



August 19th, 2019

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 21st August 2019** at **10:00 am** in **Boardroom, District Council Offices, Monaghan Row, Newry.**

Committee Membership:-

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

Agenda

1.0 Apologies.

- Cllr. Devlin

2.0 Declarations of Interest.

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

- **Item 6 - LA07/2019/0149/F** – proposed dwelling – adjacent to 11 Saul Road, Downpatrick **REFUSAL** – all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**
- **Item 7 - LA07/2018/1975/0** – dwelling – to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road **REFUSAL** - all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**
- **Item 8 - LA07/2017/1182/F** - Strategic roadside services facility - all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs. Bain, Devlin and Mason**

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 24 July 2019. (Attached).

📎 *Planning Committee Minutes - 24 July 2019.pdf*

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For Discussion/Decision

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

📎 *Addendum list - 21-08-2019.pdf*

Page 18

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

6.0 LA07/2019/0149/F - proposed dwelling - adjacent to 11 Saul Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

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

7.0 LA07/2018/1975/0 - Dwelling - to the rear of 15A Lisoid Road, Rossglass with access from Ballylig Road, Rossglass. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Joanne Groves, applicant, in support of the application. **(Submission attached).**

8.0 LA07/2017/1182/F - Strategic roadside service facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation works - location (see below). (Case Officer report attached).

Lands east of the (A1) Belfast Dublin Dual Carriageway (Southbound) off slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are south of the link road connecting the (A27) Tandragee Road and (A28) Armagh Road approximately 300m west of the (A27) Tandragee Road/Carnbane Road/Shephers Way roundabout, Newry NT35 6QA.

Rec: REFUSAL

- This item has been deferred to the September 2019 Planning Committee Meeting on the basis of legal advice.

Development Management - Planning Applications for determination

9.0 LA07/2019/0105/F - new walking, non bitmac community trails - Seaforde Plantation Wood, Seaforde, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

10.0 LA07/2019/0106/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0106-F REPORT Drumkeeragh Walking Paths.pdf](#)

Page 76

11.0 LA07/2019/0107/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached)

Rec: APPROVAL

- Addendum list

[LA07-2019-0107-F REPORT Drumkeeragh Walking Paths.pdf](#)

Page 81

12.0 LA07/2019/0108/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0108-F REPORT Drumkeeragh Walking Paths.pdf](#)

Page 86

13.0 LA07/2019/0109/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0109-F REPORT Drumkeeragh Walking Paths.pdf](#)

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14.0 LA|07/2019/0110/F - walking, non bitmac community trails - Corry Wood, Station Wood, Castlewellan. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-0110-F REPORT Corry Wood Walking Paths.pdf*

Page 96

15.0 LA07/2019/0111/F - walking, non bitmac community trails - Corry Wood, Station Road, Castlewellan. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-0111-F REPORT Corry Wood Walking Paths.pdf*

Page 102

16.0 LA07/2019/0112/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-0112-F REPORT Drumkeeragh Walking Paths.pdf*

Page 108

17.0 LA07/2019/0113/F - walking, non-bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-0113-F REPORT Drumkeeragh Walking Paths.pdf*

Page 113

18.0 LA07/2019/0115/F - walking, non bitmac community trails - Tievenadarragh Forest, Newcastle Road, Drumaness. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2019-0115-F REPORT Tievenadarragh walking path.pdf*

Page 118

19.0 LA07/2019/0116-F - walking, non bitmac community trails - Tievendarragh Forest, Newcastle Road, Drumaness. (Case

Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0116-F REPORT Tievenadarragh walking path.pdf](#)

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20.0 LA07/2019/0447/F - redevelopment of land from former office building and car park to staff and fleet car park - 24 Strangford Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07_2019_0447_F_24_Strangford_Road.pdf](#)

Page 129

21.0 LA07/2019/0449/LBC - redevelopment of land from former office building and car park to staff and fleet car park - 24 Strangford Road, Downpatrick. (Case Officer report attached).

Rec: CONSENT

- Addendum list

[LA07_2019_0449_LBC_24_Strangford_Road.pdf](#)

Page 134

22.0 LA07/2019/0529/F - Environmental Improvement Scheme - New granite paving, kerb trims and dished channels. Tactile paving. Asphalt footpath with stone chippings. New street lighting and removal of overhead wires. Tree surrounds and tree planting. Coloured road coatings - Drumintee Road from junction with Mallon's Lane to point adjacent to 2 Forkhill Road incorporating the junction with Chapel Road and Railway Road, Meigh. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0529-F Enviromental Improvements - Meigh.pdf](#)

Page 138

23.0 LA07/2019/0538/F - Environmental Improvement Scheme - Main Street from junction with Carquillan to a point adjacent to Fegan's Motor factors 43 Main Street including areas at

**junctions with Rathfriland Road and Rostrevor Road, Hilltown.
(Case Officer report attached).**

Rec: APPROVAL

- Addendum list

[📄 CO Report LA0720190538F, EIS Hilltown.pdf](#)

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**24.0 LA07/2019/0577/F - Environmental Improvements Scheme -
Armagh Street from junction with Cladymilton Road to The
Square, Dundalk Street from The Square to the junction with
Castleblaney Street and the car park adjacent to the Spar
Supermarket, Newtownhamilton. (Case Officer report
attached).**

Rec: APPROVAL

- Addendum list

[📄 LA07-2019-0577-F Improvement Scheme - Newtownhamilton.pdf](#)

Page 144

**25.0 LA07/2019/0579/F - Environmental Improvement Scheme -
Catherine Street and Cross Street extending to access steps
to Dibney River incorporating the road junctions Catherine
Street and Irish Street, Catherine Street and Plantation Street,
Catherine Street and Shore Street/High Street, Cross Street
and Church Hill/Frederick Street, Killyleagh. (Case Officer
report attached).**

Rec: APPROVAL

- Addendum list

[📄 LA07-2019-0579_Killyleagh_EIS.pdf](#)

Page 147

**26.0 LA07/2019/0656/F - change of use of ground floor reception to
Narnia themed audio/visual room - Kilbroney Reception Block
- Kilbroney Forest, Rostrevor. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

[📄 0656.pdf](#)

Page 154

27.0 LA07/2018/1025/F - Alteration and Extension (two storey side extension) to existing retail premises, all associated site works including demolition of section of market wall and existing trading stall structure - Newry Market, John Mitchel Place, Newry (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[Philips Fruits Proposed Extension Hill St Newry.pdf](#)

Page 158

28.0 LA07/2018/1807/F - replacement dwelling - 55 Ballymaginaghy Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Tom Wilson, Sharon Johnston and Shauna Middleton in support of the application. **(Submission attached).**

[LA07-2018-1807-F Ballymaginaghy Road - Replacement.pdf](#)

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[Item 28 - LA07-2018-1807-F.pdf](#)

Page 171

29.0 LA07/2018/1883/0 - proposed dwelling on a farm - 25m west of No. 62 Drumgooland Road. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin Dalton, agent and Daniel Savage, applicant's father, in support of the application. **(Submission attached).**

[LA07_2018_1883_O_62 Drumgooland_Road.pdf](#)

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[Item 29 - LA07-2018-1883-0 \(Drumgooland Road\).pdf](#)

Page 177

30.0 LA07/2018/1888/F - farm dwelling - 71a Ballybannan Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2018-1888-F Farm Dwelling Ballybannan Road.pdf](#)

Page 179

31.0 LA07/2019/0019/F - proposed agricultural building, hard standing and all associated site works - approx 150m NW of 5 Church Road, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- Removed from the schedule at the request of Planning Officers.

LA07-2019-0019-F Church Rd (Agric Shed).pdf

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Item 31 - LA07-2019-0019-F (Crossgar).pdf

Page 192

32.0 LA07/2018/1586/RM - 2 storey dwelling and detached garage - between 6 & 8 Sturgan Road, Camlough. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Patrick Allen, applicant, and Feargal Ward, agent, in support of the application. **(Submission attached).**

Sturgan Road LA07.2018.1586.RM.pdf

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Item 32 - LA07-2018-1586-RM.pdf

Page 217

33.0 LA07/2018/1913/0 - infill site for 1 No. dwelling - site between 33 and 37 Ballard Road, Lislea. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2018-1913-0 Ballard Road.pdf

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Item 33 - LA07-2018-1913-0 (Lislea).pdf

Page 224

34.0 LA07/2019/0008/F - site for infill dwelling and garage - circa 70m east of No. 14a Ayallogue Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- Councillor Harte has requested this application be deferred to the September

35.0 LA07/2019/0462/F - erection of replacement dwelling house, ancillary works and landscaping - 118 Cullaville Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

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

[la07.2019.0462.f.pdf](#)

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[Item 35 - LA07-2019-0462-F.pdf](#)

Page 235

36.0 LA07/2018/0901/0 - proposed site for farm dwelling and garage - 74m south of No. 50 Castlewellan Road, Ballyaughian, Hilltown. (Case Officer report attached).

Rec: REFUSAL

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

[0901.pdf](#)

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[Item 36 - LA07-2018-0901-0.pdf](#)

Page 252

37.0 LA07/2019/0001/F - proposed erection of first floor flat roof front dormer with 2 windows (amended plans) - 12 Melrose Park, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

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

[LA07 2019 0001 F - 12 Melrose Pk, Kilkeel.pdf](#)

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[Item 37 - LA07.2019.0001.F.pdf](#)

Page 268

38.0 LA07/2019/0207/F - erection of dwelling (change of house type from that approved under P/2013/0261/F) - 70M east of No. 53 Cullion Road, Mayobridge, Newry. (Case Officer report

attached).

Rec: REFUSAL

- A request for speaking rights has been received from Martin Bailie, agent, in support of the application - **no written submission received (addendum list).**


 *LA07_2019_0207_F- East of 53 Cullion Road.pdf*

Page 286

39.0 LA07/2019/0290/F - single storey rear extension (amended plans) - 62 Hennessy Park, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *CO Report LA0720190290F, 62 Hennessy Park.pdf*

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For Noting

40.0 Historic Tracking Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - UPDATED 01-08-2019.pdf*

Page 296

41.0 July 2019 Planning Committee Performance Report. (Attached).

 *JULY 2019 Planning Committee Performance Report.pdf*

Page 305

42.0 Report of Meetings between Planning Officers and Public Representatives. (Attached).

 *21 August 2019 Committee Report.pdf*

Page 310

43.0 July 2019 Appeals and Decisions. (Attached).

 *Current Appeals and Decisions July 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 24 July 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

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

(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 L Coll	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L O'Hare	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

(Others)

Mr R Laughlin	DFI Roads
Mr J Killen	DFI Roads

P/069/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Devlin.

P/070/2019: DECLARATIONS OF INTEREST

Councillor McAteer declared an interest in Planning Application LA07/2018/0073/F as he was speaking in support of the application.

**P/071/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Declarations in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item:-

LA07/2018/0073/F – proposed housing development of 16 no. detached dwellings, landscaping, car parking and all associated site works (amended plans) – lands adjacent to Burren Hill north of No. 2 Carrickview and Nos. 6 & 8 Marie Villas, Burren.

REFUSAL – all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Bain, Devlin, Mason and McAteer**

LA07/2018/0930/F – new build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2P1B apartments and 1 No. 2P1B wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0.- 41 Belfast Road, Newry.

REFUSAL - all Councillors can take part in the discussion/decision on this application with the exception of **Bain, Devlin and Mason**.

MINUTES FOR CONFIRMATION

**P/072/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 26 JUNE 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 26 June 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Harte seconded by Councillor Hanna, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 26 June 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/073/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 24 July 2019. **(Copy circulated)**

AGREED: **On the proposal of Councillor Harte seconded by Councillor Clarke it was agreed to remove the following Planning Application from the Addendum List:-**

LA07/2018/1601/RM - proposed demolition of existing building and construction of 2 No. apartments - 55 Stream Street, Newry

REFUSAL

It was unanimously agreed to remove Planning Application LA07/2018/1601/RM to be presented at the next available Planning Committee Meeting.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 24 July 2019: -

Addendum list – planning applications with no representations received or requests for speaking rights.

- **LA07/2017/1176/F** - Medieval settlement for re-enactment, education and tourism purposes comprising 6 small medieval structures placed in a timber palisade enclosure (amended plan and car parking layout received) - lands 200m west of 7 Drumcullen Road, Downpatrick. **APPROVAL**
- **LA07/2017/0208/F** - refurbishment to existing Chambre House with associated site works and landscaping works to create new Interpretive Centre for Slieve Gullion Forest Park - Drumintee Road, Meigh. **APPROVAL**
- **LA07/2019/0528/A** - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0762/LBC** - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0764/LBC** - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0770/LBC** - Improvement works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0531/F** - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0551/F** - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **P/2012/0457/F** - replacement dwelling (in substitution of previously approved application P/2005/2531/0) (amended proposal/plans and location) - 60m SE of No. 28 Kidds Road, Newry. **APPROVAL**

- **LA07/2019/0575/F** - Environmental Improvement Scheme - public footpath from east of Annalong Presbyterian Church including the junction with Majors Hill and Glassdrumman Road to the junction with Mill Road and Shannagh Drive. **APPROVAL**

P/074/2019: PLANNING APPLICATION LA07/2018/0001/0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Trainor it was agreed to exclude the public and press in order to obtain legal advice as per paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Ruane it was agreed to come out of closed session.

The Chairman advised that whilst in closed session, the Committee were given a legal update regarding the Lidl Planning Application in Newcastle.

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/075/2019: PLANNING APPLICATIONS FOR DETERMINATION

AGREED: It was unanimously agreed to remove the following planning application from the schedule:

Item 26 – LA07/2018/1913/O – Infill site for 1 No. dwelling – site between 33 and 37 Ballard Road, Lislea.

REFUSAL

Removed from the Planning Schedule at the request of Planning Officers.

The following applications were then determined by the Committee:-

(1) LA07/2018/0073/F
(Audio recorded - YES)

(Councillors Bain, Mason and McAteer withdrew from the Meeting)

Location:

Lands adjacent to Burren Hill north of No. 2 Carrickview and Nos. 6 & 8 Marie Villas, Burren.

Proposal:

Proposed housing development of 16 no. detached dwellings, landscaping, car parking and all associated site works (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Tom Stokes, agent, Ciaran Murdock, applicant and Justin Murphy, St Mary's GAA, Burren.

DEA Councillor D McAteer spoke in support of the application.

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.

Issues raised:

- The main area of concern was that the proposed location was outside the designated settlement area and therefore contravened planning policy.
- Mr Rooney advised the updated figure for housing units in the Burren area was 54.
- The housing allocation of the area was considered at the outset of the planning process and was based on need as opposed to demand.
- The Committee could take into account other relative material considerations when determining if there were sufficient grounds to set aside the Local Development Plan.

Agreed:

On the proposal of Councillor McKee, seconded by Councillor Trainor it was agreed to exclude the public and press in order to obtain legal advice as per paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

Ms Ward declared an interest at this point, advising Members she was a Member of Burren GAA Club and withdrew from the chamber.

Agreed:

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

The Chairman advised that whilst in closed session, the Committee were given legal advice regarding this planning application.

Councillor Ruane proposed to issue an approval in respect of Planning Application LA07/2018/0073/F on the basis that there were unique exceptional circumstances in that Planning Applications LA07/2018/0073/F and LA07/2018/0094/F were inextricably linked and there were undisputed community benefits to be gained with the proposed developments at St. Mary's GAC, Burren.

Councillor Ruane addressed the Officer's reasons for refusal as follows:

1. The proposed application site was located on the boundary of the settlement area and there was a housing development on the opposite side that extended beyond where the proposal would be sited.
2. There was no other opportunity within Burren or surrounding area to acquire alternative lands.
3. There was an existing housing development on the opposite side of the boundary line that extended beyond where the proposal would be sited.
4. Planning conditions could be imposed.
5. Planning conditions could be imposed.

6. No longer applicable.
7. The Development Plan was on-going and was for the communities of the district and could be set aside in exceptional circumstances.

Councillor Clarke seconded the proposal saying it was a unique application that had to be judged on its own merit. He continued, saying there was a clear community benefit to be gained by issuing an approval and that the housing units requirement in 2017 had been 103 and in the intervening 2 years this had reduced to 46 (as per the applicant's report) or 54 units (as per the Officer's report) and that based on that trajectory there would only be a few years left of development. Councillor Clarke continued, saying there was an onus on the Committee to make provision for the housing requirement within the Burren area, this had been a prerequisite of Planning Application LA07/2018/0094/F that had been approved at the June 2019 Planning Committee Meeting.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

AGREED: **On the proposal of Councillor Ruane, seconded by Councillor Clarke, it was agreed to issue an approval in respect of Planning Application LA07/2018/0073/F contrary to Officer recommendation on the basis that there were exceptional circumstances and the community would undoubtedly benefit from the proposed application.**

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

(2) LA07/2018/0930/F
(Audio recorded - YES)

(Councillor McAteer re-joined the Meeting)
(Councillor Bain and Mason withdrew from the Meeting)

Location:
20 - 41 Belfast Road, Newry.

Proposal:
New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2P1B apartments and 1 No. 2P1B wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces

Conclusion and Recommendation from Planning Official:
Refusal

Speaking Rights:
James Wright, Paul Brannigan, Jim Cousins and Harry Rolsten presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Representatives from DFI Roads were in attendance and outlined their concerns in relation to the proposals.

