within the Case Officer's Report does not detail all of the subsequent communications between Agent and Planning Service after the 31st January 2019 deadline which were as follows:

1. 4th February 2019 - Letter & Hydrogeological Report was forwarded to Planning by recorded delivery post. Within the accompanying letter we advised that revised drawings to accord with the findings of the report would be forwarded no later than Monday 11th February 2019.
2. 7th February 2019 - Acknowledgement letter, for the lodged Report, was issued by Planning.
3. 11th February 2019 - Letter & revised drawings from Agent was hand delivered to Planning.
4. 11th February 2019 - Letter was issued by planning including return of lodged Report additionally advising that no "Drainage Assessment" as requested by Rivers Agency had been included in 4th February lodgement by the Agent.
5. 12th February 2019 - Acknowledgment letter, for revised drawings, issued by Planning.
6. 12th February 2019 - Revised Drawings (lodged on 11th February 2019) were returned to Agent by Planning.
7. 26th February 2019 - Hydrogeological Report, Revised drawings & the requested Drainage Assessment Report plus accompanying letter from Agent was hand delivered to Planning. This lodgement package contained all outstanding requested information and was accompanied by a letter marked Urgent F.A.O. Planning Manager Anthony McKay. Follow up copies of the letter were forwarded by email that afternoon to the case officer Mark Keane and Annette McAlarney. In the accompanying letter we urged Planning Service to defer recommendation on this application and to continue processing this application as normal as all requested information had now been provided.

8. 26th February 2019 – Acknowledgment letter issued by Planning for above lodgement.

The above communications, not detailed within the Case Officer's Report or the Planning Portal, represent an accurate recording of events and can be substantiated by records upon request. To this date no communications have been received from Planning Service relating to the drawing, documents and cover letter lodged on 26th February 2019.

Precedent:

We assert that the deadline, of 31st January 2019 set by Planning from which point onwards additional information was not considered, is Notional rather than Legislative.

We wish to refer the committee to Judicial Review Ref: JR 2017/36823/01 delivered on 23rd February 2018 (known as the Stephens Street judgement). In this case planners received new drawings after the decision was taken by the planning committee and 2 days after it had actually printed the decision notice to refuse. The Applicant appealed this refusal to the Planning Appeals Commission (PAC). The PAC considered it appropriate to take into account the late information at the subsequent appeal and granted permission. Belfast City Council (BCC) judicially reviewed the PAC decision on the issue of the late information but Justice McCloskey in the High Court ruled that the PAC was right to consider the submission of the new information. Additionally he criticised BCC for *"not even engaging with the referral request"*. Substantial costs were awarded to the PAC and unusually the Applicant because in his view BCC had caused an unnecessary appeal.

Summary:

We believe that the "insufficient Information" reason for refusal presented to the committee is factually inaccurate in that Planning had all necessary information in their possession to normally process this application prior to issuing the Case Officer's Report. Additionally, we believe that this report can be viewed as misrepresentation to the committee in that it does not detail any of the communications between the Agent and Planning between 31st January and 26th February 2019. Given the Stephens Street judgement we also believe that the actions of Planning Officers in refusing to consider and bring to the attention of the committee the letters, reports & drawings lodged by the Agent is not only procedurally unfair but also potentially unlawful, placing this Council at unnecessary risk by forcing the Applicant to proceed to appeal or court, neither of which is necessary. Therefore, we request that the committee refer this application.



Ronan Downey BA. Hons, B.Arch, R.I.B.A. Chartered Architect

AGENT

Comments for Planning Application LA07/2017/1458/F

Application Summary

Application Number: LA07/2017/1458/F

Address: 150m West of 40 Ballyculter Road Ballyalton Downpatrick

Proposal: Proposed woodland burial site to include new entrance to Ballyculter Road; vehicle parking and turning, extensive native species planting; new dry stone walling and pedestrian pathway network

Case Officer: Keane, Mark

Customer Details

Name: Mr Eugene Gallagher

Address: 56 Myra Road, Walshestown, Downpatrick, Down BT30 7JX

Comment Details

Commenter Type: Solicited

Stance: Customer objects to the Planning Application

Comment: I wish to object to the proposed woodland burial site near Lough Money and close to the Ballyculter Road, Ballyalton, Downpatrick.

This is not an exclusive list of objections.

The roads are too narrow in the area to support any volume of traffic associated with a funeral.

Many agricultural activities necessitating movement of tractors, balers, harvesters and livestock such as cattle and sheep take place all year round. Large animal feedstock lorries and other ancillary agricultural service vehicles are constantly present. This currently causes long delays when travelling through the area. It is very difficult to see how a funeral procession would cope.

This is an area of outstanding natural beauty. There are numerous species of wild life present. In the planning application there is no mention of an environmental study to find if any rare or endangered species will be impacted by this development.

The proposed burial site is on elevated ground sloping down to Lough Money. I see no evidence of hydrogeological surveys being carried out to determine the risk of leakage of decaying human remains contaminating this substantial body of water. Lough Money is used by anglers and swimmers among others.

The proposed development is with 2km of the Memorial Church of St Patrick at Saul and within 1km of The Memorial Monument to St Patrick on Saul Mountain. Both of these sites are of enormous cultural and religious significance the site of St Patricks Church of Ireland stands on the spot where St Patrick had his first church; the Roman Catholic Statue to St Patrick is the largest of its kind in Ireland and is the National Monument to Irelands Patron Saint. The developers have stated that they are not opposed to Christian burials at the site but have made it quite clear that the site would not be exclusively for Christian burial. This is an affront to the quintessentially Christian Heritage of the place. It is not an exaggeration to state that this area is the Cradle of Celtic Christianity.



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

Application Reference: LA07/2018/0001/O

Date Received: 02.01.2018

Proposal: Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works

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

Site Characteristics & Area Characteristics:



The site is comprised of a 1.43 hectare site accessed off Bryansford Road, Newcastle. The site currently contains the former St Mary's Primary School and associated grounds and is relatively flat in nature. It is defined along its northern, western and southern boundaries with mature vegetation, the trees of which are subject to a TPO (see R/2001/0936/TPO) and fencing, while that to the east has been in recent times defined with temporary fencing.

The site is located immediately adjacent to a predominantly residential area known as 'Tullybrannigan' and a number of dwellings within this residential area adjoin the site. In addition, the site is also adjacent a recently erected development known as Roslyn Place. A mix of dwelling types and apartments are therefore present within the immediate vicinity.

The site is located within the settlement limits of Newcastle as designated in the Ards and Down Area Plan 2015.

Proposed Development

The application proposes the demolition of a former school building (St Mary's Ps) and erection of a food store (Lidl) and a mountain rescue centre (MMR), provision of car parking and associated site works.

In addition to the application forms and drawings the application has also been supported by a Drainage Assessment, Arboriculture Impact Assessment, Biodiversity Checklist, Environmental Site Assessment, Lighting Impact Assessment, Noise Impact assessment, Outline Construction Assessment, PACC Report, Planning Design Assessment, Retail Impact Need and Sequential Assessment, Service yard management and Transport Assessment.

Site History

The planning history of the site predominantly relates to applications associated with the school i.e temporary classrooms, storage facilities, toilet block.

Planning Policies & Material Considerations

The application exceeds the thresholds for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015.

On this basis the applicant must engage in pre-application community consultation (PACC) and that prior to submission of the application the applicant must give a 'Proposal of Application Notice' (PAN) to the council at least 12 weeks before the application is submitted.

The application was supported by a PACC Report outlining how the process has met the legislative requirements. The report notes some limited feedback received during the consultation process of which they note was 'very positive'. A number of points were raised regarding increased traffic, potential for alternative uses on the site and concerns raised by Tollymore United FC about sale of alcohol to underage customers.

Consultations:

In assessment of the proposal consultations were carried out with

Transport NI – No objections in principle – A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing access to be constructed and other requirements in accordance with attached form RS1

NIEA- No concerns subject to conditions

Rivers Agency – No objections in principle, however they advise the developer to clarify position of existing culvert and note that an undesignated watercourse exists to the western boundary of the site of which they have no records.

Environmental Health – No objections in principle subject to conditions

Shared Environmental Services. – No objection subject to condition of NIEA

Neighbour Notification

The following neighbours were notified of the proposal initially on 11.01.18 and subsequently on 27.07.18 and 05.12.18, following amendments

- Nos 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 18 Roslyn Place
- Nos 1, 3, 5, 7, 9, 11, 13, 15, 17, 17a-d, 39 Shan Slieve
- Nos 2, 4, 6, 8, 10 Tullybrannigan Road
- Nos 19, 21, 21a, 23, 25, 27, 29, 32, 34, 36, 38, 39 Bryansford Road
- No 50 Shimna Road (Orange Hall)

Advertising

The application was advertised in the local press initially on 17.01.2018 and subsequently following amendments on 19.02.2018

Objections & Representations

Objections

15 letters of objection have been received from 9 separate parties

Support

5 Letter of support have been received

Non-Committal

1 non-committal comment has been received

Policy Context

In assessment of this proposal regard shall be given to the

Strategic Planning Policy Statement (SPPS),
Ards Down Area Plan 2015,
Planning Policy Statement 2, Natural Heritage
Planning Policy Statement 3 Access Movement and parking
Planning Policy Statement 15 Revised Planning and Flood Risk
PSRNI DES 2 Townscape

Local Development Plan Context

Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning application regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

The Ards and Down Area Plan (ADAP) 2015 is the statutory development plan for the area.

The application site lies within the settlement limits of Newcastle and within whiteland as identified in the ADAP 2015. The site is located outside the defined Town Centre boundary.

Consideration and Assessment

Principle of development

Strategic Planning Policy Statement (SPPS)

The SPPS published in September 2015 states that until the Council adopts the Planning Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

The Statement indicates that a guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to the interests of acknowledged importance

In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date plan should be refused, unless other material considerations indicate otherwise.

In this case the site has been previously developed through its use as a primary school.

Retail Impact and Need

The SPPS states that planning authorities should retain and consolidate existing district and local centres as a focus for local everyday shopping and ensure their role is complementary to the role and function of the town centre. Retailing will be directed to town centres and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and meet the requirements of policy elsewhere in the SPPS.

Paragraph 6.273 states that planning authorities must adopt a town centre first approach for retail and main town centre uses. This is achieved by application of the 'sequential test' as set out at paragraph 6.280.

Paragraph 6.281 states that proposals should be considered in the following order of preference Primary Retail Core (PRC), town centres, edge-of-centre; and out-of-centre locations. The application site is located outside the town centre but within 300m of the town centre boundary of Newcastle and is therefore considered as edge-of-centre.

All applications for retail or town centre type development above a threshold of 100 sqm gross external area, which are not proposed in a town centre location should be required to undertake a full assessment of retail impact as well as need. The SPPS notes where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstance such as the size, role and function of their town centres.

It is further advised in the SPPS that in order to ensure high quality and otherwise satisfactory forms of development all applications for retail development uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

A Retail Impact and Need Assessment was submitted with the application which provided a background to the Lidl application and the need for a new store, consideration of the existing retail provision in and surrounding Newcastle, the impact the proposal will have on existing retail development and how the proposal meets the sequential test of the SPPS.

As identified in the ADAP 2015, Newcastle town centre is noted for its linear form, stretching along Main Street to either side of the Shimna Bridge. The plan identifies a Primary Retail Core (PRC). The existing Lidl store is outside the PRC but within the Town centre. All of Newcastle's local and through traffic use the town centre streets and may give rise to congestion particularly at peak tourist times. The plan also states that the environment of the main streets therefore suffers and the attraction of the shopping area is diminished.

The town centre is currently relatively healthy with a low vacancy level.

The current application proposes a gross floor space of 2206 sq, with 1338sqm dedicated to sales. The current Lidl store is located within the identified town centre and housed within a Listed Railway Tower opportunities for expansion are limited at their current location.

In consideration of the sequential test the Agent advises that Lidl have been looking for an alternative Town Centre site for 10+ years without success. It draws attention to the 11 Development Opportunity Sites within the Town Centre, as identified in the ADAP 2015. None of these sites have been considered suitable, predominantly because they are too small. There are no other available sites within the Town centre which would accommodate a supermarket of this size.

In undertaking the sequential test, applicants should adopt a flexible approach to scheme design and consider the potential for their proposal to be accommodated in a different form on smaller sites. Given the format of Lidl stores it would not be possible to accommodate a lidl store within the town centre even if there were smaller sites available in the Town centre.

In assessing the need for the proposal the agents' assessment advises that through the SPPS councils should require applicants to prepare an assessment of need which is proportionate to support their application. It also notes that 'need is not defined in the SPPS' and has provided a UK court ruling which 'held that it can mean necessity at one end of the spectrum and demand or desire at the other'.

In this case the Agent advises that Lidl's existing store has a sales area which is too small for the store to carry a full range of goods, it has narrow aisles with limited circulation space, its car park is too small, its servicing facilities do not meet Lidl's requirements and the general customer experience falls short of the standards expected of a modern foodstore.

The main like for like convenience retailer in the catchment is Tesco on the Castlewellaan Road, this store is located outside the town centre and is therefore not afforded any protection in terms of retail impact. The next largest food retailer would be Asda in Downpatrick. There are a number of other top up convenience retailers outside the town centre namely Barbican Supervalu and Nisa Castlewellaan Road, however these are not afforded protection either. Wider afield in Dundrum, Castlewellaan and Clough there are a

number of large PFS format convenience outlets which cater mainly for the top up shopper. Lidl is unlikely to impact on such outlets given the discount retailer format of Lidl which will not appeal to every customer.

Centra (Smyths) on Railway Street is a newsagent with a convenience offer for top up shopping, it is located in the Primary Retail Core, the store already operates in the shadow of the existing Lidl store at Railway Street. The only impact on this store from the proposal would be a potential loss of footfall as a result of physically losing the existing Lidl store. Alternatively the Centra may benefit from the loss of the Lidl store.

The RIA has assessed the competitors of Lidl and noted that the out-of-centre Tesco store is overtrading, thereby indicating that there is a clear need for another foodstore in Newcastle.

The RIA forecasts the highest retail impacts on the existing Lidl Store, for obvious reasons, the out of town Tesco store at 7% Retail impact and the Mace in Tullybrannigan at 9% Retail Impact. Neither of which have protected status given their out of town location. Overall a retail impact on Newcastle Town centre of 4.3%. A retail impact of >10% is usually indicates an unacceptable impact occurring.

94% of the proposals turnover will be in trade diversion from within the catchment, with 92.6% coming from the 0-5 min catchment ie Newcastle itself. 6% of the proposal turnover will be clawback from trade leaving the catchment currently.

The Planning office have considered the content of the RIA and would have no reason to dispute the assumptions upon which it bases its findings.

In assessment of the above, it is acknowledged that there are obvious restrictions for redevelopment of their current site and there is the unavailability of alternative vacant sites in the town centre which would accommodate such a store. An alternative retailer format would not be realistic for the current proposal. A suitable brownfield site has become available at the edge-of-centre which could accommodate the proposal, it is considered therefore that the proposal has met the requirements of the SPPS. The RIA has identified an acceptable level of impact on existing retail providers in the catchment it is not considered that the proposal will have a significant or unacceptable retail impact on Newcastle Town Centre.

Impact on existing land uses within the vicinity of the site

The current site is occupied by the former St. Mary's PS. The proposal seeks outline planning permission for the demolition of a former school building (St Mary's Ps) and erection of a food store (Lidl) and a mountain rescue centre (MMR), provision of car parking and associated site works.

The proposed layout is shown below and identifies the sole access via Bryansford Road.



The site is surrounded predominantly by residential properties, several of which immediately adjoin the site. These dwellings, particularly those at Bryansford Road, will experience an increase in traffic to the site and there may be potential for increased nuisance. In terms of impact on these residential properties in terms of noise nuisance, Environmental Health have been requested to comment and have indicated that they have no objections in principle to the proposal provided conditions are attached to any forthcoming approval restricting hours of operation and deliveries, conditions relating to the noise levels of condenser units and the mushroom vents proposed on the indicative plans, conditions relating to floodlighting are also considered to be applicable in this case.

It is concluded that the overall impact of the proposal with regard to the above issues are not considered to be significantly detrimental to the neighbouring residents as to warrant a refusal of the proposal.

Adequate access, car parking and manoeuvring provision

Vehicular access will be via the Bryansford Road, a secondary access had been previously proposed onto Shan Slieve, this was since been removed from the application.

A Transport Assessment, Travel Plan and Service Yard Management Plan was submitted in support of the application. Given the nature of the proposal in comparison with that currently on site, it is envisaged that this will result in a greater number of car trips to the site.

The Transport Assessment concluded that all junctions in the vicinity of the site have been assessed and were all forecast to operate will within capacity for all scenarios. Facilities for pedestrians, cyclists and disable people have been considered. A new pedestrian crossing at the Bryansford Road/ Shimna Road is proposed. Public transport provision was shown to be good and there were considered to be no environmental or safety problems associated with the development.

The indicative drawings show 147 car parking spaces, it is noted that current parking standards require 1 non-operational parking space for each 14sqm of gross floor area – 96 spaces are therefore required for the proposed retailing aspect of the proposal. It is considered therefore that the proposal complies with current requirements. 8 of the 147 spaces are allocated to the MMR facility. The Service Management Plan advises that the site

will be serviced once a day by an articulated vehicle and a dedicated service area will be provided for the servicing vehicle.

A lengthy consultation has been carried out with Transport NI and a number of amendments have been submitted to address their concerns. DfI Roads are content with the proposal as now proposed.

Potential effects of flooding and water management as result of the proposal

Planning Policy Statement 15 sets out the planning policies to minimise and manage flood risk to people, property and the environment. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk through the implementation of the EU Flood Directive in Northern Ireland and the implementation of sustainable drainage systems.

The proposal is subject to consideration of its impacts in terms of flood risk at the site and potential for effects at other locations as a result of the development. A Drainage Assessment was submitted in support of the application.

Following consultation Rivers Agency advise that provision for access to the designated watercourse on the western boundary and the undesignated watercourse on the northern boundary have been addressed in the Drainage Assessment dated December 2017. Further investigation is required to establish the alignment of the culvert on site, however, DfI Rivers accept the logic of the Drainage Assessment and have no reason to disagree with its conclusions.

NIEA Water Management have no objections to the proposal subject to conditions being applied as detailed in NIEA Standing Advice on Commercial and Industrial Developments.

Design and Landscaping of proposal

While the application seeks approval in principle, indicative drawings have been submitted showing the commercial unit (Lidl) with a mono-pitched roof approx. above 6.2m above ground level at its highest point. The walls are to be clad with 4mm Alucobond Sheeting, and painted white rendered walls with grey rendered base. The roof is to be metal standing seam light grey in colour. While the proposed eastern, western and southern elevations will have limited fenestration, the northern elevation will be almost completely glazed.

The indicative plans of the proposed Mountain Rescue Building show a mono-pitched building with a roof approximately 7.4m above finished ground level at its highest point. The building will be finished with smooth render walls, painted white, with natural local stone cladding where indicated. The roof will be clad with kingspan, while the windows and rainwater goods will be aluminium ppc in charcoal colour.

From a scale and massing perspective it is not considered that these indicative designs would be inappropriate in the area. Furthermore it is noted that the development site while within the Area of Outstanding Natural Beauty is not within any area of Townscape Character or close to a listed building which would influence its design.

From a landscaping perspective the existing site is defined on all boundaries by a number of mature trees which are subject to a Tree Preservation Order (TPO) – see R/20010936/TPO. It is noted in the Arboricultural Impact Assessment that two trees are proposed for removal

– T1 (Silver Birch) to facilitate the development and T24 (Alder) which is dead and requires removal. The Assessment states that retained trees are to be protected in accordance with BSI and allied industry recommendations and construction methods and surface treatments sympathetic to the needs of the trees. This is considered appropriate.

In addition to the above a Biodiversity Checklist Report, ecological appraisal and bat survey report, which have been sent to NIEA Natural Environment Division (NED) for comment.

Following this consultation NED note that the site is subject to the Conservation (Natural Habitats, etc) regulations (NI) 1995 as amended (known as the Habitats Regulations) and that the site is hydrologically connected to the Shimna River ASSI which is of national importance and is protected by the Environment (NI) Order 2002 (as amended). The application site also contains bats as protected by the Habitats Regulations. SES have returned with no objection subject to a condition of NIEA requiring the submission of a final CEMP pre commencement.

NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information has no concerns, subject to conditions.

Consideration of Representations

Objections have been received from 9 different parties, a summary of the issues raised are listed below.

7 Slievecoole Park raises the following issues –

- The proposal is not in keeping with the residential nature of the area.
- It contravenes para 6.270 of the SPPS
- There is no need for the application as there is sufficient space at the existing Lidl site to develop
- Closure of the existing store will have a detrimental impact on the town centre
- The proposal may result in the closure of Tullybrannigan Stores
- Multiple Traffic Issues – increased traffic, increased accidents
- Car parking has potential to increase flooding

Tollymore United Football Club 7 Slievecoole Park

- Impact the proposal will have on flooding at adjoining properties
- Impact proposal will have on drainage of football pitch
- Potential for theft of footballs
- Potential Insurance issues of Lidl customers being affected by adjacent football pitch (Ball damage)
- Concerns regarding vermin
- Concern regarding the impact of the sale of alcohol particularly to young people
- Concern regarding the increased traffic and the implications of the that for the area

32 Bryansford Road

- Loss of privacy and impact on private amenity space given the new access will run adjacent to her garden area and views may be possible into her dwelling from people entering and leaving the site
- Noise and Vehicular Disturbance given the access is directly adjacent her dwelling
- Light Pollution into her property and garden from the adjacent light column and signage of which details have not been provided

- Concern regarding the mitigation measures for the Japanese Knotwood present on site

Further comments reiterate concern regarding Japanese Knotwood, along with further comments relating to signage, footways and additional lanes for exiting traffic.

9 Shanslieve Drive

- Traffic issues particularly in summer season
- Site will change from a green field to a car park and the Lidl signage will greet tourists visiting area

Further Comments received 16.11.18 raise issues regarding

- Ownership of the site
- Transport Assessment was carried out at the quietest time of year
- Access at Shan Slieve is unsuitable for several reasons

Further comments received 12.12.18 reiterate the above issues and advise that despite the revised road layout the objection remains

7 Spelga Avenue

- Proposal is contrary to the SPPS in that the proposal is located outside the primary retail core and proposal is not in the interest of the local community
- The proposal is contrary to the ADAP 2015 and the SPPS in that it would, if approved, erode the character of the area and affect the amenity of nearby residents
- The hours of operation, including delivery time, noise, light trespass and general disturbance would have an unacceptable impact on the amenity of the neighbours of the site
- Proposal is contrary to PPS 3 as the accesses will prejudice the safety and significantly inconvenience the flow of traffic
- The proposal is contrary to Policy AMP 7 of PPS 3 in that inadequate provision has been made for car parking associated with the development.
- Potential signage would negatively impact on the residential amenity of adjacent properties and detract from the surrounding and character of the area.
- Traffic survey takes no account of the visitor traffic in the tourist season between March – August.

Additional comments received 22.01.19 state that a new traffic survey should be carried out between March and October to give a more realistic picture of the traffic in Newcastle.

11 Shan Slieve Drive

- Proposal is out of character with the surrounding residential area
- Area is zoned for housing
- Shan Slieve Drive cannot accommodate proposed traffic
- The proposed entrance on the Bryansford Rd is dangerous
- Proposal will result in increased traffic
- Increased potential for flooding
- Proposal will lead to closure of corner shop
- It will damage the town centre of Newcastle
- Proposal will affect house prices in the area

33 Shan Slieve Drive

- Proposal will substantially increase traffic and thereby destroy residential amenity and significantly inconvenience the flow of traffic in the Shan Slieve area
- The Transport Assessment has taken a wholly inadequate consideration of the road network, the one-way system and the impact this omission will have on Shan Slieve and the residents therein.

Cllr Laura Devlin

- Proposal fails PPS 5 in that the existing could accommodate an extension
- The proposal will impact on the residential amenity of those residents of Shan Slieve
- Traffic survey was carried out in October and does not accurately reflect the traffic problems in Newcastle.
- Proposed pedestrian crossing could cause issues for pedestrians and drivers
- Public transport does not cater for all potential customers of the store and many people would have to walk to the bus station
- The sale of alcohol in the store may increase the anti-social behaviour that currently exists in the area
- Proposal may increase flooding in the area
- The site contains Japanese Knotwood

39 Shan Slieve Drive

- Ownership
- Site is located within a long established residential area
- Use of Shan Slieve Drive access point unacceptable
- Traffic Survey is inaccurate as it does not consider summer traffic
- Proposal will result in a change of character for the area

Consideration of the objections

Traffic impact including the underestimation of traffic flow, omission of seasonal info and use of Shan Slieve Drive as an access to the site.

The Shan Slieve Drive access has been removed from the proposal.

Transport NI have considered all the information submitted with the application and are content that the development proposed will not have an adverse impact on the existing road infrastructure and the proposed access is acceptable in terms of road safety.

Proposal not in keeping with the character of the area

The site is located within the settlement limit of Newcastle, where there is a presumption in favour of development provided, it does cause demonstrable harm to interest of acknowledged importance.

Contrary to SPPS in terms of the sequential test, need for new food store in Newcastle

See assessment of the SPPS and assessment of retail impact above, which concludes that given the linear nature of Newcastle, the potential for adequately sized sites are limited, therefore, the applicant has explored the town centre and found it to be inadequate for its needs, the proposal has therefore moved to a more suitable site out-of-centre. The sequential test as outlined in the SPPS has been complied with

Potential for Flooding

The potential effects of flooding and water management as result of the proposal have been considered through assessment under PPS 15 and a consultation with DfI Rivers Agency, who have concluded that they have no objections in principle to the proposal subject to clarification of the alignment and structural integrity of the culvert within the site

Noise and General Disturbance

In consideration of the potential noise and general disturbance of the proposal, it is acknowledged the immediate neighbours of the site will experience and increase in noise, given that the site is currently no longer in use as a primary school, however, Newry, Mourne and Down Environmental Health Dept were consulted and advised that there are no objections in principle provided conditions relating to hours of operation, restricted hours of delivery, delivery into specified service yard, restricted sound pressure level of condenser units etc.

Loss of Privacy / Amenity at No 32 Bryansford Road

No 32 Bryansford Road is particularly affected by the proposal given its proximity to the development. It is noted that the dwelling is 24m (at its nearest point) to the Lidl building. The access – specifically the pedestrian footpath to the development will be located 12m from No 32 at its nearest point. The development will result in a notable change for No 32 given that the site adjacent has been vacant for some time. However, it is considered that given the position of No 32 within the settlement limit of Newcastle, along an already busy road, in addition to the separation distance between the dwelling and presence of mature vegetation along the boundary of No 32 that the proposal would not cause significant demonstrable harm to the amenity of No 32 that the proposal should be refused. I would, however, recommend that additional planting is carried out along the northern boundary the site shares with No 32.

Support

5 Letters of Support have been received of which a summary is provided below

The North West Mountain Rescue Team – supports the proposal as it is providing a new base for the Mourne Mountain Rescue Team

Maritime Operations Controller HM Coastguard - supports the proposal as it is providing a new base for the Mourne Mountain Rescue Team

Mourne Rambling Group Ballymena Road Doagh - supports the proposal as it is providing a new base for the Mourne Mountain Rescue Team

Sports Council for Northern Ireland - supports the proposal as it is providing a new base for the Mourne Mountain Rescue Team

84 Lackan Road, Ballyrone - supports the proposal as it is providing a new base for the Mourne Mountain Rescue Team

Conclusion

Having assessed the proposal against the various planning policies and having regard to all representations made, all consultees engaged and all other material considerations it is found that the proposal is acceptable in planning terms and approval is recommended subject to the following conditions.

Recommendation: Approval

Signed

Date

Signed

Date

Conditions (subject to amendment)

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates: -
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Except as expressly provided for by the conditions below, the following reserved matters shall be approved by the Local Planning Authority - the siting, design and external appearance of the dwelling and means of access thereto.

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

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

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

4. The net retail floorspace of the foodstore hereby approved shall not exceed 1338 square meters.

Reason: To control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres

5. No internal operations including the installation of mezzanine floors shall be carried out to increase the gross retail floorspace available for retail use without the prior written consent of the Council

Reason: To control the nature, range, and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres

6. The development hereby permitted shall be operated in accordance with the approved Service Yard Management Plan bearing the date stamped 19 December 2017.

Reason: To ensure that adequate provision has been made for servicing and traffic circulation within the site.

7. The food store hours of operation shall be limited to hours of 08:00 – 21:00 Monday to Saturday and 13:00 – 18:00 Sunday

Reason: To protect the amenity of neighbouring dwellings

8. Deliveries to the site should not occur between the hours of 23:00 and 07:00

Reason: To protect the amenity of neighbouring dwellings

9. All deliveries to site to occur at dedicated loading bay as specified in Service Yard Management Plan, date stamped 19 December 2017.

Reason: To protect the amenity of neighbouring dwellings

10. A maximum of 2 condenser units, each not exceeding a sound pressure level of 47 dBL_{Aeq} at 5m, to be located as shown in Figure 2, page 13 of Noise Impact Assessment, date stamped 19 December 2017.

Reason: To protect the amenity of neighbouring dwellings

11. A maximum of 2 mushroom vents to be located as shown in Figure 2, page 13 of Noise Impact Assessment, dated stamped 19 December 2017.

Reason: To protect the amenity of neighbouring dwellings

12. There shall be no additional external plant installed without prior consultation with the Planning Office

Reason: To protect the amenity of neighbouring dwellings

13. Floodlighting on site to be installed and maintained so as to achieve the maximum lighting levels shown on lighting contours on page 10 of the Lighting Impact Assessment Report.

Reason: To protect the amenity of neighbouring dwellings

14. Floodlighting on site only to be used within the hours of 07:00 to 23:00 as specified on page 6 of the Lighting Impact Assessment Report.

Reason: To protect the amenity of neighbouring dwellings

15. No development activity, including demolition, ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Pollution Prevention Plan;
- b) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- c) Water Quality Monitoring Plan;
- d) Environmental Emergency Plan;
- e) Details regarding the timing of any necessary vegetation clearance to take place outside the bird breeding season and bat foraging season;
- f) Details of temporary protection barriers to be erected around retained trees to protect their root zones during the construction phase;

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the outline CEMP and to prevent likely significant effects on the Shimna River Area of Special Scientific Interest (ASSI).