Power-point presentation:

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

Issues raised:

- DFI did not accept there would only be 39 car movements per day saying guidelines for housing indicated 10 movements per unit per day and for apartments 8 movements per unit per day.
- The agent considered 39 movements per day was an accurate figure based on social housing needs.
- DFI did not consider the 19 car parking spaces included in the proposed application sufficient, stating DOE parking standards required 36 communal parking spaces to serve a development of this size.
- Planning Officials advised the parking standard was 1.5 spaces per unit and requirements for this application could not be compared to a similar one located within the city centre.
- There was provision for 4 wheelchair access parking spaces.
- DFI considered that whilst a drop kerb would normally be accepted for 1 or 2 dwellings, it would not be acceptable for the proposed application.
- A bollard had been installed on the site which was contrary to roads policy and would have to be removed.
- DFI did not consider the required visibility splays of 2.4 x 90m would be achievable with the current proposal.
- The agent advised that no public parking was permitted along the front of the application site, however DFI stated there were no yellow lines or plate in place at this location.
- An amended scheme with a reduction in the number of units had been received, however Officers considered more amendments were required.
- There was a housing shortage in the area and it was important to get a scheme that was satisfactory to both parties.

Councillor Clarke proposed to defer Planning Application LA07/2018/0930/F to allow time for the agent / applicant to meet with Planning Department to reach a compromise that would be satisfactory to both parties. Councillor Trainor seconded the proposal.

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

FOR:	6
AGAINST:	2
ABSTENTIONS:	1

The proposal was declared 'carried'.

Agreed: **On the proposal of Councillor Clarke, seconded by Councillor Trainor it was agreed to defer Planning Application LA07/2018/0930/F to allow time for the agent / applicant to meet with Planning Officials to reach a compromise that would be satisfactory to both parties.**

It was agreed that Officers be delegated authority to issue a decision in relation to this application.

(Councillors Bain and Mason re-joined the meeting)

**(3) LA07/2019/0149/F
(Audio recorded –YES)**

Location:

Adjacent to 11 Saul Road, Downpatrick.

Proposal:

Proposed dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Issues Raised:

- Planning Officials considered the erection of a 2 metre high fence at the proposed location would have an overbearing, dominant impact on the neighbouring dwelling at No. 15 Rathcuan Heights.
- The proposed dwelling would have a higher finished floor level at 49.5 than the neighbouring properties which were 48.7.
- The distance from the proposed fence to No. 15 Rathcuan was 12m which would result in having an overbearing impact.
- Agent advised the proposal was for a split level dwelling which was characteristic to the area and the floor level and roof pitch had already been reduced.
- A 1.8 metre fence could be erected under permitted development.
- Planning Officials considered the proposed application did not respect the topography of the site.
- 4 objections had been received from neighbouring properties along the boundary, all siting cramming and over dominance.

Councillor Trainor proposed to defer Planning Application LA07/2019/0149/F to allow time for a site visit to take place. Councillor Reilly seconded the proposal.

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

AGREED: On the proposal of Councillor Trainor, seconded by Councillor Reilly it was agreed to defer Planning Application LA07/2019/0149/F to

allow time for a site visit to take place so that Members could assess the site in more detail.

**(4) LA07/2018/1787/F
(Audio recorded – YES)**

Location:

23 Downpatrick Road, Killough.

Proposal:

Proposed extension to existing Materials Recovery Facility Building.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David McLorinan, agent and Vincent McNabb, applicant in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- The proposed extension was to provide a safe and secure storage facility for non toxic waste wood.
- The entire application site was brownfield and located within the 1 in 200 coastal flood plain.
- Planning Officials considered the proposed application failed planning policy in terms of flood risk.
- The site had been in the ownership of the applicant for 15 years and the previous owner had invested heavily in flood defences.
- Applicant had never experienced flooding on the site and a flood defence system had been installed around the site.
- DFI Rivers report indicated the proposed application site to be in an undefended area, however Ms McAlarney advised the Committee if they deemed the application to be an exception, the flood risk assessment could be scrutinised.
- The current business had been in operation for many years and was an economic benefit to the area, additionally the applicant complied with the Council recycling/waste targets and the NI and UK wide regional policy on waste.

Councillor Reilly proposed to overturn the Officer's recommendation in respect of Planning Application LA07/2018/1787/F on the basis that it was an existing brownfield site, was an economic benefit to the area and the applicant had indicated there had been no incidences of flooding. Councillor Hanna seconded the proposal.

Ms Coll advised Members that if they were to overturn the Officer's recommendation, evidence would have to be provided that the proposal constituted an exception to policy.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Hanna, it was unanimously agreed to defer planning application

LA07/2018/1787/F, which the Committee agreed was an exception under FLD 1, to allow for the risk assessment to be considered by Rivers Agency and for the application to come back before the Committee in due course.

(Lunch break 1.20pm – 2.00pm)

**(5) LA07/2018/1457/F
(Audio recorded – YES)**

Location:

12m SW of 111a Derryboye Road, Derryboye, Crossgar.

Proposal:

Proposed new 2 storey dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Donaldson, agent, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- Planning Officials considered the proposed application did not respect the surrounding area in terms of layout, scale and proportions.
- The agent was of the opinion Derryboye had a varied character with a range of house designs and the proposed design was typical of the area.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1457/F contrary to Officer recommendation on the basis that it was respectful of the area in terms of character and design.

**(6) LA07/2018/1975/O
(Audio recorded – YES)**

Location:

To the rear of 15a Lisoid Road, Rossglass.

Proposal:

Dwelling with access from Ballylig Road, Rossglass.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Issues Raised:

- The applicant considered the proposed site to be located both within a cluster and at a crossroads, the case officer report disputed this.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Trainor, it was unanimously agreed to defer Planning Application LA07/2017/1975/F to allow time for a site visit to take place so that Members could assess the site in more detail.

**(7) LA07/2018/1794/F
(Audio recorded – YES)**

Location:

Adjacent to 80 St. Patrick's Road, Downpatrick.

Proposal:

New dwelling and garage with associated site and access works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Issues Raised:

- Ms McAlarney advised the main area of concern was the design, scale and massing of the rear return of the proposed development.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1794/F contrary to Officer recommendation on the basis that it was in keeping with the character of the site and was not detrimental to the landscape.

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

(8) LA07/2017/0191/F
(Audio recorded – YES)

Location:

Lands to the rear of No. 4 Meadowvale, Newtownhamilton, Newry.

Proposal:

Proposed erection of 5 houses.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Glynn Mitchell, agent and Richard O'Toole, Planning Consultant 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.

Issues Raised:

- Planning considered the current proposal represented an overdevelopment of the site and the configuration of houses was inappropriate additionally, the layout of the site on the outline planning permission was more acceptable.
- A reduced number of houses would be more acceptable to achieve a quality development.
- The carparking provision was located to the front of the houses, the preferred location would be to the side of the houses to allow for turning at the front.
- Agent demonstrated there were a variety of plots already in the area with hardstanding for parking to the front of the houses.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2017/0191/F on the basis that the proposed application was in keeping with the surrounding area. Councillor Harte seconded the proposal.

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

FOR:	10
AGAINST:	1

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Harte it was agreed to issue an approval in respect of Planning Application LA07/2017/0191/F contrary to Officer recommendation on the basis that the proposed application was in keeping with the surrounding area.

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

(9) LA07/2018/1651/O
(Audio recorded – YES)

Location:

Lands immediately SE of 71 Carrickbroad Road, Killeavy, Newry.

Proposal:

Site of 2 No. infill dwellings.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr Andrew 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.

Issues Raised:

- Planning considered the proposed application contravened Policy CTY 8.
- Planning considered there to be a break in the frontage which constituted two gaps and the building to building measurement equated to 125m which would allow for three buildings.
- Agent advised there was an entrance into a field which was access to back-land agricultural fields.
- When considering previous planning applications, the Committee had used the building to building measurement as advised by Planning Officials.
- Agent said the distance between No. 67 and No. 79 measured 110m and this measurement had not been taken into account by Planning.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2018/1651/O on the basis that the distance between No. 67 and No. 79 was representative of a gap site and would only accommodate two buildings.

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

FOR:	6
AGAINST:	2
ABSTENTIONS:	3

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Reilly it was agreed to issue an approval in respect of Planning Application LA07/2018/1651/O contrary to Officer recommendation on the basis that the distance of 110metres between No. 67 Carrickbroad Road and No. 79 Carrickbroad Road was representative of a gap site and would only accommodate two buildings.**

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

(10) LA07/2017/1618/F
(Audio recorded – YES)

Location:

20 Railway Road, Meigh.

Proposal:

Demolish existing piggery building and erect new general purposes agricultural shed.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Michael Toale, agent and Peter Mackin, applicant presented 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.

Issues Raised:

- The farm holding was approximately 31 hectares and split over three sites.
- There were no farm buildings on the Dublin Road site
- Planning had conducted a search and established there were no lawful buildings on the proposed site.
- Planning considered there were two issues for the Committee to consider:
 1. The proposed building should be visually linked with existing farm buildings
 2. A need for the building would have to be demonstrated
- The piggery had been erected 45 – 50 years ago and it was the subject building and not the adjacent buildings
- An enforcement case had been opened five years ago regarding unlawful buildings on the site but the case had been closed.
- The agent advised the proposal was to replace the existing piggery building with one more suitable for present farming needs and the applicant currently had no facilities for covering hay.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2017/1618/F on the basis that the proposed site was the only one suitable on the farm holding, it was a replacement building with a similar footprint and he didn't believe the proposed building would be detrimental to the character of the area. Councillor McAteer seconded the proposal.

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

FOR:	6
AGAINST:	3
ABSTENTIONS:	2

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/1618/F contrary to Officer recommendation on the basis that the proposed site was the only one suitable on the farm holding, it was a replacement building with a similar footprint and the proposed building would not be detrimental to the character of the area.

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

(11) **LA07/2017/1804/O**
(Audio recorded – YES)

Location:

Site approx. 300m west of 11 Cranny Road, Newry.

Proposal:

Change of house type (previously approved under P/2008/0396/F).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent and Paddy Murphy, applicant presented 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.

Issues Raised:

- Planning permission was being sought for an amended house type on a site in which planning permission had expired.
- Significant excavation and foundation works had taken place and the applicant believed he had commenced works in accordance with the guidance provided at the time by the Department of the Environment.
- Ms Coll advised the test was not whether the applicant believed works had commenced but rather that there was evidence to substantiate that.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2017/1804/F on the basis that the applicant had commenced works on the site in accordance with the guidance provided to him at the time by the Department of the Environment. 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:	10
AGAINST:	1

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2017/1804/F contrary to Officer recommendation on the basis that works had already commenced on site in accordance with guidelines provided to applicant by the Department of Environment.

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

(12) LA07/2017/1615/F
(Audio recorded – YES)

Location:

30m NE of 372 Glasdrumman Road, Annalong.

Proposal:

Proposed extension and alterations to existing dwelling house, provision of single storey garage, hard and soft landscaping, increase in domestic curtilage and all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, agent, Thomas Daly and Dermot Fitzpatrick presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- Members agreed that the use of local stone was important in retaining the character of the area.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Reilly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1615/F contrary to Officer recommendation on the basis that the local stone to be used in the building works and characteristic to the Mournes. Additionally, the extension was to the rear of the building and there would be minimal impact to the Mournes.

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

FOR NOTING

P/076/2019: HISTORIC ACTION SHEET

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

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

P/077/2019: **PLANNING COMMITTEE MEETING PERFORMANCE REPORT – JUNE 2019**

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

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

P/078/2019: **MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

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

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

P/079/2019: **APPEALS & DECISIONS**

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

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

The Meeting concluded at 3.55pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 21 August 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 21 August 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:-

- LA07/2019/0105/F - new walking, non bitmac community trails - Seaforde Plantation Wood, Seaforde, Downpatrick. **APPROVAL**
- LA07/2019/0106/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0107/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0108/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0109/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0110/F - walking, non bitmac community trails - Corry Wood, Station Wood, Castlewellan. **APPROVAL**
- LA07/2019/0111/F - walking, non bitmac community trails - Corry Wood, Station Road, Castlewellan. **APPROVAL**
- LA07/2019/0112/F - walking, non bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0113/F - walking, non-bitmac community trails - Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch. **APPROVAL**
- LA07/2019/0115/F - walking, non bitmac community trails - Tievenadarragh Forest, Newcastle Road, Drumaness **APPROVAL**
- LA07/2019/0116-F - walking, non bitmac community trails - Tievendarragh Forest, Newcastle Road, Drumaness. **APPROVAL**
- LA07/2019/0447/F - redevelopment of land from former office building and car park to staff and fleet car park - 24 Strangford Road, Downpatrick **APPROVAL**
- LA07/2019/0449/LBC - redevelopment of land from former office building and car park to staff and fleet car park - 24 Strangford Road, Downpatrick **CONSENT**
- LA07/2019/0529/F - Environmental Improvement Scheme - New granite paving, kerb trims and dished channels. Tactile paving. Asphalt footpath with stone chippings. New street lighting and removal of overhead wires. Tree surrounds and tree planting. Coloured road coatings - Drumintee Road from junction with Mallon's Lane to point adjacent to 2 Forkhill Road incorporating the junction with Chapel Road and Railway Road, Meigh. **APPROVAL**
- LA07/2019/0538/F - Environmental Improvement Scheme - Main Street from junction with Carquillan to a point adjacent to Fegan's Motor factors 43 Main Street including areas at junctions with Rathfriland Road and Rostrevor Road, Hilltown. **APPROVAL**
- LA07/2019/0577/F - Environmental Improvements Scheme - Armagh Street from junction with Cladymilton Road to The Square, Dundalk Street from The Square to the junction with Castleblaney Street and the car park adjacent to the Spar Supermarket, Newtownhamilton. **APPROVAL**
- LA07/2019/0579/F - Environmental Improvement Scheme - Catherine Street and Cross Street extending to access steps to Dibney River incorporating the road junctions Catherine Street and Irish Street, Catherine Street and Plantation Street, Catherine Street and Shore Street/High Street, Cross Street and Church Hill/Frederick Street, Killyleagh. **APPROVAL**

- LA07/2019/0656/F - change of use of ground floor reception to Narnia themed audio/visual room - Kilbroney Reception Block - Kilbroney Forest, Rostrevor. **APPROVAL**
- LA07/2018/1025/F - Alteration and Extension (two storey side extension) to existing retail premises, all associated site works including demolition of section of market wall and existing trading stall structure - Newry Market, John Mitchel Place, Newry. **APPROVAL**
- LA07/2019/0207/F – erection of dwelling (change of house type from that approved under P/2013/0261/F) – 70m east of No. 53 Cullion Road, Mayobridge, Newry. **REFUSAL**
- LA07/2019/0290/F – single storey rear extension (amended plans) – 62 Hennessy Park, Newry. **APPROVAL**

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

Application Reference: LA07/2019/0149/F

Date Received: 23rd January 2019

Proposal: Proposed dwelling

Location: Adjacent to 11 Saul Road Downpatrick

Site Characteristics & Area Characteristics:



The site is comprised of a 0.175 hectare site positioned off Saul Road, Downpatrick. The site is comprised of a portion of garden area associated with the dwelling No 11 Saul Road which is immediately adjacent the site. The site is elevated above Saul Road and immediately adjacent a residential development known as Rathcuan Heights. This development bounds the site to the east and south and is comprised of detached single storey dwellings.

The site is defined by a close board timber fence along the boundaries it shares with Nos 9, 11, 15, and 19 Rathcuan Heights. It is currently grassed and has some small pockets of planting. The site is accessed via a private driveway leading to No 11 Saul Road and the new dwelling adjacent and west of No 11.

The site is located within the settlement limits of Downpatrick as designated in the Ards and Down Area Plan 2015. The area is predominantly residential in character with a large two-storey property set within a mature plot and known as The Manse immediately north of the site, along with low density detached single storey dwellings to the south and east at Rathcuan Heights with higher density two-storey terraced housing to the west at Marian Park. It is

noted that Downpatrick Golf Club and course and the playing fields associated with the nearby secondary and grammar schools are within the surrounding area.

Site History:

There are no previous applications for development this application site, however, in the surrounding area the following are noted, which are of relevance to the site.

R/2003/0726/F - 9 Rathcuan Heights, Downpatrick - Proposed sun lounge - PERMISSION GRANTED - 07.08.2003

LA07/2016/0729/F - Adjacent to 11 Saul Road, Downpatrick - Proposed Dwelling - PERMISSION GRANTED - 04.08.2016

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3, 7 and 12, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 13.02.2019

Consultations:

In assessment of the proposal a consultation was carried out with Transport NI.

The following neighbours were notified of the proposal initially on 05.02.19 and again following amendments on 30.04.19

- Nos 5, 7, 9, 11, 15, 17, 19 and 21 Rathcuan Heights
- No 9 Saul Road

Objections & Representations

Objections

- 11 Rath Cuan Heights – Object to the proposal on the grounds that it will overshadow their property, resulting in loss of light. The proposed dwelling will be overbearing and given the levels will overlook their home and garden resulting in loss of privacy. The proposed plans show retention of existing vegetation, however, the occupants of No 11 do not consider that it constitutes a barrier to the proposal.
- 15 Rathcuan Heights – object to the proposal on the grounds that it will have a detrimental impact of the light received into their property and garden area. The proposal will result in overlooking and consequential loss of privacy particularly from the proposed balcony area and the fact the first area of the dwelling will contain the main living accommodation. The separation distance is considered to be insufficient and the design of the dwelling is considered to be out of keeping with the surrounding area. The amendments to the proposal have not alleviated their concerns.

- 19 Rathcuan Heights – objects to the proposal on the grounds that it will result in a loss of privacy within their property and will block sunlight due to its overshadowing effect. In addition, the occupants of No 19 consider that the proposal will increase overshadowing on their property. The amendments to the proposal have not alleviated their concerns. traffic along the lane and impact on the site lines of Saul Road. They also consider that the proposal is overdevelopment of the site.
- 21 Rathcuan Heights – object to the proposal on the grounds that the dwelling will not reflect the character of the area. The site is considered to be overdeveloped and would intensify the use of the driveway to the site. In addition the occupants of No 21 consider that the proposal would result in loss of privacy, loss of light and overshadowing. The amended plans have not alleviated their concerns.