16. At Reserved Matters a Bat Mitigation Plan (BMP) shall be submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise agreed in writing by the Planning Authority. The BMP shall include the following:

- a) Details of the provision of alternative roosting locations for bats, including the number, model, specifications and location (including height and aspect) of bat boxes;
- b) Details of the timing of works and the implementation of mitigation measures;
- c) Further details of the lighting proposed for the exterior of the site relevant to the location of the bat boxes;
- d) Details of updated bat surveys prior to any demolition works commencing and the development of any additional mitigation measures should bats be found;
- e) Details of the appointment of a suitably qualified and experienced bat ecologist to oversee all works and the implementation of mitigation measures.

Reason: To protect bats.

17. At Reserved Matters a detailed Landscaping and Planting Plan shall be submitted to the Planning Authority. No site clearance or development activity shall take place until the Landscaping and Planting Plan has been agreed in writing by the Planning Authority.

The Plan shall include details of compensatory and mitigatory planting with native species of trees, shrubs, grasses and wildflowers. Species and numbers of trees and shrubs to be planted must be provided.

Reason: To minimise the impact of the proposal on the biodiversity of the site, including protected species.

18. No development shall become operational until a landscape management and maintenance plan has been submitted to and approved by the Council. The plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping. The landscape management plan shall be carried out as approved.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the landscaped areas in the interests of visual and residential amenity.

19. The Travel Plan as submitted date stamped 19 December 2017 shall be implemented upon commencement of the development hereby approved and in line with provisions set out within the Plan.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.



**Request for speaking rights at planning committee meeting REF
LA07/2018/0001/O**

Marla Anderson to: democratic.services

05/03/2019 16:40

History

This message has been replied to.

To whom it may concern

My name is Marie-Louise Anderson, the property owner of 32 Bryansford Rd and I would like to request speaking rights at the above meeting, taking place on 13th March.

The issues of concern that I would like to elaborate on are:

- Further consideration of traffic flow in and out of new access point and the knock on effect that this will have on present conditions. Suggestions to mitigate these concerns to be provided.
- Loss of privacy and impact on private amenity space given the new access will run adjacent to my garden area and property and views may be possible into her dwelling from people entering and leaving the site
- Noise and Vehicular Disturbance given the access is directly adjacent her dwelling
- Concern regarding the mitigation measures for the Japanese Knotwood present on site

I look forward to discussing the above points

Warm Regards

Marie-Louise



Speaking Rights Submission – LA07/2018/0001/O – Site of former St. Mary’s Primary School

I have considered the above application and would raise the following points for consideration.

The applicants state that should planning permission be forthcoming for the relocation, then it will seek to sub-let its existing unit.

Given the interest expressed in the CBRE letter and comments by the applicant that *“a number of larger retailers that have an active requirement for Newcastle.....They have expressed an interest in Lidl’s existing unit”* (Paragraph S9).

Re-occupation (sub-letting) of the Railway Street store should be conditional to any approval given the applicants are proposing to move from a town centre location to an edge of centre location., which runs in complete contradiction to the town centre first approach of the SPPS (para 6.270 and 6.273 of the SPPS).

Such a condition would both reasonable and necessary given the applicants allege to have been looking for an alternative site for 10+ years, whilst still operating from Railway Street over that period of time.

This demonstrates that the existing store is still functional, and the proposed edge of centre site is desirable, but not a necessity, which undermines the argument for the alternative site and exit from the town centre.

Such a re-occupation condition would prevent a prominent/vacant unit in the town centre and would mitigate against a reduction in footfall. It would also prevent any precedent for future retailers who occupy the Railway Street building seeking to relocate on them same premise.

I’m surprised that the impact on ASDA store in Kilkeel has not been considered, when taking account of the physicality of area and the importance of the A2 road network in connecting the settlements and rural area.

Paragraph 67 of the RIA states that the sales density would be £5,822sqm, 15.6% less than Lidl than the existing store at Railway Street (£6,902sqm). There is no logical explanation as to why Lidl would go to time and expense of constructing a new store and mountain rescue centre for it to trade below the sales density of the existing store.

I also note the exceptional trading position of Lidl in Northern Ireland. Given the larger sales area and greater range of products being proposed and that this is the justification for the new store. This would not accord with a reduced sales density.

There has been no consideration of PPS8 and the loss of existing open space, given the school had existing playing fields.

Report Memorandum

FAQ of Planning Team Case Officer Ms C Cooney

6/3/2019

Re: DR M Rooney / LAO7/2018/0001/O Planning team's recent decision to issue a Recommendation to Approve to the Planning Committee

Dear Ms Cooney

Where we have been retained by Dr M Rooney to assist her in her representations, Council have already been made aware of her concerns by way of various detailed submissions by her along the way.

Dr Rooney acknowledges that Council have indeed taken on board her initial concerns regarding the Shanslieve Drive Entrance and is indeed now content that the Shanslieve Drive Entrance has been closed up and excluded from LIDL's application.

For that she is most thankful.

Nevertheless, on the broader picture, Dr Rooney is greatly concerned with regards to the Summer Visitor & Traffic escalations that arise in Newcastle and District, and moreover she feels that insufficient empirical data evidence had been compiled to justify fully understood anecdotal reports by locals that Newcastle Traffic in summertime simply remains as highly problematic.

While aspects of her representations have been acknowledged in the Case Officers Report, it is felt that the necessary interrogation on traffic data details – particularly in the summertime as distinct from Oct & Nov (when surveyed) - does not facilitate in her view any verification or transparency surrounding robust traffic management assessments.

Brief Rehearsal of Dr M Rooney representations to date.

We confirm that Dr Rooney lodged detailed FOI inquiries pertinent to the substance of visitor, townsfolk & traffic management data matters, first to NM&D Council Tourism Section in mid late 2018 and thereafter directed to NM&D Council FOI Section.

As of today's date, 5/3/19 closure of these Council related inquiries still remain at large.

Dr Rooney's inquiries were simply to substantiate & compensate for the lack of empirical summer peak tourism activity data figures in Newcastle & District.

Numerous statutory and other bodies universally acknowledge this type of deficit in particularised Seaside town data manifests itself, particularly in Coastline town & district locations.

It is notable Ms. M Ward Council Director of Planning, has indeed already come on record & indeed has been in communication with Cllr Devlin / and others regarding lack of progress in Council's assistance on data sources.

Within her communication of 1/3/19, Ms M Ward commented :- vis a vis

"I can only apologise for the delay and if it was perceived that we held more information due to comments by members of staff, but this is the reason we passed this query through our data management unit to ensure the applicant got an appropriate response".

It was Dr Rooney's intention that the outcomes of Council sourced data, originating via either their Tourism & or FOI Sections – could in turn be usefully relied upon to substantiate & conclude real visitor, townspeople &

Traffic Data figures. Thereafter, such vouching would provide incontrovertible evidence to benchmark any representation, whether by the General Public, LIDL or any of the Newcastle Townspeople. This all has to be in the public interest.

Dr Rooney's inquiry was simply to clarify how peak summer usage over a 12/14 week period manifests itself.

The very fact this inquiry runs is itself manifestation that simply Council themselves surprisingly don't know. Why else was there a 4/6 month delay by Council in furnishing key data. Equally, there is an entire paucity of detail on peak summer season data within LIDL's Traffic Management submissions.

To set context, already NISRA, one of the Statutory Agencies charged with collecting provincial statistical data, have formally confirmed in writing that their Agency does not hold any month by month data that neither reflects nor explains Newcastle & District summer congestions. This information will be tabled when Council's matching responses appear.

It is notable, that in autumn 2018, where we had verbally engaged at length with NM&D Council Tourism Officer's, Dr Rooney's assertions appear most reasonable. Again, in informal discussions in autumn 2018, Legacy Down Data - as verbally reported by Council Officers, reaffirmed this quandary.

To summarise, LIDL's decision to elect & rely upon holding their traffic surveys in Oct / Nov but not in June July & August appears as highly problematic, deliberate and (Dr. Rooney says) surreptitious.

This is the crux of Dr Rooney's challenge.

Dr Rooney simply requires time to conclude her 2018 submissions, whereby this is entirely dependent on Council's willingness to expedite such reasonable inquiries.

Dr Rooney cannot be responsible for Council delays in their various departments, especially when some of these sections, including Planning Section, are all managed & controlled by Ms M Ward in her role as Council Director.

Simply put, if Council's FOI inquires had concluded as expected in December 2018, Dr Rooney's full argument would have been tabled 1 week later. This remains the position today.

All in all, given the constant delays regarding Dr M Rooney's parallel FOI requests to Council since mid - late 2018, still at large, and that the current Case Officers report is oblivious to a raft of these issues, it is put to Council that to proceed on the basis of the current Recommendation to the Planning Committee is procedurally dangerous.

Dr Rooney clearly anticipates that next week's listing will be stayed & pulled to disseminate all confusions, and to allow the necessary rectification where appropriate to all proper process to run its course.

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If however this is not to be the case, alternatively

- Based on current reporting's, if NM&D Council Planning Section are not minded to make any material amendment or qualification to their Recommendation to Approve
- If indeed next week's Planning Committee is to proceed,

then the following matters apply.

- Kindly accept this email as notification that Dr M Rooney &/or her representative wishes to avail of Speaking Rights to articulate her genuine concerns.

- This letter and indeed her previous representations set out the agenda and context of Dr Rooney's position.

To conclude, I would be very much obliged if Council Planning Service would revert to provide some framework advice to Dr M Rooney, as to the practical & proper procedural way forward for all parties, - that is to quietly diffuse the various anomalies that clearly exist, both on material fact & on matters of interest.

Council's prompt attention on these matters would be appreciated.

We await your confirmations.

Yours faithfully,

pp Dr M Rooney

SD McMullan, Architects,
2 Golf Links Rd
Newcastle
Co Down

Report Memorandum

FAQ of Planning Team Case Officer Ms C Cooney

6/3/2019

Re: Don Holdings Ltd / LA07/2018/0001/O Planning team's recent decision to issue a Recommendation to Approve to the Planning Committee

Where we have been retained by Mr Mark Donnelly, DON Holdings Ltd to assist his Company's representations, since late 2018, Council have already been made aware of Company concerns by way of a series of submissions (in various guises) along the way.

In this context, our Client is highly concerned and harbours severe reservations with regards to the Planning team's Recommendations to the Council Planning Committee, scheduled for next week.

On combing through the Case Officers Planning Team Report, (Page 9, 10& 11) it is abundantly clear that all of Don Holdings Representations have never been considered in any fashion. This is a matter of fundamental procedural and material importance.

In relation to Page 6 & 7 of the Case Officers report, dealing with the subject matter of "Impact on Existing Land within the vicinity of the Site" it is patently clear that Council are entirely unaware and have not acknowledged the history status and entitlements afforded to the R/2008/0537/F Approvals to the East of the LIDL Site.

Council seemingly have been entirely remiss in not alerting LIDL of the status of such approvals early within the course of managing this Application. Council did not sufficiently interrogate the detail of the planning history of surrounding sites.

The purpose of this notification is not to comment at length on the Current Council Reports exhibited on the Planning Web Portal, but alternatively urge Council to immediately stay all matters until such process shortcomings have been visibly & transparently addressed & corrected.

Brief Rehearsals of points previously made on behalf of Don Holdings Ltd.

We reiterate that various notifications on behalf of Don Holdings are on record with Council, commencing in and around in late 2018, & early 2019.

Unfortunately, prior to the end of Dec 2018, various requests to meet & discuss neighbour related issues with the Planning Team Officers (also in conjunction with Transport NI as suggested by recommended by Mr S Milligan) that by their very nature impinge on the viability of both R/2008/0537/F & LA07/2018/0001/O as how they interlock with one another – all opportunities to meet and discuss, given the complexities, these were all declined.

We are still awaiting feedback on a request for a meeting, with Council & Transport NI (as per S Milligan's recommendation of 12/09/2018, in turn furnished to Ryan Kelly email 30/01/2019. Again as of today, in discussion with Mr S Milligan, he remains willing & ready to meet, but importantly this meeting is to be chaired by Council Planning team.

To keep Council informed at the beginning of January, while still awaiting feedback, an early version of Don Holding's Ltd penultimate representation was indeed fielded to the Planning team's Case Officer including an extremely important PDF Attachment (ref 190110-Claire Cooney Issue - LIDL Site Specific Matters) – all on the 10/01/2019.

This purpose of this notification was to explain & clearly identify the broad brush nature of Don Holding's concerns in the round, prior to their Company's final submission

Don Holdings Ltd had again conjoined with Dr Rooney in retaining our Practice to progress FOI Data inquiries Council have always been (verbally) aware of our intent. That aspect of our inquiries is still to conclude, when Council conclude in furnishing the requisite material.

Again, in and around Jan 2109, it had come to our attention that Council (that is based on our viewing of the Planning Portal communications) seemingly again

- had never alerted nor notified LIDL that the R/2008/0537/O Approvals existed in the first instance,
- that these approvals have always remained extant and in those circumstances,
- that proximity matters of a previously approved structures overlooking the backside of the proposed LIDL Retail Store
- all of this does not and can never seemingly comply with planning policy or good practice.

We again reiterate that DDC, prior to NM&D, in early 2014, have acknowledged (on 3 occasions) formal receipts by KMB Developments Ltd, that Works had commenced in a timely fashion prior to and before the time-limit expiry of the R/2008/0537/F approvals.

Our more recent open file inquiries & inspections ratify this matter.

Against this background, a full detail representation report was submitted in and around 26/2/19. An extraordinary effort had been expended to provide full and vivid descriptions of a catalogue of concerns.

Coincidentally Council published / exhibited their own Case Officers Recommendations to the Planning Committee a day later on 27/2/19.

To reiterate, on Page 9, 10 & 11 of that Report, Don Holdings Ltd Interest regarding their neighbouring property has been airbrushed out entirely of existence.

As stated above, it remains patently clear in reading the Case Officers Report that Planning Service (for unexplained reasons) have seemingly & consistently ***missed the point*** that fully extant approvals R/2008/0537/F on neighbouring sites exist and moreover a lack of realisation that the built fabric of the Structures when completed, will directly touch and adjoin the LIDL & Don Holdings common boundary to the NW.

The safety railings to the First Floor Balconies are virtually coincident with the common boundary condition. The separation distances do not even comply with Residential Standards, let alone a Commercial Retail & Residential Zone interface.

This is just one example of a myriad of concerns raised. These are catalogued & listed in detail in the full representations.

Without due care and consideration of key neighbour Interests, for Council to proceed unilaterally simply on the basis of the current Recommendation to the Planning Committee is viewed as procedurally improper and dangerous.

Don Holdings Ltd clearly anticipate that next week's listing will be stayed & pulled to disseminate all confusions, and to allow the necessary rectification procedures to take place to ensure all proper processes run their course.

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If however this is not to be the case, alternatively

- Based on current reporting's, if NM&D Council Planning Section are not minded to make any material amendment or qualification to their Recommendation to Approve

- If indeed next week's Planning Committee is to proceed,

then the following matters apply.

- Kindly accept this email as notification that a representative of Don Holdings Ltd. wishes to avail of Speaking Rights to articulate Company concerns.
- This letter and indeed the detail Representation of 26/2/19 both by way of Executive Summary, & thereafter the full Detailed Considerations Report, sets out their Company's agenda and context.
- In addition to this, Mark Donnelly of Don Holdings Ltd have instructed ourselves to notify & provide the necessary reports to the Company's legal advisors - to seek the appropriate advice in these circumstances.
- (For information only) , Mr Donnelly is already embroiled in a High Court Judicial Challenge as the third party Notice Party when an Action has been taken against Causeway Coast and Glens Borough Council challenging a planning approval for a £20m hotel and leisure complex at the heart of the North West 200 race route. Mr Donnelly has an active interest in this Venture.

To conclude, I would be very much obliged if Council Planning Service would revert to provide some framework advice to my Clients as to the practical & proper procedural way forward for all parties, - that is to quietly diffuse the various anomalies that clearly exist, both on material fact & on matters of interest.

Council's prompt attention on these matters would be appreciated.

We await your confirmations.

Yours faithfully.

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Statement to Planning Committee

on behalf of the Applicant, Lidl Northern Ireland

Proposed Foodstore & Mountain Rescue Centre, Bryansford Road,
Newcastle (ref: LA07/2018/0001/O)

March 2019

1. This Statement on behalf of the Applicant, Lidl Northern Ireland, supports the Planning Department's recommendation to approve this application for a foodstore and mountain rescue centre.
2. The proposed foodstore will allow the Applicant to relocate from its current premises at Railway Street. It is too small to carry Lidl's full range of goods, it has narrow aisles with limited circulation space, it has insufficient car parking and it falls short of the standards required of a modern foodstore.
3. The Railway Street store was only supposed to be temporary until a larger site could be found. Lidl looked for an alternative site in and around Newcastle Town Centre for over 10 years but none were large enough and suitable until the application site became available. It is only 80 metres from the Town Centre and the application complies with the sequential test.
4. The proposal will be a freestanding foodstore with adequate parking facilities that will offer additional choice for local shoppers in modern and spacious surroundings without undermining the vitality and viability of Newcastle Town Centre.
5. The mountain rescue centre will provide a new permanent base for the Mourne Mountain Rescue Team (MMRT), allowing them to relocate from their current temporary premises at the PSNI Station in Newcastle. The proposed building will have a number of benefits:

- It will provide the MMRT with a permanent base, which will provide greater certainty in making strategic planning and investment decisions;
 - Unlike MMRT's existing building, it will be a purpose-built structure with a layout and facilities that will improve the efficiency of the Team;
 - It is well located to the "rescue hotspots" in the Mourne Mountains thereby allowing callouts to be dealt with quickly and it is well located to Donard Park where rescue helicopters land;
 - It will facilitate open days for educating the public on safety issues in mountainous environments;
 - It will provide a covered storage area for emergency vehicles and will reduce maintenance costs;
 - It will facilitate the Council's stated aims of encouraging outdoor tourism, health and recreation and will provide education and rescue services in support of those aims.
6. A large number of reports have been submitted with the application and confirm that the proposal will have no adverse environmental effects. The vast majority of trees on the site will be retained and supplemented with additional planting, while Lidl also plan to have a green roof to help the store blend into its surroundings.
7. The proposed access to the site is at Bryansford Road. It was initially planned to also have an entrance from Shan Slieve Drive but following consultations with local residents, it was decided that this access should be closed up. DfI Roads are content with the proposal.
8. The proposal involves an investment of £3.2 million in construction, the creation of 12 additional retail jobs (in addition to the 14 existing jobs that will be maintained) and an annual rates contribution of c. £150,000.
9. This is a sustainable development that complies with the local development plan and all other relevant planning policies. It will regenerate a brownfield site with modern, attractive buildings and has significant social and economic benefits. We commend it to the Council.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0470/F

Date Received: April 2018

Proposal:

Full permission is sought for the Construction of a new 51 bedroom hotel to include; conference facilities, function suite, bars and restaurant; and a spa, that houses a gym, fitness suite, swimming pool, changing rooms, and treatment rooms, on lands at No.38 Belfast Road (grounds of Abbey Lodge hotel), Downpatrick

(This proposal is a major application as defined by the Planning (Development Management) Regulations (Northern Ireland) 2015, it was preceded by a Proposal of Application Notice (Ref: LA07/2017/0827/PAN) and a period of Preapplication Community Consultation as required by legislation).

Applicant: Inch Abbey Holdings Ltd

Location:

The site is located in the countryside, off the Belfast Rd, approx 0.5 mile north of the boundary of the development limit of Downpatrick as identified in the Ards and Down Area Plan 2015. This site is located between Downpatrick and Crossgar, whereby the Belfast Road is a Protected Route, while the site is also within an Area of Significant Archaeological Potential, LLPA, Area of Constraint on Mineral Developments, while the front portion is also within an AONB. The site is also close to Downpatrick Marshes SLNCI.

This area is predominantly rural in character although this stretch of road comprises a number of buildings and also the Down Business Park.

The site also extends to adjoin the Inch Abbey Rd and is also close to the junction with Cotterhill Rd.

Site Characteristics & Area Characteristics:

The site comprises the grounds of the former Abbey Lodge Hotel, which are located off the Belfast Rd, although also extends to adjoin Inch Abbey Rd.

This site fronts onto the Belfast Road, although is accessed via Inch Abbey Rd. The former hotel has been demolished and the site cleared, which is also currently enclosed by security fencing. The ground levels of the site are relatively flat and are slightly below the road level of the Belfast Rd, although are raised above Inch Abbey Rd, whereby the fields beyond the rear boundary also rise from the site. A grass verge and bank and hedgerow runs along the boundary with the Belfast Rd.

Site history

A history search has been carried out for the site and surrounds, whereby the most relevant history observed includes:

LA07/2017/0827/PAN- Construction of a new 51 bedroom hotel to include: conference facilities, a function suite, bars and restaurant, a spa, that houses a gym, fitness suite, swimming pool, changing rooms and treatment rooms, PAN, Applicant: Inch Abbey Holdings Ltd

R/2007/0607/F- New hotel (83 bedroom, spa, swimming pool, conference facilities, car parking), Full, Approval, 2008

R/1975/0094/F- Hotel, Full, Approval, 1975

There is also history relating to alterations and extensions and new entrance to the hotel.

Representations

None received to date (26-02-19).

Having account the extent of the red line and current practice neighbour notification was undertaken with no. 25 and 27 Cotterhill Road and 27 Inch Abbey Rd as part of this application in April 2018, while the application was also advertised in the local press in April 2018.

Consultations-

Having account the nature of this proposal and location and constraints of the site, and also site history, consultation was carried out with Transport NI, NI Water, Environmental Health, Historic Environment Division (HED), NIEA, Rivers Agency, and Shared Environmental Services (SES) as part of this application.

Transport NI- Following an office meeting in Feb 2019 and submission of additional info TNI offer no objections in principle (Conditions to follow).

NI Water- No objections in principle (Informatives).

Environmental Health- No objections in principle (Conditions).

HED- No objections in principle (Conditions).

NIEA- No objections in principle (Conditions).

Rivers Agency- No objections in principle (Informatives).

SES- No objections in principle (Conditions).

Planning Policies & Material Considerations:

- The Regional Development Strategy (2035)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Ards and Down Area Plan 2015
- PPS2 (Natural Heritage)
- PPS3 (Access, Movement & Parking)
- PPS6 (Planning, Archaeology and the Built Heritage)
- PPS15 (Planning and Flood Risk)
- PPS16 (Tourism)
- PPS21 (Sustainable Development in the Countryside)
- Building on Tradition Sustainable Design Guide

- DCAN15 (Vehicular Access Standards)

The SPSS came into effect in Sept 2015, whereby the provisions apply to the whole of N.I. and must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

As stated above the site is located in the countryside as identified in the Ards and Down Area Plan 2015.

The policies retained by the recently published SPSS include those listed above, whereby it is considered there is no conflict or change in policy direction, and which continue to remain the applicable policy context to consider the proposed development under.

Policy RG4 of the Regional Development Strategy 2035 aims to promote a sustainable approach to the provision of tourism infrastructure. All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends.

Development of tourism infrastructure needs to be appropriate to the location to ensure that the natural assets are protected and enhanced, RG11 of the RDS seeks to conserve and protect our built heritage and our natural environment.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans), whereby Policy CTY 1 sets out the 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.

Having account the content of PPS21, it is considered PPS16 (Tourism) is a key consideration.

Policy TSM3 (Hotels, Guest Houses and Tourist Hostels in the Countryside) of PPS16 states:

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 could be argued this application falls within both of these circumstances being located in the countryside but on the periphery of Downpatrick, whereby there was previously a long standing rural building/hotel (Abbey Lodge) on this site.

After having closed and falling in to a state of dis-repair and vandalised, this building was then demolished and the lands cleared. There is also a recent permission for a larger hotel on this site in 2008, although which has now lapsed.

However, for the purposes of this report it is considered this new build hotel is effectively the replacement of the previous hotel, whereby the use of this site as such has long been accepted. The 8 listed criteria for a replacement building have been noted.

The hotel now proposed will be centrally located on site with parking to the side and rear and will appear part single storey with a higher 3 storey section also incorporated. This site will continue to access on to the Inch Abbey Rd, as per existing/previous. The site plan

submitted indicates the existing roadside hedgerow along the boundary with Belfast Rd is to be retained, with a new hedgerow planted along the boundary with Inch Abbey Rd with additional planting located behind the boundary hedgerow to screen and integrate the site. This site is low lying and although occupies a large area, is only visible from its immediate surrounds, whereby the elevated fields to the rear of the site also provide a backdrop.

The new building will be of permanent construction, and is of sufficient size to facilitate the use proposed. The former building was not listed or vernacular, whereby it is considered a new hotel on this site will improve the appearance of the site and see it return to use, thus will bring environmental benefits. The site is also considered to be large enough to accommodate a building of this size and scale and associated parking, whereby the design is considered acceptable on this low lying site whereby the lands to the rear rise and provide a backdrop. The existing access from Inch Rd is also to be used.

As such it is considered the proposal does not offend the requirements of policy TSM3, thus there are no objections in principle to the construction of a new hotel on this site.

Tourism development proposals are also subject to the design and general criteria in policy TSM7. Having account this low lying setting, and layout and proposals indicated, and also consultation responses, it is considered the proposals do not offend the criteria listed. In addition, it is considered the proposals do not offend the requirements of PPS2 or policies CTY13 and CTY14 of PPS21.

It is also noted a Design and Access Statement, Drainage Assessment and Transport Assessment were submitted as part of this application.

The site has a hydrological linkage to Strangford Lough Ramsar Site, SAC and SPA and required screening under the Habitats Regulations. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). Consultation was also undertaken with SES and NIEA who offer no objections in principle to the proposals.

Rivers Agency and Transport NI also offer no objections in principle to the proposals, thus it is considered the proposals do not offend PPS3 and PPS15.

As stated above the site will utilise the existing access on to the Inch Abbey Rd, with junction improvements with the Belfast Rd also proposed. The Belfast Rd is a Protected Route. As previously stated the use of this site as a hotel is long standing.

The site is also located close to a number of archaeological sites and monuments the designations of which vary. Consultation was undertaken with HED to ensure the proposals will not result in any unacceptable impact on the provisions of PPS6. HED offer no objections in principle.

Taking into account the above, it is considered the proposals do not offend the applicable policy test and there are no grounds to justify a refusal.

Accordingly Approval is recommended subject to conditions;

(Conditions: time limit, planting, and conditions suggested by consultees)

Recommendation: Approval



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**Newry, Mourne
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Application Reference: LA07/2017/1238/F

Date Received: Aug 2018

Proposal:

Full planning permission is sought for the Conversion of 2 small dwellings (No.191 and 193) to 1 dwelling unit with 2 storey rear extension, alteration to front elevation, replacement roof, internal alterations, re-shape existing rear gardens, provision of walkway from dwelling to garden and formation of pedestrian access onto King Street, Newcastle.

Applicant Mr and Mrs Russell

Location:

The site is located inside the development limits of Newcastle, towards the southern end of the town and is outside the boundary of the ATC as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site, although it is noted the terrace to the north of the site is Listed. It is noted there are listed buildings further along King Street/South Promenade. This site is elevated above South Promenade and backs onto King Street, whereby this area is predominantly residential in character.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the curtilages of no.191 and 193 South Promenade, which are a pair of 2 storey mid terrace properties located along South Promenade. This stretch of South Promenade comprising the dwellings no.153-203 are located along a side road off the main South Promenade Road, although which runs almost parallel to this road. This side road rises and is elevated above South Promenade, whereby a wall and steep bank is located to the far side of this road leading down to the sea/shore.

The properties along the terrace comprising the application site open and step down directly on to the road, whereby on-street parking is available to the far side of the road. Each property historically included a small enclosed area to the rear of the dwelling, although several properties have now built rear returns over this enclosed area. A path runs along the rear of this terrace, whereby the properties then have raised gardens/areas of amenity space beyond this path which extend up to and adjoin King Street.

The dwellings comprising the application site comprise 2 small units each with 1 door and window along the ground floor front facade and 1 upper floor window. These properties are finished in painted pebbledash with upvc windows, and slate roof. These properties each

have enclosed yard areas to the rear and raised garden area beyond the path, with a 1m high wall forming the rear boundary along King Street.

The dwelling at no.195 includes an upper floor balcony to the front, and 2 storey return to the rear, which also includes a raised platform extending over the pathway.

The dwelling at no.189 is similar to the dwellings comprising the application site with no alterations to the front or rear.

It is noted several properties along this terrace include works to both the front and rear.

Site History:

A history search has been carried out for the site and surrounds whereby no history was observed relating to the application site, however it is noted there have been a number of previous applications for alterations, extensions and balconies to several properties along this terrace.

Consultations:

Having account the nature of this proposal it is not considered necessary to seek any comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, and current practice, neighbour notification was carried out with the properties to either side at No.189 and 195 South Promenade in Aug/Oct 2018, while the application was also advertised in the local press in Aug 2018.

A further round of NN was undertaken in Nov following receipt of further information.

No representations have been received to date (11-12-18).

Policy Considerations:

RDS, SPPS, PPS7 and PPS7 Addendum (Residential Extensions and Alterations).

As stated above the site is located within the development limits of Newcastle as defined in the Ards and Down Area Plan 2015, and having account the nature of this proposal it is considered the provisions of PPS7 and associated Addendum, and the recently published SPPS (Strategic Planning Policy Statement- Planning for Sustainable Development) apply.

One of the policies retained by the recently published SPPS is PPS7 and Addendum, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS7.

As such it is considered PPS7 and Addendum remain the applicable policy context to consider the proposed development under.

The Addendum to PPS7 sets out the policies for achieving quality in relation to proposals residential extensions and alterations, whereby the provisions of Policy EXT1 are key.

This current proposal includes a number of aspects as alluded to above, including:

- conversion of no.191 and 193 to 1 dwelling,

- alterations to the front facade with 2 storey bay window, 2 dormer windows, and reshaping existing windows,
- 2 storey extension to the rear,
- upper floor platform over existing path providing access to the rear garden,
- replacement roof to same eaves and ridge height with exception of dormers to front and roof pitch to rear,
- re-shaped and stepped raised garden and patio area to rear,
- new pedestrian access gate on to King St.

The application site comprises a pair of mid terrace dwellings, which front on to South Promenade and extend to adjoin King St to the rear. The rear garden rises steeply to King Street, while the existing properties along this row park along the far side of the road. There is no in-curtilage parking provision for any of the units along this terrace. This terrace comprises a row of 9 dwellings.

Following initial assessment of the case a letter was issued to the agent on 11th Oct advising that while no objections are offered to the principle of converting the 2 units in to 1 larger unit there were a number of concerns including:

- the 2 storey bay and dormer windows were considered to be unsympathetic and would adversely impact on and change the character and appearance of this terrace,
- the 2 storey rear return would adversely impact on the amenity of no.189,
- the 2 storey rear return is required to be sub-ordinate in height and must be set down from the ridge,
- additional info and detail was also requested as substantial works were being proposed to the rear garden.

Accordingly the agent was afforded an opportunity to reconsider the scheme and was requested to submit any amended plans/additional info he wished to be considered within 21 days in line with the Councils Scheme of Delegation.

Amended plans were received from the agent on 9th Nov, and although were outside the 21 days afforded, now form the basis of this consideration and report. A further round of neighbour notification was undertaken on 14th Nov, whereby no representations have been received to date (11-12-18).

The covering letter and amendments received included:

- reducing the 2 storey bay window to the front to single storey with flat roof,
- retaining but slightly reducing the size of the 2 dormer windows along the front gable,
- lowering the 2 storey rear extension below the ridge level of the existing dwelling, although it is noted there is a discrepancy in the plans submitted. The rear return indicates this 2 storey extension will be set down approx 0.15m from the ridge, while the side elevations indicate it will be set down 0.3m. The covering letter from the agent indicates the extension is being set down 0.3m from the ridge.

Additional information in support of the proposals and also further details regarding the rear garden were also provided.

The Planning Dept also reconsidered its position regarding the potential impact on no.189 and accepted the proposals will not result in any unacceptable impact on the amenity of this property, while no objections were raised to re-roofing the units with the same materials and dimensions (height and angle).

In respect of PPS7 and Policy EXT1 (a) the following is considered.

Converting 2 small units into one larger unit will not result in any unacceptable impact on the character of the area or any adjoining property. Accordingly, no objections are offered to this aspect.

The introduction of a bay window at ground floor and 2 upper floor dormer windows are considered to be unsympathetic and will detract from the appearance of this existing terrace. It is acknowledged several properties along this terrace have carried out some minor operations, however it is considered its character has largely been retained. The bay window will project forward 1m from the existing front return while the dormer windows will break the uniform eaves heights, whereby it is considered both elements will compromise and break the architectural integrity, rhythm and uniformity of this terrace, and are not acceptable.

The 2 storey return to the rear has now been set down and will appear sub-ordinate to the main ridge, thus is acceptable.

The proposals also include a 2 storey extension to the rear, upper floor bridge, connecting to the rear garden, re-shaping the rear garden and new pedestrian gate to the rear. It is considered these works will not offend policy EXT1 due to their nature, existing built form to either side and limited impact they will have when viewed from King St to the rear.

It is also considered the works proposed are located a sufficient distance from the adjacent Listed Terrace to prevent any adverse impact on the setting of these listed buildings. It is noted there are also several other properties between the site and the Listed Terrace.

In respect of Policy EXT (b) it is considered the proposals will not unduly affect the privacy or amenity of neighbouring properties due to their nature, and existing built form of the properties to either side.

It is acknowledged there are a number of elements to this proposal.

In terms of privacy and amenity it is considered the works to the front will not have any significant impact due to their nature.

The 2 storey extension to the rear will occupy the majority of the existing yard area, and has the potential to impact on the amenity of adjoining properties to either side. It is noted no.195 currently has a 2 storey extension to the rear with blank side gable thus no impact will result. It is also considered the proposals comply with the light test in regard to any potential impact on no.189, thus no unacceptable impact will result. The upper floor side gables of the proposed extension will also be blank.

The proposals also include a bridge over the alleyway to the rear and works to the rear garden. This bridge will be centrally located and provides access to the rear garden which is elevated. The rear gardens along this terrace are elevated, whereby it is noted 2 adjacent properties along this terrace already have erected bridges over the alleyway, while several properties have also carried out works to the rear garden, including regrading. A new pedestrian access gate is also proposed onto King St, whereby the existing boundary wall is to be retained. The boundary hedge and wall and fence to either side are to remain.

The rear gardens of properties along this terrace are elevated, while the level of King St to the rear is also elevated above these garden areas.

It is noted views are available over the rear gables and yard areas of these existing properties from both King St and the rear garden areas at present.

Having account the existing circumstances it is considered the proposed works will not result in any unacceptable impact on the amenity or privacy of any adjoining property.

Having account the existing layout it is considered the proposals do not offend Policies EXT c or d.

However as outlined above it is considered the proposals fail EXT1 of PPS7 Addendum.

Accordingly Refusal is recommended.

Recommendation: Refusal

Reason:

- The proposal is contrary to Policy EXT1 of PPS7 Addendum (Residential Extensions and Alterations), in that the bay and dormer windows to the front are unsympathetic and will detract from the appearance and character of this terrace.

Application Reference: LA07/2018/1238/F, 191 & 193 South Promenade Newcastle

Background. The planning dept are content **with all aspects** of the application except for the appearance of the proposed front elevation.

The original terrace consisted of 10 dwellings. Out of these 10, 6 have already been modified to the front. The modifications which have taken place include the conversion of 2 dwellings to 1 dwelling which resulted in the creation of no 199, the inclusion of bay windows, a concrete balcony with a black metal guarding at no 199, numerous bay windows of different styles, a metal balcony with glass walls at 195, numerous lean too and pitched style porch roofs & a corner window which projects across a great part of the front elevation of no 185 which is the end dwelling in the terrace (See photos 1, 2 & 3 in appendix A)

The appearance and character of the terrace has already been eroded to a large extent.

The balcony at no 195. NMDDC Planning dept approved the large metal and glass balcony at no 195 which is right beside and well above of my client's houses. (See photos 1 & 2 in appendix A). Initially, the balcony, which was built without planning permission, extended across most of the front of no 195. A planning application to retain the balcony was submitted to NMDDC. In relation to the balcony, the officer advised "**balcony and supporting structure are not in keeping with the scale, style or materials of the existing dwelling, not is it in keeping with the character of this established and prominent residential area and surrounding properties**". The applicant shortened the balcony and the planning dept approved it. Shortening the balcony did not change its appearance nor the materials used. It simply made it shorter, yet the planning dept approved the balcony even when the balcony "**not is it in keeping with the character of this established and prominent residential area and surrounding properties**". This demonstrated willingness by the planning dept to accept materials and features that are not currently displayed on the terrace.

Why have we included dormer windows?? Window head height in the existing first floor is 1.69m (5 feet 6 inches) from floor level which means that one has to bend down to see the fantastic views across the sea. (See section A-A in Appendix A) The applicant wishes to raise the window heads by 300mm. Raising window head height by 300mm requires the roof to be modified to accommodate the higher window heads. This being so, the dormers are not included out of aesthetics; they are a functional response to the higher window heads. The dormer windows will be exact replicas of the dormers on the listed houses at Widows Row, just a few yards from the application site. (See Photo no 4 in Appendix A)

What have the planning department advised?? The officer for this application advises that the bay and dormers will be **unsympathetic**. He describes the works to the existing houses as **minor** and he considers the character of the terrace **has largely been retained**. He advises the dormers will break the **uniform eaves**. Finally, he advises both elements will compromise and break the **architectural integrity, rhythm and uniformity** of this terrace.

The officer fails to mention that the dormers will be in keeping with the listed dwellings at Widows Row. He refers to the works to the existing terrace as **minor operations**. It is very difficult to understand how the construction of a balcony at no 199 which is 2.7m wide, over 1m deep and just under 4m tall with metal framing/supports and glass walls was a minor operation. (See photos 1 & 2 in appendix A) Similarly, constructing the corner window at no 185 would have required removing approx 60% of the ground floor front wall and a very considerable section

of the ground floor gable. (See photo no 3 in appendix A) This would have required building control approval, considerable structural propping and could not be considered a minor operation.

The officer refers to the uniform eaves heights. The eaves actually steps up 1m from no 193 to 195, so, the eaves isn't uniform.

6 out of 10 houses have been altered, yet the officer advises the terrace has largely retained its character.

The architectural integrity, rhythm and uniformity of this terrace has already been significantly eroded.

In short, the officer's report plays down the modifications to the existing houses and plays up the proposed works.

I feel the Officer's report has very much mis-lead the Council into perhaps thinking the works now proposed will detract from an original terrace of houses when in fact 6 out of 10 houses have already been modified as previously described

This application has been recommended for refusal advised by an officer's report that paints a very untrue picture of the existing terrace and the works now proposed. The report fails to mention that the applicant is happy to copy the dormers from the listed houses at Widows Row.

The features now proposed are much more in keeping with the existing dwellings and the wider area than the metal and glass balcony which NMDDC Planning Department have found to be acceptable. This therefore raises an administrative fairness matter issue in that this application is not being considered in the same way as the application for the balcony on the adjacent house.

I will use the photos etc in appendix A during my presentation to the committee which will allow me to elaborate on and better explain the points raised above.

I would like to thank the Council in advance for the opportunity to speak in support of the application.

Brendan Quinn
BSc Hon's
ICIOB

Appendix A, LA07/2018/1238/F, 191 & 193 South Promenade Newcastle

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Photo no 1 taken from lower level on the A2. The brown house, no 199, is the result of a conversion of 2 smaller dwellings to 1 dwelling. It has a concrete balcony with a metal railing projecting approx 1m or maybe more in front of the front elevation. This dwelling has a 1st floor door, a curved bay window and a pitched roof canopy over the front door.

The dwelling to the right, no 195, has a metal and glass balcony with a glass canopy over the front door. The balcony and canopy are supported on metal posts bolted to the ground. This balcony was initially built without permission across almost the full width of no 195. The owner offered to shorten the balcony and NMDDC Planning Department approved it.

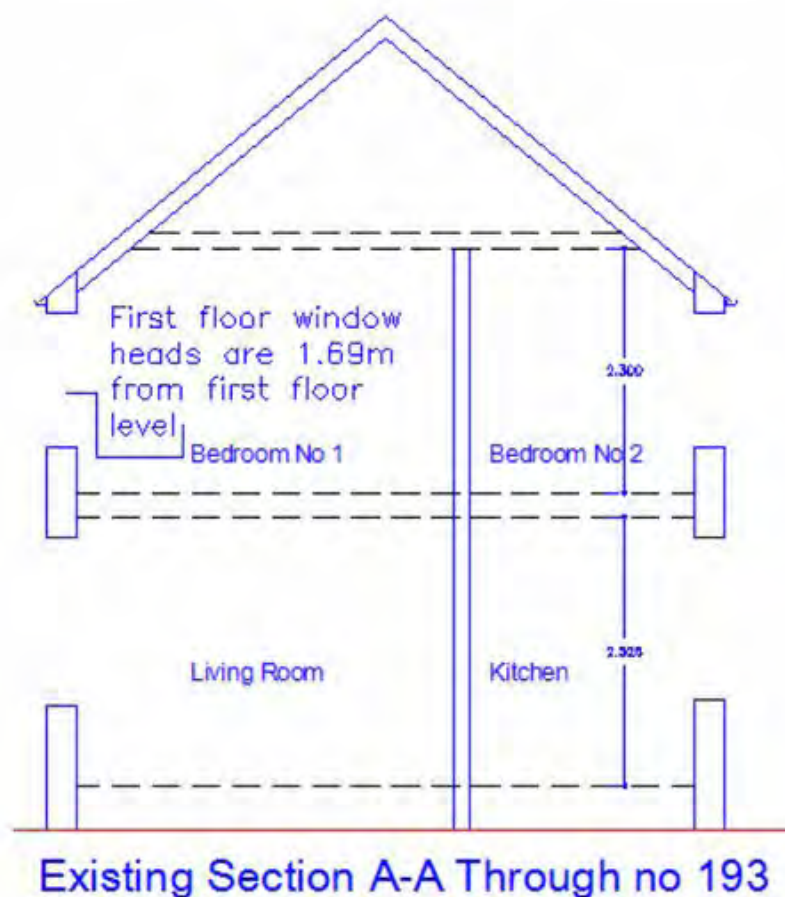
The 2 dwellings owned by my client are painted light green to the right of the glass balcony.



Photo no 2 is a closer shot of the front of nos 199 & 195 which provides a better view of the magnitude of the balconies on the adjoining houses.



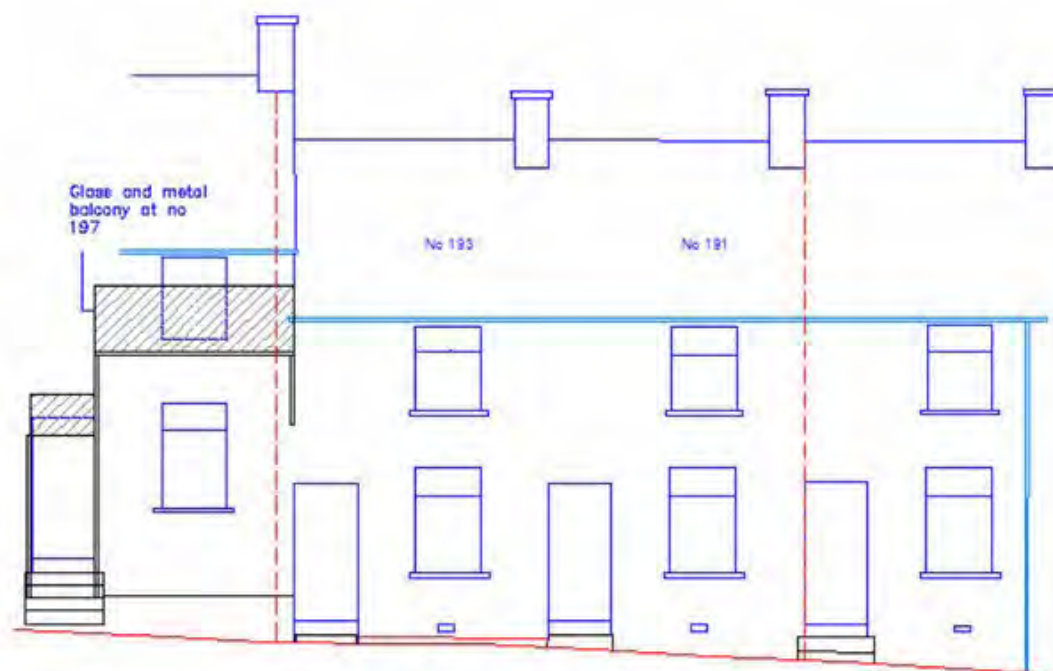
Photo no 3 shows the front elevation of no 185 which is located at the northern end of the terrace. The corner window feature which has been formed on the front and gable extends half way across the front elevation and the same distance along the gable. A raised patio area has been formed to the front of the corner window.



Section A-A. This section through one of the subject dwellings shows head height to be 1.69m from first floor level. Standard head height in a modern house is 2.1m from floor level. The applicant wishes to raise the head height by 300mm (12 inches). The applicants propose to construct 2 dormer windows to facilitate the higher head height.

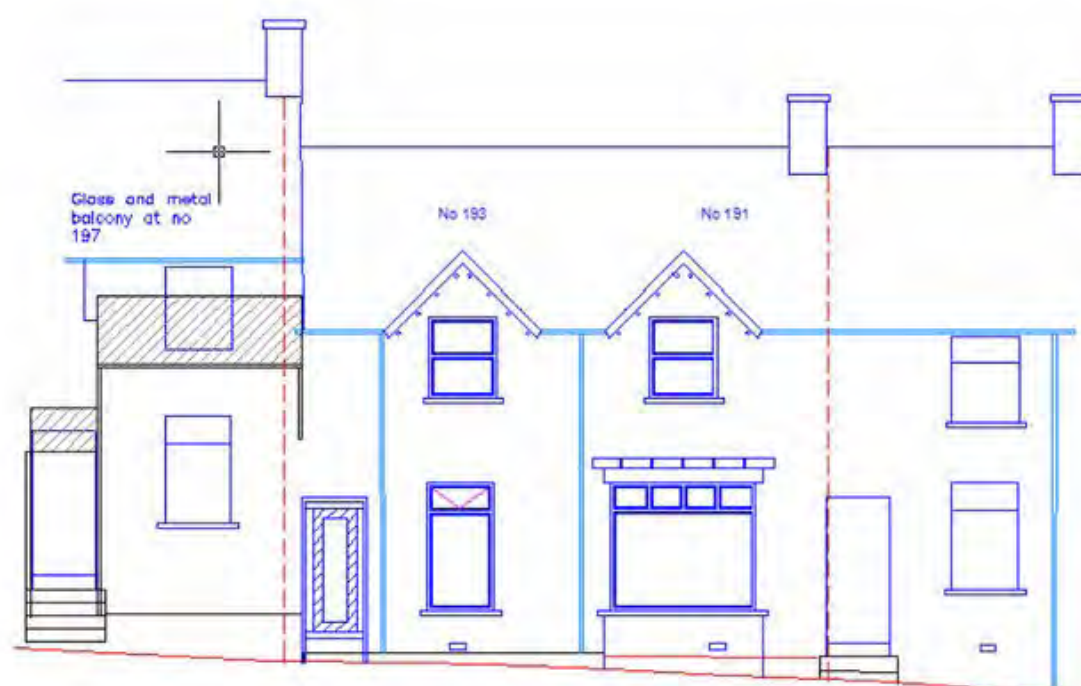


Photo no 4 shows the front elevation of one of the listed dwellings at Widows Row. The proposed dormers will be copies of the dormer windows on Widow's Row.



Existing Front Elevation

Existing front elevation.



Proposed Front Elevation

Proposed front elevation. The elevations above shows the proposed changes with which the planning department are not content. The dormer windows now proposed are copied from the dormers at Widows Row. The bay window is not intrusive, it will only project 1m beyond the front wall and it will have a very simple flat roof.

When compared to the balconies, bay windows, corner windows etc etc on the adjacent dwellings, I would contend that the proposal is very much in keeping with the style of the houses in the area.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1500/F

Date Received: 25.09.2018 (date valid 05.10.2018)

Proposal: Proposed new village play park

Location: Killough Car Park, Quay Lane, Killough.



The site is located within the Village of Killough.

Site Characteristics & Area Characteristics

The site is located in the established car park of Quay Lane. This is a Council owned public car park within the Village.



The car park is accessed from Quay Lane through an established access which includes 1m high metal gates which can be closed if necessary. The south, west and a small portion of the eastern boundaries of the car park are defined by a low grey stone wall. The northern and the majority of the eastern boundary of the car park is defined by a approx. 2m high stone wall which abuts a 2 storey high end terrace dwelling and rear garden ie No 46 Castle Street.



The site itself is within the north eastern corner of the flat car park. The area of the site, like that of the car park is flat and the surface is finished in tarmac.



The site is cut out of the larger car park however it is provided with the benefit of a high stone wall along its northern and eastern boundary while the south and west boundaries are undefined.

Site History:

Reference	Location	Proposal/Complaint	Status	Date
R/1979/0460	44 CASTLE STREET, KILLOUGH	DWELLING	PERMISSION GRANTED	
R/1992/0148	CASTLE STREET AND THE SQUARE	Removal of existing concrete bollards and replacement	PERMISSION GRANTED	27.04.1992
R/1981/0054	42 CASTLE STREET, KILLOUGH	IMPROVEMENTS TO DWELLING	PERMISSION GRANTED	
R/2007/0704/F	Ardmore House, 52 Castle Street, Killou	Proposed new railings & off street parking.	PERMISSION GRANTED	09.04.2008
R/2007/0427	250m Radius of Killough Harbour, Killou	Planning History.	PRE APPLICATION ENQUIRY - NO	
LA07/2018/1500/F	Killough Car Park, Quay Lane, Killough	Proposed new village play park.	VALID APPLICATION RECEIVED	

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 8 (PPS8) Open Space, Sport and Outdoor Recreation, PPS6 Planning, Archaeology and the Built Environment, PPS2 Natural Heritage, PPS3 Access Movement and Parking, DES2 Townscape as detailed within the Rural Planning Strategy.

Guidance documents such as Killough Conservation Area Booklet, and Parking Standards will also form part of the consideration.

The list of planning policy and guidance documents is not exhaustive. Should any additional document form part of the assessment for the proposal it will be referenced within the report.

Consultations:

The proposal is for a play park within an established car park. Due to the location of the site and constraints associated Council consulted with Department of Agriculture, Environment and Rural Affairs as well as Department for Communities (DfC).

DAERA Marine and Fisheries Division considered the details of the proposal and is content with the proposal subject to conditions and informatives as listed within their consultation response which has been printed and placed on file.

DfC Archaeology and Built Heritage Division considered the proposal and Historic Monuments responded with no objection to the proposal. Historic Buildings Unit provided a more detailed response which outlines concerns due to the proximity of Listed Buildings and the lack of details in order to consider the impact the play park would have on the setting of the listed buildings. Planning Officer discussed this with Senior Planning Officer and more details were requested relating to the proposed layout as well as scale, materials and finishes of the play equipment to be used within the park were sought and provided. Re-consultation with DfC Historic Buildings Unit provided no objections on condition that the public toilets detailed within the plans do not form part of this application and subject to recommended planning conditions:

- Retention of existing rubble-stone boundary; and
- Retention of existing low-level stone wall along quay street and castle street with railings fixed on top and spanning the gap between existing pillars

Recommended conditions were clarified with DfC HED unit through email and they refer to the details contains within the site layout as proposed by the applicant.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on the 17.10.2018 with statutory expiry 31.10.2018.

15 Neighbouring properties were notified within the neighbour notification process. No representations have been received to date and the statutory 14 day period of neighbour notification expired on the 29th October 2018.

Consideration and Assessment:

The proposal is for a play park within a village car park. The SPPS references the importance of open space, sport and outdoor recreation to society. The Regional Development Strategy 2035 highlights the need to provide adequate provision of such infrastructure within cities, towns, neighbourhoods and new developments.

The site is within a village settlement. The proposed play park would cover approximately 100sqm of an established car park within the centre of the village. The SPPS paragraph 6.201 identifies the regional strategic objectives for open space, sport and outdoor recreation which, amongst the objectives lists the need for new open spaces to be convenient and accessible to all sections of society and be in keeping with the principles of environmental conservation and both sustain and enhance biodiversity with high standards of siting, design and landscaping.

The proposed play park will be overlooked by neighbouring residential properties. The location of the play park would ensure that the neighbouring properties would not be affected by loss of privacy and impact on amenity would be reduced. The park will not be provided with any additional lighting such as floodlighting. However there are existing streetlights within Killough that provide a level of lighting but do not fall within the scope of this application.

The impact the proposal would have on the residential and visual amenity within the area must be considered. The site is within the designated Conservation Area of Killough and approx. 30m north and opposite Nos 1 and 3 Quay Lane which designated Listed Buildings.

Impact on Listed Building 1 and 3 Quay Lane

DfC Historic Buildings Unit refers to listed buildings some 30m south of the play park at Nos 1 and 3 Quay Lane. Policy BH11 of PPS6 does not permit development which would adversely affect the setting of a listed building and provides criteria (a), (b) and (c) for consideration. The policy BH11 is also referred to within the responses received from Historic Buildings Unit. Further details have been provided in relation to the proposal which amended the site location however this does not alter the scope of the application and is provided for consideration of the access so can be considered without the need for a new planning application.

The proposal is set within a current and well established village car park and the introduction of play equipment some 30m north of the listed buildings at 1 and 3 Quay Lane would have no impact on the views of the listed buildings when approaching them from north of the car park on Castle Street, moving west along Quay Lane. The set back from the public road and position of the play park within the north eastern corner of the car park will provide a visible separation and ensure the setting of the listed buildings is respected.

Due to the submission of additional details and plans of the proposal, DfC Historic Environment Division responded to advise they considered the additional plans/details and are content to recommend no objection subject to retention of the stone rubble wall to the side and rear of the site as well as the low stone wall along Quay Street and Castle Street with railings.

Planning is now satisfied that the proposal is in keeping with policy.

Killough Conservation Area

The Area Plan 2015 details the site within Killough Conservation Area. PPS6 policy BH 12 provides criteria in order to assess new development in a Conservation Area. This policy will only permit new development within a Conservation Area which satisfies criteria whereby the development will preserve or enhance the special character and appearance of the area, it is in sympathy with the established development (character, form, materials and finishes), it would not result in environmental problems ie noise etc, protects important views into and out of the Conservation Area, trees and landscape features are protected, and the details are in keeping with the guidance booklet of the Conservation Area.

The Killough Conservation Area Booklet provides guidance. Due to the scale and nature of the proposal which will be set back approx. 15m from Quay Lane and 28m from Castle Street within the corner of an established car park the proposal would not offend the current guidance, planning policy or status of the Conservation Area designation.

Impact on Designated Sites

The proposal is for a play park within an established car park which is a short distance from Killough Bay. Due to the location of the site and constraints associated Council consulted with Department of Agriculture, Environment and Rural Affairs.

The site is within close proximity to European and International Designated Sites:

- Killough Bay and Strand Lough ASSI designated under Environment Order (NI) 2002
- East Coast Marine pSPA and Killough Bay SPA designated under EC Birds Directive 79/409/EEC
- Killough Bay Ramsar site designated under the Ramsar Convention
- The village is located within the Strangford and Lecale Area of Outstanding Natural Beauty.

Policies of PPS2 Natural Heritage only permits development which is located beside or adjacent to protected sites, such as those listed, where the proposal would not result in any adverse impact on the designated sites.

DAERA offered no objections to the proposal subject to recommended planning conditions.

Car Parking and Townscape

The area proposed for the play park covers 100sqm. This will reduce the space available for car parking by 100sqm. The car park currently provides 1300sqm of space for car parking within the Village. The play park would reduce the car parking however it would provide a community facility which is not currently offered within the centre of the Village. The loss of car parking area by 100sqm would not be detrimental to the functioning of the car park. The site layout states that the car parking spaces will be lined which will create a formal car parking arrangement and provide 5 disabled car parking spaces and 22 car parking spaces.

The proposal would also provide an additional service to the community and the materials, finishes, scale and position will enhance the townscape (Policy DES 2).

Recommendation:

Approval – The site will provide an additional community facility within an established car park, would not be detrimental to the provision of car parking within Killough, will not offend policy relating to the setting of listed buildings which are situated at 1 and 3 Quay Lane or the Conservation Area of Killough. The site abuts the rear amenity space of a residential dwelling but would not have a detrimental impact on their amenity or privacy that would not already be associated with the current use of the larger site as a car park. The proposal is in keeping with planning policy.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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 construction activity shall be confined within site boundaries, and the boundary of the designated areas shall not be disturbed in any way without written consent from the Department of Agriculture Environment and Rural Affairs.
REASON: To protect the integrity of Killough Bay and Strand Lough ASSI/SPA/Ramsar, and East Coast Marine pSPA designated sites and to avoid them being damaged by construction vehicles, deposited materials, contaminated run-off, or any other activity during the construction period or thereafter. Any works occurring within the designated site but outside the red line planning application boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended).
3. All waste water shall be directed away from designated areas.
REASON: To prevent pollution of the sea water of the designated sites (Killough Bay and Strand Lough ASSI/SPA/Ramsar, and the East Coast Marine SPA).
4. The existing stone-rubble wall along the NE and NW border of the site shall be retained.
REASON: To ensure the character and appearance of Killough Conservation Area is maintained.
5. The existing low-level stone walling along Caste Street and Quay Street shall be retained with new loop-style railings fixed on top and spanning the gap between existing pillars as detailed within site layout LA07/2018/1500/04 stamp dated 04FEB2019.
REASON: To protect the visual amenity afforded by the Listed Buildings which neighbour the site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1515/F

Date Received: 08/10/2018

Proposal: 1st floor extension to existing garage to provide a single person home office

Location: 6 Kinedale Cottages, Ballynahinch, BT24 8YW



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red are irregular in shape located between No. 5 and No. 7 Kinedale Cottages. The site occupies a single storey semi-detached dwelling, adjoined to No. 5 and a detached garage. The dwelling is simple in design, with a pitched roof porch and floating dormer projecting from the front elevation. A conservatory extends from the rear elevation. The dwelling is finished in smooth render painted cream, red brick under build, profiled concrete roof tiles and white uPVC windows, doors and RW goods. The site is of a level topography, with a small front lawn, the rear amenity space is of an adequate size.

The detached garage is sited to the L.H.S of the dwelling, with a tarmac driveway running along the common boundary shared with No. 7. In terms of site boundary treatment the south eastern boundary that fronts the road, the only defined boundary is kerbing. The south western boundary partially consists of kerbing, then fencing eventually running into the detached garage. The rear is completely enclosed by fencing approx. 1.8m high.

Characteristics of area: The site is located within the settlement developments limits of the town of Ballynahinch as defined in Ards and Down Area Plan 2015. The site is located within a medium density housing development generally of similar house types.



Front elevations of 6 Kinedale Cottages showing the existing detached garage

Site History:

LA07/2018/0028/CA 6 Kinedale Cottages, Ballynahinch, BT24 8YW. Alleged unauthorised business. Enforcement case closed. 20.06.2018

R/2011/0329/RM Lands adjacent to and south-west of Lime Tree and Edengrove Park East and west of Edengrove Park West Lisburn Road Ballynahinch. Residential development comprising 46 detached, 70 semi-detached and 3 terraced dwellings (119 unit in total), open space, landscaping and other ancillary works (Amended plans received). Permission granted. 19.01.2015

Planning Policies & Material Considerations:

The Ards and Down Area plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

PPS 7 Addendum - Residential Extensions & Alterations: EXT 1 Residential Extensions and Alterations

This policy sets out the main considerations that the council will take into account in assessing proposals for residential extensions and/or alterations.

Consultations:

No consultations were required in respect of this proposal.