Consideration and Assessment:

The proposal seeks outline planning permission for the erection of a single dwelling. The submitted plans show a split-level dwelling, which will appear as a two-storey to the front elevation and single storey the rear. The internal arrangement of the dwelling intends to use the first floor of the dwelling for the living accommodation including kitchen and bedroom with a full frontage balcony leading from the family room along the front elevation. All remaining bedrooms and bathrooms will be on the ground floor.

A unique design is proposed, with angled walls and windows resulting in an unconventional form.



Proposed Front Elevation



Proposed Side Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan

Principle of development

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

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

PP3

Roads Interest

In consideration of the proposal from a road safety perspective, Transport NI has been consulted. A response has been received which states that Transport Ni have no objections to the proposal.

PPS 7

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

- (A) It is considered that the proposed dwelling represents an overdevelopment of the site, in that its proposed design and layout would create conflict with neighbouring properties and inflict an overbearing dominance on these neighbouring dwellings due to proximity. These issues will be discussed in more detail below.
- (B) There are no features of archaeology, built heritage or landscape features which require protection and or integration in to the development.
- (C) In terms of private amenity space, it is noted that from the proposed layout that the dwelling will have in excess of 240sqm of private amenity space to the rear with

additional land to the side and front of the dwelling. This provision is considered to be in keeping with the guidance in Creating Places.

- (D) There is no requirement for the developer to provide necessary local neighbourhood facilities
- (E) The site is located within the settlement limit of Downpatrick and is therefore within walking distance of all the facilities within the settlement and convenient to public transport etc.
- (F) The proposed units will be accessed by pedestrians and vehicles from Saul Road. It is noted from the site layout plan that there is sufficient space within the site to ensure provision for the parking and turning of a minimum of 2 vehicles.

With regard to the access arrangements no objections have been received from Transport NI as detailed above.

- (G) As commented above, the design of the proposed dwelling is not conventional and while it is considered that it does not draw upon the best local traditional of form, materials and detailing, given the context of the site (Elevated but well screened from public view) in addition to the mix of dwelling styles within the surrounding area, this issue is not considered to be a determining factor.
- (H) In consideration of whether the site will create conflict with adjacent land uses it is noted that the gable of the proposed dwelling will be located 5.6m from the boundary it shares with No 15 Rathcuan Heights. While No 15 Rathcuan Heights is located approximately 12m from the shared boundary, the position of this dwelling at a lower level than the site, will result in the proposed dwelling creating a dominant overbearing feature for the residents of No 15. As can be seen in the image below, No. 11 Saul Road is visible from the rear of No 15 Rathcuan Heights. The proposed dwelling will be positioned in the intervening land between No 11 Saul Road and the shared boundary fence between the site and No 15 Rathcuan Height as shown below.



The image below shows the current view from the kitchen window of No 15 Rathcuan Heights towards the site. It is my opinion, that should a dwelling be approved at the proposed site, its overbearing impact will be detrimental to the residents of No 15 Rathcuan Heights given its proposed proximity.



In terms of overlooking, the gable window of the proposed dining room will be angled so that it will not directly look into No 15 Rathcuan Heights, it is also noted that a 2m high fence is proposed along the boundary of the site against the existing boundary fence of No 15 Rathcuan Heights. The provision of such a fence, while minimising overlooking, will, in my opinion only add to the dominance and overbearing nature of the proposal on No 15 Rathcuan Heights.

It is noted from the proposed drawings that a balcony will occupy the entire frontage of the proposed dwelling at first floor level. It is considered that the residents of Nos 9 and 11 Rathcuan Heights are likely to be most affected by this feature given the elevated nature of the site and the downward sloping nature of their plots. A 1.6m high rendered wall is proposed to the eastern side of the balcony closest to Rathcuan Heights along with 2m high timber fence along the boundary of the site. Both are considered contrived means of reducing overlooking and thereby highlight the overdevelopment of the site and the potential for a detrimental impact of the proposal on adjacent properties.

In assessment of the issues raised by Nos 19 and 21 Rathcuan regarding overlooking, overshadowing, loss of privacy and light, I note that the proposed dwelling will be located at a lower level than these dwellings and would not therefore, in my opinion, cause the issues referred to above.

The proposed site however, has the potential to be overlooked from the first floor dormer window of No 17 Rathcuan Heights, however, the distance between No 17 and the site, appear to be in excess of 20m and therefore not determining in this case.

- (I) The layout or design of the proposed dwelling do not raise any concerns regarding crime or personal safety.

On the basis of the above assessment it is considered that the proposal does not comply with Policy QD1 of PPS 7 and is contrary to criterion (A) and (H).

As the site is located within an established residential area Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is applicable which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or in 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 below are met:

- (A) The proposed density is not significantly higher than that found in the established residential area;

An assessment of the housing density in the surrounding area, shows that there is a substantial mix in the residential developments adjacent the site. Marian Park has a high residential density at 46.8 (52 units /1.11 hectare area), Rathcuan Heights when assessing a similar area has a density of 8.1 (10 units / 1.22 ha) and the site including those dwellings immediately adjacent at Nos 11, 11a and The Manse have a density of 3.27 (4 units / 1.22ha). It is considered therefore that the proposal would not have a significantly higher density than that found the established residential area.

- (B) The pattern of development is in keeping with the overall character and environmental quality of the established residential area;

It appears that the overall character of the area is for dwellings to positioned gable to gable, thereby reducing issues relating to overlooking, loss of privacy etc. As discussed above the proposal is positioned 5.6m from the rear boundary of No 15 Rathcuan Heights which is not in keeping with the overall character of the area and would create an overbearing / dominant feature for those residing in Nos 11 and 15 Rathcuan Heights due to its proposed proximity. The contrived nature of the features used to reduce overlooking on neighbouring properties, as discussed above, highlights the inappropriate nature of this dwelling and its overdevelopment of the site. Such a proposal would not create a quality environment.

- (C) All dwelling units and apartments are built to a size not less than those set in Annex A

The proposal complies satisfactorily with the above criteria.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal does not satisfy the requirements of Policy QD 1 of PPS 7, or those of the Policy LC1 of the addendum to PPS 7. The proposal would if permitted represent an overdevelopment of the site, which is out of character for the area. It would create a detrimental overbearing impact on No 15 Rathcuan Heights by reason of

dominance and has the potential to overlook No 11 Rathcuan Height thereby resulting in loss of privacy.

Recommendation: Refusal

Reasons:

- 1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7: Quality Residential Environments in that it does not respect the surrounding context and is inappropriate to the character of the area by reason of overdevelopment.
- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria H of Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, in that it would, if permitted, create conflict with those neighbouring properties at Nos 11 Rathcuan Heights due to the potential for overlooking and loss of privacy and No. 15 Rathcuan Heights given its proximity and consequential overbearing / dominant nature.
- 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria B of Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas in that it does not respect the character and environmental quality of the established residential area by reason of overdevelopment, dominance, potential for overlooking and consequential loss of privacy.

Signed

Date

Signed

Date

Speaking Rights / Short Summary

LA07/2019/0149/F2M Height Boundary Fence:-

Erection of the 2M fence along the boundary with Nos 11 & 15 Rathcuan Heights is "permitted development" as was previously confirmed.

Similar height fences exist at the boundary of the proposed site and Nos 17 & 19 Rathcuan Heights.

2M High fences are considered an appropriate means of providing two way privacy on such side / rear boundaries.

Alleged "potential for overlooking and loss of privacy" at No11 Rathcuan Heights.

We again confirm the accuracy of the 3D Model views and affirm that they accurately illustrate the relationship between Proposed Dwelling and No11 & No 15 Rathcuan Heights.

3D Model view No1 illustrates the view from the proposed Balcony towards No11 Rathcuan Height screened by a 2M high fence.

Indeed 3D view No4 taken from within the rear garden of No11 Rathcuan Heights clearly illustrates the eaves level to the front of the Proposed Dwelling barely appearing above the 2M fence.

Given the lower edge of the eaves is **2.3M (7'-7")** above the level of the Balcony it therefore follows that overlooking of No11 Rathcuan Heights is impossible.

Alleged "proximity and consequential overbearing / dominant nature" at No15 Rathcuan Heights.

The Proposed Design illustrates ridge level of the Proposed Dwelling 54.425 and No15 Rathcuan Heights 54.780 therefore the Proposed Dwelling ridge height is **0.355 lower** than No15 Rathcuan Heights.

Proposed Design illustrates the ridge level of Proposed Dwelling 54.425 and No11 Saul Road 54.620 therefore the Proposed Dwelling ridge height is **0.195 lower** than No11 Saul Road

Site section A-A clearly illustrates that the proposed roof line profile is not dominant when compared to the dwellings on either side.

In dealing with the proximity of the proposed dwelling with No15 Rathcuan Heights and whether or not it **respects the character and environmental quality of the established residential area** it is important to assess the existing separation distances of the established residential area.

We reaffirm the existing separation distance between the gable of No15 Rathcuan Heights and the rear of No17 Rathcuan Heights at **13.8M**. See Layout A

Furthermore Layout C illustrates the separation distance between the rear of No5 Rathcuan Heights & the gable of No7 Rathcuan Heights at **18M**.

The building at No7 is significantly higher than that at No5.

Compare then the separation distance of 17.6M between the rear of No15 Rathcuan Heights and the **"half gable"** of the Proposed Dwelling.

Furthermore take into account the alignment of the **"half gable"** of the proposed dwelling with the gap between No11 and 15 Rathcuan Heights.

The separation distance side to side between No11 & 15 Rathcuan Heights is 4M and this again is reflected in the side to side separation distance between the Proposed Dwelling and No11 Saul Road. See Layout B.

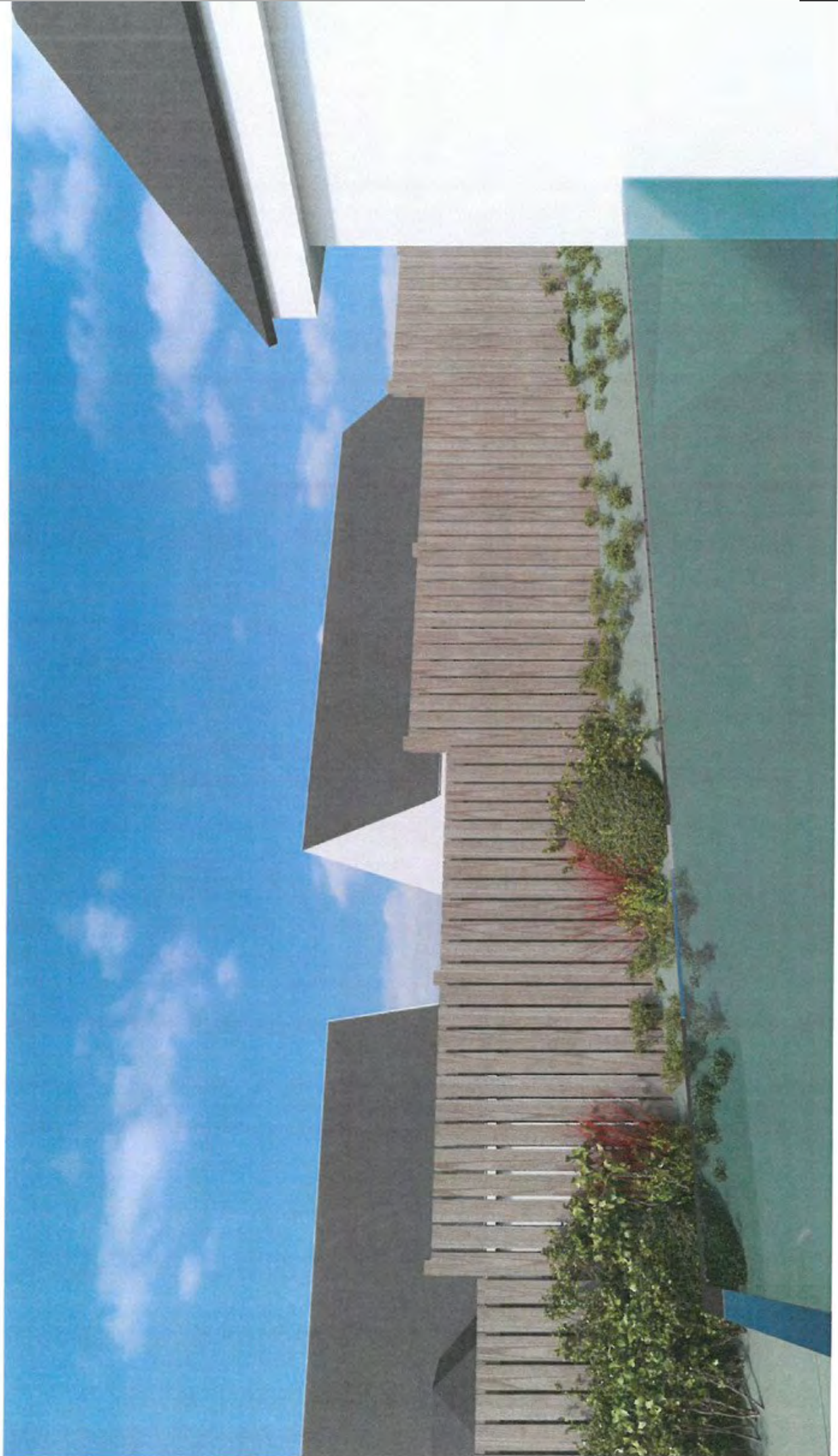
We contend that the separation distances ***do in fact respect the character and environmental quality of the established residential area.***

Finally, we would also respectfully wish to illustrate that the character of the existing dwellings in Rathcuan Heights are not all single storey character as stated by planning at the previous Committee meeting.

See attached photographs illustrating several split level dwellings in Rathcuan Heights one of which is No7 as mentioned above.