Objections & Representations:

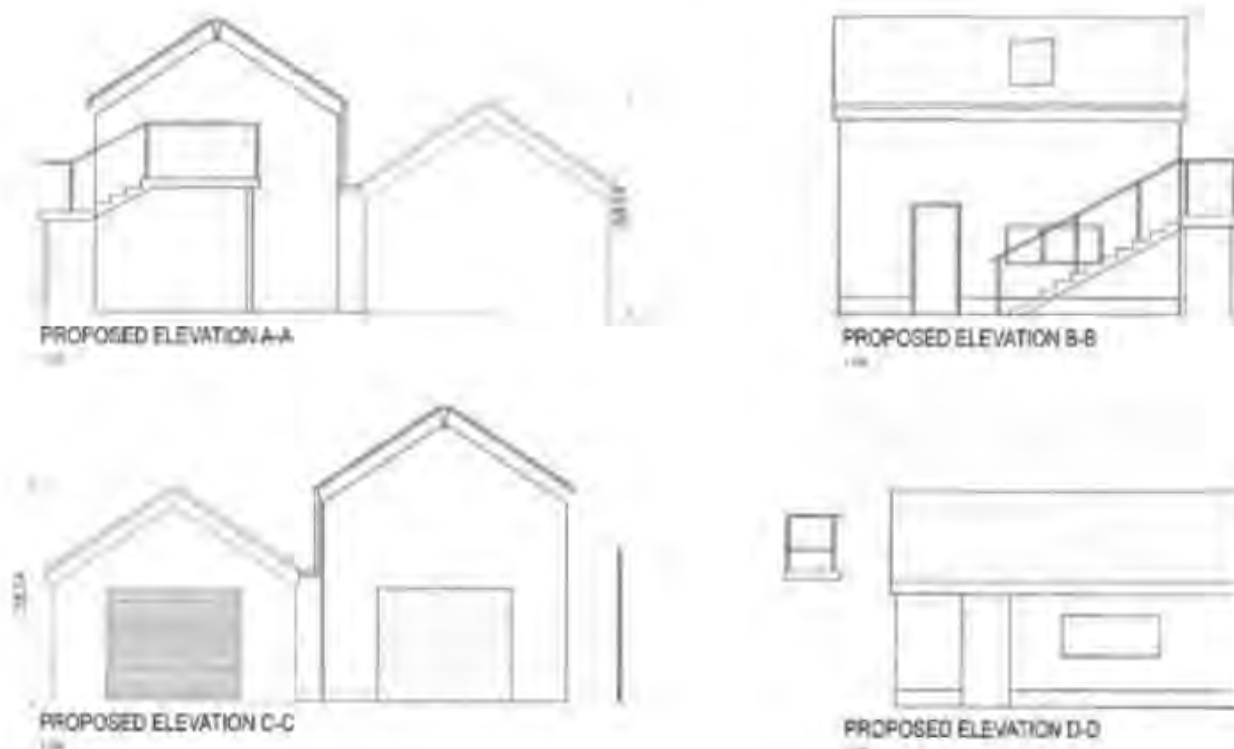
3 Neighbours within close proximity of the site were notified on 12/10/2018. This application was advertised in the local press on 24/10/2018. No objections or representations have been received.

Consideration and Assessment:

The proposed development must accord with the main considerations in terms of design and amenity, which is set out in EXT1 of PPS7. The proposal is for a 1st floor extension to existing garage to provide a single person home office. The proposal seeks to raise the roof height of the existing detached garage to provide head height for a first floor office.

The proposal will increase the existing roof height from approx. 3.7m above ground floor level to approx. 5.2m, increasing the ridge height by approx. by 1.5m. The roof

will have a pitched design with the eaves resting 3.4m above ground floor level. To provide first floor access an external staircase will run around the R.H.S elevation and rear of the garage. In terms of elevation design the ground floor will remain unchanged, there will be a first floor door entrance installed along the rear elevation and a roof light will be built to the R.H.S roof pitch. The proposed scheme of material and finishes include all materials and finishes to match that of existing, and the external staircase to be finished with fabricated steel.



Proposed elevations of first floor extension to dwelling

Policy EXT 1 – Residential Extensions and Alteration 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”.

EXT1 Annex A11 notes that buildings/garages within the residential curtilage should be subordinate in scale and similar in style to the existing property, taking account of, materials, local character and the level of visibility of the building from surrounding views.

The detached garage is sited immediately adjacent to neighbouring No. 7 detached garage. The applicant’s garage is set back approx. 0.50m from the neighbouring garage, however the size scale and massing are indistinguishable. The proposal

seeks to raise the roof height of the applicants' garage by an additional 1.5m and the eaves by approx. by 1.5m.

Although the proposed roof height will be subordinate to the existing dwelling by approx. 1.1m, the increased height of the eaves has the potential to be unsympathetic to the built form and appearance of the existing property. The design of the existing garage in particular the size, scale and massing including the height of the eaves complements that of the dwelling-house and case officer considers that the proposed design of the garage is not similar in style of the existing property.

EXT 1 requires that the proposal will not detract from the appearance and character of the surrounding area. Within the immediate vicinity of Kindale Cottages the dwellings are of a similar design and size, some of which have detached garages similar to the applicant. Given the context immediate area and that neighbouring No. 7 has detached garage almost side by side which is of a similar design case officers expects that the proposal if approved would unquestionably detract from the character and appearance of the surrounding area. Upon site inspection case officer noted that No.14 Kindale Cottages has a detached garage with first floor extension. Given that No. 14 Kindale Cottages is the end dwelling within the cul-de-sac and the detached garage is sited to the south elevation any public views of the garage are almost non-existent. Therefore any precedent set by this garage must be discounted. Accordingly the proposal considered contrary to EXT 1 in that the scale, massing and design is expected to detract from the character and appearance of the surrounding area. For the reasoning above the proposal must be recommended for refusal.

As the proposal is sited next to the neighbouring garage there will be expected loss light as a result of this proposal. The proposal roof light to serve the office is not expected to cause any overlooking. .

Parking arrangements will not be altered and sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy EXT 1 of Addendum to PPS7; Residential Extensions and Alterations in that, if approved, the increased height of the garage would be unsympathetic with the built form and appearance of the existing dwelling and would detract from the appearance and character of the surrounding area.

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

RE: Recommendation for refusal for the application.

LA07/2018/1515/F 1st floor extension to existing garage to provide a single person home office

Reason for refusal; 'The proposal is contrary to Policy EXT 1 of Addendum to PPS7; Residential Extensions and Alterations in that, if approved, the increased height of the garage would be unsympathetic with the built form and appearance of the existing dwelling and would detract from the appearance and character of the surrounding area.'

It is the opinion of the applicant that this decision is an over zealous interpretation of the policy in question and could be read differently alongside a further analysis of the neighbouring properties when assessing the character of the surrounding area.

The planning report notes that there is an approved project of a similar scale to the south side of no.14 Kinedale Cottages, the view of which is obscured by the property but will remain visible from some vantage points. Additionally to this property there is an overall inconsistent approach to the development of garages and other property additions in the area. (See figures below, clockwise 1-6)



As visible there are a number of different approaches to development within the infill including lean to stores, car ports of varying styles and various instances of a broadly similar garage to that within this proposal but often with vastly different roof pitch, eaves height and proximity to the dwelling and the main road. In the case of the garage at number 13 Kinedale cottages (fig. 1) The eaves are raised to a level significantly above the garage door head height, similar to this proposal to a lesser extent.

As a result of this high level of disparity within the cul de sac, particularly in relation to the approach to garages and their siting, mass and design, this proposal is in fact in keeping with the character of the area as, much like the others, it respects the material palette of the primary dwelling whilst occupying a scale and design which is appropriate for the uses of the owner.

It is also noted that there is precedent for a first floor garage extension approved in a cul de sac scenario in application LA06/2017/1063/F approved in Torgrange, Holywood.





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**Newry, Mourne
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District Council

Application Reference: LA07/2019/0020/F

Date Received: Jan 2019

Proposal:

Full permission is sought for Amendments to planning application R/2014/0632/O and LA07/2016/1500/RM for a new house-hold recycling centre, on lands at 40 Flying Horse Rd, Downpatrick.

These amendments include moving the office building to the north end of the site and change to the floor layout and elevation of this building. Also, move location of weighbridge and move location of sweeper pit, and change to site levels).

Applicant: Newry, Mourne and Down Council.

Location:

The site is located within the development limits of Downpatrick on land zoned for Industry (DK15) as identified in the Ards and Down Area Plan 2015, which extends to adjoin both the Flying Horse Road and Killough Road.

This area includes a mix of uses with the lands to the south side of the Flying Horse Road comprising industrial uses, with commercial and residential properties to the northern side of this road. There do not appear to be any other zonings affecting the site.

Site Characteristics & Area Characteristics:

The site comprises a portion of land which extends to adjoin the Flying Horse Road and Killough Road, whereby development is ongoing for the construction of a new household recycling centre. This site accesses on to Flying Horse Rd and is bounded by Crane Tyre Centre and several other industrial uses to the eastern boundary while the Killough Road forms the western boundary. A wide grass verge and footpath runs along the site frontage along Flying Horse Road, and a narrow grass verge along the boundary with Killough Road.

Site History

A history search has been carried out for the site and surrounds, whereby it is noted there have been a number of previous applications in this area for a range of uses and development, including telecommunications apparatus, change of uses, warehousing, industrial units.

With regards to this site, this application relates to the recently approved Outline and Reserved Matters applications:

LA07/2016/1500/RM- Household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons, Reserved Matters, Approval, Applicant: NMDDC

R/2014/0632/O- Household recycling centre, Outline, Approval, 25-02-15, Applicant: Down District Council.

Consultations

Having account the location, zonings and constraints of the site and nature of this proposal, consultations have been carried out with Transport NI and Environmental Health, who offer no objections in principle.

It is noted additional consultations were undertaken as part of the previous Outline and RM applications, the comments of which have been noted.

Representations -

None received to date (21-02-19).

As part of the processing of this application, neighbour notification and advertising was initially undertaken in Jan 2019.

(Having account the extent of the red line neighbour notification was undertaken with several properties along Brannish Road, Flying Horse Road, and Killough Road).

A further advertisement was undertaken in Feb 2019 with an amended description (Expires 20th Feb).

Policy: RDS, SPPS, PPS2, PPS3, PPS4, PPS6, PPS11, Ards and Down Area Plan 2015 and supplementary guidance.

As stated above the site is located within the development limits of Downpatrick on land zoned for Industry (DK15) as identified in the Ards and Down Area Plan 2015. The site has been cleared and works commenced for the creation of a new household recycling centre as approved under R/14/0632 and LA07/16/1500.

Zoning DK15- 11.8 hectares of Industrial Lands at Cloonagh Road and Brannish Road. There are 3 Key Design Considerations (KDC) for this zoning.

Consideration

As stated above the site boundary extends to adjoin both the Killough Road and Flying Horse Roads, and accesses on to the Flying Horse Rd.

This proposed household recycling centre will be accessed from the Flying Horse Road approx 50m from the junction with the Killough Rd. The centre will be set back from the Flying Horse Rd with an entrance drive, some 100m long.

The principle of a recycling centre at this location has already been accepted, whereby works are ongoing.

This application seeks to amend several aspects of the approved household recycling centre including:

- moving the office building to the north end of the site, and change to the internal floor layout and elevation of this building (Footprint, size and use will remain as approved),
- move location of weighbridge to the access road with the introduction of a quarantine bay,
- move location of sweeper pit towards southern end of the site, and
- change to site levels

The entrance road serving the site will have a 2-way system, while the recycling area will operate a one-way system with drop off/set down areas around the central recycling pits. A weighbridge has been incorporated in to the entrance road which will be located in the middle of the access road, with a quarantine bay adjacent.

The office building has been moved to the northern end of the site and adjacent to the entrance road and includes minor changes to its appearance and layout.

It is now proposed to locate the sweeper pit in the southern corner adjacent to the Killough Rd, with a sunken pit for the sweeper lorries to empty into.

The previously approved retaining wall adjacent to the boundary with the Killough Rd has now been removed from the scheme with the levels amended, now with less cut. In addition, the southern portion of the site has now been raised and is elevated above the level of Killough Rd.

However it is considered the banking, fencing proposed and provision of additional planting will minimise the impact of the development from this road.

(Due to the existing topography the site is only visible for a small stretch of the Killough Rd). The ongoing works have resulted in the loss of sections of the boundary planting along the Killough Rd. A planting plan has been submitted indicating the provision of planting along the boundaries of the site. This planting plan indicates the planting along the boundary with Killough Rd will include a number of trees which will be a minimum height of 1m at the time of planting. This planting is required and will reduce the visual impact and appearance of the site from this road and is welcomed.

Having account the location of the site and associated zonings, it is considered the amendments proposed will not result in any significant increased or unacceptable impact from those previously approved, and there are no grounds to sustain a refusal.

It is also considered the amendments proposed do not offend the previous permissions or applicable policy context.

Accordingly Approval is recommended subject to conditions regarding planting.

Recommendation: Approval



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0015/F

Date Received: 01/12/2017

Proposal: Change of house type and integrated domestic garage

Location: Between 20 and 22 Ulster Avenue, Annalong, Co. Down

Site Characteristics & Area Characteristics:



The site is located within the settlement limits of Annalong, within an Established Residential Area (ERA) which is designated as Mourne Area of Outstanding Natural Beauty (AONB.) Ulster Avenue connects the A2 to the coast, Shore Road and Beachfield Drive residential development, with the eastern portion of Ulster Avenue designated by the Shore Road Area of Townscape Character. The immediate site context is characterised primarily by modest single storey semi-detached dwellings set within linear plots. The dwellings of Carragheen Drive overlook the site to the rear, comprising larger detached dwellings which vary in character and range from single to two storey in scale.

The site was formerly a garden area of number 22 Ulster Avenue and currently takes the form of a gap site between numbers 20 and 22 Ulster avenue with plot width of approximately 10m and depth and plot depth approximately 34m. Given the decrease in gradient of Ulster Avenue to the east, there is a decrease in site levels from west to east, with number 20 Ulster Avenue sitting higher than the site, with a lesser variance in levels between the site and number 22 Ulster Avenue to the east.

Site history:

Application P/2009/0293/F established the principle of a dwelling on this site, granting full planning permission for the erection of a dwelling on 10th August 2009. Since this approval, application P/2014/0987/F further granted full planning permission for a proposed new dwelling on 12th June 2015, with this permission

currently extant (expiry 11th June 2020) and relating to an identical design as previously approved. At the time of site inspection (January 2018,) there was no evidence to suggest the current approval has commenced.

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS) 2035
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 'Natural Heritage'
- PPS3 'Access, Movement and Parking'
- PPS7 'Quality Residential Environments'
- PPS7 Addendum: 'Safeguarding the Character of Established Residential Areas.'
- PPS12 'Housing in Settlements'
- DCAN 8 'Housing in existing Urban Areas'
- DOE 'Creating Places: Achieving quality in residential environments'
- DES2 Planning Strategy for Rural NI (PSRNI)
- Relevant Site History
- DOE Parking Standards
- Material third party representations / objections

Consultations:

DfI Roads (08/02/2018): No objections, subject to conditions

NI Water (19/01/2018): No objections, standard informatives

Objections & Representations

- 16 Neighbouring properties were notified, with statutory neighbour consultation expiry 07/06/2018;
- Application advertised in 1 local paper on 17/01/2018 and re-advertised on 06/06/2018, with the statutory publication period expiry 20/06/2018)
- 1 objection letter has been submitted on behalf of number 22 Ulster Avenue. It is noted that this objection is made on the basis of the original set of drawings submitted for consideration (date stamp received 1st December 2017) The material planning issues raised in this objection letter include the following:
 - The proposal possesses an excessive form and scale throughout and would cause wholly unacceptable damage to the local character and residential amenity of this established residential area;
 - The proposal possesses a form, scale and massing considerably greater to the extant approval and the characteristic single-storey dwellings along this stretch of Ulster Avenue;
 - The proposal is contrary to Policy QQ1 of PPS7 in that:

- a) The proposal given its considerable scale, massing and layout and orientation to the roadside and surrounding dwellings is inappropriate to the character and topography of the site;
 - c) The level of private amenity space proposed is below the minimum standards set out in 'Creating Places' and the space that is provided arguably by its nature is for vehicle parking;
 - g) The form of the proposed design does not draw upon the traditions of form within this area and does not respect established residential form (single storey semi-detached dwellings);
 - h) The proposal will create adverse impacts to neighbouring properties, in particular number 22 Ulster Avenue, by way of dominance / hemming in, overlooking / privacy and overshadowing;
- The proposal is contrary to criteria (b) of Policy LC1 to PPS7 Addendum in that the proposal is not in keeping with the overall character and quality of the established residential area;
 - The proposal is contrary to Planning Control Principle 1 of PPS12 in that the application would, if permitted, significantly erode the local character and amenity of this established residential area and does not respect the form, scale, massing and layout of adjacent housing, nor does it safeguard the privacy of existing residents.
 - The proposal is contrary to Planning Control Principle 2 of PPS12 in that it does not possess a high quality of layout or design.
 - The proposal is contrary to Policy NH6 of PPS2 in that the proposal is inappropriate in scale for the locality and is unsympathetic to the special character of the AONB given that it does not respect the local architectural style and design of the area.
 - The proposal presents issues in terms of drainage as there is an existing storm drain and mains foul drain running through the entire length of the site which is required to be re-positioned to accommodate the existing smaller dwelling approved.
 - The design lends itself to accommodating a self-contained unit in its own right, which is contrary to planning policy
 - The proposal raises concerns in terms of parking provision and area provided for manoeuvring of vehicles and would result in inappropriate on-street parking

The above material issues are considered as part of the assessment below:

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The subject site is located within the settlement development limits of Annalong (AN01) and Mourne AONB (AONB2) as identified by BNMAP 2015. As there are no specific requirements within BNMAP applicable to this site, determining weight will be given to the prevailing policy as outlined above, together with material considerations listed, including the site's specific planning history. As the development principle of a single dwelling on this site has been established via P/2009/0293/F and remains live under the approval of P/2014/0987/F, the primary considerations in this assessment are whether the amended design and detailed scheme is appropriate in the current site context and against prevailing policy requirements with consideration to the net differences in the current proposal and the valid 'fall-back' available under live approval P/2014/0987/F.

For clarity, 'Established Residential Area' (ERA) is normally taken to mean residential neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. In smaller towns and villages such as Annalong, ERAs generally display a more intimate character and spatial scale. There is often more local variety in architectural styles and treatments, with building lines, property sizes, plot ratios and road layouts being much more dynamic.

Paragraph 6.137 of the SPPS outlines that within ERAs, it is imperative to ensure that the proposed density of new development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In determining individual planning applications for residential development, the main statement of policy is set out in PPS7: It is noted that the Design and Access Statement provided with this application erroneously refers to PPS21 as providing the main policy context for this proposal.

PPS7 Quality Residential Environments

Under policy QD1, planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development, with 9 criteria (a –g) to be met: Proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Initial proposal

The initial scheme submitted for assessment presented concerns as follows:

- a) The pattern of development was not considered to be in keeping with the overall character of the ERA and would result in inappropriate overdevelopment of the site;
- b) The overall scale, massing and form was considered inappropriate to the character of the ERA and presented concerns in terms of neighbouring amenity (overlooking/ privacy, loss of light, dominance, overshadowing,)
- c) The proposal did not meet the private amenity space standards set out in 'Creating Places' including providing an area of private space behind the building line

Given these concerns, an opportunity was provided to submit amendments in accordance with existing approval P/2014/0987/F which would alleviate the above issues.

Amended proposal

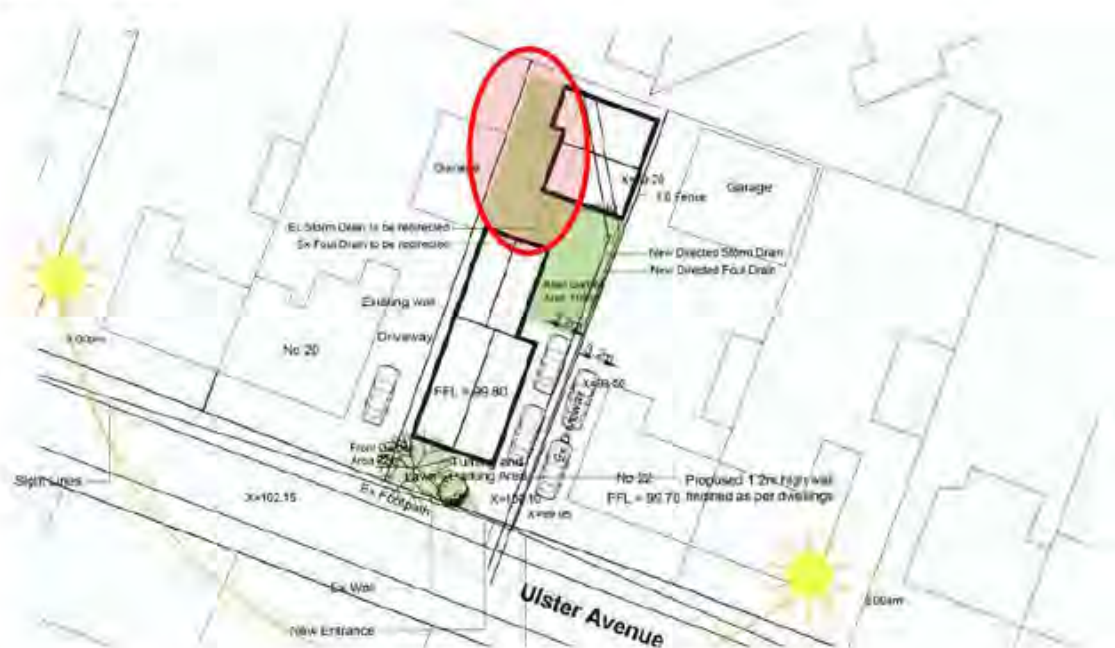
Amendments have been submitted for consideration with a reduced scale of dwelling, including the removal of the adjoining garage element and provision of a detached garage in lieu. The proposed scheme as amended comprises a 1.5 storey linear design dwelling, with two connecting elements, with the rear element reduced in height to single storey. A detached garage is now proposed, positioned close to the North-Eastern and Eastern boundaries of the site, rear of the dwelling line, providing for a modern standard of living three bedroom dwelling.

PPS7: Quality Residential Environments: Policy QD1

- a) A statement submitted with the amended drawings states that there is a 'lack of discernible character or attributes witnessed in the area' and specifically references examples of existing residential arrangements (no's 1, 3, 10/10A) to emphasise this point– The character of Ulster Avenue arguably varies particularly as you travel east, where there is a retained character including in the immediate site context and frontage which has been retained. In addition, earlier references by the agent to the scale and design of dwellings along Carragheen Drive to the rear of this site are not considered material to this assessment as this site does not read as part of that distinctively different character ERA which when the site is in filled will not be visible. The proposed dwelling as amended is not considered to respect this existing residential character in terms of layout, massing and appearance and an erosion of character along the western area of Ulster Avenue does not merit its expansion along this frontage. This point is reflected in Paragraph 4.7 in that the features which undermine the overall character of an area should not be replicated nor used as a precedent.
- b) The proposal does not offend any features of archaeological and built heritage and landscape features;
- c) Given the scale and nature of this development, the public space requirement does not apply to this proposal. In terms of private space, 'Creating Places'

recommends that in lower density developments such as this, all dwellings should have an area behind the building line. The amended drawings have addressed this earlier concern with the removal of the adjoining garage and leaving a separation distance of 13m between the dwelling and rear boundary, which is greater than the recommended 10m.

In terms of useable private amenity space, Para 5.19 of 'Creating Places' advises that in lower density developments all houses should have an area of private open space behind the building line (minimum 10m Para 7.15), with back garden provision should be around 70 sq. m per house or greater and back garden provision should be calculated as an average space standard for the development as a whole. The site layout plan denotes an area of 'rear garden area' to the side and rear of the proposed dwelling as shown in green. However given the garage plans are shown to be used for parking cars and the area to the side of the dwelling is essentially driveway space rather than useable garden area. Given this, the provision of rear private amenity space is calculated on the area as shown below which equates to 54m². Whilst the level of private amenity space provided is below the ideal 70m², given it is above the minimum 40m² space standard and the proximity of the dwelling to the communal green space (approximately 30m south-east of the site,) it would be difficult to sustain a refusal on this basis.



- d) Not applicable given the nature and scale of this development;
- e) Not applicable given the nature and scale of this development;
- f) DOE Parking spaces dictates that 2.5 in curtilage parking spaces are required for a detached 3 bedroom dwelling. The site layout plan shows provision for parking two cars including manoeuvring of in addition to the garage building. In addition, the proposed dwelling seeks to construct a new access from the existing access

point. In terms of PPS3 requirements, following amendments, Transport NI has no objections to the access proposals subject to the attached conditions;

Dwellings within the immediate site context are primarily single storey semi-detached, with the gable elevation oriented towards the NW and SE. The proposed dwelling, which is oriented with its gable to the road side, is not considered to respect the existing settlement pattern or dwelling form. Schedule of finishes includes; dark coloured slate roof tiles, black u.P.V.C rainwater goods, hardwood doors, black or white u.P.V.C window frames, smooth white render and Donegal black stone finish where shown. DCAN8 encourages a design led approach to new housing in existing urban areas. In addition, DES2 of PSRNI requires development proposals in villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. In terms of materials and detailing, the design is contemporary which whilst is of high quality and architectural merit in its own right, is not considered to fit with the prevailing character and appearance of this neighbourhood and is incoherent in design terms. PPS12 Planning Control Principle 2 is also clear that good design is not simply about architectural merit, but impact of the development upon the overall character and quality of an area, which this proposal has failed to address.

- g) The original scheme presented concerns in terms of neighbouring residential amenity, in particular in respect of number 22 Ulster Avenue which sits at a lower level to the site (giving rise to the potential for overlooking, loss of light, dominance, overshadowing.) The objector's comments are noted in this regard. The amended scheme has sought to address these concerns through a reconfigured design which includes a ridge height of 6.05m and the rear element 3.55m. The amended scheme includes a reconfigured dwelling design with skylight windows in lieu of upper floor windows, addressing concerns of overlooking whilst providing a suitable degree of natural light to the proposed dwelling. In terms of No.20, the proposal sits closer to this shared boundary, with a separation distance of 0.8m. Given these changes together with the separation distance within No.20, the proposal is not deemed to present any concerns in terms of residential amenity to this property or visa-versa. In the context of the revised drawings, I am satisfied that the amendments have addressed earlier concerns in terms of neighbouring amenity and note that the objection was made on the basis of the original scheme submitted.

The detached garage is shown to be positioned 0.8m from the rear site boundary shared with both No.5 Beechfield Drive and No.17 Caraghageen Drive and 0.25m from the boundary fence between No.22 Ulster Avenue. In terms of scale, the garage presents a ridge height of 5.5m. There are no openings proposed along the rear (NE) or respective side (eastern) elevations of the garage. Whilst the scale of the garage includes an upper level, it remains subordinate to the host

dwelling and does not present any concerns in terms of residential amenity to these properties given the existing garage within the curtilage of No.16 Caraghageen Drive, the separation distance between No.5 Beechfield Drive and the relationship to the existing garage building of No.22 Ulster Avenue.

h) Not applicable given the nature and scale of this development;

Addendum to PPS7: Safeguarding the Character of Established Residential Areas Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity

In ERAs planning permission will only be granted for infilling of vacant sites including extended garden areas where criteria a) to c) are met:

- a) The amended drawings have addressed initial concerns in terms of overdevelopment and the proposed density is not considered to be significantly higher than that found in the ERA. Planning Control Principle 1 of PPS12 is also considered to be addressed in this regard;
- b) Whilst there are concerns regarding the dwelling form and design, the pattern of development proposed is in keeping with the live approval under P/2014/0987/F
- c) Space Standards outlined in Annex A stipulate that 95/100m² floor space is required to serve a 6 person three bedroom dwelling. The proposed dwelling exceeds these standards, providing 168.83m² internal floor space.

PPS2 Natural Heritage

I am mindful to agree with the agent's representation that the AONB extends over a much wider area and whilst the design and form of the proposed dwelling are not considered appropriate in the context of the ERA, it would be unreasonable given the context to imply that the dwelling would offend criteria a) to c) of Policy NH6 in terms of the impact upon Mourne AONB in this specific urban context.

Recommendation: Refusal

Summary of recommendation:

Both the objector and agent's comments have been considered. Amendments have addressed initial policy concerns in terms of overdevelopment, scale, massing and residential amenity however amended scheme fails to address concerns in terms of design, form and the proposal is considered to have a detrimental impact upon the character of the ERA.

Reasons for refusal:

1. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Planning Policy Statement 7 'Quality Residential Environments' Policy QD1 and Development Control Advice Note 8 'Housing in Existing Urban Areas,' in that it has not been demonstrated:
 - (a) That 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;
 - (g) That the design of the development draws upon the best local traditions of form, materials and detailing.
2. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Planning Policy Statement 12 'Housing in Settlements' Planning Control Principle 2 and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland, in that the proposed design is considered to be unsympathetic to its context and would have a detrimental impact on the overall character of the Established Residential Area.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Speaking Rights Submission – LA07/2018/0015/F – Between 20 & 22 Ulster Avenue, Annalong

The starting position on all applications is that permission should be granted in the absence of clearly identifiable harm.

The officer's report accepts that the proposal is in accordance with the local development plan (BNMAP 2015) and there are no objections from any of the statutory consultees (DFI Roads & NI Water).

Whilst a single objection was received, amendments were made to the initial design to take account of the expressed concerns and reduce the size and scale of the proposal. No further objections were received regarding the revised design.

Reasons for Refusal

Paragraph 5.72 of the SPPS, states:

"Planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In such cases the planning authority has power to refuse planning permission. Grounds for refusal will be clear, precise and give a full explanation of why the proposal is unacceptable.

The reasons for refusal are not clear or precise and reference the SPPS, PPS7 Policy QD1, DCAN8, PPS12 and Policy DES2. No specific paragraphs or criteria are referenced.

Paragraph 6.137 of the SPPS is referenced in both reasons for refusal, but this relates to the preparation of local development plans. This is not relevant to an application for a single dwelling in the urban area.

Character

Annex E of APPS7 provides a definition of an Established Residential Area (ERA), in order to clarify the existing application of the term given the absence of a definition in PPS7. An ERA displays a clear spatial structure delineated by a network of streets and roads in a residential neighbourhood.

This ERA is characterised by detached and semi-detached bungalows, chalet bungalows and two storey dwellings fronting onto Kilkeel Road, Ulster Avenue, Gordonville, Carrageen Drive and Beechfield Drive.

The report accepts that the character of Ulster Avenue varies and Nos.1, 3 10/10A are all orientated gable to the road. I also include the drawings for P/2012/0579/F at the opposite end to further demonstrate the complete inconsistency in approach and consideration of the character and context.

The significant point is that these existing dwellings form part of the existing character and appearance of the ERA along with those on the adjacent streets.

The report fails to identify any special characteristics of the **overall** area nor does it provide any objective analysis of how the proposal would adversely affect the **overall** established character and appearance of the area.



Taking account of the age of the housing stock, design, form, material and detailing already witnessed in the ERA. There is a lack of discernible character or attributes witnessed and there are no unique or specific characteristics that the proposal would offend.

It would be exceptionally difficult to sustain an argument that a single dwelling contained on either side by development would significantly detract from the **overall character and appearance of the ERA.** This the test to be applied as confirmed in numerous appeals and to which inadequate consideration has occurred.

Design

The officers report is reliant on DES2 of PSRNI (1993) and Planning Control Principle 2 of PPS12 (2005), these policy are a significant vintage.

Whilst the design, form, material and detailing are modern, there are clear examples of the form, massing and scale already witnessed as being acceptable in the ERA and locality on Ulster Avenue as previously referenced.

The officers accept that the design is contemporary and of high quality. However, their predominant issue is that it is not in keeping with the prevailing character and appearance.

We have already addressed the lack of character and appearance in this ERA in Annalong and that the **overall** area must be considered.

Paragraph 4.27 of the SPPS, which states that "Where the design of proposed development is consistent with the relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are **exceptional circumstances**".

Paragraph 4.29 goes onto say that "Planning authorities should not attempt to impose a particular architectural tastes and style arbitrarily.."

The proposal is not located within a conservation area or area of townscape character and no design guidance exists.

No exceptional circumstances or justification has been demonstrated to refuse on the basis of the proposed design.

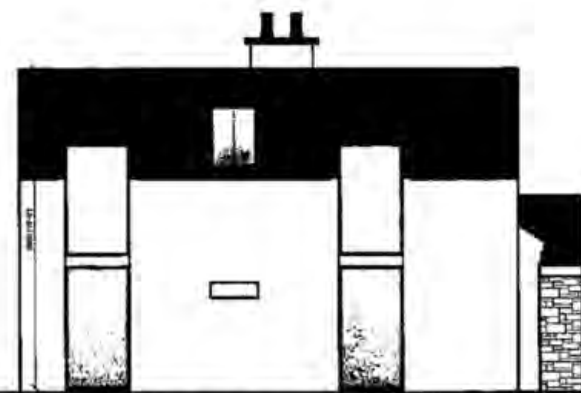
The approach on this application has been demonstrated to be completely imbalanced, when paying regard to the presumption in favour of development and the officers have not sustained their reasons for refusal showing reasoned analysis of the policies implications for the proposal.







Front Elevation....



Side Elevation....



Rear Elevation....




Side Elevation....

SCHEDULE OF EXTERNAL FINISHES

- Roof - Blue slate and ferrous zinc, painted red
- Chimney pots - Clay, finish local
- Chimney stacks - Smooth Plaster, Whitewashed
- Facades & bargeboards - Hardwood Painted
- Downpipes & gutters - Black cast iron 112mm dia. half round gutters & 70mm dia downpipes.
- External doors - Hardwood, painted.
- Windows & French doors - Hardwood, painted.
- Walls - Stone painted, smooth render painted, cream, white and grey
- Cliffs - 140mm local granite
- Sliding Doors - Steel painted red

Area Planning Office
RECEIVED
18 JUL 2012
File No: 2012/0579/1A
Craigavon 4

Drawing  DOE
Number 03


Glyn Mitchell
ARCHITECTURAL DESIGN

PROJECT
Proposed Dwelling
Adj to 57 Shore Road, Annalong

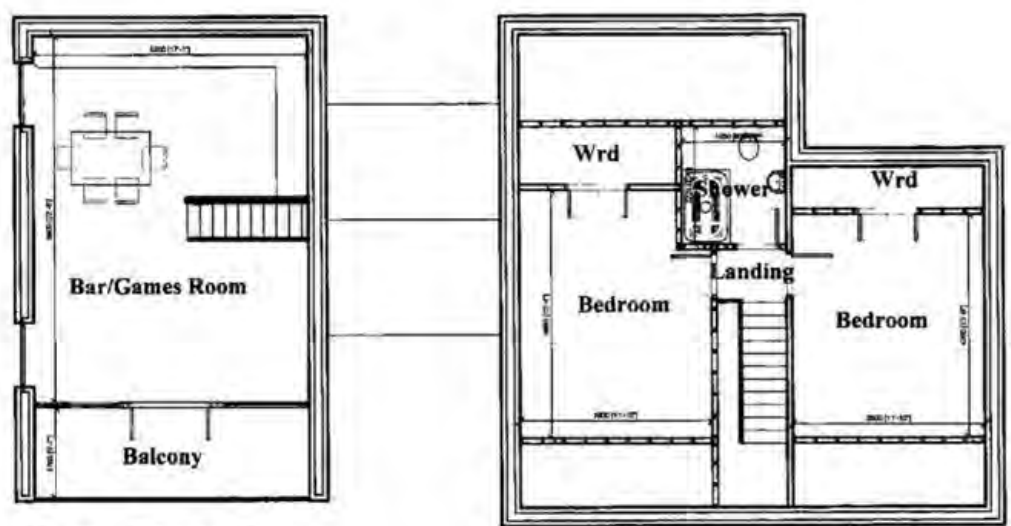
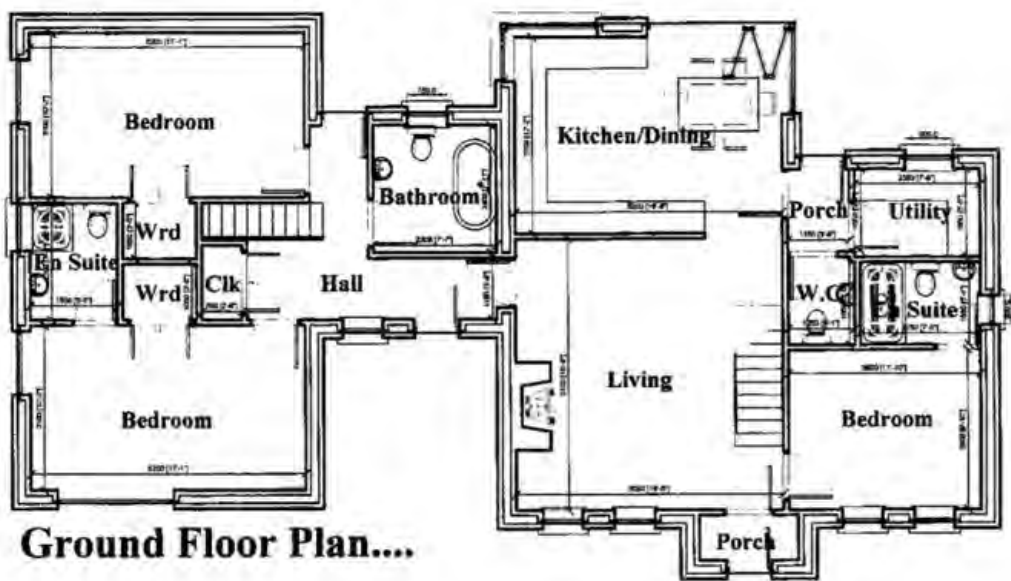
CLIENT
Co Down
Mr and Mrs Stuart Stevenson

PROJECT No.	DRAWING No.	REVISION
12/30	02	.

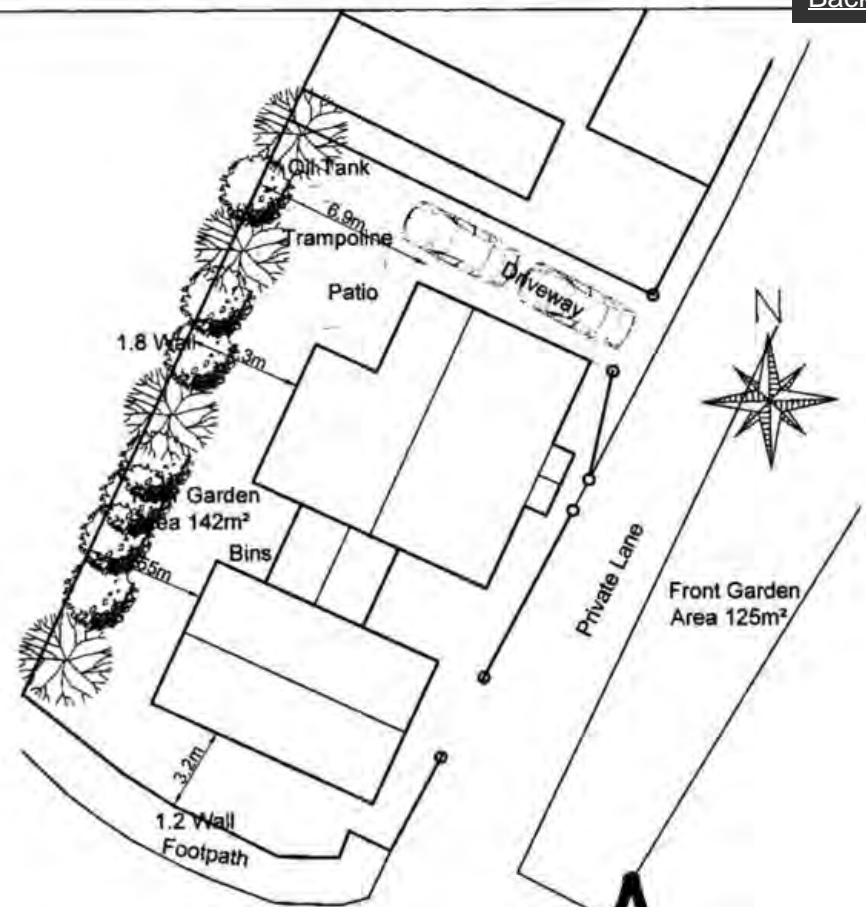
DRAWING TITLE
Proposed Floor Plans and Site Layout Plan

DATE	SCALE	DRAWN BY
May 2012	1:50	Glyn Mitchell

139 bellin road, killee, co down BT34 4JB t: 02841 769749
m: 07803 177197 e-mail gjmdesign@hotmail.co.uk



Total Area 2270 ft²



Glyn Mitchell
ARCHITECTURAL DESIGN

PROJECT
Proposed Dwelling
Adj to 57 Shore Road, Annalong

CLIENT
Mr and Mrs Stuart Stevenson

PROJECT No. **12/30** DRAWING No. **01** REVISION

DRAWING TITLE
Proposed Floor Plans and Site Layout Plan

DATE **May 2012** SCALE **1:50** DRAWN BY **Glyn Mitchell**

Area Planning Office
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18 JUL 2012
File No. 12/30/16
Craigavon 4

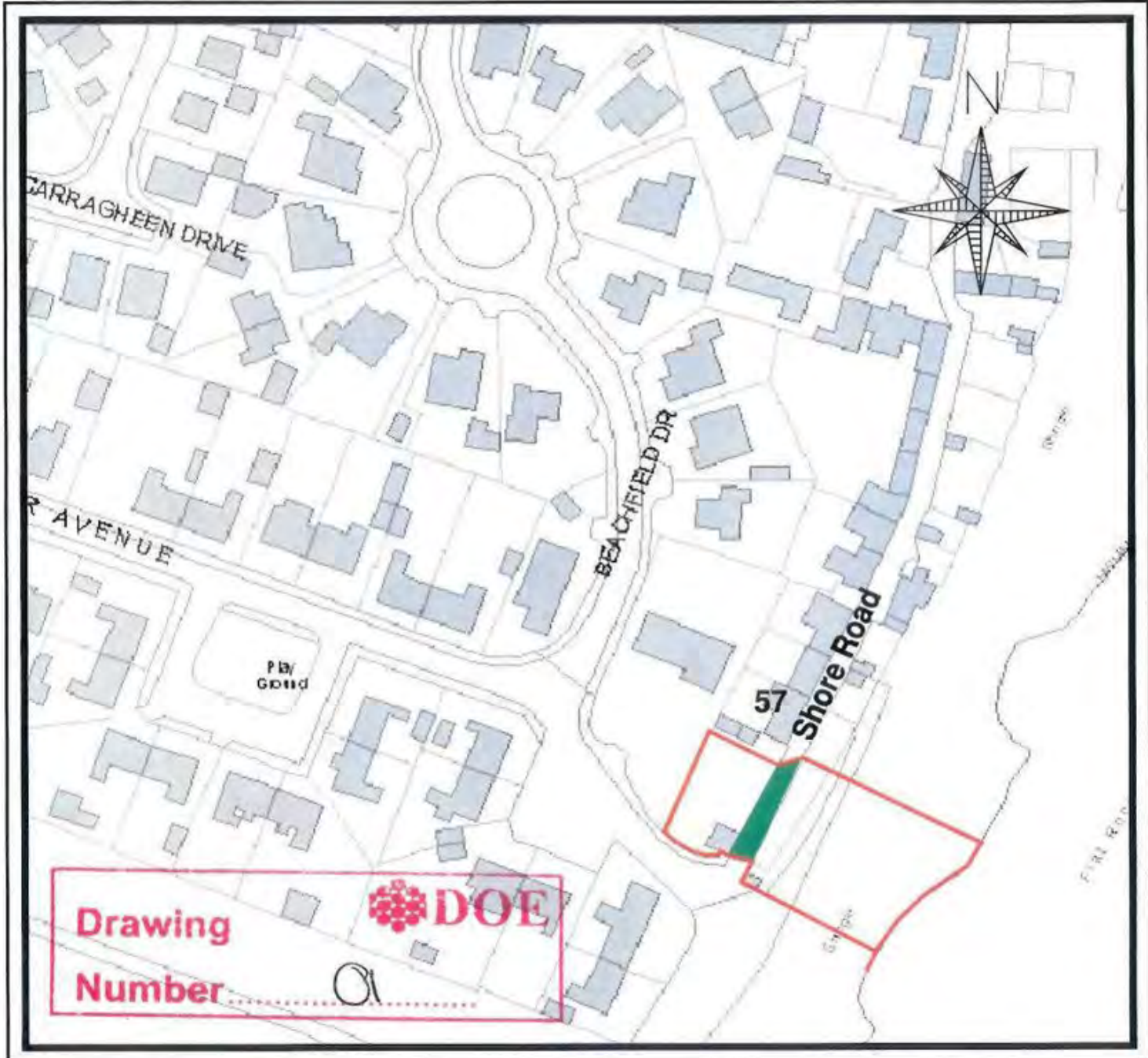
Drawing Number **02**

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m: 07803 177197e-mail gjmdesign@hotmail.co.uk



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File No. *Phoiz 10579*
Craigavon 4

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m: 07803 177197 e-mail
gjmdesign@hotmail.co.uk



Location Map

O.S Map 279-14
Scale 1 : 1250
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PROJECT

Proposed Dwelling
Adj to 57 Shore Road, Annalong
Co Down
CLIENT
Mr and Mrs Stuart Stevenson



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0650/F

Date Received: 26 April 2018

Proposal: Proposed dwelling

Location: The application site is located to the rear of 45 Greenpark Road, Rostrevor.

Site Characteristics & Area Characteristics:

The application site is oblong in shape and located to the rear of an existing single storey dwelling - No.45 Greenpark Road. A large shed measuring 6.2m ridge height is located in the rear garden of 45 Greenpark Road, immediately west of the application site. Immediately to the east is a new dwelling under construction with a 6.2 m ridge height. The site slopes from west to east. The application site is bounded to the east by a steep bank separating the site with the new dwelling under construction. On the opposite side to the west the site is bounded by a fence and shed associated with No.45 Greenpark Road. To the north and south the site is defined by mature hedges. The site is surrounded by a small existing housing development – Greenpark Villas which consists of single storey semi-detached dwellings.

Image 1 Application site



Site History:

P/2015/0140/F – Permission granted for new dwelling (currently under construction to the east of the application site).

P/1985/1078 – Permission granted for a bungalow to the east of the application site (the application boundary overlapped with the current application site).

Planning Policies & Material Considerations:

This planning application has been assessed against the following policies:

- Banbridge, Newry and Mourne Area Plan 2015,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland,
- PPS 7 Quality Residential Environments
- PPS 7 Addendum Safeguarding the Character of Established Residential Areas
- PPS 2 Natural Heritage
- PPS3 - Access, Movement and Parking,
- DCAN 15 - Vehicular Access Standards
- Creating Places

Consultations:

- Environmental Health - There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system. The applicant should be aware that the proposed development is located in close proximity to an existing shed which the department are unsure of the usage of. However activity on this site may give rise to offensive conditions and a resulting impact upon the amenity enjoyed by the proposed development due to noise. The applicant should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance.
- DFI Roads – Roads have recommended conditions that stating that road improvements must take place prior to commencement of the dwelling, otherwise no objection.
- NI Water – There is No Foul Sewer available for this proposal. The applicant may wish to requisition for a Foul Sewer to serve the proposed site. There is no Storm Sewer available for this proposal. The applicant may wish to requisition for a Surface Water (Storm outfall) Sewer to serve the proposed site or obtain approval from Rivers Agency for Discharge to a Watercourse. Waste Water Treatment Facilities Warrenpoint WwTW) are presently available to serve this proposal.
- Rivers Agency – No objection, attach informatives E01, E02, E03, E06.

Objections & Representations

Ten neighbour notifications were issued on 9 May 2018 and the application was advertised in the local press on 16 May 2018. Following receipt of amended plans

neighbours were re-notified on 14 August 2018. One representation has been received which outlined the following concerns:

- *A two storey dwelling would destroy the character of the area as dwellings in Greenpark Villas are bungalows. It would seriously detract from the charm of the cul de sac and it is not in keeping with buildings that have been in the area for over 60 years.*
- *Extremely concerned about the environmental impact of another dwelling being built on higher ground and the surface water run off because of concrete and building work when the drain in the corner of the cul de sac doesn't work properly the area is prone to flooding.*
- *Traffic impact – construction traffic thus being blocked in and can't get in or out of our homes*
- *Concerns about direct entrance from Greenpark Villas due to road safety*

Following concerns raised about flooding and given there is a watercourse in close proximity I consulted Rivers Agency, there was no concerns raised from Rivers Agency regarding the proposal - see consultations section of the report. Traffic issues, access and road safety assessment are dealt with in the consultations and in the consideration and assessment sections. I will consider issues regarding the character and design further in my report under the consideration and assessment section.

Consideration and Assessment:

Banbridge, Newry and Mourne 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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limits of Rostrevor and it is within the Mournes AONB therefore PPS 2 applies. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS 7, PPS 7 Addendum Safeguarding the Character of Established Residential Areas, PPS 3 access, movement and parking and DCAN 15 Vehicular Access Standards.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for residential development following the publication of the SPPS and it is arguably less prescriptive than the retained policies of PPS 7 and PPS 7 Addendum Safeguarding the Character of Established Residential Areas will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS 7 Quality Residential Environments Policy QD1

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

- a) The proposal is located in an existing residential area which consists of single storey semi-detached dwellings with rear gardens which are generally long and narrow. The proposed dwelling is irregular in form and sprawls across the majority of the application site. The layout of the proposed site sits at odds with the established dwellings in Greenpark Villas, from which the site reads with. Therefore I consider that the proposed dwelling would detract from the street scene as a result. The application site is approx. 0.5 hectares and sits adjacent to No.45 Greenpark Road, a single storey dwelling and a new dwelling under construction which was approved as 6.2m ridge height, not 6.5m ridge height above FFL as referred to by the agent. The agent states the proposed dwelling has been designed to maximise the use of the site. I consider the proposed layout to be overdevelopment of the site thus failing to respect the surrounding context. The proposed dwelling runs tight to the boundaries of the application site to the east which causes privacy issues. The scale and massing of the proposed dwelling also fails to respect the existing context. For the reasons outlined Criteria A has not been met.
- b) There are no features of archaeological / built heritage within the application site that would be affected as a result of the proposed development. Criteria B is met.
- c) Given the nature of the development public open space is not a requirement. There is adequate space within the application site to accommodate the private open space provision as per Creating Places para 5.19. Criteria C is met.
- d) The provision of local neighbourhood facilities is not applicable to this application given the scale of development.
- e) Given the scale of the development, a movement pattern is not required.
- f) The application site is large enough to provide off-street parking, which is adequate. DFI Roads have no objection provided that road improvements are carried out prior to commencement of works. Criteria F is met.
- g) The overall design of the proposed dwelling fails to respect the existing character of the surrounding area and the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area. Criteria G is not met.
- h) The design and layout of the proposed dwelling will create an unacceptable adverse impact on existing properties in terms of overlooking / loss of privacy,

overshadowing, loss of light and dominance. The proposed side elevation to the east contains windows at first floor level which are likely to cause problems of overlooking and loss of privacy in the rear garden of the dwelling under construction. The proposed dwelling would result in an unacceptable direct view into the most private garden areas of the adjacent property. The proposed dwelling is likely to impinge on the immediate outlook from the adjacent site to the east and could result in a hemmed in effect due to the presence of large blank wall sections along the eastern elevation. The shed to the rear of 45 Greenpark Road is excessively large and overbearing and sits on higher ground than the application site which would increase the dominant effect. I consider the shed would impinge on the immediate outlook of the future occupants of the proposed dwelling and it would result in a "hemmed in" effect for the future occupants. Loss of light is usually a consequence of dominance and I would have concerns that the shed would result in a loss of light to the main rooms of the proposed dwelling. In general dwellings in Greenpark Villas are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is 6.3m ridge height is likely to appear more prominent when viewed from these dwellings. For the reasons outlined Criteria H has not been met.

- i) I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A, G and H.

Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

PPS 2 – Natural Heritage Policy NH 6

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the Mournes AONB.

PPS 3 Access, Movement and Parking

Greenpark Villas is unadopted, improvements are required where it meets the adopted Greenpark Road to the west. Improvements have been included on the plans in accordance with the previous approval P/2015/0140/F. DFI Roads are satisfied with the access improvements as shown on the plans have recommended

conditions to carry these works out prior to commencement. Sufficient off street car parking is provided as outlined above.

Personal and Domestic Circumstances

In a letter from the agent date stamped 9 July 2018 personal circumstances regarding the applicant's mother is referred to. The Planning Authority has considered this, however in the absence of medical evidence from a qualified doctor setting out the circumstances why the dwelling is required to accommodate the applicant's mother the Planning Authority cannot apply a flexible approach for the personal circumstances in the determination of this application.

Planning Strategy for Rural Northern Ireland Policy DES 2

The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the surrounding context of the Mourne AONB.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light and overshadowing.
2. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate layout, scale and size for the locality and is out of keeping with pattern of development and the special character of the Mourne AONB.
4. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring developments, scale and layout which are out of character of the area.

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

Proposed dwelling to the rear of 45 Greenpark Road Rostrevor. Your Ref: LA07/2018/0650/F

150

This application was submitted on the 26/04/18. On the 30/05/18 we received a letter from the planning department highlighting a number of concerns. The ridge height was unacceptable, elevation facing Greenpark Villas unacceptable principle elevation should face this way, gable elevation should be simplified, chimney positioned internally and eastern boundary landscaped to provide integration and privacy. In the letter the case officer also had concerns regarding the effect on adjacent properties and quoted para 7.14 to 7.16 of creating places document.

On the 11/06/18 we sent an email with attached amended drawing with changes reflecting what the planning department requested and a letter explaining how para 7.14 to 7.16 was either dealt with in design or was not applicable and requested their comments on amendments see attached email. A hard copy of amended drawing and letter were also posted to planning department. The amended drawing has been loaded to epic system, however the letter detailing amendments and explanation in regards to para 7.14 to 7.16 of creating places have not been loaded to epic system, see attached. Further to email and letter requesting comments on amended drawings we received no communication other than the application was to be refused.

This application has been recommended for refused under 4 reasons contrary to A, G and H of PPS 7 QD1.

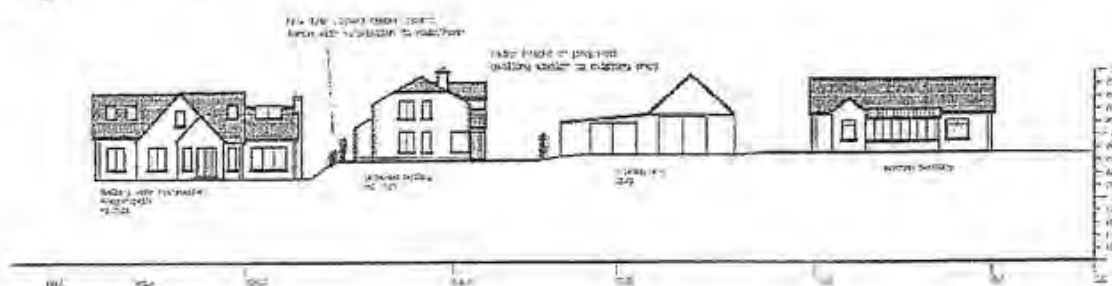
A. The case officer's report states that the area consists of single storey detached dwellings, No.11 Greenpark Villas is a single storey detached dwelling and recently approved P/2015/0140/F is a detached one and a half storey dwelling, the character of the area has changed.

The report goes further to say that the proposal 'sprawls' across the majority of the application site. We fail to see how this is possible. The plot ratio of the site is 24% this leaves 76% of the site for landscaping and hard surface for parking. Private amenity space is over 150m², well above the minimum required. We would point out that the plot ratio of the approved adjacent dwelling is 26% slightly higher than our application.

The report states that the proposal would detract from the streetscape, please see street elevation image 1. The proposal matches the adjacent shed with gable wall and pitched roof facing Greenpark Villas, image 2, it is also similar to the dwelling under construction with gable walls and pitched roofs facing on to Greenpark Villas, image 3. In regards to the height of the proposal, information on the epic system for the approved dwelling shows a site plan, which is the last of four revisions, for the dwelling under construction showing a FFL of 22.00 and a ridge height of 28.5, giving a FFL to ridge height of 6.5m. In the approval document for P/2015/0140/F there is no mention of any approved ridge height in the conditions. The case officer refers to over development of the site, we would point out again that our plot ratio is less than that of the approved adjacent dwelling.

The case officer refers to the proposal as running tight to the boundaries, we would request to know the definition of tight is, as there is a separation distance of 2.7m with the boundary of dwelling under construction, a car can easily drive between the boundary of the proposal and the dwelling under construction. On the other side of the proposal the closest point to the boundary, with the shed, the separation distance is 4.4m. The distance between the proposal and the shed is 6.8m. The Eastern boundary of the approved dwelling under construction with No.11 Greenpark Villas is 2.9m which is very similar to our proposal.

Image 1



G. The design of the proposed dwelling is similar to the approved adjacent dwelling, it is detached and one and a half storey in height - the character of the area has already been changed by the approved dwelling adjacent P/2015/0140/E.

H. The report states that the proposal contains 'windows' at first floor level and is likely to cause overlooking and loss of privacy to the adjacent dwelling. There is only one window on this elevation. This window is in the stairwell. Given the position of the window in the stairwell and landing it would be extremely difficult for any occupants to see into the private areas of adjacent dwelling. See attached image 4

Concern is raised for the outlook of the occupants of the adjacent dwelling under construction. We would point out that the windows looking towards the proposal are located in the kitchen and dining area on the ground floor on the Western elevation of approved dwelling. These windows will face on to a 1.8 high fence with additional hedging to either side of fence. The windows in the kitchen and dining area of approved dwelling will not face on to the main block of the proposed dwelling. However they will be facing the lower rear kitchen section of the proposed dwelling. The windows of the dwelling under construction will not be facing a large blank wall. The dotted lines on site plan indicate the area that the windows in dwelling under construction will be looking towards. See image 5

The report states that dwellings in Greenpark Villas will experience dominance because of the proposals ridge height. The existing shed that faces on to Greenpark Villas, which has been there for 50+ years, has a ridge height similar to the proposal and the approved dwelling under construction which faces on to Greenpark Villas has a ridge height of 6.5m. There is an established ridge height along this streetscape. The case officer regards the existing shed which has a ridge height of 200mm less than the proposal as having a dominant effect on the proposal. The report states that the shed is on higher ground, we find this slightly miss leading. The ground level difference between the shed and proposal is 300mm, a standard ruler. The height of the shed at the closest point to the proposal, which is a 6.8m separation distance, is 2.7m in height. The full height of the shed, 6.3m to the ridge is approximately 17.5m away from the proposal. When taking into account the difference in ridge height between the two buildings and difference in ground levels the two buildings would appear to have a similar ridge height level in the streetscape. We do not feel that there will be any dominance created by the shed over the proposed dwelling.

The report raises concern that the shed will cause loss of light into the main rooms of the approval. As previously mentioned the height of the shed at the closest point to the proposal is 2.7m. The full height is not reached to approx 17.5m away from proposal. The main living accommodation has been positioned to the South of the proposal. The living area, dining and kitchen have been positioned here to maximise natural light and solar gain from the path of the sun, there will be no loss of light to these rooms. The lounge to the front of the dwelling has a corner window with a section facing the shed and onto Greenpark Villas and a single window facing on to Greenpark Villas. There is adequate positioned glazing in this room to prevent the shed from causing loss of light.

The case officer refers to Policy LC1 in relation to the overall character of the area - the proposal is to the rear of Drumreagh Park, consisting of two storey dwellings, many of which have had extensions over the years, and single storey dwellings. The character of the area has already been changed with the approval of a detached one and a half storey dwelling adjacent to the proposed site in Greenpark Villas.

The case officer refers to Policy NH6 in that the proposal is inappropriate for the area. The design of the proposal is similar to the approved dwelling adjacent we cannot see how this inappropriate for the area.

The final reason for refusal is for effect on the amenity of the neighbouring development. We have already pointed out that the proposal will have no effect on the adjacent approved dwelling. The adjacent dwelling under construction is the applicant brother who has seen the proposal and has put forward no objections.