VIEW 1



VIEW 2



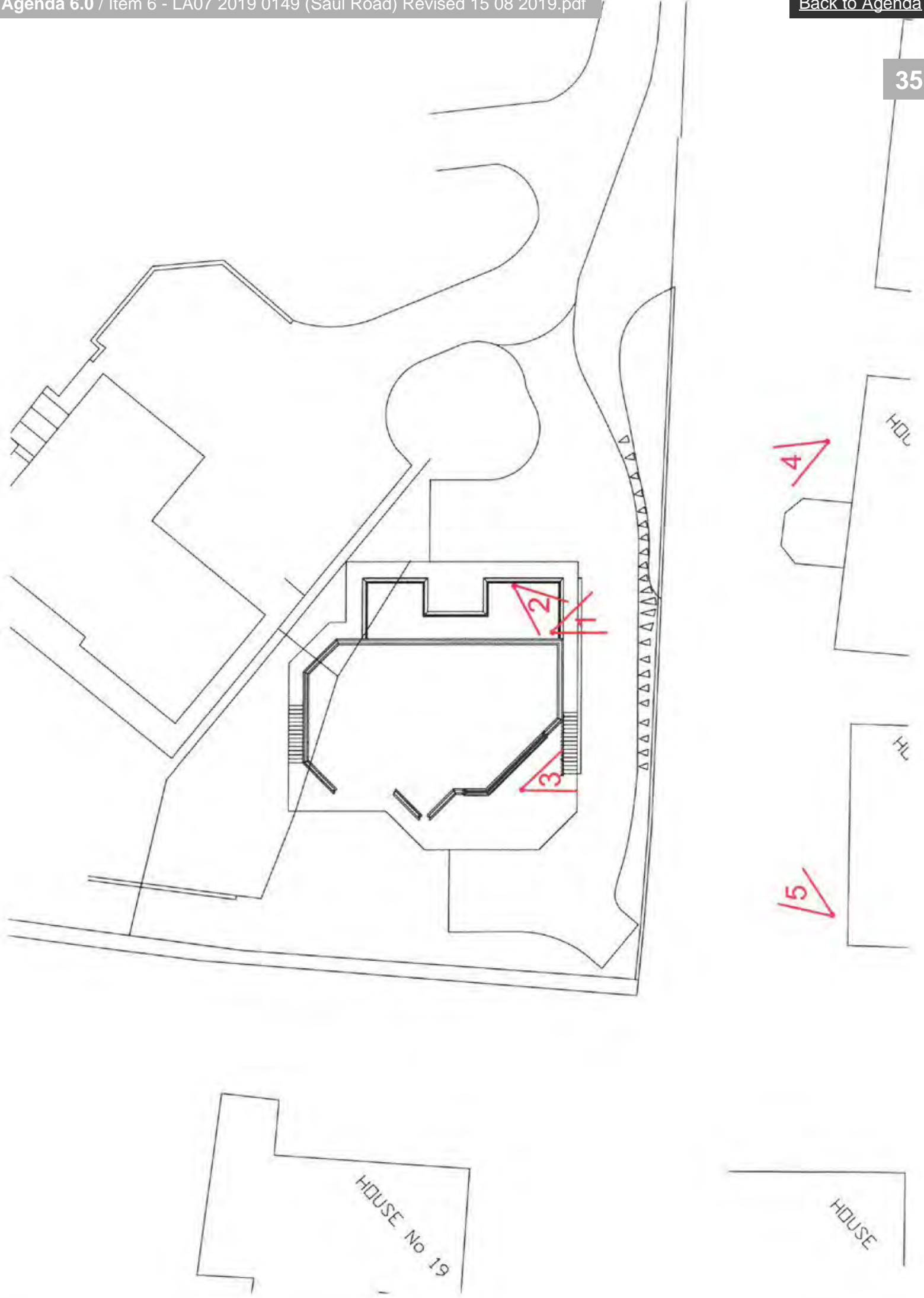
VIEW 3



VIEW 4



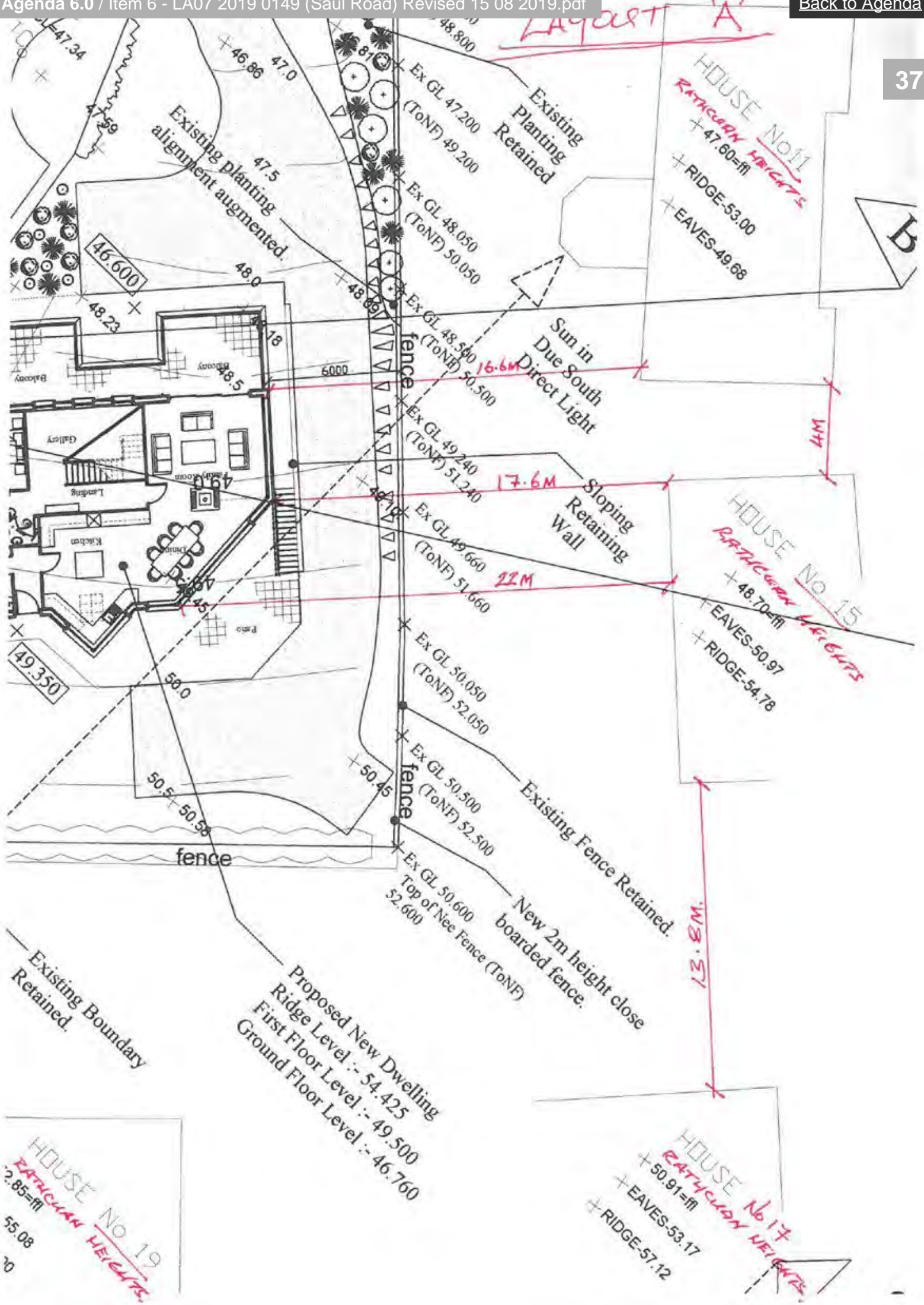
VIEW 5

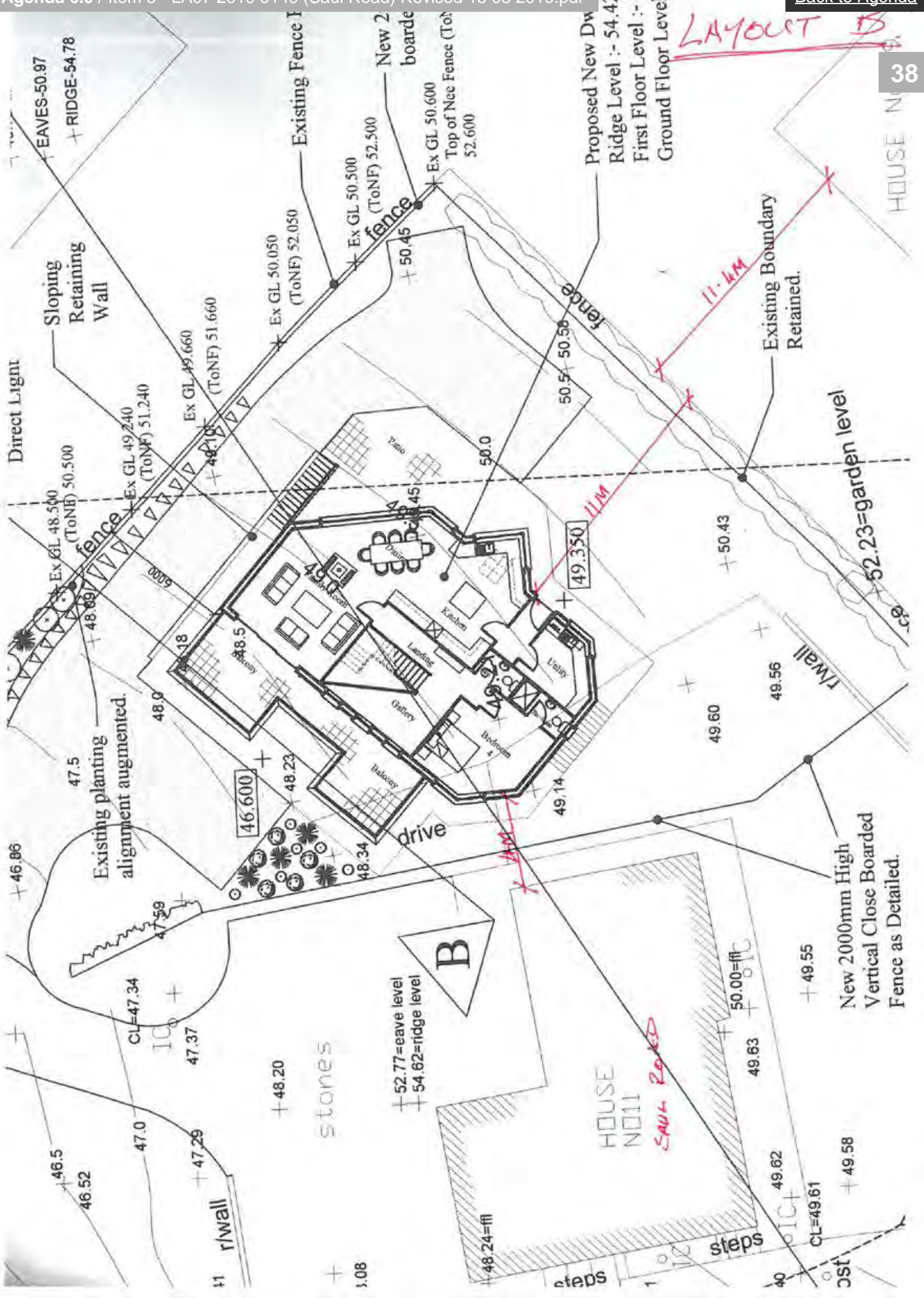




Section A-A

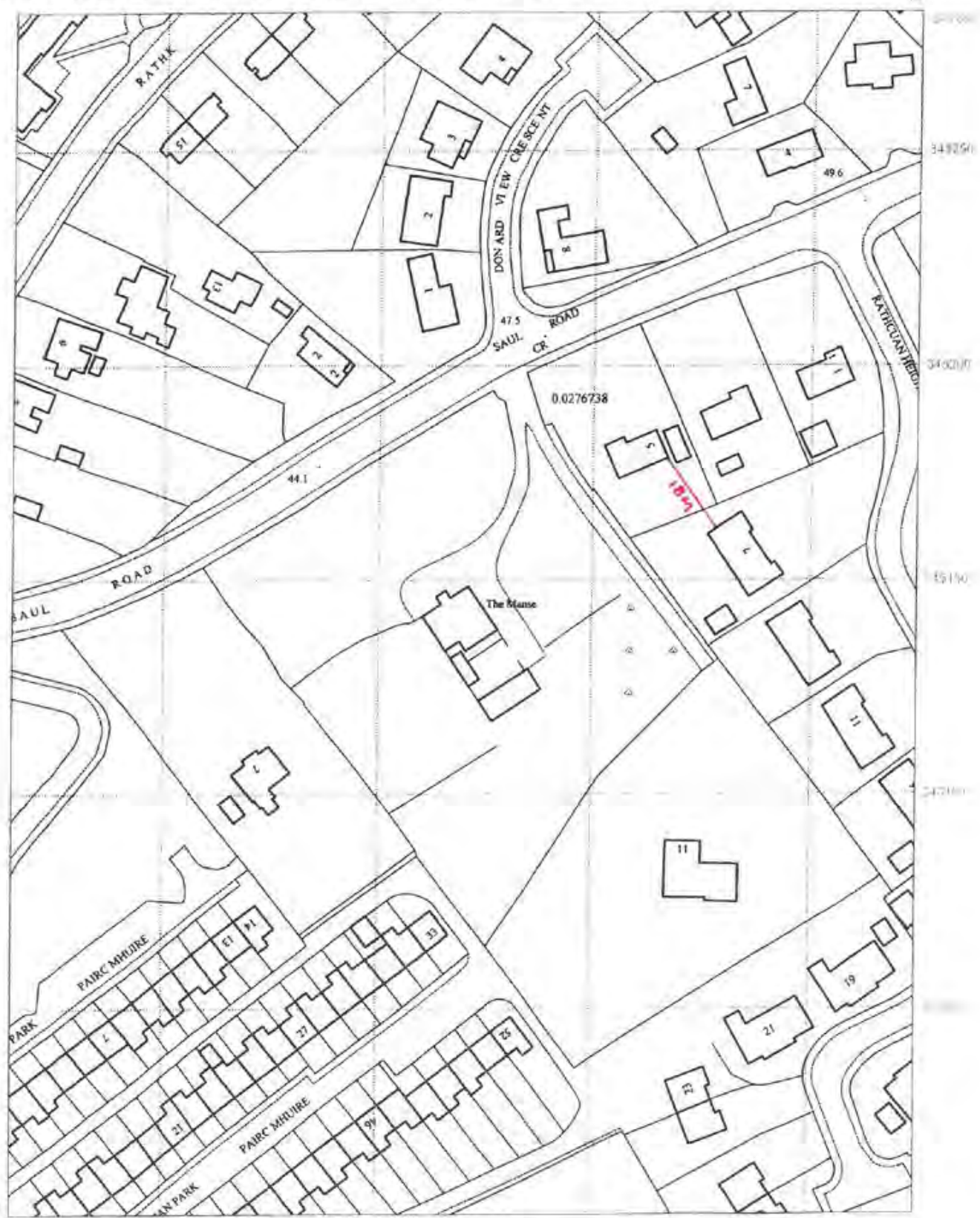






LAYOUT

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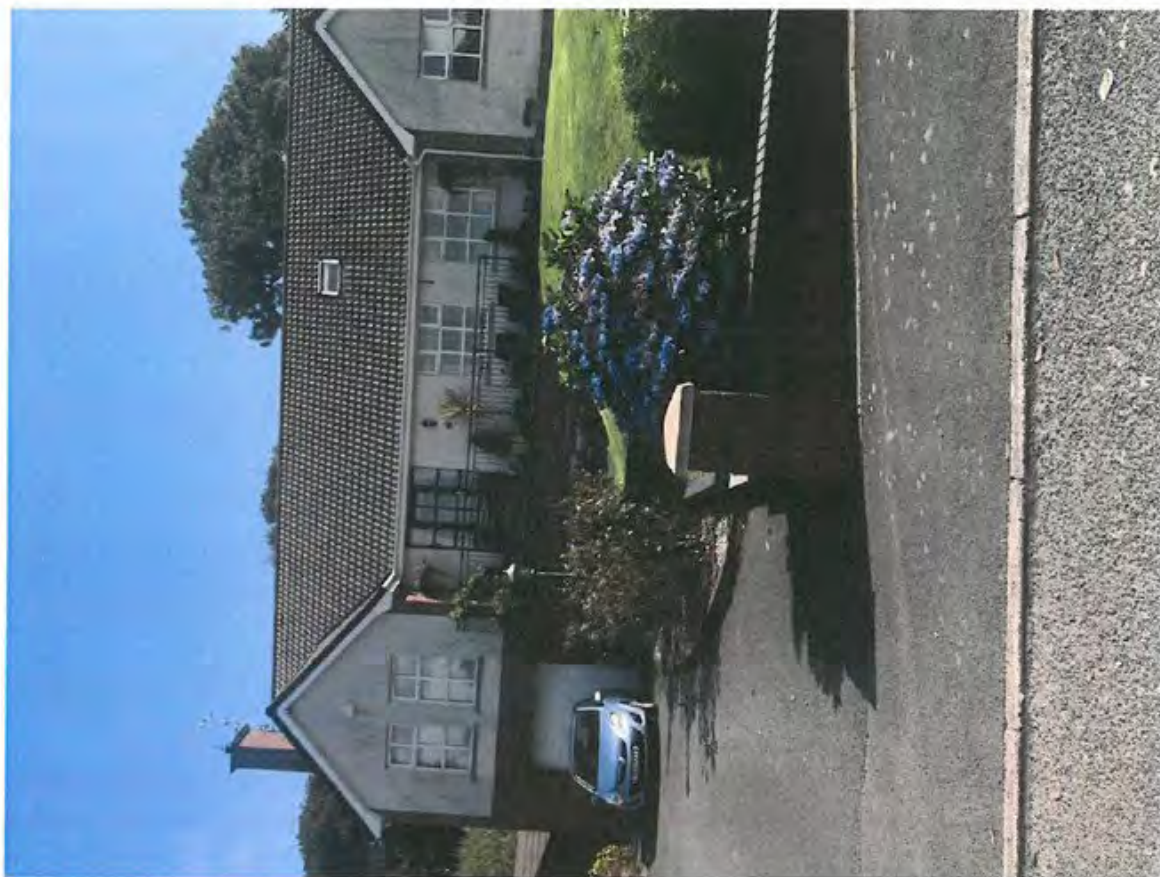
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No9 Rathcuan Heights



No7 Rathcuan Heights



No6 Rathcuan Heights



No11 Rathcuan Heights



No2 Rathcuan Heights



Comhairle Ceantair
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agus an Dúin

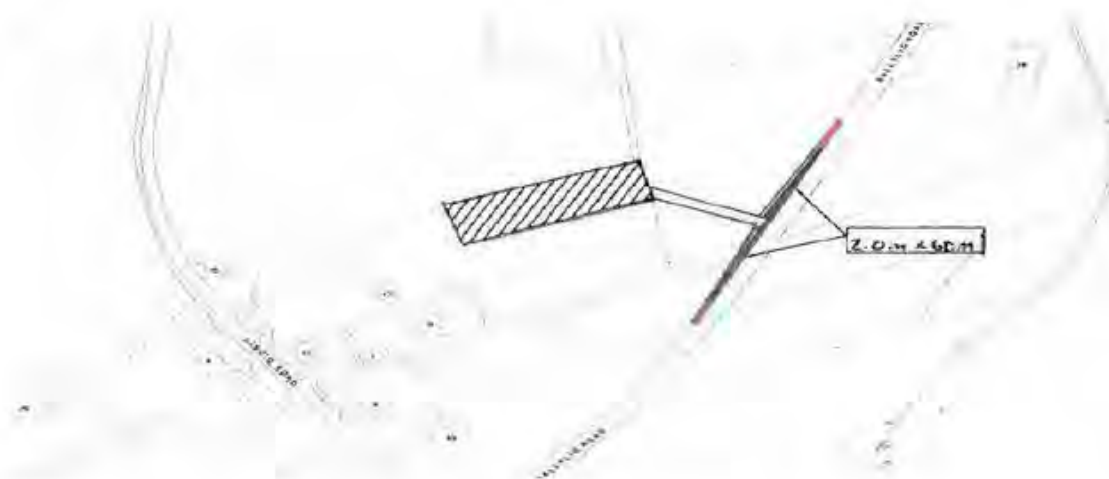
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1975/O

Date Received: 12th September 2018

Proposal: Dwelling

Location: To the rear of 15A Lisoid Road Rossglass with access from Ballylig Road Rossglass



Site Characteristics & Area Characteristics:

The site is located along the minor Ballylig Road, Rossglass and is comprised of a 0.18 hectare portion of land, which is a green field located to the rear of No 15a Lisoid Road.

The site is defined along the northern and southern boundaries by mature vegetation, while that to the east and west is currently undefined. The access to the site is obtained from Ballylig Road to the east and will traverse across a scrub / marsh field to the proposed location of the dwelling.

The site is located within the rural area and is surrounded by agricultural land, there are however, single dwellings dispersed throughout the surrounding area.

Site History:

R/2006/0358/F - 15A Lisoid Road, Downpatrick - Retrospective permission for garage and garden store with playroom over - PERMISSION GRANTED - 16.03.2007

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 21 (CTY 1, 2a and 6), in addition, to the history and any other material consideration.