Image 2

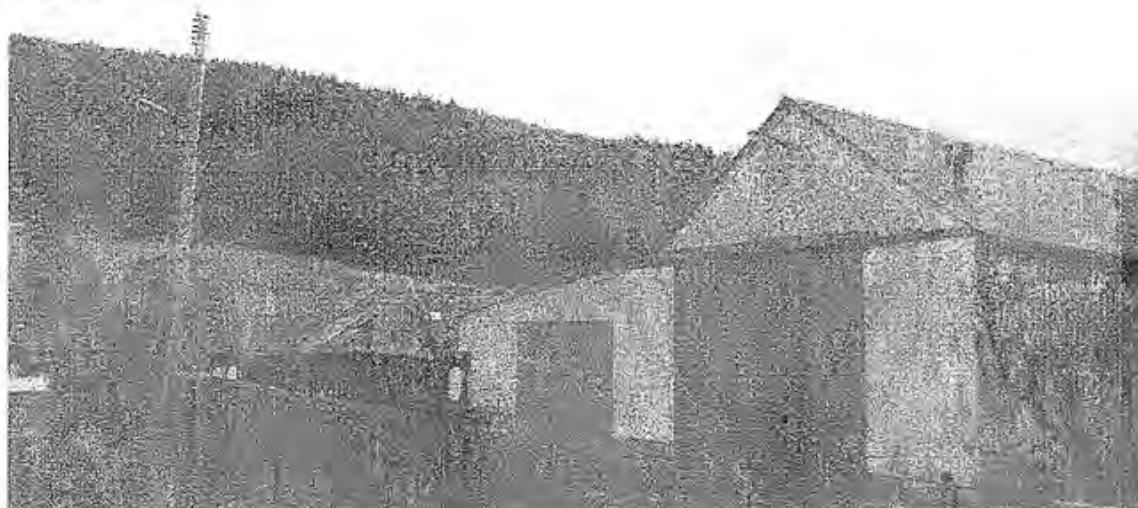


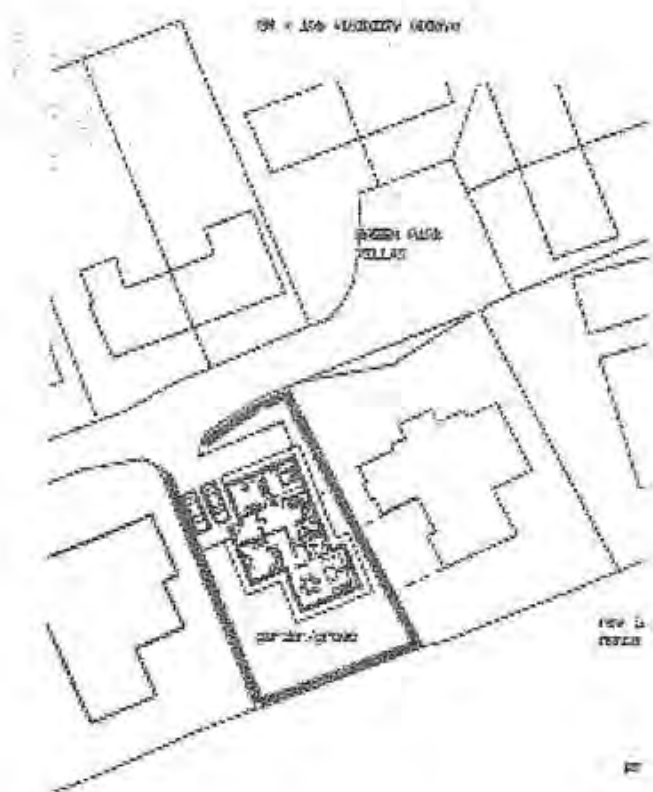
Image 3



Image 4



Image 5





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2016/0408/F
Date Received:	30 th March 2016
Proposal:	Erection of replacement dwelling house and garage as substitute for previously approved planning application P/2013/0764/F
Location:	99 Windmill Road, Cranfield, Kilkeel, Newry, BT34 4LP

Re-consideration

The dwelling to be replaced is a former lighthouse cottage, built c.1806, which sits in a remote location at the most southerly tip of Northern Ireland, facing the Irish Sea. Permission was granted on 20th February 2014 under application P/2013/0764/F for alterations and extensions to the dwelling. This approval remains live. The owner now desires to replace the building slightly further back from the coast.

The application was initially recommended for refusal based on the SPPS coastal policy due to the risk of coastal erosion, policy NH1 of PPS2 due to possible effects on Carlingford Lough proposed Marine Extension SPA/Ramsar site, policies CTY1 and CTY3 of PPS21 due to design and increased visual impact of the proposed dwelling and policy CTY13 (integration). At a meeting of the Planning Committee on 2nd February 2017, it was proposed by Cllr. Devlin, seconded by Cllr. McAteer and agreed to defer the application for further discussions.

The first matter for consideration is the implications of the SPPS coastal policy for the proposal. The Council has refused several other applications for different types of development along this eroding coastline as it is not sustainable to develop land that is actively eroding. The advice of Marine Division was to refuse the application on this basis. However, the Planning Department now considers that since the existing dwelling could easily be lived in, being in a reasonable state of repair, this proposal to replace it is materially different from other proposed new developments along this coastline that have been found unacceptable. It will remain a single dwelling, it will not result in any intensification or intensify use of the coastal access laneway and it will not increase the risk of flooding or coastal erosion at this location. Indeed, by moving

the dwelling back within the site, the risk of storm damage will be reduced. It is therefore considered that there are sound planning reasons for setting aside the advice of Marine Division in this particular instance and that approving a replacement dwelling would not change the risk of coastal erosion at this location. The first refusal reason relating to coastal policy can therefore be set aside.

The second refusal reason was based on possible adverse effects on the feeding grounds of terns which are a selection feature of the Carlingford Lough proposed Marine Extension SPA/Ramsar site, through the potential need for sea defences to protect the new dwelling. The Council refused application LA07/2015/0800/F for coastal defences further NE on Windmill Road for this reason. However, this application does not propose any new sea defences and it is noted that this site has more natural protection by rock than the other sand-banked coastline, so it is not inevitable that sea defences would be required in future. It would be unreasonable to refuse the application on the basis of structures which play no part in it and for which there is no certainty that they would be required. It is considered that an informative could be attached to an approval stating that any new sea defences subsequently required would need planning permission and that there is no guarantee that they would be acceptable unless it could be clearly demonstrated that there would be no adverse impact on the European site and protected habitats / species. Therefore development of the replacement dwelling would be at the applicant's own risk. This represents a proportionate approach to the proposal in front of us. It is not thought to be sustainable at appeal to refuse the application based on its possible need for sea defences when no sea defences are proposed.

The objections on principle to a replacement dwelling having been overcome, we must now consider the detailed design and visual impact. The scale, massing and design of the original proposal was rightly considered unacceptable for this site which is of significance in the context of the overall Irish Sea coast. The Council sought a reduced scheme from the agent. Amended plans were submitted in May and June 2018. The proposed house has been reduced from 7 bedrooms to 4 and it is now entirely single storey with a ridge height of 5.9m as opposed to 7.8m previously. The overall reduction in floorspace is of the order of 3000 sq. ft. While the dwelling would still have a substantial footprint, the reduction in height is a crucial improvement and it has been broken up into smaller blocks with a narrow plan form which is suitably reflective of the rural character of the area and also the coastal context. It will appear no higher than the existing dwelling and will not therefore have a significantly greater visual impact. The dwelling will be sited further back from the coast, but still within the original site and slightly overlapping the footprint of the original building. This is justified in this case given its proximity to the coast. High quality finishes will be employed including natural slate roof, traditional coped verges, painted render walls and black aluminium window frames and rainwater goods. Since public views of the site are at relatively long range, the revised scheme is considered acceptable with regard to integration and design, overcoming the third and fourth refusal reasons.

Finally, the proposed dwelling seeks to dispose of foul sewage via a new septic tank and surface water via soakaway as shown on Drawing 03 REV 2. Water Management Unit do not object to this however a consent to discharge is required to ensure that the requirements of Policy CTY16 of PPS21 are met. This will be addressed via a negative condition.

The Planning Department now considers that the refusal reasons have been satisfactorily addressed and recommends approval, subject to the conditions below. As there was an objection from a statutory consultee (DAERA Marine Division), the determination must be made by the Council's Planning Committee.

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 permission herein conveyed is granted solely as an alternative to the consent to extend the existing dwelling granted on 20th February 2014 under reference P/2013/0764/F. This consent is not a permission to erect an additional dwelling and it may only be implemented in substitution for the previous permission referred to above.

Reason: To ensure that only one dwelling is erected on the site.

3. The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved drawing 01 REV 1 date stamped 22 June 2016 is demolished and all rubble and foundations have been removed.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

4. A clearly defined buffer of at least 10m shall be maintained between the location for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the south-eastern side of the red line boundary.

Reason: To ensure no adverse effects on the site integrity of Carlingford Lough Marine Proposed SPA, Carlingford Lough Ramsar or Carlingford Lough SPA.

5. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases towards the south-eastern side of the red line boundary.

Reason: To ensure no adverse effects on the site integrity of Carlingford Lough Marine Proposed SPA, Carlingford Lough Ramsar or Carlingford Lough SPA.

6. Prior to commencement of development the applicant shall submit a copy of their consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

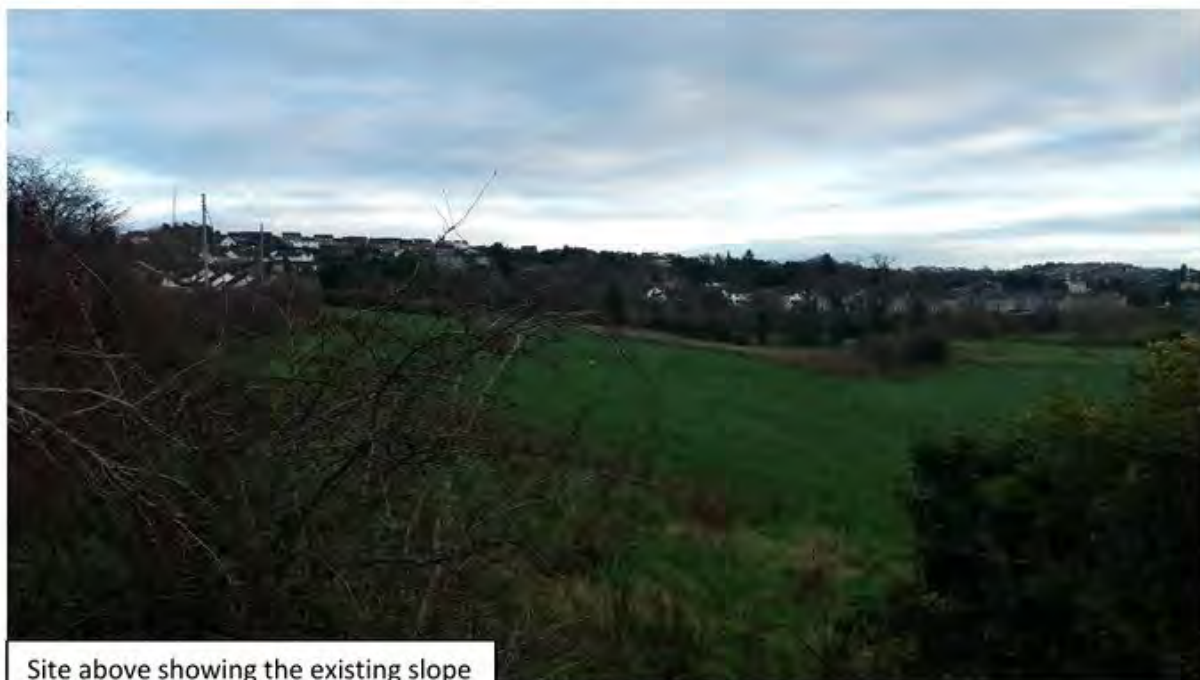
Application Reference: LA07/2017/1023/F

Date Received: 5th July 2017

Proposal: Proposed development of 45 no. dwellings, comprising 8 no. apartments, 8 no. townhouses, 22 no. semi-detached houses and 7 no. detached houses, infilling and re-grading of lands, associated site works and landscaping.

Location: Lands at Ardmore Road, opposite 17-43 Ardmore Road and adjacent No.2 Beechwood Villas, Newry

Site Characteristics & Area Characteristics:



Site above showing the existing slope from Ardmore Road towards Newry River.



Site to the left on approach from Belfast Road direction. Housing is proposed fronting onto this part of the Ardmore Road.

The site measures 1.78 hectares and is white land as per the current statutory Banbridge Newry and Mourne Area Plan 2015 and within the development limits of the city of Newry. It is located adjacent to and opposite existing residential properties and the majority of it is improved grassland but also contains part of a disused former sewerage works. The site slopes from Ardmore Road on the northern side to the southern boundary towards the Newry River. Outside the red line of the site towards the south the land evens out and becomes fairly flat towards its meeting with the Newry River and the Newry Canal. On the opposite side of the River and Canal to the south is St Colman’s College and land to the south, south east and south west of the site adjacent to the river is mainly improved grassland.



Newry River
Newry Canal

The surrounding built form contains a mixture of house types including single storey semi-detached, 2 storey semi-detached, detached and 2 storey terraced dwellings with material finishes ranging from smooth and rough painted render, red rustic brick, stone and render. All houses along Ardmore Road front onto the road. The terraced dwellings to the north west of the site have on street parking, the dwellings opposite and on approach to the site from the Belfast Road have in-curtilage with a layby.

Land adjacent to the site/south side lies within the modelled 1 in 100year flood plain.

Site History:

No relevant planning history on the application site. Adjacent land to the west received permission for 2 no. semi-detached dwellings however this permission has since lapsed.

Reference	Location	Proposal/Comment	Status	Date
P/1995/0601	ARDMORE ROAD, OPPOSITE 2-16 S	ERECTION OF 8 NO DWELLINGS	PERMISSION GRANTED	
P/2012/0638/F	Opposite and south of nos 6 to 7 Ardmo	Erection of 2 no semi-detached dwellings to replace ex	PERMISSION GRANTED	19 03 2013
LA07/2017/1023/F	Lands at Ardmore Road, opposite 17-4	Erection of 49 No. dwellings, comprising 10 No. apartm	VALID APPLICATION RECEIVED	
P/2012/0913/LBC	Various locations along Newry Canal (i	St.Patrick's Way, Proposed waymarkings to be erected	PERMISSION GRANTED	28 03 2013

Planning Policies & Material Considerations:

RDS 2035

Banbridge Newry and Mourne Area Plan 2015

SPPS – Strategic Planning Policy Statement

PPS 2 - Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

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

PPS 8 – Open Space

PPS 11 – Planning and Waste Management

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

Planning Strategy for Rural Northern Ireland – DES 2 – Townscape

Advice and guidance:

Creating Places

DCAN 8 – Housing in Existing Urban Areas

DCAN 15 – Vehicular Access Standards

Consultations:

DFI Roads – In terms of PPS 3 Access Movement and Parking and the associated DCAN 15, DFI Roads have expressed no objections in principle to the most recent amended drawings. Private Street Drawings (PSDs) now required.

NIW – Available capacity at WWTW, public water supply within 20m, foul Sewer within 20m and Surface water sewer within 20m – Consultation with NIW by means of a Predevelopment Enquiry required.

Environmental Health – no objections subject conditions as per response of 25th April and 5th November 2018.

Loughs Agency – provided condition regarding all storm water from site not to be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Rivers Agency – accepted the logic of the Drainage Assessment and that dwellings are to be constructed on land outside the flood plain. Infilling of land is outside the modelled 1 in 100 year fluvial flood plain of the Newry River. No infilling of any land within the flood plain that may be used for open space.

Shared Environmental Services – With regard to the Habitat Regulations Assessment the proposal not likely to have any adverse impacts on European Sites provided the recommended mitigating conditions are appended to any planning permission granted. Infill to be inert waste.

HED Archaeology – content with condition on the agreement and implementation of a developer-funded programme of archaeological works in order to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per policy BH4 of PPS 6.

DAERA – Drainage and Water – content – refer to standing advice on SUDs;
Regulation Unit (RU) – response of 15th May 2018 is applicable and contains conditions and informatives. The infill will require the relevant waste authorisation;
NED (Natural Environment Division) – Content – response of 15th May 2018 is applicable and contains conditions and informatives. Waste to be inert.

Objections & Representations

Many representations and petitions have been received regarding this proposal for 45 residential units and at the time of writing objections had been received from 31 different addresses. Some representations referred to not originally being neighbour notified however only those properties which abutted the site or would have but for a road were originally notified. All neighbours and those who made representations were notified of amended plans/proposal.

The proposal was advertised in 3 local papers on 3 separate occasions. The 1st being 25th and 26th July 2017; The 2nd time being 23rd, 25th and 26th July 2018 (amended scheme) and finally on the 10th and 12th December 2018 (to include infilling of land).

Objections raised included:

- Flooding – the Rivers Agency maps (an objector incorrectly referred to NIW maps however maps belong to Rivers Agency) are ‘flawed’ in terms of their 1 in 100-year flood plain data. Photos produced by objectors showing flooding within the floodplain in 2011 and 2014. Flood Risk Assessment (FRA) also ‘flawed’ as it relied on Rivers Agency Maps and data. Other objections also refer to flooding of the application site and the proposal to build on a flood plain will cause serious flooding issues downstream and that flooding has been a problem for years and getting worse each year;
- Lack of community resources and facilities to accommodate a new housing development;
- Proposal would be detrimental to wildlife in the area such as otters, badgers, bats, birds, fish, swans, foxes;

- Sewerage issues presently exist in the area and will only be exacerbated by this proposed development;
- Current road network and access onto Belfast Road already under pressure and not designed for extra traffic;
- Traffic increase will be a danger to children and the elderly and is a safety concern;
- No existing speed control measures;
- Proposal will block sunlight;
- Proposal will be an eyesore;
- Proposal will decrease value of housing in the area;
- Problems for proposed residents regarding home insurance due to proximity of river and floodplain which would lead to an increase in claims and have a knock-on effect on existing homes in the area;
- Structural damage could be caused to older houses in Damolly Village;
- Proposal would detract from character of the area;
- Loss of privacy due to increase in traffic and people;
- Concern regarding disruption of natural shore that runs between Springhill through Damolly into river;
- Area is already over populated/overdevelopment of the site/density too high;
- Right of way hindered;
- Proposal would adversely impact on the amenities and attractiveness of the area due to the proposed loss of this green area;
- Adverse effect on residential amenity by way of noise, disturbance, overlooking, loss of privacy and overshadowing, light pollution;
- Introduction of unnatural hard surfaces which would exacerbate flooding problems;
- Proposal is out of scale, overbearing and out of character in terms of appearance and existing development;
- Adverse impact on Tow Path, the environs;
- Increase in pollutants in the area due to increase in vehicular traffic and associated health problems;
- Increase in pollution – smell, light, household waste;
- Removal of hedges;
- Single storey dwellings only along Ardmore Road – although objector would rather no houses to be approved.

Objections which are not valid planning reasons:

- Proposed land has not been used as playing fields for over 15/20 years due to flooding and was never grazing land;
- Area is extremely settled 20/30 years;
- Tenants of social housing not vetted by housing officers therefore existing residents would not be aware of previous anti-social behaviour of possible new tenants;
- Loss of views;
- Objection referring to other nearby social housing which has led to increased littering.

Objections will be considered through the assessment of the application and the applicable planning policies.

Consideration and Assessment:

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies within the defined settlement of Newry.

PPS 7 - QD1

Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. There are 9 criterions listed to conform to.

- (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 landscape and hard surfaced area:-* The proposal involves an application for 45 housing units providing a range of different types of accommodation in the form of 8 apartments in 2 blocks, 8 townhouses, 22 semi-detached dwellings and 7 detached units. The existing housing stock within the area consists of 2-storey terraced dwellings, 2-storey semi-detached, single storey and detached houses. The range of house types proposed within this new development including the 2-storey semi-detached and detached dwellings fronting onto Ardmore Road will be appropriate to the existing character and although apartment blocks are being introduced, these are contained sensitively within the new development and there are only 2 blocks containing a total of 8 apartments.

The site slopes from the Ardmore Road towards the Newry River and although infilling is proposed within the site confines, it still respects the topography, with new landscaping banks being introduced between the dwellings fronting onto Ardmore Road and those within the new development. The relevant consultees have been consulted on the infill works and providing inert waste is used and outside the floodplain, the storm drainage of the site is designed to the principles of Sustainable Drainage Systems (SuDS) they are satisfied. A condition will be imposed on any approval notice to deal with the use of inert waste on site only. A separate waste authorisation will also be required from DAERA.

It is considered that the scheme submitted has a suitable layout, and the scale, proportions, massing and appearance of proposed dwellings and apartment blocks, fencing, walls as well as the hard and soft landscaping will complement the existing character. Hard surfacing has also been reduced to the necessary standards to secure a safe and accessible road network and parking arrangement. The proposal therefore complies with criterion (a).

- (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:-* A condition will be attached on any approval notice to ensure that there is the implementation

of a developer-funded programme of archaeological works carried out to be agreed and discharged prior to the construction of any works. The loss of worthy landscape features is minimal however the new housing scheme does propose increased landscaping measures including a new buffer bank between properties consisting of a range of heavy standard trees. New tree planting is also proposed along Ardmore Road, within the open space, the apartment block grounds and throughout the site. Shrub and mixed planting, garden hedging and native species hedging is also proposed.

- (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 proposed amenity space to the rear of the properties for the proposed occupants of the dwellings and within the grounds of the apartment block is sufficient in terms of meeting the standards as outlined in Creating Places and the type of homes proposed. The garden areas are also appropriately bound to ensure privacy between properties. As the proposal exceeds 25 dwellings/greater than 1 hectare, PPS 8 policy OS 2 and the SPPS requires the provision of public open space. The proposal does provide an adequate amount of open space which is accessible, has appropriate surveillance and is suitably located within the development. The landscape plan proposes more than adequate and suitable tree and shrub planting within the development and along the site boundaries which will aid the softening of the development into the existing landscape and streetscape. Front gardens are proposed between the road network and dwellings which will break up and reduce the amount of hard surfacing, with no fences dividing the dwellings front gardens which will help to provide a softer approach. Low feature walls and black metal railings with hedging to the rear are also proposed on corner sites, at the estate entrance and to the front of the apartments.
- (d) *Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development:* - Neighbourhood facilities are not required due to the scale of this proposal and its location within driving distance to Newry City Centre. It is also within short walking distance of services on the Belfast Road.
- (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 lies within close walking distance of the Belfast Road which is one of the main arterial routes into and out of Newry City. Ardmore Road has existing footpaths leading to the Belfast Road, services, retail units, schools within the area and into the City Centre. The Ardmore Road also has a bus service operating through it with bus stops positioned along this road as does the nearby Belfast Road. Therefore, the proposal provides adequate and convenient access to public transport.

The proposed site layout also supports cycling, suitable for those whose mobility is impaired and respects rights of way. Footpaths are proposed

through the development and traffic calming measures are also incorporated into the new road layout to provide a safe road network through the site.

Issues were raised by objectors regarding the lack of traffic calming measures along the existing Ardmore Road and surroundings however, this is a separate matter to be dealt with by separate legislation and outside the remit of this planning application. DfI Roads are the statutory consultee on planning applications for the Planning Authority with regard to road safety. The proposal has been assessed against current planning policy and design criteria. The existing road network and access from Belfast Road would have all been considered, and in terms of what is proposed, DfI Roads are satisfied with the proposal and that the existing road network can accommodate it.

- (f) *Adequate and appropriate provision is made for parking:* - according to PPS 3 parking standards, 6 unassigned spaces would be required for this each apartment block which have been provided within this scheme. The level of in-curtilage car parking provided for the detached, semi-detached and terraced houses at a minimum of 2 is also acceptable as this is the level presently provided within the existing wider neighbourhood. On street visitor car parking is also shown dotted through the site.
- (g) *The design of the development draws upon the best local traditions of form, materials and detailing:* - The proposed house types, their range and positioning, the material finishes, the design of apartment blocks to appear like dwellings and the mixed use of both brick and rendered finish will provide a scheme that is considerate of the existing character and house styles and is diverse and attractive. The density of the development is also comparable to that of the existing residential area and is therefore acceptable.
- (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:-* A number of objections were raised by existing residents regarding impact on privacy, loss of light and other disturbance such as noise, light pollution, rubbish etc. The design and layout of the proposed houses and apartments, windows, the proposed amended topography, separation distances between new properties and the proposed new buffer planting are however all acceptable and will not create conflict with existing or proposed residents. There is also more than adequate distance between the proposed dwellings fronting onto Ardmore Road and existing properties opposite therefore there will be no adverse impact in terms of loss of light. The front garden areas to existing properties fronting onto Ardmore Road are not private amenity space that needs protecting therefore there would be no compromise to privacy from the proposed development or from existing or proposed traffic.

For the scheme to be brought up to adoption standard, adequate lighting is required to DfI Road standards to ensure a safe living environment is provided. Street lights are present within the existing residential area and the additional lighting that would be provided with this new development is an additional safety measure to the area.

Concerns relating to littering are an unfortunate occurrence on streets and roads within many built-up areas and the countryside too. This is an issue that should be raised with the relevant department within the council not through this planning application. Regarding the objections raised on household waste, there is sufficient space with the grounds of each dwelling/apartment block to store bins. NIW has also stated that the present Waste Water Treatment Works (WWTW) at Newry has available capacity to accommodate this proposed housing development.

Environmental Health have been consulted regarding the proposal and apart from proposing a condition to be attached to any approval notice regarding unknown land contamination being discovered and inert waste only being used for the infilling of land, they have no objection in principle.

Concern was also raised by occupants of the older housing stock Damolly Village and the structural impact on these properties should development be approved. Any planning approval on the application site prior to commencement would also have to lodge a building control application and comply with building regulations. All traffic to the site would have to also come from the Belfast Road direction as the Ardmore Road beyond Damolly Village draws to a dead end.

- (i) *The development is designed to deter crime and promote personal safety:* - The design and layout of the dwellings should deter crime and promote personal safety as houses front onto the roads and car parking areas.

PPS 7 Addendum – Safeguarding the Character of Established Residential Areas -Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out are met:

- (a) *The proposed density is not significantly higher than that found in the established residential area:* - the proposed density is acceptable on this site and does not represent overdevelopment. It is similar to the existing established character.
- (b) *The pattern of development is in keeping with the overall character and environmental quality of the established residential area:* - the form, scale, massing and layout of the proposal is acceptable and respectful of the established residential character and setting.
- (c) *All dwelling units and apartments are built to a size not less than those set out in Annex A:* - the floor space of the proposed dwellings and apartment blocks are compliant with the floor space requirements within this criterion.

PPS 12 – Housing in Settlements

Para 81 of PPS 2 states that the Planning Control Principles (PCP) should be taken into account in the preparation of development plans and are also material to

decision on individual planning applications and appeals for housing development in settlements. Its supports and should be applied in conjunction with other relevant planning policy and guidance including PPS 7, PPS 13, Creating Places, DCAN 8 and the SPPS.

PCP1 (of PPS 12) – Increased Housing Density without Town Cramming

This policy encourages increased density of housing development in towns and city centres and other locations which benefit from high accessibility to public transport facilities however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded. Respect should also be paid towards the form, scale, massing and layout of the new development and that of adjacent housing and safeguard the privacy of existing residents.

In the case of this application, the site lies outside the city centre zone but within the settlement limits of Newry on white land and within an existing well established residential area within close driving distance of Newry City Centre. The site is adjacent to an existing road which is serviced by public transport and within walking distance of bus stops and has a good connection to public footpaths. The nearby Belfast Road is a main arterial route into and out of Newry City and close to the junction of the Belfast Road and Ardmore Road are retail services.

The existing character along Ardmore Road involves detached, semi-detached and terraced dwellings both single storey and 2-storey on similar sized plots and fronting onto Ardmore Road. The proposal provides a quality residential scheme, with a mix of house types and is not overdevelopment. It is respectful of the existing character and the privacy of existing residents is not hindered.

PCP 2 of PPS 12 – Good Design

The proposal is a high-quality scheme that will complement the existing character and context of the area. The layout respects the natural habitat and heritage, proposes high quality landscape design, encourages walking and cycling and access to the provision of public transport, provides traffic calming measures within the site and therefore meets the aims of this principle.

DES 2 - Townscape

This policy requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal submitted for the subject site will make a positive contribution to the townscape along this part of Ardmore Road and is respectful of the existing character in terms of design, scale and use of materials.

PPS 2 – Natural Heritage

A Habitats Regulation Assessment has been carried out and following the submission of further information including contamination reports, it has been found that there will be no adverse impacts on European Sites provided the recommended conditions are appended to any planning permission granted.

A preliminary ecological assessment was also carried out and NED are content with the findings in the submitted report regarding priority habitat, trees on site having low bat roost and no badger setts having been discovered on site.

PP3 Access, Movement and Parking

DFI Roads are content with the most recent amended plans and the scheme is compliant with PPS 3 and Creating Places.

PPS 15 – Planning and Flood Risk**FLD 1 – Development in Fluvial (River) and Coastal Flood Plains**

The identified site area and the proposed development (red line) lies outside the modelled 1 in 100year fluvial flood plain of the Newry River which runs along the southern boundary of the site. Originally the site location map included some land which was in the flood plain to be used as public open space which is an exception in undefended areas as per FLD 1 however, the site location map has been reduced in size and this area has now been excluded. Consultation has taken place numerous times through the processing course of this application with The Planning Authority's statutory consultee Rivers Agency who are the competent governing body in dealing with applications from a drainage and flood risk aspect. Infilling is proposed within the site to raise the ground levels and this is all outside the floodplain therefore, no development is proposed within the high-risk area which would be contrary policy FLD 1. Therefore, as no development is proposed within the flood plain, the development is not contrary to FLD 1.

FLD 2 – the drainage assessment submitted with the application and the submitted drawings show the provision for access under 6.32 of FLD 2 to the undesignated watercourses has been addressed.

FLD 3 – Rivers Agency accepts the logic of the drainage assessment (DA) however the responsibility for the accuracy, acceptance of the drainage assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. The DA lacks only a letter from DfI Rivers local area office for consent to discharge storm water. The agent is presently seeking an up to date consent letter which can also be negatively conditioned on any approved decision notice should the letter not be received in time.

FLD 4 and FLD 5 of PPS 15 do not apply.

PPS 6 – Planning, Archaeology and the Built Heritage

The site lies within an area of archaeological potential however following consultation with HED, they are content providing it is conditioned on the agreement and implementation of a developer-funded programme of archaeological works in order to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per policy BH4 of PPS 6.

PPS 11 – WM 4 – Land Improvement

The proposal involves the infilling of land to provide a safe and accessible road network, lower retaining walls and to provide a better-quality scheme overall. Cross sections through the site have been provided showing the existing and proposed levels and providing the infill is strictly inert and outside the flood plain, the Planning Authority, DAERA, Environmental Health, Shared Environmental Services and Rivers Agency are satisfied. The proposal therefore complies with overall spirit of WM4.

Recommendation:

The proposed scheme is on white land (not zoned for any particular use) within the settlement limits of Newry and partly within the former sewerage works. It is within an existing residential area and as the proposal is also residential it therefore is an appropriate use for this locality. The application is for private residential accommodation providing a mix of house types and apartments that if sold to a social housing provider would also offer a suitable mix to meet social housing needs.

Overall a quality housing scheme has been presented and subject to conditions approval is therefore recommended.