The application was advertised initially in the local press on 09.01.19

Consultations:

In assessment of the proposal a consultation was carried out with
Transport NI –
Northern Ireland Water – No objections

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The proposal seeks full planning for the erection of a dwelling. The applicant is aware that in this rural context, proposals for dwelling should comply with one of the development types which in principle are considered to be acceptable in the countryside as outlined in PPS 21. In support of her application, the applicant has submitted some additional information demonstrating how she considers the proposal complies with Policy CTY 2a New Dwellings in Existing Clusters. In addition, there are some personal and domestic circumstances which are also relevant to case, which will also be considered under CTY 6 of PPS 21.

SPPS

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of new dwellings in existing cluster and dwellings where there are personal and domestic circumstances, the policy is broadly consistent with the policies set out in PPS21.

Policy CTY 2a

Policy CTY 2a of PPS 21 provides the policy context and states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuilding and open sided structures) of which at least three are dwellings
- The cluster appears as a visual entity in the local landscape
- The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding-off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

In assessment of this policy it is noted that the proposed site is located to the north and east of a number of dwellings dispersed along Lisoid Road. These 7 dwellings comprising Nos 5, 7, 9, 11, 13, 15 and 15a Lisoid Road are dispersed along a 120m section of Lisoid Road and with Nos 5, 11 and 15 fronting directly onto Lisoid Road, while Nos 7, 9, 13 and 15a are located to the east of these former dwellings.

A cluster of development does therefore exist, however, given the dispersed pattern of development it is my opinion that the cluster does not appear as visual entity in the local landscape.

The site is located approximately 180m from the junction of Lisoid Road, Ballylig Road and Minerstown Road. It is considered therefore that site is not associated with a focal point given this distance.

It is noted that the site is only bound to its northern side by the applicants dwelling at No 15a Lisoid Road, the proposal does not therefore comply with the policy requirement to be bounded on at least two side by other development in the cluster.

It is considered that the development of the site could not be absorbed into the existing cluster through rounding off and consolidation and would visually intrude into the open countryside, given its position beyond the existing cluster of development.

The site is sufficiently separated from the neighbouring dwelling not to have an adverse impact on residential amenity.

On the basis of the above assessment, it appears that the proposal fails to comply fully with the requirements of CTY 2a.

Policy CTY 6

CTY 6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site-specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

(A) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and

(B) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the uses of a temporary mobile home for a limited period to deal with immediate short-term circumstances.

The applicant has presented a case in which she details that her parents current dwelling at 15a Lisoid Road is no longer suitable for them, due their medical conditions. While alternative solutions have been considered they have been discounted for a number of reasons. It is my opinion, that the applicant has not been sufficiently demonstrated that genuine hardship would be caused if planning permission were refused. Therefore, the proposal fails to comply with CTY 6 of PPS 21.

Policy CTY 13

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be acceptable where criteria A – G are met. As this is an outline application the design of the proposed dwelling is not before me, however, the applicant has indicated that a single storey dwelling would be preferred, which I consider, given the mature boundaries of the site could integrate satisfactorily within the surrounding landscape.

The access to the site, as described above, will traverse across an intervening field between the proposed location of the dwelling and the public road creating a laneway approximately 50m in length. In order to create the required visibility splays (2m x 60m) it is considered that the removal of approximately 120m of roadside hedging would be necessary. In assessment of this aspect of the proposal, it is considered that this ancillary work would fail CTY 13 on the grounds of lack of integration.

Conclusion

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

Recommendation:

REFUSAL

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster, the development of the site cannot be absorbed into the existing cluster through rounding-off and consolidation and would visually intrude into the open countryside.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long-term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

Signed

Date

Signed

Date

13/08/2019

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Summary of Issues

Application LA/07/2018/1975/O was recommended for refusal based on the opinions of case officers determining that the site did not meet four out of the six criteria for CTY 2a (PPS21). Each of those criteria are set out below with a view that opposes that of the planning officer, generated by personal knowledge, as a local of the area, along with photographic evidence. The fact that I was able to refute each criterion with supporting evidence was a cause for concern:

- **“the cluster does not appear as a visual entity in the local landscape”:**
All of the buildings can be visually linked from different angles within the local landscape and appear as an entity. Policy CTY 2a does not state that all buildings in the cluster must be visible from all vantage points.
- **“the cluster is not associated with a focal point and is not located at a cross-roads”:**
The term crossroads used in policy CTY 2a is vague as there are many different types of crossroads e.g. staggered, skewed and offset. There are four roads that meet next to the cluster where the site lies i.e. a crossroads. CTY 2a indicates both focal point and crossroads do not need to co-exist to pass this criterion.
- **“the proposed site is not bounded on at least two sides with other development in the cluster”:**
CTY 2a does not make it clear what development could be translated to mean. There is development to the east, south and west of the site. Also as mentioned within the supporting evidence, that was submitted as part of the planning application, a potential dwelling could be manoeuvred in any which way to comply with this criterion.
- **“the development of the site cannot be absorbed into the existing cluster through rounding-off and consolidation and would visually intrude into the open countryside”:**
As mentioned in the supporting evidence the site is currently established as the rear garden of no. 15a Lisoid Road, which fits in visually with the cluster, this alone shows that no agricultural land or open countryside will be imposed upon. As there are a further 14 buildings/developments in the cluster, a dwelling within this site would be sufficiently absorbed, particularly due to its position which allows for a suitable degree of enclosure. A potential dwelling could be placed as close to the nearest building within the cluster as needed, which is not portrayed in the maps displayed by the planning officers. They show a hypothetical dwelling at the very bottom of the site, portraying a sense that the dwelling may sit far from the cluster, but the exact position of the dwelling was never discussed.

In addition to these points within CTY 2a, I would like to mention that I had asked for an extension on my application in order to change the access to the site. As it was explained to me by the planning officer that was handling my application, that this would change how the site would be perceived in terms of CTY 2a, particularly if the access point led out on to the Lisoid Road. The time frame that I had requested in order to try and change the access was denied. However, even though I was denied the time frame that I needed, I did mention in my supporting evidence that there was a possible alternative access point. The report shown by the planning officers only included the original point of access which was considered before the application was submitted in conjunction with CTY 2a. The planning authority created a picture with a marker on a map of the site, indicating that the dwelling would be at the furthest point from the cluster and that the access would lead out on to the Ballylig road which is less favourable for the cluster option than the Lisoid Road. This one picture manipulated by the planning officers is allowing them to follow their own narrative and conceal the true nature of the site.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1182/F

Date Received: 02.08.2017

Proposal: Strategic Roadside Service Facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation works

Location: Lands east of the (A1) Belfast Dublin Dual Carriageway (Southbound) off slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are south of the link road connecting the (A27) Tandragee Road and (A28) Armagh Road approximately 300m west of the (A27) Tandragee Road/Carnbane Road/Shepherds Way roundabout.

1.0. SITE AREA AND CHARACTERISTICS

- 1.1.** The application site is comprises existing agricultural land in the open countryside, immediately to the north of the former Good Shepard Convent and 170 ms west of the settlement of Newry City.
- 1.2.** It fronts onto the Armagh Road, the Tandragee Road and the Roundabout which provides access to the slip ways to and from the dual carriageway.

- 1.2. It forms the south western portion of a much larger roadside agricultural field. Its northern and eastern boundaries are open to the remainder of the field. Its remaining western and southern boundaries have intermittent vegetation.
- 1.3. The application is quite open in the landscape, particularly when viewed from the adjacent road network and the motorway.

2.0. SITE HISTORY:

LA07/2017/0539/PAN - Strategic roadside service facility incorporating bus terminus, petrol station, shop and restaurant services, child play area, picnic area, car, coach and lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation works.

LA07/2016/1499/PAN - Strategic roadside service facility incorporating park and ride/park and share car parking, bus terminus, petrol station, shop and restaurant services, child play area, picnic area, car wash, car, coach and lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction, excavation works. PAN required (Application site).

LA07/2016/0962/PAD Pre application discussion for proposed carriageway service area and park and ride at Newry.

P/2003/0176/F Partial Demolition of Existing Buildings and Erection of Replacement Residential Rehabilitation Centre Cuan Mhuire, 132 Armagh Road. Granted (Adjacent and S).

P/1992/1191 - Site for Special School 60m NW of Carnbane Gardens, Tandragee Rd, Newry. Refused (NE of application site).

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

3.1. The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015, (BNAMAP)
- Planning Policy Statement 2 (PPS2) – ‘Natural Heritage’
- Planning Policy Statement 3 (PPS3) – Access, Movement and Parking
- Planning Policy Statement 4 (PPS4) - PED 7
- Planning Policy Statement 6 (PPS6) – ‘Planning, Archaeology and the Built Heritage’
- Planning Policy Statement 15 (PPS 15) Policies FLD1-5
- Planning Policy Statement 21 (PPS21) – Policy CTY1
- Planning Strategy for Rural NI, (PSRNI) – Policy IC15 (Roadside Service Facilities)
- Development Control Advice Note (DCAN) 4 – Retailing
- Development Control Advice Note DCAN 5 – Vehicular Access Standards
- Development Control Advice Note DCAN 15, Parking Standards and Transport Assessment

4.0. STATUTORY CONSULTATIONS:

4.1. Consultations were issued to the following statutory agencies and the returned responses were :

- **Transport NI (11.10.18)** - No objection (PSD agreed)
- **HED Monuments (05.09.18)** - Content that proposals satisfy PPS6 requirements
- **Rivers (10.10.18)** - FLD1, FLD2, FLD4 and FLD5 not applicable. FLD3 – Drainage assessment reviewed and no reason to disagree with its conclusions.
- **NIW (10.09.17)** - Existing public water main within 100m, no foul sewer or public storm sewer and the WWTW has capacity to serve the proposal.

- **NIEA (12.06.18)** - Natural Heritage: No concerns subject to conditions, NM&DDC to undertake Habitats Regulation Assessment, (see comment by SES below).
 - Essential that all the required statutory permissions are in place before any discharge is made to the aquatic environment.
- **NM&DDC Environmental Health (23.05.18)** - No objection, subject to condition.
- **Health and Safety Executive NI (HSENI) (31.08.17)** - No comment to make on application
- **DAERA Shared Environmental Services (SES) (01.05.19)** – Habitats Regulation Assessment completed. Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided that mitigation is conditioned, the proposals will not have an adverse effect on site integrity of any European site.

5.0. OBJECTIONS & REPRESENTATIONS

- 5.1. Details of the application were advertised in the local press on 14th August 2017. Nearest neighbours were notified on 1st September 2017 and again 24th May 2018 (Amended plans)
- 5.2. 4 objections were received, (including 3 letters the same). The major issues raised were:
 - Application within the countryside;
 - Planning Strategy allows for service stations within the countryside when there is clear indication of need and access arrangements are safe;
 - Not a true trunk road;
 - Proposal likely to prejudice road safety and inconvenience the flow of traffic;
 - Failure to submit an air quality impact report, proposals cause excessive and harmful quantities of pollution;
 - NIW advise there is no foul sewer and no details on submitted plan; and

- High potential for unofficial and unmarked human remains on any part of lands previously owned by The Good Shepard Sisters

5.3. The Planning Department considered the issues raised as part of its assessment of this application.

- The Planning Authority has considered the development in relation to its location within the open countryside. It is considered that it is not directly accessed from a trunk road and therefore the proposal is contrary to both the provisions of the Area Plan as well as regional planning policy for the reasons set out within this planning report.
- Transport NI has fully considered the proposals and has no objection (See consultation response dated 11.10.18)
- Environmental Health in comments dated 23.05.18 recognise potential issues relating to air pollution however it has no objection subject to conditions being applied which could mitigate concerns.
- The Planning Authority is aware that there is no foul sewer or details provided, this has been considered in the planning report.
- Historic Environment Division (HED) has considered the letter of objection dated 05.09.17, and the issues raised in relation to the former Good Shepard Convent. In its consultation response dated 12th October 2017 it sought additional information. Following additional information HED, in its latest consultation response dated 05.09.18, is now content subject to conditions.

6.0. PLANNING ASSESSMENT & CONSIDERATION

6.1. In summary the application proposes a strategic roadside service facility incorporating a petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking and bunkering facilities with related works. The proposal incorporates 2.55 hectares of land within the application

site, of which 1.64 hectares is dedicated to the sale of fuel and associated activity, including servicing and the parking of lorries. The main building incorporates 987.18 sq metres, of which 212.54 sq metres or 21.5% is dedicated for retail use. The applicant seeks to justify the proposal on the grounds that it is beside a Trunk Road. The applicant also states that the primary retail use is small scale convenience goods associated with a petrol filling station, i.e. café, confectionary etc and has submitted a retail impact assessment in support of the application.

- 6.2. Based on the nature of the application, the Planning Department considers that the proposed development is principally for a strategic roadside service facility i.e. a petrol station with an ancillary retail element. In this context it has assessed the proposal against the relevant planning policies, including the retained Planning Policy for Rural NI, in particular Policy IC 15, which deals with this type of proposal.
- 6.3. The sale of fuel for motor vehicles and restaurant services is a *sui generis* use under the Planning (Use Classes) Order (NI) 2015, (i.e. it is not specified in any of the use classes identified in the Use Classes Order). In planning policy terms it may be regarded as being a retail proposal rather than one for economic development. In this regard it is noted that the applicant has submitted a retail impact assessment in support of the application. In this context the Planning Department has also assessed the application against broader retail planning policies. These include the relevant terms of the Banbridge, Newry and Mourne Area Plan 2015, (BNMAP), the statutory plan for the area and the Strategic Planning Policy Statement (SPPS).
- 6.4. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

7.0 Banbridge, Newry and Mourne Area Plan 2015.

- 7.1.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as is material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plan, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
 - 7.2.** The site is located outside the development limit of Newry, as identified in the Banbridge, Newry and Mourne Area Plan 2015. It is in the open countryside on a site not zoned for any specific purpose.
 - 7.3** The objectives of the plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas.
 - 7.4.** The plan has designated a settlement limit for Newry intended to provide a compact urban form while providing sufficient land to meet the economic needs of the City over the plan period. The area plan continues to provide the statutory planning framework for the area until a replacement statutory area plan is in place. It is intended to provide certainty for those who live, work and visit the Council Area. It is considered that the proposal is contrary to the overall aims, objectives or policies of the current statutory plan for the area, by virtue of its location outside the designated settlement boundary of Newry City, within the open countryside, and on lands not designated for any specific purpose.
 - 7.5.** Applications outside designated settlement limits must comply with relevant regional planning policy. The proposal does not comply with prevailing planning policy for the reasons outlined in this report.
- 8.0 A Planning Strategy for Rural NI (PSRNI). Policy IC15 (Roadside Service Facilities)**

- 8.1.** Policy IC 15 states that the provision of roadside service facilities on the 'trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need.'
- 8.2.** The whole thrust of Policy IC 15 is to balance the need to provide for the needs of travellers using the trunk road network without allowing a proliferation of development resulting in a loss of environmental quality along major routes. In defining the need for such a facility IC15 states that 'in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre (on either side of single carriageway roads). Proposals for new facilities within 12 miles of existing services will therefore not normally be acceptable.'¹ The policy sub text also states that stations should be designed without dangerous right-turning movements across traffic flows and that the pairing of station services on either side of the road is always preferable. The policy sub text also states that there will normally be no necessity to locate petrol filling stations on routes not forming part of the trunk roads network. Such facilities should be directed to settlements.
- 8.3.** It is considered that the proposal does not fit with the concept of a strategic roadside service station with direct access on and off a motorway, as envisaged in Policy IC 15 and as currently exists along the strategic road network to the north and south of Newry. This follows from the fact that the application site boundary itself is not adjacent to and does not provide direct access to and from a Trunk Road. It has direct access onto the Armagh Road, the Tandragee Road and the Roundabout which provides access to the slip ways to and from the A1 dual carriageway. Future users, particularly those going north on the A1, would be forced to divert off the Trunk Road and negotiate 2 roundabouts before entering the site. For those travellers going south, potential users would have to exit the motorway using an existing slip road and enter the site via a roundabout. A similar manoeuvre would be required to exit the site and re-join the trunk road, in both directions. As a result the proposal is not thought to represent a Strategic Roadside Service Facility.

- 8.4** On the issue of need, the applicant states that the A1 has very limited roadside service facilities with no purpose built roadside service facilities on the south bound carriageway between Banbridge and South of Dundalk with nearest purpose- built facilities some 22-30 miles away (Applegreen service stations between Lisburn and Belfast and Dundalk- Drogheda). Within the immediate area petrol filling stations are not designed to meet the needs of strategic highway road users.
- 8.5** Notwithstanding the fact that the proposal does not represent a roadside service facility for the reasons outlined above, the Planning Authority contends that there are a number of strategically located service stations within easy access to the main trunk road offering a wide range of services including toilet and catering facilities.
- 8.6** There is an existing filling station (Tesco) which is approximately 13 miles to the north of the proposed site situated approximately 18 minutes away travel time. The filling station is situated adjacent and south of the existing Boulevard shopping complex and is located adjacent to the A1 (the main transport route between Newry and Belfast) contained within the development limits of Banbridge. It is accessible to both north and south bound traffic on the A1. Whilst it may be argued that this standalone filling station does not offer the same services as the current proposals in terms of catering facilities, retail and rest facilities these are nevertheless available within the immediate area of the site. Given that this is an established development there is scope within the existing site for future expansion.
- 8.7** There is an existing petrol filling station, Topaz, located approximately 18 miles north of the site between Banbridge and Dromore. This site is situated immediately adjacent and is accessed directly from the A1 and is accessible to north bound traffic and provides comparable catering, rest and toilet facilities for users.
- 8.8** There is also planning permission in place for a petrol filling station and shop on lands at Forkhill Road, Newry (P/2009/1041/F). While the development site boundary does not front directly onto the motorway and is accessible to both north and south bound traffic via a roundabout, this facility was approved on

the basis of a strategic petrol filling station following the completion of the Newry By-Pass. In this context this facility, when completed, will serve the needs of both north and south bound travellers on the strategic road network and within approximately 2 miles of the application site. Given the existing context, this development will have a lesser visual impact in the landscape than the proposed development. With the principle of planning permission established at this location there is provision within planning policy for the extension of such facilities to be considered. Therefore, this existing site offers an alternative to the current proposals before the Council.