Conditions:

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

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

2. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme shall provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

3. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities - Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

4. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, shall be submitted to DAERA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

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

5. Prior to the disposal of any inert waste material, the developer/applicant shall provide in writing and for agreement by The Planning Authority that they have the relevant waste authorisation licence form DAERA.

Reason: To prevent pollution to a watercourse.

6. No development should take place on-site 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 a practical solution to sewage disposal is possible at this site.

7. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

8. If during the development works, new contamination or risks to the water environment 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). 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.

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

9. After completing any remediation works required under condition 7 and; prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report

shall be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report shall present all 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. A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil and the Newry River which flows to the south west of the red line boundary.

Reason: To protect the site selection features and conservation objectives of Carlingford SPA.

11. All refuelling, storage of oil/fuel, concrete mixing and washing areas must be positioned outside the areas affected by Q100 floodplain.

Reason: To protect the site selection features of Carlingford Lough SPA/Ramsar and Carlingford Lough Shore SAC.

12. Storm drainage of the site, during construction and operational phases, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Carlingford Lough ASSI/SPA/Ramsar. Construction of SuDS shall comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRA) Report C753 (2015).

Reason: To prevent polluting discharges entering and impacting on the site integrity of Carlingford Lough ASSI/SPA/Ramsar.

13. The mitigation measures detailed within the Flood Risk Assessment and Drainage Assessment (January 2017) date stamped 5th July 2017 and Preliminary Ecological Assessment (February 2018) date stamped 11th April 2018 shall be adhered to during construction works.

Reason: To prevent flooding and the protection of natural heritage.

14. Prior to the occupation of any part of the development, The Planning Authority shall be furnished with details of the Management Company appointed to maintain all areas of open space to be agreed in writing.

Details of the fall-back measures shall also be submitted at this time in the event of the management company breaking down.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

15. The open space and amenity areas indicated on the stamped approved Drawings LA07/2017/1023/21 date stamped 30th November 2018 and LA07/2017/1023/22 date stamped 20th November 2018 shall be managed and maintained in accordance with the Landscape Management Plan (New Housing Development at Ardmore Road, Newry) date stamped 30th November 2018 and any changes or alterations to the approved landscape management arrangements as per condition 14 shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

16. All hard and soft landscape works shall be carried out in accordance with the approved details LA07/2017/1023/21 date stamped 30th November 2018 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out during the first available planting season prior to the occupation of any part of the development.

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

17. 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.

Private street conditions, schedule 6 consent to discharge (if not received) shall also be included.

Case Officer:
Date:
Authorised Officer:
Date:

Planning Office, Democratic Services

Joseph Burns

Newry, Mourne and Down District Council

9 Damolly Village

Newry BT34 1PY

Prepared statement.

05/03/19

Re: LA07/2017/1023/F

Page one of one.

Proposed development at Ardmore Road, Newry. Delivery by email 05/03/19

N.I. Water's flood risk data, for this location, especially their 1 in a 100 year fluvial flooding projection, is flawed. It is both erroneous and incomplete. The 8 photographs I have previously supplied with my written submission show this to be true.

The NORMAL winter flooding on most years, as residents can attest, already reaches as high as, and even into, this site. My photos were taken in the years 2011 and 2014. One photo shows the flood water well into the former sewage works site, bounded by post and wire fencing, which the flood water exceeded. They clearly show flooding adjacent to and into the site under consideration.

This is NORMAL flooding at this location during many winters. This already equates to what N.I. Water projects for a 1 in a 100 year event for this location. When such substantial flooding is a REGULAR winter event, it begs the question as to what a GENUINE 1 in a 100 year flood would look like. It could certainly submerge the ground floors of the lower half of the houses here.

When N.I. Water's data and projections are so flawed and incomplete, it follows that the applicant's Flood Risk Report is also fundamentally flawed since they built their case upon N.I. Water's flawed data. Their report (3.4) claims that flooding has not been RECORDED at or within the vicinity of the proposed site. Yes, it wasn't RECORDED but it DID HAPPEN, as evidenced by the photographs which I have supplied. It SHOULD have been recorded.

This whole house of cards is built upon flawed data.

This is possibly the most heavily and regularly flooded ground in Newry.

Thank you for your time.

06 March 2019

Dear Sirs,

The above application is due to be discussed at planning committee dated 13 March 2019. We at Radius Housing Association would like to **support** the Case Officer's recommendation to **approve** the application.

The Council have robustly assessed the "principle of development" against local / regional planning policy and representations raised throughout the processing of the application.

The following facts are clear:

- The application is located within the Settlement Development Limit where there is a clear **presumption in favour of development**;
- All consultees have responded positively with **no objection subject to conditions**;

Indeed, concerns have been made evident during the application process from neighbouring representations with concerns on flooding and roads raised, these have been addressed by the following:

DFI ROADS

- Then proposal's access have been designed in accordance with creating places guidance and Planning Policy Statement 3 to ensure the adequate provision splays and access has been provided to safeguard any safety concerns.

RIVERS AGENCY

- Concerns have been raised in regards to the development of the proposal and its impact of the flood plain and fluvial environment. A Drainage Assessment has been undertaken on the site to ensure the proposal is located outside the floodplain and all policy tests within Planning Policy Statement 15 have been adhered to.

We hope you can support the application to meet the high demand of Social Housing in the area.

Kind regards

Lynsay Magill
Senior Head of Development



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1810/F

Date Received: 15.11.18

Proposal: New synthetic surface to existing 4no tennis courts. New bubble cover over 2 no courts only. New pedestrian access from the west and new disabled access from the south.

Location: Our Lady's Grammar School, Chequer Hill, Newry

Site Characteristics & Area Characteristics:

Site comprises of existing tennis courts associated with the existing secondary school.

Site History:

P/1990/1124 - Extension to school and provision of new tennis courts and play area. Granted. (Application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Zoned open space and area of archaeological potential

PPS3, DCAN 11, DCAN 15 and Parking Standards - Transport NI in their consultation response dated 21.01.19 have raised no objections. The development proposal is linked by a new pedestrian access to the Newry Leisure Centre, the original linked access to Our Ladies School remains in place with a new disabled access opening onto the rear car park of the South Eastern College. Between the three establishments there is adequate access to existing parking facilities.

SPPS and PPS6, Archaeology (BH1 - 4):

The application is zoned within the area plan as site of archaeological potential. Land where development is proposed has already been developed, with lands previously disturbed by ground works that there is unlikely to be any archaeological

disturbance. Notwithstanding this it is recommended to include an informative to advise the applicant/ agent of their statutory requirements in relation to this.

SPPS and PPS6, BH 11 (Development affecting the Setting of a Listed Building)

HED in comments dated 13.02.19 advise that they are content with proposals.

PPS8: OS1 - Protection of Open Space and OS5 - Noise Generating Sports and Outdoor Recreational Activities

The continued use of lands for recreational purpose will ensure protection of the existing land zoning.

Overall proposals are acceptable in terms of land use and design. Environmental Health in comments dated 10.01.19 have raised no objections in relation to impact to amenity or disturbance to people nearby. Whilst the land has been zoned as an area of archaeological potential given that lands have been previously development there is no likely impact to this environmentally sensitive feature location nor any potential disturbance to livestock given its urban setting.

PSRNI (DES2)

The land is currently in use for tennis courts. Within the existing site proposals involve the repositioning of courts, resurfacing and the enclosure of two tennis courts by a Covair external cover. A pedestrian link will be provided to the existing leisure centre and disabled vehicular access to the southern portion of the site linking to the existing car park at the rear of the South Eastern College.

The bubble covering is located within the middle portion of the site. When taken with the existing landform and backdrop of school buildings to the rear proposals will integrate without adverse visual impact upon the wider area.

Overall proposals will maintain the existing land use at this location albeit the facility will be opened to other users beyond that of the existing school. Notwithstanding this it is not considered that the use will cause any further impact to amenity beyond what is already experienced at his location. Environmental Health have raised no concerns in its consultation response dated 10.01.19.

Consultations:

Environmental Health (10.01.19) - No objection

Transport NI (21.01.19) - No objections

NIW (28.12.18) - Generic response

HED (13.02.19) - Content

Objections & Representations

26 Neighbours notified

No objections received

Advertised December 2018 and February 2019 (Amended plans and proposal)

Consideration and Assessment:

Overall proposals are acceptable and in compliance with planning policy, no objections have been received and consultees have raised no objections. 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.

Case Officer

Authorised Officer



View from Camlough Road



View from Killeavey Road



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an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1437/F

Date Received: 22.09.2017

Proposal: Erection of dwelling and garage (amended dwelling design, siting of dwelling and garage and relocation of access approved under application P/2013/0820/F)

Location: Lands 85m North-West of junction of Blackrock Road and Teer Road Crossmaglen, Newry

Site Characteristics & Area Characteristics:

The site includes a piece of rough land where stones and soil have now been deposited. There was evidence of the movement of soil on site and the removal of vegetation and roadside boundaries. The site is located rural as defined in the Area Plan.

Site History:

P/2013/0820/F

Erection of dwelling (amended siting of dwelling and garage approved under application P/2012/0816/RM) and provision of new access.

Permission Granted: 13.03.2014

P/2012/0816/RM

Erection of dwelling and garage

Permission Granted: 05.03.2013

P/2006/1330/O

Site for dwelling and detached garage

Permission Granted: 15.01.2010

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15

Building on Tradition

Consultations:

Transport NI – No objections subject to compliance with attached conditions.

Objections & Representations

Adjacent neighbour notified on site on 7th October 2017

Application Advertised on 11.10.2017

No objections or representations received.

Consideration and Assessment:

The site is located within the rural countryside as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections in relation to the Area Plan.

Principle of Development

The previous application P/2013/0820/F was approved on 13th March 2014 with the first condition instructing the applicant that the development must be begun within 1 year of the date of the approval, which means in practise, the development must have been begun correctly by the 13th March 2015.

Condition 4 of the previous approval stated that the vehicular access, including visibility splays and any forward sight distance, shall be provided prior to the commencement of any other development permitted. This is therefore a pre-commencement condition attached in the interests of Road Safety and again, requires the work noted above to be complied with in full, prior to the commencement of any other development, by the 13th March 2015.

During my site visit on 7th October 2017 it was noted that the roadside vegetation had been removed completely and with no hedging in place as shown on the approved plans, therefore whilst the area of visibility exists for the splays, it has not been defined and cannot be confirmed. This condition has not been complied with correctly in accordance with the approved plans or within the required time frame.

Whilst stones and soil have been deposited on site there was no evidence of any work of construction on site that resembled the approved layout plan which is the definition of commencement in Section 63 of the Planning Act 2011. Further to this, there are no records with Building Control to confirm the commencement of development.

As development has not been correctly started within the required time period (13th March 2015) the previous application P/2013/0820/F – has expired. This application must therefore be considered as a new dwelling – not a dwelling in substitution of a previous approval. It is important to note that information was sought regarding the commencement of development from the agent via email on 06/11/17, 21/11/17 and 17/01/18 however to date, this information has not been received. (Emails on file)

Given the previous permission has expired the proposal is assessed as a new dwelling under CTY1 of PPS21. The proposal does not meet any of the exceptions listed under CTY1 and as there are no over-riding reasons why this particular

development is essential and could not be located in a settlement, the proposal is contrary to policy CTY 1.

The proposal is not considered to offend policies CTY8, CTY13, or CTY14.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safeguards the policy requirements of policy CTY 16.

Transport NI has no objections in relation to PPS3 subject to the standard conditions and informatives.

Recommendation: Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 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.

Case Officer:

Authorised Officer:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0753/F

Date Received: 03.05.18

Proposal: Proposed new 'Sure Start' nursery building, with additional 3 No. parking spaces provided by extension of existing car park.

Location: Lands immediately to the north of Bessbrook Community Centre within 'the pond field' park at No. 8 Mill Road, Bessbrook

Site Characteristics & Area Characteristics:

Site comprises of an existing community centre facility

Site History:

P/2013/0801/F - Extension to Community Centre to provide Boxing facilities for Sacred Heart Boxing Club with minor alterations to existing centre and provision of extended car park. Refused. (Issues relating to provision of information to satisfy requirements of FLD5 of PPS15)

P/1990/1099 - Erection of community centre. Granted

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Site is within the development limits of Bessbrook, Landscape Policy Area (BK14) and Conservation Area

Area Plan: Proposals adhere to the objectives of new development within the settlement limits. Consideration of development, policy provision and impact upon the designations of the Conservation Area and Local Landscape Area are considered in more detail below.

PPS3: Access, Movement and Parking, DCAN 13: Crèches, Day Nurseries and Pre-School Play Groups (Access Arrangements) and DCAN 15: Vehicular Access Standards and Parking Standards:

AMP2 (Access to Public Road), DCAN13 and DCAN 15: The current access arrangement is restricted in terms of width and ability to provide forward/rear sight visibility. Transport NI in their consultation response dated 25.06.18 have expressed concerns with regard to the current access arrangement which was rendered unacceptable for the intensification of the use and was not in accord with the standards of DCAN 15. The agent provided additional information on 15.11.18 which was reconsidered by Transport NI. However despite the effort to address concerns, DFI in their consultation response dated 14.12.18 were of the same opinion that proposals remain contrary to AMP2.

AMP7 (Car Parking and Servicing Arrangements), AMP9 (Design of Car parking) and Parking Standards

Proposals make provision for an additional 3 spaces in addition to existing, however based on the numbers of proposed staff and visitors a total of 6 additional spaces are required. However given the nature and use of the community centre, the existing car park can adequately accommodate proposals. Servicing and manoeuvring within the site can also be achieved without adverse impact.

SPPS and PPS6, Planning, Archaeology and Built Heritage:

Policies BH1, BH2, BH3 and BH4:

HED in comments dated 6th June 2018 advise that on the basis of information submitted they are content that proposals are satisfactory to the SPPS and PPS6.

BH12 – New Development in a Conservation Area

Development proposals are located within the designated Conservation Area of Bessbrook. The site is located immediately to the north of an existing red bricked community centre and situated adjacent and south of the existing pond, with limited views from the public road. The location of development is far removed from the picturesque setting of Fountain Street and Charlemont Square and given its position there is no direct adverse impact upon the setting of the Conservation Area.

The design and finishes are not necessarily that of conservation standard as found in buildings to the north of the pond. However, exception has been given due to the existing context, topography, setting, location and finishes of the existing community centre to which development is situated closest and visually reads. Development is far removed and set apart from the picturesque buildings and landscape to the north.

In this particular case proposals do not detract from the character, appearance or setting and is subordinate to the existing built form. The proposed building is shielded from views by the existing building and the embankment of Bessbrook Pond. Overall proposals fulfil the ethos of this policy.

PPS6 (Paragraph's 2.23 and 2.24 - Landscape Policy Area) and Banbridge/Newry and Mourne Area Plan 2015, BK14: Local Landscape Policy Area:

The local landscape policy area comprise of the mill pond and surrounds. The development proposal in this instance is located adjacent and south of the existing mill pond and to the north of existing community centre facilities. The proposed development is well screened from views due to natural topography as well as existing built form. Existing archaeological sites/ monuments as well as views are protected. Development is not dominant within the local landscape and nor will it detract from the visual appearance of the area.

PPS15: Planning and Flood Risk

FLD 1: Development in Fluvial (River) and Coastal Flood Plains

Proposals lie outside the 1 in 100 year flood plain although part of the site is located within a predicted flooded area relating to surface water flooding. Having checked Rivers Agency flood maps this area appears to be contained to the existing watercourse to the south of the site and a small portion of land to the southern gable of the existing community centre.

Surface water flooding does not appear to directly impact upon the actual position of the nursery facility. As development is not within an actual flood plain the exceptions test do not have to be enacted.

FLD2: Protection of Flood Defence and Drainage Infrastructure and FLD4: Artificial Modification of Watercourses - These provisions of policy are not applicable to the proposed scheme.

FLD3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

The level of hard standing/ buildings proposed at the site are below the threshold of FLD3 and therefore a drainage assessment is not required.

FLD5: Development in Proximity to Reservoirs

The development is situated within the inundation path of Bessbrook Pond as well as Camlough Lake. The agent has been in direct contact with both the Council and Rivers Agency (see email correspondence 03.10.8) with Rivers Agency confirming that information provided to them appears logical. Rivers Agency appear content to apply planning conditions to address the issues of FLD5.

SPPS, PSRNI (DES2), DCAN 11: Access for All and DCAN 13: Crèches, Day Nurseries and Pre-School Play Groups

Proposals are compatible with the existing land use and has been adequately designed for those whose mobility is impaired. The external finishes are not of conservation standards to those found at Charlemont

Square and Fountain Street. Notwithstanding this the application site is far removed from these areas but the portion of the building sandwiched between the existing community centre and embankment set this particular site apart and will not adversely impact upon the setting of the conservation or landscape policy areas.

Environmental Health have expressed concerns upon amenity regarding use of the building and external areas after the nursery is closed resulting in loss of amenity to local residents due to noise disturbance. Consideration has been given to the impact to amenity however the use of planning conditions to restrict hours/ days of opening could be utilised to overcome this issue.

Consultations:

Transport NI (14.12.18 and 25.06.18) - Having considered additional information submitted 15.11.18 Roads have nothing further to add to comments dated 25.06.18. Comments dated 25.06.18 advise proposals are contrary to PPS3, AMP2 in that it would if permitted prejudice the safety and convenience of road users since the width and forward/ rear sight visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with standards contained in DCAN 15.

Fisheries (22.06.18) - No issues

Rivers (19.06.18) - FLD 1 Development in Fluvial Flood Plain: Proposals lie outs 1 in 100 year fluvial flood plain but minor part of the site is located within a predicted flood area as indicated in the Surface Water Flood Map.

FLD2 and FLD4 - Not applicable

FLD3 - Drainage assessment required for all development proposals that exceed relevant thresholds

FLD5 Development in proximity to reservoirs: Development shown within inundation path of Bessbrook Pond and Camlough impoundment. Applicant to demonstrate condition, management and maintenance.

Environmental Health (04.06.18) - Concerns regarding the use of the building and the external amphitheatre after the nursery is closed for community events and gatherings such as summer screenings and weekend events. The proposal is close to residential properties. Outdoor events have the potential to result in loss of amenity to local residents by reason of noise disturbance.

NIW (13.06.18) - Generic response

HED (06.06.18) - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements

Objections & Representations

One neighbour notified
No objections received
Advertised May 2018

Consideration and Assessment:

Overall the Planning Authority have no objection in principle to development proposals. These have been fully considered in line with planning policy, guidance as well as consultee advice. An opinion to refuse this application has been formed following the outcome of advice from Transport NI on two occasions (the second following receipt of additional information) which has resulted in an unchanged opinion to refuse on road safety grounds.

Recommendation: Refusal

Refusal Reasons:

The proposed is contrary to Planning Policy Statement 3: Access, Movement and Parking (PPS3) Policy AMP2, in that it would if permitted prejudice the safety and convenience of road users, since the width and forward/rear sight visibility of the existing access render's it unacceptable for intensification of use and is not in accordance with the standards contained in Development Control Advice Note 15: Vehicular Access Standards.

Case Officer

Authorised Officer

LA07/2018/0753/F - PROPOSED NEW SURE START NURSERY BUILDING

The points we would like to make next week will come under the following headings:

- We will outline why we feel the proposal is not contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, and we will seek to demonstrate why we feel it is not a significant intensification of the existing access.
- We will demonstrate the catchment of the centre and how it will facilitate walking access from various parts of the village.
- We will outline the availability of existing on-street public layby parking to the west along abbey Terrace and how this will encourage many parents not to go the more onerous route via Mill Road.
- We will propose that if the above is not to be judged adequate, a potential additional access to the west from Abbey Terrace, would allow off-street drop off and a couple of parking spaces within the bounds of the Mill Pond Park. In doing so, this would alleviate concerns about intensification of Mill Road access.

The above will be demonstrated with the aid of diagram plans, and as such access to a Screen / Projector would be appreciated. We can forward material in advance if required.

Regards,

Fearghal Murray

BSc Arch, MArch, ARB, RSUA Design Quality Panel

Director **MMAS**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1145/O

Date Received: 18.07.2018

Proposal: Proposed erection of detached dwelling (Infill dwelling).

Location: Lands 22m north of 15 Corliss Road, Newry

Site Characteristics & Area Characteristics:

The site includes a rectangular portion of ground that appears to have been cleared with aggregate added in recent times. A laneway runs along the north western boundary which separates the site from a detached dwelling and garage (No.19). To the south eastern boundary of the site is another detached dwelling and garage (No.15). The site abuts the public road and is located in the rural area as depicted in the Area Plan.

Site History:

P/2005/1504/F

Retention of Front Road Side Boundary

Permission Granted: 20.10.2005

P/2003/1603/O

Site for dwelling and garage

Appeal Dismissed: 22.06.2004

P/2002/1482/O

Site for dwelling and garage

Appeal Dismissed: 29.04.2003

Consultations:

Transport NI – no objections subject to compliance with RS1 form.

NI Water – Generic response, no objections.

Historic Environment Division – Content the proposal is in compliance with policy.

DAERA – no objections, subject to standing conditions and informatives.

Objections & Representations

2 Neighbours re-notified on 29.10.2018 and the application was advertised on 08.08.2018. No objections or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.
 Strategic Planning Policy Statement for Northern Ireland
 Planning Policy Statement 21
 Planning Policy Statement 2
 Planning Policy Statement 3 / DCAN 15.
 Planning Policy Statement 6
 Building on Tradition

Consideration and Assessment:

The site is located in the countryside as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the area plan to the proposed development.

As the retained policy PP21 is more proscriptive than the SPPS and in the absence of a functional LDP PPS21 will carry the determining weight for this application.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for a small gap site to accommodate up to a maximum of 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings in an otherwise substantial and continuously built up frontage providing it respects the development pattern along the frontage.

The gap between No.15 Corliss Rd and No. 19 Corliss Road is considered of a size that would accommodate a maximum of one dwelling while remaining respectful to the surrounding plot sizes. The proposed site therefore meets the definition of a small gap site according to the exception in policy CTY 8.

The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Due to the overgrown nature and character of the land between No.19 and the Corliss Road which includes whin hedging, reeds and natural species hedging/scrub scattered throughout, it is evident that this portion of land has not been used for domestic purposes and therefore No.19 only benefits from an access point to the public road and not a frontage. Without a frontage to Corliss Road, No.19 cannot be considered to have a common frontage with the proposed site and therefore any buildings at this plot are excluded from the assessment. Notwithstanding this, the garage is located clear of the rear of the building line and would read as part of the host dwelling, and not a separate building. Similarly, the garage at No.15 is located clear of the rear building line of the dwelling and cannot be considered as a building with a frontage to the Corliss Road. This position is consistent with appeal decisions, 2017/A0204 and 2016/A0005.

With the above in mind, there is only one other building with a common frontage to the proposed site (No.15) and not requisite 3 as required by the policy.

For the above reasons the proposed site is not considered to represent an exception to ribbon development, but instead reads as an extension of ribbon development when viewed alongside existing and approved buildings in the area.

Consequently as the proposal does not meet any exceptions listed under Policy CTY1 and there are no over-riding reasons why this dwelling is essential at this location, the proposal is contrary to policies CTY1 and CTY8 of PPS21.

Whilst the site is not considered to offend the policies of CTY13, the proposal is considered to add to a ribbon of development along Corliss Road and result in a suburban style, build up when viewed with existing buildings. The proposal is therefore considered contrary to parts (b) and (d) of policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS2: Natural Heritage. Whilst the site is zoned as a priority habitat (peatland) following the clearing of the site and consultation with DAERA, it has confirmed due to removal of this it is now unlikely to be a priority habitat and therefore does not contravene the policy requirements of PPS2.

The proposed scheme is opposite Corliss Fort, a monument scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995. Due to the scale of the scheme, the topography of the local area and previous ground disturbance within the proposed development site, HED: HM consider the scheme acceptable under archaeological policy requirements. The proposal is in compliance with Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Following the submission of an amended site layout, Transport NI has no objections with regard to Planning Policy Statement 3; Access, Parking and Movement provided any RM application adheres to the attached RS1 form.

Recommendation:

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 the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Corliss Road and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable

Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

Case Officer

Authorised Officer



URGENT: SPEAKING RIGHTS - Wednesday, 13th March 2019 at 10:00 am in the Boardroom, Monaghan Row, Newry. - (COMMITTEE ITEM 23.0 LA07/2018/1145/0 - proposed erection of detached dwelling (infill dwelling) - lands 22m north of 15 Corliss Road, Newry.

NI Planning Permission to: democratic.services

06/03/2019 14:05

Cc: brian.goodman50

2 attachments



O | Proposed erection of detached dwelling(Infill dwelling) | Lands 22m north of 15 Corliss Road Newry - Map Information.pdf



O | Proposed erection of detached dwelling(Infill dwelling) | Lands 22m north of 15 Corliss Road Newry Application Site Photographs

URGENT: SPEAKING RIGHTS - Wednesday, 13th March 2019 at 10:00 am in the Boardroom, Monaghan Row, Newry. - (COMMITTEE ITEM 23.0 LA07/2018/1145/0 - proposed erection of detached dwelling (infill dwelling) - lands 22m north of 15 Corliss Road, Newry.

Dear Sir/Madam,

(Justification for consideration at Planning Committee)

The case officer within his planning application report, even states that *"The gap between No.15 Corliss Rd and No. 19 Corliss Road is considered of a size that would accommodate a maximum of one dwelling while remaining respectful to the surrounding plot sizes. The proposed site therefore meets the definition of a small gap site according to the exception in policy CTY 8"*.

From this, we would argue that the proposed application site has a common road frontage with more than 3no. buildings (Please see the attached Map Information) (PDF Format)

The proposed development is a development opportunity under the Policy CTY8 of PPS21, therefore this development will in no way set a precedent for proposed new developments along the Corliss Road, Newry.

In respect of this case, the application site is a classic development infill opportunity set within a line of over 3 buildings. The SPPS & Policy CTY1 is cited as a reason for refusal in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Policy CTY1 of PPS21, coupled with Policy CTY8, allows 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 provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets other planning and environmental requirements. The term "substantial and built-up frontage" is defined to include a line of three or more buildings along a road frontage (including a footpath or private lane) without accompanying development to the rear.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a

maximum of two houses. Policy CTY 8 requires four specific elements to be met: the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

(Please see the attached Site Photographs and surrounding buildings, showing the "infill nature of the application site" & the map information detailing the building numbers at the application site (PDF Format)

The approval of an additional dwelling on the application site would make no difference to the rural character of this area. A carefully sited proposal respecting landform, vegetation and pattern and nature of development, would therefore not result in a detrimental change of character at this location.

The proposed 1no. detached dwelling of low elevation, traditional in style and positioned and viewed alongside the continuous building line of the existing buildings would successfully integrate into the application site. The proposed dwelling would not be visually intrusive and would integrate well with the existing buildings which front onto the Corliss Road, Newry. The proposal will nestle into this infill site and with some small site works the appeal site could easily accommodate a small dwelling and therefore respect the traditional pattern of development in this locality. The proposal upon the appeal site will compliment the disposition of the buildings.

The appeal site, due to the existing buildings in close proximity to the site, has to be viewed as a gap site. The appeal site is viewed, linked and bounded by buildings on either side and also has a suitable degree of enclosure from the existing mature trees and vegetation.

To conclude, the modest proposal would not make significant additional mark on the existing landscape or cause any degree of demonstrable or adverse harm.

Thanks and good luck.

Patrick O'Reilly

BSc(Hons)MSc

Senior Planning Consultant

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Building 4

Building 3

Building 2

Building 1

Rath

Corliss Fort

ssues

LA07/2018/1145/O | Proposed erection of detached dwelling(Infill dwelling) | Lands 22m north of 15 Corliss Road Newry

Application Site Photographs







Planning Committee 'Call in' Request Form

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Delegated Application List w/c: 14 th January 2019	Planning Application Number : LA07/2017/1437/F	Requested by: Councillor Terry Hearty
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Reason for call in –

- The Applicant has satisfactorily discharged condition No's 1, 4 & 5 from application P/2013/0820/F.
- The agent has requested on numerous occasions for information regarding the Council's stance on commencement of development. On 23rd November 2017 the agent was advised **"Andrew will come back to you in more detail but as a general rule I would always encourage people to ensure all conditions are discharged, all pre-commencement conditions are implemented in full and then foundational work started in the relevant time period. There is little room for argument if the above is carried out correctly."** No information was ever received on the matter from Mr Andrew Davidson.
- Despite further queries by the agent for updates, the final email from the case officer on 1st August 2018 stated **"As you know there are commencement issues relating to this application. Currently such applications are being held pending further instruction. Whilst a time scale has not yet been established I can assure you I will come back to you at the earliest opportunity as further information emerges."** No further information as yet was ever received from the case officer. This is extremely frustrating as the agent has actively engaged with the Case Officer during the application. There is a significant amount of evidence on file which was to be presented to the Case Officer when details of the Council's official stance on commencement of development was received. This information was never offered by the Council and instead the application is brought forward as a refusal, despite continual requests for clarification on the matters.
- Details of the construction works carried out on site prior to the expiration of planning approval P/2013/0820/F were sent to the case officer, by way of affidavit from Mr Peter McNulty.
- The entire frontage along Blackrock Road has been cleared and levelled to provide the visibility splays, forward sight and vehicular access, thus discharging conditions 4 & 5 (The vehicular access, including visibility splays and any forward sight distance). The case officer has confirmed that visibility splays are in place however, argues that because a hedge isn't in place the condition hasn't been met. This is an unfair analysis as the condition does not make any reference to a hedge. The applicant has provided the required access arrangements prior to carrying out other works on the site, as required within the planning permission.
- Further works within the site include the removal of a significant amount of rock, the provision of a foundation trench with concrete for the approved dwelling and drainage pipes and manhole installed. These works were then covered with stones for safety. This amounts to a significant amount of works in relation to planning approval P/2013/0820/F.
- In the discharging of conditions 4 & 5 and the provision of works involved in the construction of erection of the approved dwelling on the site, it should be confirmed as also discharging condition No.1 which required development to be commenced before 13th March 2015.

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			
LA07/2017/1326/F	Peter Morgan – dwelling and garage on a farm – 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlarney	Application considered at August 2018 meeting – agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent.	N
P/2014/0427/0	Joseph McGivern – site for dwelling to the rear and south of 2 Berkley Grove, Warrenpoint	Remove from the agenda to allow for further discussion with Planning Officers	Jacqui McParland	Agent has submitted additional information to address roads issues Sept 2018 Reconsult TNI. – application listed on schedule for Planning meeting on 13-2-2019 – Site Meeting to be held	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
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	21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18. 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	N
PLANNING MEETING – 6 JUNE 2018					
LA07/2018/0398/0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	Application removed from the schedule for further consideration by Planners	Andrew Davidson	Application deferred at Pl. Meeting on 29-08-2018 to allow for further discussions between applicant/agent and planning officers re: potential for other in-fill or agricultural	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				opportunities. Awaiting information from the agent in terms of sites owned by the applicant so that the Planning Department can assess the potential for any planning approvals on these sites.	
PLANNING MEETING – 1 AUGUST 2018					
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

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/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 await the submission of this application and its conclusion before returning to consider the current deferred application.	N
		PLANNING MEETING – 24 OCTOBER 2018			
LA07/2018/0894/F	Dundrum Cross Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-	Removed from the addendum list at the request of Councillor Murnin to allow objectors to make representations	Annette McAlarney	Requires further consideration on foot of additional information submitted prior to Oct 2018 Committee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	9 Manse Road, Dundrum.				
LA07/2017/1671/F	Mr and Mrs McConnell - farm dwelling - 50m east of No. 77 Ballynahinch Road, Saintfield.	Defer for 6 months to allow for the completion of an agricultural building on site and delegate authority to Planning Officers to issue the decision	Annette McAlarney	Review April 2019 re construction of shed.	N
LA07/2018/0758/0	Mr and Mrs Hickland - new dwelling and garage - lands approximately 50M south of 56 Crawfordstown Road, Drumaness	Defer for a site visit	Annette McAlarney	Site visit held on 09-01-2019	N
LA07/2017/1694/R M	Mr R Hutton - replacement dwelling (off site) - adjacent to junction of Vianstown Road and Bishopsbrae Road, Downpatrick.	Defer to allow the opportunity for the agent/applicant to avail of one more office meeting with Planners and submit one additional set of amended plans for a dwelling in line with what was originally on site. Delegate authority to Planning Officers to issue the decision	Annette McAlarney	Set up meeting with Agent. Meeting date agreed 29/11/2018.	N
		PLANNING MEETING – 19 DECEMBER 2018			
LA07/2018/0377/0	Replacement dwelling and garage – 20m east of 53	Defer to allow for the submission of a CLUD on the building	A McAlarney		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Beechview Road,				
		PLANNING MEETING – 16 JANUARY 2019			
LA07/2017/1603/0	Housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development - lands to the west of 34 and 61 Old Railway Close, Leitrim.	Defer to allow time for more information to be submitted in terms of the potential for any zoned land within the settlement to be developed. Application to be taken back to Committee	A McAlarney		
LA07/2018/0444/F	Proposed replacement dwelling and erection of detached garage - 5 Creevytenant Road, Ballynahinch.	Defer to allow the agent and Planners to agree on an acceptable curtilage and design. Officers be delegated authority to impose any relevant conditions and issue the decision	A McAlarney		
LA07/2018/1193/0	Off-site replacement dwelling with detached garage - approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan.	Defer for a site visit to look at the site in more detail including the original access	A McAlarney	Date for site visit – 08-02-2019	
LA07/2017/1469/F	Change of house type to that approved under LA07/2016/1448/F (for replacement single storey	Defer for a site visit so that Members could assess the site in more detail and its impact on neighbouring properties	J McParland	Date for site visit – 08-02-2019	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars), replacement outbuilding and detached carport for 2 cars (amended plans) - 186 Killowen Road, Rostrevor.				
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 the applicant to meet with Rivers Agency to discuss flooding and culvert issues	A McAlarney		
P/2014/0276/0	Site for dwelling – to the rear and south of No. 2 Berkley Grove, Warrenpoint	Defer application for discussion on amended plans and authority be delegated to Planning Officers to issue the decision	J McParland	Date for site visit – 27-02-2019	

Newry, Mourne & Down District Council – February 2019

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1. Live Applications

MONTH 2018/19	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263
October	168	971	272
November	187	1,002	276
December	133	1,085	297
January	164	1,063	273
February	180	1,124	274

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2. Live Applications by length of time in system

Month 2018/19	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	914
May	506	193	78	33	106	916
June	483	201	84	33	108	909
July	540	189	90	34	107	960
August	482	187	99	34	111	913
September	511	184	108	45	110	958
October	529	170	114	46	112	971
November	548	178	110	52	114	1,002
December	604	184	115	64	118	1,085
January	607	183	90	62	121	1,063
February	676	174	90	62	122	1,124

3. Live applications per Case Officer

Month 2018/19	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56
October	61
November	62
December	64
January	62
February	79

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4. Decisions issued per month

Month 2018/19	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83
October	147	141
November	145	138
December	44	40
January	172	156
February	111	93

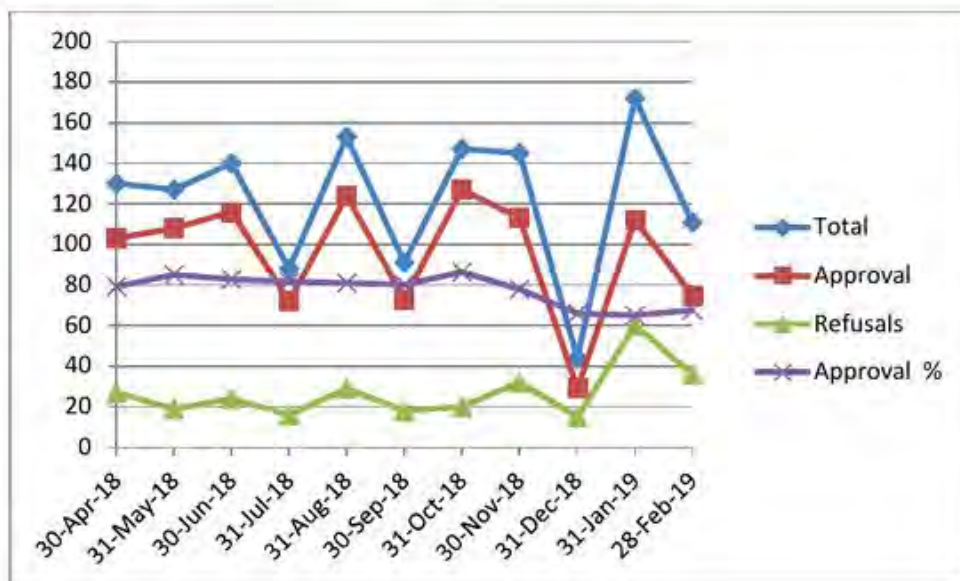
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5. Decisions Issued YTD

Month 2018/19	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%
October	876	Approvals (723)	83%
		Refusals (153)	17%
November	1,021	Approvals (836)	82%
		Refusals (185)	18%
December	1,065	Approvals (865)	81%
		Refusals (200)	19%
January	1,234	Approvals (974)	79%
		Refusals (260)	21%
February	1,345	Approvals (1,049)	78%
		Refusals (296)	22%

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6. Enforcement Live cases

Month 2018/19	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061
October	389	239	142	77	80	160	1,087
November	393	232	155	83	71	169	1,103
December	383	220	165	77	74	174	1,093
January	388	217	166	82	72	181	1,106
February	388	221	175	85	72	186	1,127

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7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
24 October 2018	13	4	9
21 November 2018	10	4	6
19 December 2018	15	12	3
16 January 2019	12	6	6
13 February 2019	20	15	5
Totals	178	102	76

8. Appeals

Planning Appeal Commission Decisions issued during February 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	21	1	0	1	0
Down	10	1	0	1	0
TOTAL	31	2	0	2	0

Newry, Mourne & Down District Council – February 2019

Statutory targets monthly update - up to January 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	0	2	110.4	0.0%	100	109	14.0	52.3%	48	6	170.2	66.7%
May	0	2	67.3	0.0%	115	118	16.9	43.2%	49	14	48.3	64.3%
June	1	1	20.2	100.0%	133	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	108	81	15.2	49.4%	39	6	61.9	66.7%
August	0	-	0.0	0.0%	110	136	15.6	47.8%	39	5	34.6	80.0%
September	1	-	0.0	0.0%	117	82	14.9	50.0%	34	5	129.7	20.0%
October	2	-	0.0	0.0%	144	138	16.3	44.9%	51	29	49.8	69.0%
November	0	-	0.0	0.0%	143	123	16.4	44.7%	36	14	58.4	50.0%
December	0	-	0.0	0.0%	115	31	18.0	38.7%	19	34	52.8	52.9%
January	1	-	0.0	0.0%	134	152	22.9	26.3%	36	18	85.5	44.4%
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	5	5	48.6	20.0%	1,219	1,102	16.8	44.4%	400	156	54.6	57.7%

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".

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

214

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	Colin McGrath
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr walker
04/09/2018	G Kerr	Cllr Tinnelly
07/09/2018	A McAlarney	Colin McGrath
12/09/2018	A McAlarney	Cllr Walker Cllr Andrews
18/09/2018	A McAlarney	Cllr Walker Cllr Andrews
20/09/2018	A McAlarney	Cllr Rice
03/10/2018	A McAlarney	Cllr W Clarke
18/10/2018	A McAlarney	Cllr Enright
29/10/2018	A McAlarney	Cllr Walker Cllr Andrews
13/11/2018	A McAlarney	Cllr Burgess
04/12/2018	A McAlarney	Cllr Walker

Current Appeals

215

AUTHORITY **Newry, Mourne and Down**

ITEM NO	1	PAC Ref:	2017/A0168
Planning Ref:	LA07/2017/0687/	DEA	The Mournes
APPELLANT LOCATION	Steven And Diane Campbell 30m North Of 94 Greencastle Road Kilkeel		
PROPOSAL	RT34 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged**

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:	2017/A0213
Planning Ref:	LA07/2016/0952/	DEA	Newry
APPELLANT LOCATION	D & M Downey 113-117 Dublin Road Newry		
PROPOSAL	RT35 80P Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	18/01/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

216

ITEM NO	3	PAC Ref:	2018/A0027
Planning Ref:	LA07/2016/1407/	DEA	The Mournes
APPELLANT	Richard Newell		
LOCATION	75A Glassdrumman Road Annalong		
PROPOSAL	On Down Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2018/A0046
Planning Ref:	LA07/2017/0969/	DEA	Crotlieve
APPELLANT	Mr Peter Clerkin		
LOCATION	160m South Of 106 Leitrim Road Hilltown		
PROPOSAL	Proposed retention and extension of farm shed (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	11/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

217

ITEM NO	5		
Planning Ref:	R/2014/0079/F	PAC Ref:	2018/A0054
APPELLANT	Mr Brendan Maginn	DEA	The Mournes
LOCATION	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
PROPOSAL	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/07/2018
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:	LA07/2018/0747/	PAC Ref:	2018/A0079
APPELLANT	Joan Henderson	DEA	Crotlieve
LOCATION	200m South East 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newly Proposed replacement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	05/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

218

ITEM NO	7	PAC Ref:	2018/A0085
Planning Ref:	LA07/2018/0220/	DEA	Rowallane
APPELLANT	Mr & Mrs H Coulter		
LOCATION	50m SE Of 7 Old Saintfield Road Creevycarnonan		
PROPOSAL	Crossbar Proposed 2 no infill dwellings, detached garages and site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/09/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2018/A0100
Planning Ref:	LA07/2018/0865/	DEA	The Mournes
APPELLANT	Mr And Mrs C Parke		
LOCATION	25 Oldtown Lane Annalong		
PROPOSAL	RT34 4XF One and a half storey rear extension to include additional living accommodation and home office. Proposed garage to west side		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	05/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

219

ITEM NO 9
Planning Ref: LA07/2017/0290/ **PAC Ref:** 2018/A0117
APPELLANT Mr & Mrs McMurray **DEA** Rowallane
LOCATION 110 M South Of No 52 Carsonstown Road
 Saintfield
PROPOSAL ~~RT24 ZFR~~
 Single Storey 200sqm house with Outbuilding - garage and stores

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 24/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation 28/02/2019
Date of Site Visit

ITEM NO 10
Planning Ref: LA07/2018/0554/ **PAC Ref:** 2018/A0123
APPELLANT Mr Craig Baxter **DEA** Crotlieve
LOCATION No. 5 Ringbane Road
 Ringbane
PROPOSAL ~~Newrv~~
 Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 25/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

220

ITEM NO 11
Planning Ref: LA07/2017/0691/ **PAC Ref:** 2018/A0124
APPELLANT Mr & Mrs G Cunningham **DEA** The Mournes
LOCATION Lands Adjacent To And North East Of 346 Newry Road
 Kilkeel
PROPOSAL RT34 4SF
 Proposed detached retirement dwelling and garage (additional plans)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 26/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 12
Planning Ref: P/2015/0200/F **PAC Ref:** 2018/A0130
APPELLANT Mr Naill Black **DEA** Newry
LOCATION Approx 150m South East Of No 28 Ferryhill Road
 Killean
PROPOSAL Newry
 Erection of a farm dwelling and garage.

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 30/10/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

221

ITEM NO	13		
Planning Ref:	LA07/2018/0331/	PAC Ref:	2018/A0131
APPELLANT	David Gordon	DEA	The Mournes
LOCATION	34 Dougans Road Kilkeel		
PROPOSAL	BT34 4HN Retention of dwelling and integrated garage, in substitution of Planning Ref: P/2009/1284/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
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:	LA07/2017/1316/	PAC Ref:	2018/A0132
APPELLANT	O'Hagan Construction Ltd	DEA	Newry
LOCATION	Site Adjacent And North Of 8 Heslips Court Adjacent And West Of 9 Heslips Court And Opposite And 25 M East Of 16 Chancellors Hall		
PROPOSAL	Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/10/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

222

ITEM NO	15	PAC Ref:	2018/A0133
Planning Ref:	LA07/2018/0360/	DEA	The Mournes
APPELLANT	Forest Park Developments		
LOCATION	Immediately North West Of 4 Sawmill Road Castlewellan BT31 9GJ		

PROPOSAL Infill dwelling

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 31/10/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	16	PAC Ref:	2018/A0134
Planning Ref:	LA07/2017/1151/	DEA	Slieve Gullion
APPELLANT	Clark McCourt		
LOCATION	Lands 70 Metres North-East Of 32 Cullentragh Road Jerretspass		

PROPOSAL Erection of farm building and associated site works to include vehicular access, access lane and hard-standing area

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Informal Hearing** **Date Appeal Lodged** 31/10/2018

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

223

ITEM NO	17		
Planning Ref:	LA07/2018/1074/	PAC Ref:	2018/A0142
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	Lands Opposite No 1 Ashgrove Avenue Newry		
PROPOSAL	Housing Development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments (amended proposal)		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	04/12/2018
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:	LA07/2018/0457/	PAC Ref:	2018/A0143
APPELLANT	D Downey	DEA	Newry
LOCATION	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road Newry		
PROPOSAL	Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	15/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

224

ITEM NO	19		
Planning Ref:	LA07/2018/1261/	PAC Ref:	2018/A0151
APPELLANT	Ebony Hughes	DEA	Newry
LOCATION	Premises At Corner Of Upper Edward Street Railway Avenue Newry		
PROPOSAL	Retention of mechanics garage, office store and boundary fencing		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	26/11/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2018/0903/	PAC Ref:	2018/A0168
APPELLANT	Mr Glyn Mitchell	DEA	The Mournes
LOCATION	19 The Square Kilkeel		
PROPOSAL	Change of use from a travel agency to professional services office and new external finishes		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	21/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

225

ITEM NO	21	PAC Ref:	2018/A0171
Planning Ref:	LA07/2018/0709/	DEA	Downpatrick
APPELLANT	Mr Michael Mariner		
LOCATION	111 Loughinisland Road Annacloy		
PROPOSAL	Downpatrick Demolition of portion of existing vehicle repair building and construction of new extension(Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2018/A0172
Planning Ref:	LA07/2018/0921/	DEA	The Mournes
APPELLANT	Leah Chambers		
LOCATION	14a Stewarts Road Annalong		
PROPOSAL	RT34 41 IF Replacement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	07/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

226

ITEM NO 23
Planning Ref: LA07/2017/1624/ **PAC Ref:** 2018/A0178
APPELLANT Thomas Stevenson **DEA** The Mournes
LOCATION Site 50m NW Of 18 Turloughs Hill
 Annalong
PROPOSAL RT34 4XD And 80m NW Of The Dwelling Which Is To Be Replaced
 Replacement Dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps **Date Appeal Lodged** 10/01/2019
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: LA07/2018/0862/ **PAC Ref:** 2018/A0191
APPELLANT Mr And Mrs McIlwrath **DEA** Slieve Croob
LOCATION North And Adjacent To 41 Old Park Road
 Tievendarragh
PROPOSAL Drumanness
 Erection of a dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 22/01/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

227

ITEM NO	25	PAC Ref:	2018/A0198
Planning Ref:	LA07/2018/0403/	DEA	Crotlieve
APPELLANT	Joseph Walls		
LOCATION	Existing Farm Buildings Located 140m South East Of 26 Sandbank Road		
PROPOSAL	Hilltown 2 No. farm buildings (Retrospective)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/01/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26	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			

Current Appeals

228

ITEM NO	27	PAC Ref:	2018/A0209
Planning Ref:	LA07/2018/1393/	DEA	Slieve Croob
APPELLANT	John Rush		
LOCATION	Lands Adjacent To And 29m East Of 15 Altnadua Road Castlewella		
PROPOSAL	Construction of 1no dwelling house on a gap infill site		

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	28	PAC Ref:	2018/A0222
Planning Ref:	LA07/2018/1207/	DEA	Downpatrick
APPELLANT	Mr And Mrs Byrne		
LOCATION	Lands Adjoining Farm Buildings At 28 Ballyclander Road Downpatrick BT30 7DZ		
PROPOSAL	Farm dwelling and garage/farm outbuilding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

229

ITEM NO	29	PAC Ref:	2018/A0223
Planning Ref:	LA07/2017/1252/	DEA	Newry
APPELLANT	Ms Naiomh Morgan		
LOCATION	Adjacent To And Immediately West Of 13 Crieve Road Newry BT34 2JT		
PROPOSAL	Dwelling house (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/02/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2018/E0054
Planning Ref:	LA07/2018/1558/	DEA	The Mournes
APPELLANT	Glyn Mitchell		
LOCATION	19 The Square Kilkeel BT34 4AA		
PROPOSAL	Removing existing timber cladding and painting the ground floor façade of the building with a timber effect finish		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	20/12/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

ITEM NO	31		
Planning Ref:	LA07/2018/1844/	PAC Ref:	2018/E0060
APPELLANT	Forest Park Developments	DEA	The Mournes
LOCATION	Immediately North West Of 4 Sawmill Road Castlewellan		
PROPOSAL	Retention of builders storage yard		
APPEAL TYPE	DC- Refusal of CLUD		
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			



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:	2018/A0122
Appeal by:	Brian and Laura Fealy
Appeal against:	Refusal of Outline Planning Permission
Proposed Development:	Proposed dwelling and detached garage on a farm.
Location:	143m West of No. 21 Kilkeel Road Hilltown.
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/0699/O
Procedure:	Written Representations and Accompanied Site Visit on 6 th February 2019
Decision by:	Commissioner Helen Fitzsimons on 20 th February 2019

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. The BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' One of these is a dwelling on a farm in accordance with Policy CTY 10 of the PPS. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raise objections under criteria (a) that the farm business is currently active and has been for six years and (c) that the new building is visually linked or sited to cluster with an established group of buildings on the farm.
5. Paragraph 5.38 of the policy says that new houses on farms will not be acceptable unless the existing farming business is both established and active. The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

2018/A0122

6. The appellant presented me a farm business ID number and a number of records including a herd list; a births notification list and details of movement of cattle relating to the holding. However, the records do not continuously span the required 6 year period. I accept that the farmer suffered a serious illness, which it took him some time to recover from. This which would explain the lack of beef farming records for the period 2014 – 2015. Notwithstanding that I was told that during the period of the farmer's illness the land was kept in excellent condition and well maintained in line with EU and Departmental regulations I was given no documentary evidence in support of this such as receipts from contractors or dated photographs of such works occurring. Because of this I am not persuaded that the appellant has satisfactorily demonstrated that the farm has been active for the required six year period. Criterion (a) of Policy CTY 10 of PPS 21 is not met.
7. The appeal site comprises part of a field. The main farm buildings are located at 8 Shannon Park Hilltown some considerable distance from the appeal site. There is an unauthorised outbuilding on the appeal site which the appellants claim was erected in excess of seven years ago. However, in the absence of a Certificate of Existing Lawful Development I have no verifiable documentation regarding its planning status. I cannot take this shed into account. It transpired at the site visit that the buildings adjacent to the appeal site are not buildings used in association with this holding. There is no established group of buildings on the farm at this location that would allow visual linkage or clustering for the appeal proposal. The proposal fails criterion (c) of PPS 21.
8. As the proposed development fails to meet the requirements of criteria (a) and (c) of Policy CTY 10 of PPS 21 the Council has sustained its first reason for refusal and the proposed development is not acceptable in principle in the countryside.
9. Policy CTY 13 'Integration and Design of Buildings in the Countryside' says that planning permission will be granted for a building in the countryside where it can be visually integrated onto the surrounding landscape and is of an appropriate design. It sets out that new buildings will be unacceptable in a number of circumstances one of which is (g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm. As the proposed development fails Policy CTY 10 of PPS 21 it also fails Policy CTY 13 of PPS 21 and the Council has sustained its second reason for refusal.
10. Suggestions by the Council, during its consideration of the application for planning permission, that an alternative site might be acceptable are not for me to comment upon in this appeal.

This decision is based on the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS

2018/A0122**List of Documents**

Planning Authority: -
Appellant:-

C1 Written Statement and appendices
A1 Written Statement and appendices

Attendances

Planning Authority:-
Appellant:-

Mr G Murtagh
Mr K Sherry – Agent
Mr B Fealy – Appellant
Mr N Brady – Appellant's Father in Law

2018/A0122



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
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E: info@pacni.gov.uk

Appeal Reference:	2018/A0085
Appeal by:	Mr & Mrs Coulter
Appeal against:	The refusal of full planning permission
Proposed Development:	2 No. dwellings and detached garages and site works
Location:	50m SE of No.7 Old Saintfield Road, Crossgar
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2018/0220/F
Procedure:	Informal Hearing on 6 February 2019
Decision by:	Commissioner Brigid McGlinchey dated 26 February 2019

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted two revised drawings in his statement of case showing a reduction in both the ridge height and the finished floor level of each dwelling. The proposed amendments do not fundamentally change the nature of the development and the objectors, who participated in the appeal process, are aware of the changes. I am therefore satisfied that regard could be had to the amended drawings without causing any prejudice.
3. Notwithstanding the above, a further issue is whether the acceptance of the drawings would contravene Section 59 of the Planning Act (NI) 2011 which reads as follows:

"S.59 (1) In an appeal under section 58, a party to the proceedings is not to raise any matter which was not before the council or, as the case may be, the Department at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the planning appeals commission: (a) that the matter could not have been raised before that time, or (b) that its not being raised before that time was a consequence of exceptional circumstances.
4. The amended drawings had been submitted to the Council on 21 August 2018 eight days before the planning committee meeting was held on the 29 August 2018. The drawings were therefore submitted during the processing time of the application albeit during a period after planning officials had prepared a recommendation for the committee. Whilst the committee members were made aware of the amended drawings, a planning official at the meeting advised that the drawings could not be taken into account as colleagues had not the time to consider the revised drawings when determining their recommendation. Notwithstanding that due consideration was not given to them, the amended drawings were nonetheless before the Council and do not represent a new matter. Given these particular circumstances, consideration of the two amended drawings in this appeal would not be at odds with Section 59. The amended drawings therefore form the basis for my consideration.

Reasons

5. The main issues in this appeal are whether the proposal is acceptable in principle, the design of the dwellings and the impact on the character of the area.
6. The Ards & Down Area Plan 2015 (ADAP), which operates as the statutory local development plan for the proposal, shows that the site lies within the countryside. The ADAP offers no specific policy or guidance in respect of the proposed dwellings. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), which is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document. Policy CTY1 of PPS21 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 proposal represents an infill opportunity in accordance with Policy CTY8.
7. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 goes on to state 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. The policy states that for its purposes, 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.
8. The appeal site is cut out of a larger agricultural field that lies between No.7 Old Saintfield Road and two other residential properties to the southeast (Nos. 3 and 1). The appeal site has a road frontage of approximately 50m. It widens out and gradually rises towards an undefined boundary to the north and to a mature hedgerow to the west which defines the intervening boundary with the elevated plot of No.7. A post and wire fence defines the boundary with No.3 which is marginally below the adjoining level of the appeal site.
9. The Council accepted that the appeal site represents a small gap site within an otherwise substantial and continuously built up frontage. The Council however argued that the gap cannot accommodate two dwellings whilst respecting the existing development pattern along the frontage. The Council also challenged that the design of the proposal failed to meet other planning and environmental requirements and the objectors also raised an issue which falls to be considered under this element of Policy CTY8.
10. The appeal site extends to 0.4ha and the proposal entails subdivision to create two residential plots with varied length of roadside frontage of approximately 12m and 38m either side of a shared access arrangement. Based on the proposed layout, the curtilage of Site 1 was estimated by the appellant at the hearing as extending to approximately 0.2ha corresponding to half of the area of the appeal site. The residual area is divided into Site 2 and part of a field notated as a 'paddock' which the appellant stated at the hearing did not form part of the proposed residential development scheme. The appellant estimated that Site 2 extended to 0.16ha. I note however, that the indicated curtilage of Site 2 is only slightly larger in size to that part of the paddock which falls within the appeal site outline. Notwithstanding the appellant's approximation cited at the hearing, I judge that a more accurate estimate of the extent of Site 2 is about 0.11ha.

11. The headnote of Policy CTY8 sets out the matters to be taken into account when assessing a proposal relative to the existing settlement pattern - size, scale, siting and plot size. The size and scale criteria are synonyms and both refer to the dimensions of the proposed buildings. The submitted amended scheme indicates a reduction in the ridge height of the proposed 2-storey dwellings to 8.2m and the lowering of the finished floor level of each by 0.2m. I note that there is no consistency in the size or scale of the existing dwellings with that on the elevated site at No.7 being a 1½-storey modern vernacular building whilst those at Nos.1 and 3 are respectively single and 1½ storey bungalows. No.5 Abbeyview Road located opposite the appeal site is a 2-storey dwelling. In this context, the size and scale of the proposed dwellings would not be at odds per se with the existing built form in the settlement pattern.
12. The existing residential plots along this part of Old Saintfield Road range in size range from 0.3ha to 0.33ha and are varied in their configuration with each curtilage having an extensive frontage to the road and generally narrowing back. The road frontage of No.7 extends to approximately 105m whilst that for No.3 and No.1 measures 89m and 72m respectively. The subdivision of the appeal site into the two proposed significantly smaller plots would not respect the existing settlement pattern characterised by dwellings set within large curtilages even if the proposed sites are deemed generous by the appellant. Notwithstanding the resulting separation distances between the proposed dwellings and that of the existing buildings, the comparative smaller plot sizes would be readily apparent from the identified critical viewpoints along the road and reinforced by the relatively short roadside frontage presentation of each site. The introduction of two dwellings onto the appeal site would therefore be at odds with the loose grain of the traditional pattern of settlement exhibited along the frontage. I agree with the Council that the gap cannot accommodate the proposed development whilst respecting the existing development pattern along the frontage. The proposal fails this test of Policy CTY8.
13. The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character. The proposed dwelling on Site 2 is to be positioned on the lower part of the appeal site. Notwithstanding that it would be 2-storey, it would not appear overly dominant if the existing mature hedgerow and embankment were set back as indicated along the site frontage and the new proposed planting is carried out along the adjoining boundary with No.3. The proposal however entails the positioning of the other dwelling on Site 1 on an elevated part of the appeal site which would sit 4.2m higher than that proposed on Site 2. Whilst it would be slightly lower in the landscape than that of No.7, the dwelling on Site 1 would not have the same benefit of screening provided by mature vegetation and it would appear overly dominant in the landscape. The proposed planting within the appeal site or the setback of the roadside embankment with hedgerow would not screen or alter this dominant appearance. The objectors' stated concern about dominance is sustained in respect of the proposal on Site 1. Given the location of the proposed dwellings within significantly smaller plots, the amendments presented do not overcome the failure of the proposal to respect the existing development pattern along this stretch of Old Saintfield Road. In this regard, the proposal for two dwellings is inappropriate for the site and the locality. The objectors' concern and the Council's third reason for refusal under Policy CTY13 are sustained.
14. The Council has accepted that the appeal site represents a gap site within an otherwise substantial and continuously built up frontage. In complying with this element of Policy CTY8, it follows that a development site that is accepted as 'infill' opportunity could not be considered unacceptable in terms of build up, ribboning or rural character. The Council has therefore not sustained its fourth reason for refusal.

15. Nonetheless, considering all the issues pertinent to Policy CTY8, I conclude that the proposed development would not respect the existing development pattern along the frontage and would also fail to meet other planning and environmental requirements under Policy CTY13. The proposal therefore does not meet the stated exception to Policy CTY8. The Council has sustained its second reason for refusal.
16. The proposal therefore does not qualify as one of the specified types of development considered to be acceptable in principle under Policy CTY1. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There is no evidence that the proposal is essential. The proposal is therefore contrary to Policy CTY1 and the Council has sustained its first reason for refusal.
17. The residential property at No.5 Abbeyview Road abuts and is located on the opposite side of the Old Saintfield Road. Its roadside boundary is defined by mature vegetation and the dwelling is separated from this boundary by over 30m. Though the proposed buildings on the appeal site would be more elevated in the landscape especially the dwelling on Site 1, I am satisfied that their siting would not unacceptably affect the privacy of the existing residents given the separation distance and the intervening screening. The third party objection in this regard is not sustained.

This decision is based on Drawing 01-1:2500 scale Site location plan submitted with the planning application and the following amended drawings attached in the statement of case:

- Drwg C01 RevA -1:1000 scale Existing site plan and 1:500 scale Proposed site plan;
- Drwg C02 RevA - 1:100 scale Scheme design proposals and house types.

COMMISSIONER BRIGID McGLINCHEY

List of Appearances

Planning Authority:- C Cunningham
Appellants:- D Donaldson, Agent
H Coulter

List of Documents

Planning Authority:- C1 - Statement of case + Appendices
Appellants:- A1 - Statement of case + Appendices
Third Parties:- O1 - Statement of case from Mr R B Steele
O2 - Statement of case from Mrs R C Steele