9.0 Strategic Planning Policy Statement (SPPS).

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

- 9.1.** As previously outlined, it is considered that this proposal does not represent a strategic roadside facility as set out in the policy provisions within Policy IC 15 of the Rural Strategy due to its location and level of accessibility to the strategic road network. In this context and the fact that the proposed site is in the open countryside beyond the settlement limit, it is also appropriate to assess the proposal against the policy provisions of the SPPS (and PPS 21). It is also noted that the applicant has also submitted a Retail Impact Assessment (RIA) and Planning Support Statement (PSS) in support of the application.
- 9.2.** The SPPS states that in the absent of a current and up-to-date Local Development Plan, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainability and objectively assessed needs of the local town

and taking account of committed development proposals and allocated sites. The SPPS emphasises the importance of town centres in meeting retail provision and sets out a sequential test for assessing all such proposals. The SPPS states that planning authorities will require applications for town centre uses to be considered in an order of preference; primary retail core, town centres, edge of centres and out of centre locations.

- 9.3.** In the supporting RIA and PSS the applicant has stated that the application has been accompanied by an assessment of the suitability of alternative sites within Newry in the choice of site selection. Those available are deemed too small to accommodate the proposal and any that are large enough are concentrated to, the east of the river and canal, edge of centre locations. These have also been deemed impractical due to terrain. Therefore, the choice of a site outside of the development limit was determined by the fact that there are no suitable sites within the development limit of Newry. The proposed development is 'principally a petrol station and retail ancillary to that use'.
- 9.4.** The requirements of a roadside service facility and associated facilities, in terms of space, layout and access is a material consideration in the assessment of such a proposal. In this context it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre.
- 9.5.** While paragraph 6.279 of the SPPS states that retailing will be directed to town centres, inappropriate retail facilities in the countryside will be resisted. It goes on to provide a list of retail uses that will be considered in the countryside, these include farm shops, craft shops and shops serving tourist or recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small-scale facilities that cater for a rural based enterprise are considered acceptable. A roadside service facility with ancillary retailing of the scale proposed is a much more significant scheme and is not considered to be an acceptable use in the countryside under the provisions of the SPPS.

10.0 PPS 21 (CTY1)

- 10.1** The policy provides a list of non-residential uses which may be deemed acceptable within the countryside. CTY 1 specifically states that other types of development will be permitted where there are overriding reasons as to why the development is essential and could not be located within a settlement.
- 10.2** Given the commercial nature of proposals this type of development is better suited to an urban location and not an expected use within the open countryside.
- 10.3** Whilst justification has been set out in supporting information (Planning Supporting Statement) dated the 2nd August 2017 there are no overriding reasons presented as to why the development is essential at this rural location and could not be located elsewhere within a settlement or met with existing provision. Therefore, the development fails to meet CTY1 of PPS21.

11.0. CTY13 (Integration and Design) and CTY14 (Rural Character)

- 11.1.** The site comprises of an agricultural field surrounded by agricultural land and within a drumlin landscape. It forms part of a much larger roadside agricultural field which is entirely visible from the surrounding road network, in particular the A1 and slipway.
- 11.2.** The existing vegetative boundary along the northern boundary of the site will be entirely removed to accommodate visibility splay requirements along with ancillary works to provide access and a level platform to facilitate development thus employing extensive site works and thus the open and prominent nature of the site will be clearly amplified.
- 11.3.** Any new build at this location will appear dominant in the local landscape, particularly when viewed from the NW/NE, particularly during the winter months. The scale of development proposed on this open roadside site will lead to a change in the rural character of this area. Given the sheer size and

scale of the proposal it is difficult to envisage how the development and ancillary works can be adequately integrated into the landscape. From these vantage points the site would not fulfil the criteria of CTY13 due to the prominent and open nature of the site.

12.0 CTY15 - Setting of Settlements

- 12.1** The settlement of Newry City is situated 170m E and to the south of of the application site which is surrounding by agricultural land. The application site comprises of a large portion of undeveloped agricultural land which acts as an important visual break from the city boundary and contributes to the rural setting of the City. The development of the application site, as proposed, would encroach onto this area presenting a piece meal development which will mar the distinction between the urban and rural area while contributing to urban sprawl at this location.

13.0. Planning Policy Statement 3 Access, Movement and Parking

Policy AMP 3 Access to Protected Routes (Consequential Revision)

This lists four exemptions under which a proposal will be granted direct access on to a protected route. The most relevant criterion for this application 'Other Categories of Development' states that approval may be justified for certain types of development which meets the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. It is considered, as previously outlined that the proposal does not meet the criteria for development in the countryside, as set down in prevailing policy. As a consequence it fails the requirements of CTY 1 and therefore Policy AMP 3, 'Access to Protected Routes.

14.0 OTHER MATERIAL CONSIDERATIONS.

- 14.1** The applicant states in the supporting statement that the application represents a £6 million pound investment in Newry. This will generate 60 retail and service jobs with 80 jobs involved in construction and a further 60 once opened. This in turn will provide a boost to the local economy through

salaries, local suppliers and rates revenue for the local council with the creation of a purpose built roadside facility with nearest roadside facilities over some 22 miles away. Proposals will compete with existing similar facilities on the strategic highway network with approximately 85% made up of bypass trade with a small level of shoppers with the majority of diverted trade to the proposal within a 5 minute catchment which includes impact upon Fiveways, Damolly Retail Park and Newry City Centre although claimed not to be harmful or noticeable to these existing trade areas

- 14.2.** It is accepted that the issues raised in support of the application in relation to increased investment and job creation, are material considerations in the consideration of this application. However, these are not of sufficient weight to set aside the provisions of the statutory Area Plan or prevailing regional policy, in particular the SPPS.

15.0 RECOMMENDATION:

- 15.1.** Fundamentally the proposal put forward does not fall within the requirements of Policy IC15. The application site does not directly access onto the strategic transport corridor, motorway or trunk road. To access the proposed development travellers are required to divert of the major route and go through a series of slip roads/ roundabouts in order to access such facilities. It is therefore considered that the proposals are not a proper roadside facility in this regard and given the extent of existing provision servicing the motorway / trunk road along the strategic transport corridor and the particular site characteristics, as outlined above, the creation of an entirely new service centre is not justified at this specific location.
- 15.2.** The proposal is not satisfactory in terms of location, siting and design for the reasons set out above which have been considered under policy provision of PPS21 (CTY13 and 14) which supersedes DES5 of the Planning Strategy.
- 15.3.** In the light of the above the application is refusal for the reasons now stated.

15.4. REFUSAL REASONS.

1. The proposal is contrary to current statutory area plan as the application site falls outside the designated settlement boundary of Newry City and areas zoned for retail and economic activity as designated in the Banbridge, Newry & Mourne Area Plan 2015.
2. The proposal is contrary to paragraphs 6.279 - 6.281 of the Strategic Planning Policy Statement in that the site lies within the open countryside and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to 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.
4. The proposal is contrary to Policy IC15 of the Department's Planning Strategy for Rural Northern Ireland in that the proposal does not meet the requirements of this policy by virtue of location and site characteristics, and no clear indication of need has been demonstrated for the proposal at this location to justify a relaxation of the planning controls exercised in this area
5. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 and CTY14 of Planning Policy Statement 21, and

Policy IC15 of the Department's Planning Strategy for Rural Northern Ireland of Sustainable Development in the Countryside, in that:

- the proposed development would be a prominent feature in the landscape;
- the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the development to integrate into the landscape;
- the proposed development relies primarily on the use of new landscaping for integration;
- the ancillary works do not integrate with their surroundings;
- the proposed development fails to blend with the landform, and therefore would not visually integrate into the surrounding landscape.

6. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Newry City and the surrounding countryside resulting in urban sprawl.

7. The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Main Traffic Route (Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

Case Officer:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Addendum to Planning Report for LA07/2017/1182/F

This application was presented to the Planning Committee on the 26th of June 2019, with a recommendation of refusal and it was decided to defer the application for a site visit.

Following the site visit, this application is now being returned to the Planning Committee with a recommendation of refusal. In the interim period from the June Planning Committee to date (07.08.2019), the Planning Department have received 1 letter of support and 3 letters of objection which have been considered and assessed before coming to this recommendation.

On 11th of July 2019, a letter of support was received from the Policy Manager of the Freight Transport Association in Northern Ireland which outlined the benefits that such a facility would provide for HGV drivers as well as the economic benefits through investment and jobs. This letter of support has been considered in its totality, however it does not warrant a change of opinion from the Department. The economic benefits have already been assessed above in the original report and these are not of sufficient weight to set aside the provision of the statutory Area Plan or the prevailing regional policy, in particular the SPPS. Similarly, it is accepted that improved facilities for HGV drivers may be provided through this proposal if approved, however these are not sufficient to set aside or overcome the refusal reasons set out above.

On July 19th 2019, the Planning Department received an objection from Mr. James McKevitt. This letter of objection has been supported by Cllr Michael Savage. This objection raises 7 issues or areas of concern which will be considered below.

- 1) Firstly, there is no clear indication of need in that there are 3 other facilities within a 6 mile radius of the proposed site and these 3 sites need to be taken into account. In the initial assessment, the Planning Department were well aware of these 3 facilities and indeed visited the 3 sites in question however it was considered that these 3 stations are not strategically located service

stations within an easy access to the main trunk road. This is still the opinion of the Department and the 3 facilities do not directly access onto the main strategic transport corridor, motorway or trunk road. The sites are located along the B113 Road which is no longer a protected route and no longer serves as a strategic transport corridor between Dublin and Belfast. Despite ruling out these 3 facilities, the Planning Department does agree that there is no clear indication of need with a number of other strategically located services stations within easy access to the main trunk road offering a wide range of services and facilities.

- 2) It is indicated by the objector that an existing designated service area has been identified on the Old Dublin Road which provides services in a safe and reliable format and the impact on the local community if this scheme was approved must be taken into account as a minimum. It is accepted that the application if approved, will likely have negative impacts for existing businesses in the wider catchment area. It is also accepted that important services are provided along the Old Dublin Road but as mentioned above, these services are not strategically located to meet the needs of strategic traffic, especially given the divorced position of the Old Dublin Road from the main Dublin to Belfast road with no direct access for southern bound traffic. The sites are located in the open countryside and not within a designated service area as per the Area Plan.
- 3) The objector points that there is plentiful service provision within the Old Dublin Road and that it is not envisioned that the proposed application will provide any real additional benefit to road users and plans for further expansion are currently in place on the Old Dublin Road. As mentioned, the Planning Department accept that services are provided within this area of the road, however these are not strategic roadside service facilities as intended by the applicant under this proposal.
- 4) The objector argues there is a need to take into consideration the detrimental impact the proposal will have on employment within a high employment rural area particularly on the most vulnerable workers. The Planning Department accept that such a proposal may lead to job losses in the surrounding catchment and will likely impact on the vitality and viability of existing centres. The objector has noted the importance of bypass trade and the applicant/developer has stated that 85% percent of trade will be made up of bypass trade which would suggest a negative impact on the businesses mentioned by the objector. Even though the three sites raised by the objector are not in a town centre or local centre, the Planning Department agree that there will be an impact on existing centres in general and as previously mentioned, the proposal fails to comply with the SPPS which contains the primary policy for retailing in town centres.
- 5) The proposal if approved, according to the objector, will provide greater justification to close or restrict traffic movements and provide Governments with

the ability to downgrade the Old Dublin Road. The Planning Department consider that this is not a relevant planning consideration and is not material or pertinent to this proposal.

- 6) The proposal represents unnecessary countryside development according to the objector, with a detrimental impact on the local countryside when more sustainable sites are available. The Planning Department agree that this proposal would have a negative impact on the countryside as identified in the refusal reasons. Whilst also agreeing that there are alternative sites, the Planning Department would not agree that the sites identified by the objector are the appropriate sites.
- 7) The application, according to the objector, must consider the impact and confusion the requirement for further signage on that section of the road will have upon road navigation by local and motorway traffic. The Planning Department accept this concern given that the proposal is not a proper strategic roadside service facility which is not easily navigable. Furthermore, the proposal has been recommended for refusal on roads grounds under PPS 3 Access Movement and Parking.

On 19th of July 2019 an objection was received from the Director of Fiveways Shop and Service Station which is located approximately one mile from the proposed site. The objection is structured into two main issues or areas of concern which will now be considered/ assessed.

- 1) The application it is contended is set at a lower level to the A1 with poor visibility and is accessed via a minor road off the A1 and so does not constitute a true trunk road service station and fails to meet any identifiable need for a dedicated roadside service along the A1 and local need is provided by the existing Fiveways Store. The objector also points to paragraph 6.290 and the requirements of Retail Impact Assessment's and that under Paragraph 6.279 of the SPPS a roadside service facility and associated retailing should not be considered as an acceptable use outside the settlement limits particularly when a sequential assessment has not been adequately demonstrated. The Planning Department agree with the objector with regards to this first main issue/ area of concern and this is reflected in the refusal reasons with regards to non compliance with the SPPS, Area Plan, Planning Strategy for Rural Northern Ireland, PPS 21 and PPS 3.
- 2) Under the second area of concern, the objector points to the requirements of paragraphs 6.279 to 6.280 of the SPPS with retailing to be directed to town centres and the development of retail facilities in the countryside must be

resisted and that the proposal does not meet any of the exceptions for retailing under this section of the SPPS. The Planning Department agree with the objector in this instance and it is considered that the proposal is contrary to Paragraphs 6.279 to 6.281 of the SPPS in that the site lies within the open countryside and no special need has been demonstrated to justify relaxation of the strict planning controls in the countryside.

Furthermore, under the second issue, the objector goes on to critique the Retail Impact Assessment (RIA) carried out as part of this proposal and also highlights the requirements of an RIA as outlined within the SPPS. The objector also points to the requirements of paragraph 6.281 of the SPPS and the order of preference of sites with the primary retail core first preference and out of town centre locations as the final preference in the sequential approach. Additionally, it is stated that the RIA does not appropriately demonstrate the need for the proposed development and that out of town centres must only be permitted in exceptional circumstances. Again, the Planning Department agrees with these points raised and no special need or exceptional circumstances have been demonstrated to warrant the approval of this application.

The objector concludes that the proposed site is not a true trunk road which is correct as previously highlighted in the original report. The objector contends that the assumptions in the RIA are ill-informed and the impact of the application on over 200 staff currently in employment at the Fiveways has not been considered against the current provision of fuel and food services. In the RIA submitted with this application it is stated that 85% percent of trade will be by-pass trade with a small level of shoppers with the majority of diverted trade to the proposal within a 5 minute catchment which includes the Fiveways, Damolly Retail Park and Newry City Centre and it is claimed that the proposal if approved will not be harmful or noticeable to these existing trade areas. The Planning Department agree with the comments of the objector with regards to this matter. The RIA is largely based on 2009 data and as highlighted by the Planning Department in the June 2019 Planning Committee, it is doubtful that 85% percent of trade from this development will come from by-pass trade and that there will be no harm to trade in existing centres such as the Fiveways or Damolly Retail Park. It is considered that the RIA has not demonstrated that there will be no harmful or noticeable impact on the existing trade centres.

An objection was received by Mr Eunan Duffy on 23rd July 2019. Due to the sensitivity of the issues raised, this objection was not published on the Planning Portal. The majority of the matters raised in this objection are not pertinent or material planning considerations relevant in the determination of this

application. The objector in this case, objects to any plans for the demolition, reconstruction or development of the proposed site until action is taken to ensure that there are no unofficial, unmarked remains on the site. The Planning Department have considered this matter as part of the proposal and has consulted Historic Environment Division (HED). HED are content with the proposal subject to appropriate conditions and have already considered this matter under a previous objection submitted on the application. If the application is approved by the Planning Committee, appropriate conditions as suggested by HED will be attached to any decision notice which will deal with this matter.

Recommendation:

In summary, this addendum has considered the latest comments from third parties and the recommendation of the Planning Department remains one of refusal for the seven reasons stated in the June 2019 planning report.



Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**

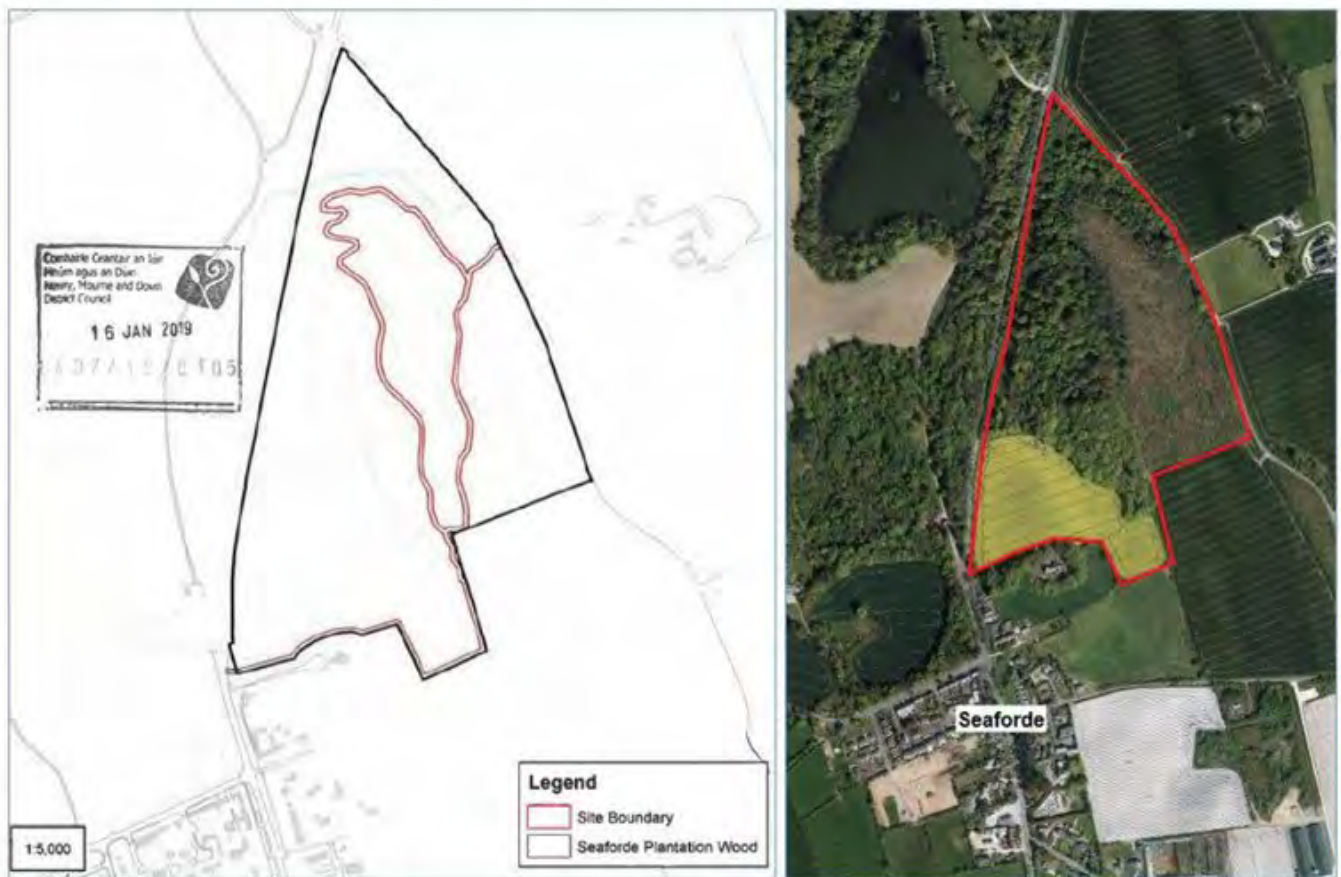
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2019/0105/F

Date Received: 21.01.2019

Proposal: New, walking, non-bitmac community trails

Location: Seaforde Plantation Wood, Seaforde, Downpatrick



Site Characteristics & Area Characteristics

The site is comprised of a path through Seaforde Plantation Wood.



The Seaforde Plantation Wood lies to the north of the small settlement of Seaforde and is accessed from the Newcastle Road (A24) and Cottage Road.

Site History:

There is no history associated with the site detailed within this planning application.

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 2 (PPS2) Natural Heritage, PPS6 Planning Archaeology and the Built Heritage, PPS8 Outdoor Space, Sport and Recreation.

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:

In order to provide an informed opinion, the Planning Authority consulted with several consultees:

- DAERA Forestry Service
- DfCNI Historical Environment Division (HED)
- Shared Environmental Services (SES)
- DAERA Natural Environment Division (NED)

The Forestry Services advised Section 15(2)(i) of the Forestry Act (NI) 2010 indicates that a felling licence is not required for tree felling where the development has been authorised by planning permission.

During the processing of the planning application additional information was submitted by the application due to requests made by consultees and the Planning Authority. This included Preliminary Ecological Appraisal, and Supplementary Information, clarification of signage for HED and Habitats Regulation Assessment (HRA).

The site is within a Historic Park, Garden and Demesne as well as the curtilage of a listed building detailed with the following HED references:

HB18/17/006

HB18/17/001

HED:HB is content with the proposals under BH11 PPS6 (Development affecting the setting of a listed building) and SPPS (NI) Para. 6.13, with requested condition that the sign is non-illuminated.

SES considered the information and HRA provided and offered no objections to the proposal stating the following:

In respect of the above, Shared Environmental Service (SES) has reviewed the HRA provided by the applicant (29/05/2019). SES concur that there is unlikely to be any significant effect on any European designated sites arising from any aspect of this proposal.

Natural Environment Division, advised proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) and has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions. The application site is in an area of long established woodland which may contain species protected by law.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on the 06.02.2019 with statutory expiry 20.02.2019.

15 Neighbouring properties were notified within the neighbour notification process with expiry date of 12.02.2019 for comments.

Comments were received through the Planning Portal in support of this application by Mr J Frost with an address in Downpatrick

Consideration and Assessment:

The proposal is a full planning application for a community path through Seaforde Plantation Wood.

PPS8 Policy OS3 Outdoor Recreation in the Countryside details the criteria for considering the proposed walking path. The proposal would not result in loss of agricultural land, there would be of adverse impact on the visual amenity or character of the local landscape and the path can be absorbed into the landscape with the aid of the existing mature vegetation of Seaford Plantation Wood. The proposal would not have an unacceptable impact on the amenities of nearby residents and would not prejudice public safety. The proposal does not include illumination or floodlighting and the ancillary signage are designed to a high standard suitable for the scale of the setting and its special features.

The site falls within several designations. The constraints include the following:

Local Landscape Policy Area 1 (LLPA1)

Local Landscape Policy Area 2 (LLPA2)

Area of Townscape Character (ATC) Seaforde

Ancient Woodland

Historic Park Garden and Demesne

Curtilage of a Listed Building HB18/17/006 and HB18/17/001

In relation to PPS2 Natural Heritage the applicant supplied Preliminary Ecological Assessment. The Habitats Regulation Assessment submitted during the processing of the application has also been considered.

In terms of PPS2 Policy NH1 SES have advised, based on the information supplied by the applicant, that the proposal is not likely to have a significant effect on a European and Ramsar Sites (International). This is in keeping with p[planning policy.

The proposal has also been considered in relation to PPS2 Policies:

NH 2 Species Protected by Law

NH3 Sites of Nature Conservation Importance – National

NH4 Sites of Nature Conservation Importance – Local

NH 5 Habitats, Species or features of Natural Heritage Importance

NED has provided detailed response to the information provided. The report recommends that the applicant recruits an ecologist to work with the design and Build team as they are marking out the trail in order to ensure that there is no unnecessary impact on biodiversity. NED agree with this recommendation.

It is noted that there was no obvious evidence of red squirrels recorded during the ecological survey conducted by ORNI in 2018. However, given reports of a red squirrel presence nearby, the absence of grey squirrel and records of pine martin and given that the supplementary report mentions that a specific survey will be undertaken during 2019 by ORNI, NED consider that a Protected Species Management Plan should be developed and any positive findings should result in contact with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works commencing.

NED are content that no evidence of badgers was recorded during survey and agree that vigilance be maintained within 25 of the trail corridors pre and during construction. However, given their recorded presence at the estate badger mitigation should be included in a Protected Species Management Plan. If evidence of badgers is found, then contact should be made with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works re-commencing.

The information supplied by the applicant in order to address concerns in relation to impact the proposal would be likely to have on the Natural Environment has been considered in full and the proposal complies with PPS2 Policies NH1, NH2, NH3, NH4 and NH5. The proposal is not likely to result in the unacceptable adverse impact on protected species, protected habitats, sites of local or national nature conservation importance.

The site is also within a designated Historical Park, Garden and Demesne. Policy BH6 of PPS6 must be considered. From the details provided I am content to state that the proposal would not lead to the loss of, or cause harm to, the character, principle components, or setting of parks, gardens and demesnes of historical interest. The proposal is in keeping with BH6.

Seaforde Plantation Wood abuts the grounds of a listed building, Seaforde Church (Church of Ireland). Therefore, development within the Wood may have an impact on views from and to the Listed Church as well as the ATC of Seaforde. PPS6 considers new development and the impact it would have on the setting of a listed building (Policy BH11). Consultation with Historic Environment Division (HED) required the applicant to provide additional details in relation to signage associated with the proposed path ie information points. HED are now content, provided the signage is not illuminated, to support the application. In terms of impact on the curtilage of Seaforde Church and the ATC of Seaforde, the proposal would not have a demonstrable impact on the designated features of the small settlement. The proposal satisfies planning policy.

The Ards and Down Area Plan identifies the site as within the Area of Townscape Character (Proposal SE03) and refers to the planned settlement of Seaforde Demesne and requires the design of development proposals within the area to be in keeping with the historic layout and built form of the settlement. The proposal would provide access to the Seaforde Plantation Wood, and maintain the setting and special character of Seaforde.

Recommendation:

Approval

The information provided has been considered by the relevant Statutory Consultees and the Planning Authority is content to recommend approval subject to the planning conditions as recommended by consultees.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

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

- a) Details of further surveys for red squirrels prior to any works commencing, including tree felling or associated mechanical operations.
- b) Mitigation measures for red squirrels including the halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Details of compensatory tree planting for the loss of red squirrel foraging habitat if required.
- d) Details of further surveys for badgers prior to any works commencing, including each phase of tree felling or associated mechanical operations.
- e) Mitigation measures for any badger setts identified within 25m of any works or felling operations.

REASON: To mitigate for impacts on protected species using the site.

No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by the planning authority.

REASON: To ensure no protected species are impacted by the proposal.

There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

REASON: To protect breeding birds.

Case Officer signature:

Date:

Appointed Officer signature:

Date:

LA07/2019/0106/F

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agus an Dúin

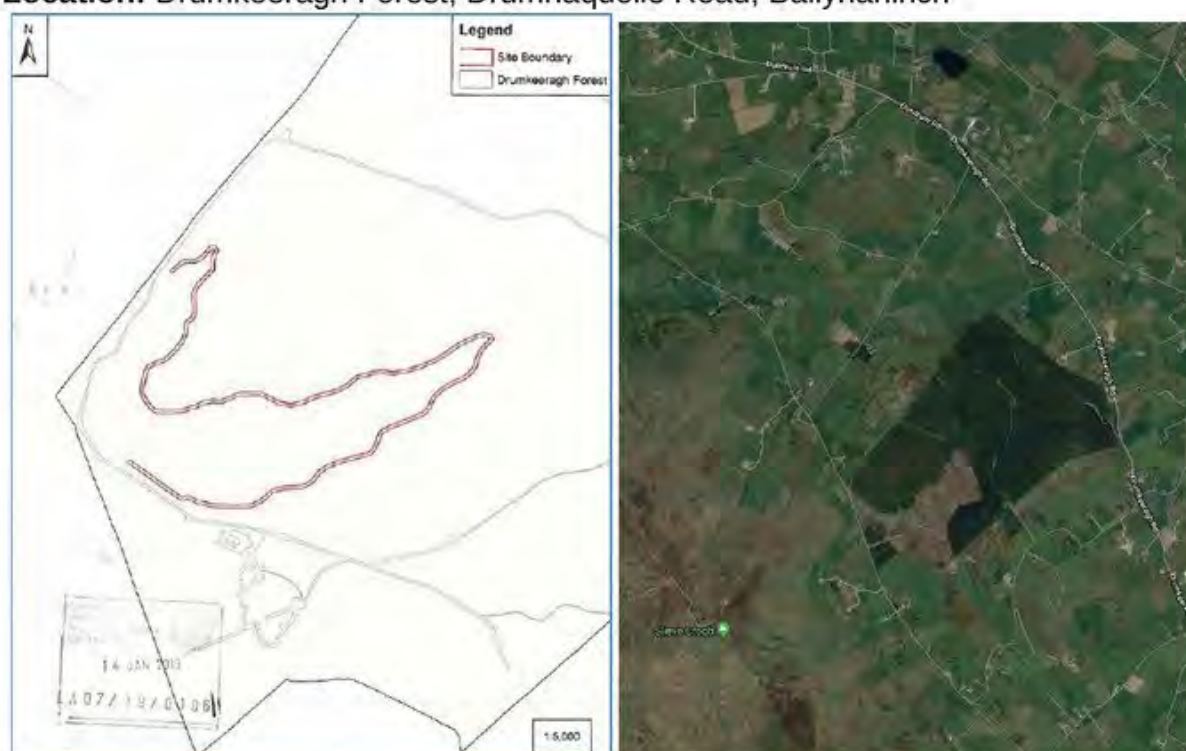
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0106/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.



The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0106/F

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Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

9 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has previously suggested planning condition relating to the appointment, by the applicant, of an Ecological Clerk of Works, this would have required the applicant to discharge the planning condition at a later date after approval was granted. In order to satisfy the condition relating to ECoW the applicant submitted additional information which was forwarded to NED for comment which detailed the EcoW. NED is now content to approve the application without a pre-commencement planning condition.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Drumkeeragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. Drumkeeragh Forest is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

LA07/2019/0106/F

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80

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



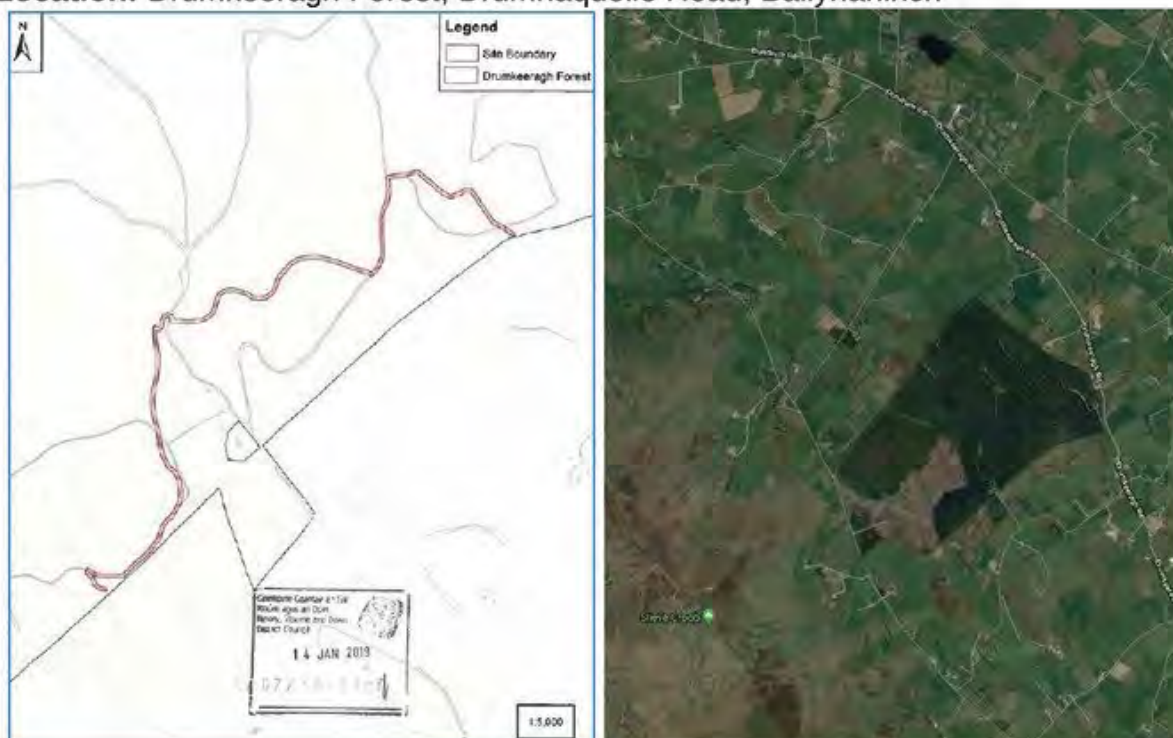
Comhairle Ceantair
**an Iúir, Mhúrn
 agus an Dúin**
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2019/0107/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.

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The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0107/F

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83

Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

9 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

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The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has previously suggested planning condition relating to the appointment, by the applicant, of an Ecological Clerk of Works, this would have required the applicant to discharge the planning condition at a later date after approval was granted. In order to satisfy the condition relating to ECoW the applicant submitted additional information which was forwarded to NED for comment which detailed the EcoW. NED is now content to approve the application without a pre-commencement planning condition.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Drumkeeragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. Drumkeeragh Forest is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

LA07/2019/0107/F

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85

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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

Application Reference: LA07/2019/0108/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.



The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0108/F

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88

Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

9 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

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Recommendation:

Approval

LA07/2019/0108/F

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90

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:

LA07/2019/0109/F

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an Iúir, Mhúrn
agus an Dúin

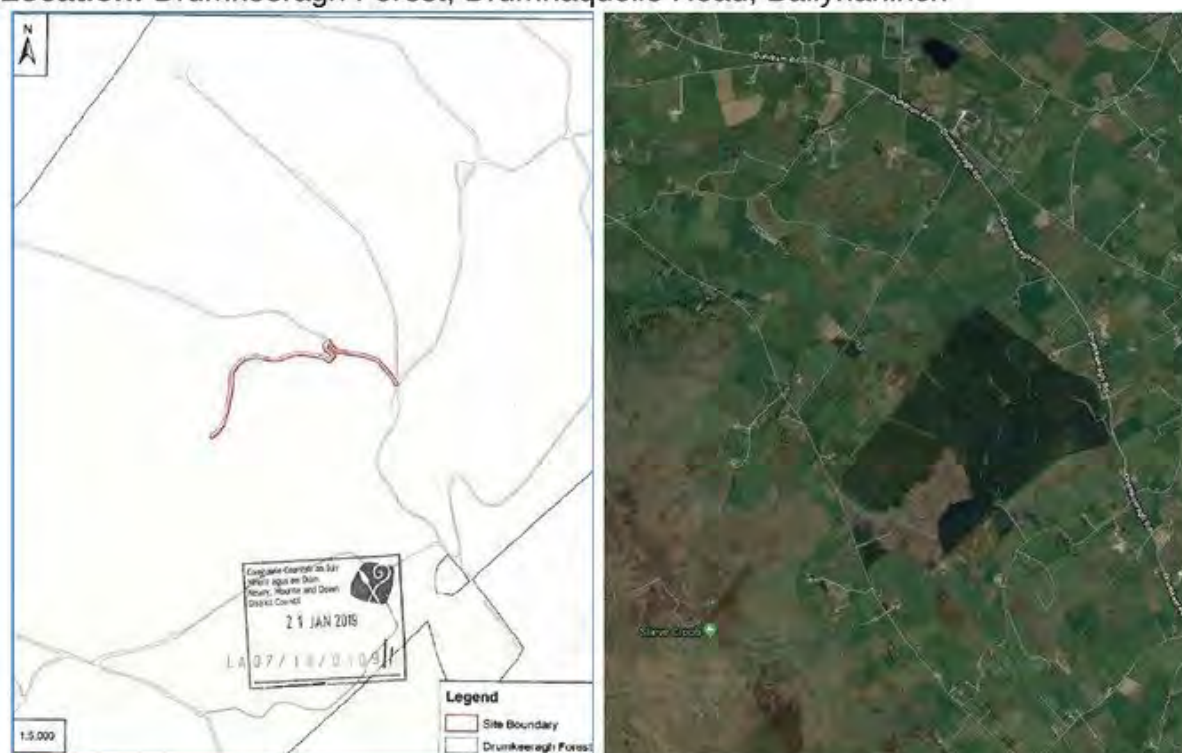
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0109/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.



The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

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During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0109/F

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93

Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

7 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

LA07/2019/0109/F

4

94

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has previously suggested planning condition relating to the appointment, by the applicant, of an Ecological Clerk of Works, this would have required the applicant to discharge the planning condition at a later date after approval was granted. In order to satisfy the condition relating to ECoW the applicant submitted additional information which was forwarded to NED for comment which detailed the EcoW. NED is now content to approve the application without a pre-commencement planning condition.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Drumkeeragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. Drumkeeragh Forest is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

Refusal Reasons/ Conditions:

LA07/2019/0109/F

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Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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

Application Reference: LA07/2019/0110/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Corry Wood, Station Road, Castlewellan



Site Characteristics & Area Characteristics

The site is adjacent to the village of Annsborough Castlewellan and accessed from the Station Road. The site is comprised of a path through Corry Wood.



Station Road

Long-Range View of Corry Wood

LA07/2019/0110/F

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The site is within AONB, an area of influence in relation to a monument and Ancient Forest.

Site History:

PENDING –

LA07/2019/0110/F Walking Path at Corry Wood

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 (PPS) 8 Open Space, Sport and recreation, PPS2 Natural Heritage, and PPS6 Planning, Archaeology and the Built Heritage.

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:

To inform opinion Planning consulted

- DAERA Forestry Service
- DfI Historic Environment Division (HED)
- DAERA Natural Environment Division (NED)
- with DAERA Forestry Service,
- Shared Environmental Services (SES)

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

HED: HB was consulted as the site is within area of influence of scheduled monument - ECCLESIASTICAL SITE DOW043:019. HB is content under BH11, PPS6 & SPPS (NI) and has no further comment

HED Historic Monuments: Historic Environment Division: Historic Monuments have reviewed the additional information submitted (uploaded 22/02/2019 for LA07/2019/0110/f) and are now content the overall scheme is satisfactory to SPPS and PPS 6 archaeological policy requirements.

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

Shared Environmental Services have advised the following:

LA07/2019/0110/F

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

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information. This has been provided by the applicant and NED responded on the 29th of July to advise:

Natural Environment Division - Countryside & Coast and Conservation Designation & Protection: Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

42 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Corry Wood.

The planning applications for community walking trails within Corry Wood are:

LA07/2019/0110/F

LA07/2019/0111/F

The SPSS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information provided by the applicant, during the processing of the application has resulted in NED offering no objections subject to proposed conditions.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. NED within their response advised the application site is in an area of long established, and possibly ancient woodland which may contain species protected by law. I have highlighted the key aspects of NED comments:

- The report recommends that the applicant recruits an ecologist to work with the design and Build team as they are marking out the trail in order to ensure that there is no unnecessary impact on biodiversity. NED agree with this recommendation.
- It is noted that there was no obvious evidence of red squirrels recorded during the ecological survey conducted by ORNI in 2018. However, given reports of red squirrel presence at the site, records of pine martin and given that the supplementary report mentions that a specific survey will be undertaken during 2019 by ORNI, NED consider that a Protected Species Management Plan (PSMP) should be developed and any positive findings should result in contact with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works commencing.
- NED are acknowledging that a mammal den was recorded at the site and that this could be evidence of badgers at the site. NED agree that vigilance be maintained within 25 of the trail corridors pre and during construction. However, given the recorded presence of the possible sett, further badger survey and mitigation should be included in a Protected Species Management Plan. If evidence of badgers is found, then contact should be made with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works re-commencing.
- NED is content that the proposal does not represent a significant risk to bat roosts.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest and does not include floodlighting.

LA07/2019/0110/F

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100

The site is within the area of influence for a scheduled monument referenced as ECCLESIASTICAL SITE DOW043:019. Historical Environment Division (Monuments Team) considered the proposals for Corry Wood under this application and LA07/2019/0111/F and offered no objection to the proposal. The proposal will remove some vegetation to facilitate the paths but this will not have any detrimental impact on the scheduled monument and therefore the proposal satisfies planning policy BH1 and BH2 which relate to the protection of archaeological remains of Regional, and Local Importance and their settings.

The provision of community paths within Corry Wood will facilitate a path and therefore provide structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats.

Corry Wood is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

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

- a) Details of further surveys for red squirrels prior to any works commencing, including tree felling or associated mechanical operations.
- b) Mitigation measures for red squirrels including the halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Details of compensatory tree planting for the loss of red squirrel foraging habitat if required.
- d) Details of further surveys for badgers prior to any works commencing, including each phase of tree felling or associated mechanical operations.
- e) Mitigation measures for any badger setts identified within 25m of any works or felling operations.

REASON: To mitigate for impacts on protected species using the site.

No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by the Planning Authority.

REASON: To ensure no protected species are impacted by the proposal.

There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

REASON: To protect breeding birds.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

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



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

Application Reference: LA07/2019/0111/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Corry Wood, Station Road, Castlewellan



Site Characteristics & Area Characteristics

The site is adjacent to the village of Annsborough Castlewellan and accessed from the Station Road. The site is comprised of a path through Corry Wood.



Station Road

Long-Range View of Corry Wood

LA07/2019/0111/F

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The site is within AONB, an area of influence in relation to a monument and Ancient Forest.

Site History:

PENDING –

LA07/2019/0110/F Walking Path at Corry Wood

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 (PPS) 8 Open Space, Sport and recreation, PPS2 Natural Heritage, and PPS6 Planning, Archaeology and the Built Heritage.

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:

To inform opinion Planning consulted

- DAERA Forestry Service
- DfI Historic Environment Division (HED)
- DAERA Natural Environment Division (NED)
- with DAERA Forestry Service,
- Shared Environmental Services (SES)

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

HED: HB was consulted as the site is within area of influence of scheduled monument - ECCLESIASTICAL SITE DOW043:019. HB is content under BH11, PPS6 & SPPS (NI) and has no further comment

HED Historic Monuments: Historic Environment Division: Historic Monuments have reviewed the additional information submitted (uploaded 22/02/2019 for LA07/2019/0110/f) and are now content the overall scheme is satisfactory to SPPS and PPS 6 archaeological policy requirements.

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

Shared Environmental Services have advised the following:

LA07/2019/0111/F

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

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information. This has been provided by the applicant and NED responded on the 29th of July to advise:

Natural Environment Division - Countryside & Coast and Conservation Designation & Protection: Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

42 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Corry Wood.

The planning applications for community walking trails within Corry Wood are:

LA07/2019/0110/F

LA07/2019/0111/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information provided by the applicant, during the processing of the application has resulted in NED offering no objections subject to proposed conditions.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. NED within their response advised the application site is in an area of long established, and possibly ancient woodland which may contain species protected by law. I have highlighted the key aspects of NED comments:

- The report recommends that the applicant recruits an ecologist to work with the design and Build team as they are marking out the trail in order to ensure that there is no unnecessary impact on biodiversity. NED agree with this recommendation.
- It is noted that there was no obvious evidence of red squirrels recorded during the ecological survey conducted by ORNI in 2018. However, given reports of red squirrel presence at the site, records of pine martin and given that the supplementary report mentions that a specific survey will be undertaken during 2019 by ORNI, NED consider that a Protected Species Management Plan (PSMP) should be developed and any positive findings should result in contact with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works commencing.
- NED are acknowledging that a mammal den was recorded at the site and that this could be evidence of badgers at the site. NED agree that vigilance be maintained within 25 of the trail corridors pre and during construction. However, given the recorded presence of the possible sett, further badger survey and mitigation should be included in a Protected Species Management Plan. If evidence of badgers is found, then contact should be made with the relevant officer at NIEA Wildlife team and mitigation agreed prior to works re-commencing.
- NED is content that the proposal does not represent a significant risk to bat roosts.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest and does not include floodlighting.

LA07/2019/0111/F

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The site is within the area of influence for a scheduled monument referenced as ECCLESIASTICAL SITE DOW043:019. Historical Environment Division (Monuments Team) considered the proposals for Corry Wood under this application and LA07/2019/0110/F and offered no objection to the proposal. The proposal will remove some vegetation to facilitate the paths but this will not have any detrimental impact on the scheduled monument and therefore the proposal satisfies planning policy BH1 and BH2 which relate to the protection of archaeological remains of Regional, and Local Importance and their settings.

The provision of community paths within Corry Wood will facilitate a path and therefore provide structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats.

Corry Wood is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

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

- a) Details of further surveys for red squirrels prior to any works commencing, including tree felling or associated mechanical operations.
- b) Mitigation measures for red squirrels including the halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Details of compensatory tree planting for the loss of red squirrel foraging habitat if required.
- d) Details of further surveys for badgers prior to any works commencing, including each phase of tree felling or associated mechanical operations.
- e) Mitigation measures for any badger setts identified within 25m of any works or felling operations.

REASON: To mitigate for impacts on protected species using the site.

No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by the Planning Authority.

REASON: To ensure no protected species are impacted by the proposal.

There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

REASON: To protect breeding birds.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

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

LA07/2019/0112/F

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

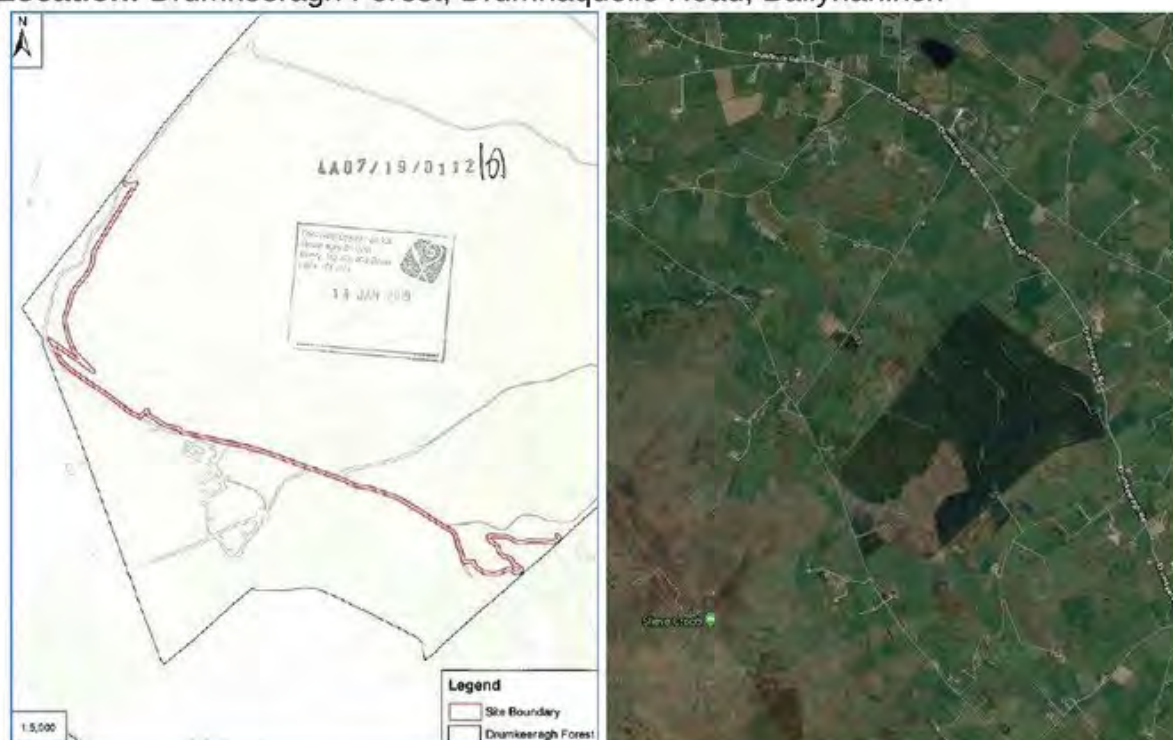
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0112/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.

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The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0112/F

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110

Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

7 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has previously suggested planning condition relating to the appointment, by the applicant, of an Ecological Clerk of Works, this would have required the applicant to discharge the planning condition at a later date after approval was granted. In order to satisfy the condition relating to ECoW the applicant submitted additional information which was forwarded to NED for comment which detailed the EcoW. NED is now content to approve the application without a pre-commencement planning condition.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Drumkeeragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. Drumkeeragh Forest is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

LA07/2019/0112/F

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Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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

Application Reference: LA07/2019/0113/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Drumkeeragh Forest, Drumnaquoile Road, Ballynahinch



Site Characteristics & Area Characteristics

The site is comprised of a path through the Drumkeeragh Wood. The Drumkeeragh wood is to the NE of Slieve Croob and accessed from the Drumkeeragh Road which abuts the east of the wood, or Drumnaquoile Road to the SW of the wood.



The Drumkeeragh Wood has an undulating topography and dense vegetation cover with a section within the southern section of the forest removed by the Forestry Service.

The site is within AONB

Site History:

PENDING – applications within Drumkeeragh Forest:

LA07/2019/0106/F Walking, non-bitmac community trails

LA07/2019/0107/F Walking, non-bitmac community trails

LA07/2019/0108/F Walking, non-bitmac community trails

LA07/2019/0109/F Walking, non-bitmac community trails

LA07/2019/0112/F Walking, non-bitmac community trails

LA07/2019/0113/F Walking, non-bitmac community trails

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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:

To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

LA07/2019/0113/F

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Shared Environmental Services have considered the proposal and the subsequent Habitats Regulation Assessment as submitted by the applicant. The SES has advised that Planning adopt the HRA as completed for the proposal and the Slit Trap Mitigation Measures recommended within the HRA are conditioned.

NED had required Preliminary Ecological Appraisal, submission of supplementary PEA information and further to their previous response referring to the need for planning condition relating to the appointment of an Ecological Clerk of Works (ECoW) the applicant supplied further information. NED has considered the details submitted and is content to recommend approval with the applicant's information submitted relating to the EcoW satisfying their concerns and a planning condition would no longer be necessary.

Objections & Representations

The site was advertised 06.02.2019 Mourne Observer and Down Recorder.

7 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of several walking path proposals within Drumkeeragh Forest.

The planning applications for community walking trails within Drumkeeragh Forest are:

LA07/2019/0106/F

LA07/2019/0107/F

LA07/2019/0108/F

LA07/2019/0109/F

LA07/2019/0112/F

LA07/2019/0113/F

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has previously suggested planning condition relating to the appointment, by the applicant, of an Ecological Clerk of Works, this would have required the applicant to discharge the planning condition at a later date after approval was granted. In order to satisfy the condition relating to ECoW the applicant submitted additional information which was forwarded to NED for comment which detailed the EcoW. NED is now content to approve the application without a pre-commencement planning condition.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Drumkeeragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. Drumkeeragh Forest is located within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB). Proposals for new development within the AONB is considered in relation to Policy NH6 of PPS2 which requires new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The proposal would not offend this policy.

Recommendation:

Approval

Refusal Reasons/ Conditions:

LA07/2019/0113/F

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Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

Pollution prevention measures, as detailed within the Habitats Regulation Assessment submitted with the proposal, shall include silt traps and containment measures to be implemented on site during construction phase of development hereby permitted, as necessary.

REASON: To ensure pollution prevention measures are carried out on site.

Case Officer signature:

Date:

Appointed Officer signature:

Date:



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

Application Reference: LA07/2019/0115/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Tievenadarragh Forest, Newcastle Road, Drumaness



Site Characteristics & Area Characteristics

The site is comprised of a path formed through the current Tievenadarragh Wood which shares its western boundary with the Newcastle Road (A2) and the Eastern boundary with Old Park Road. The wood lies to the south of Drumaness. The

woodland has a dense coverage and an undulating topography associated with low-rise drumlin topography within the area.



The site is within Ancient Woodland.

Site History:

PENDING - LA07/2018/1929/F

New car park for 15 no. carparking spaces and perimeter fence
90m West of No 33 Old Park Road, Drumaness

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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 site is within Ancient Woodland. To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

The Habitats Regulation Assessment (HRA) has been received and SES are content that the details provided are accurate and highlighted the following:

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

NED required additional information relating to ecological impact assessments. This information was provided and NED are content to recommend approval in relation to LA07/2019/0116/F subject to planning conditions which require the applicant to submit;

1. a Protected Species Management Plan prior to commencement of works,
2. Details of the appointed Ecological Clerk of Works (ECoW) to include their roles and responsibilities prior to commencement of any development

NED also request the Planning Authority attach a condition restricting development during bird breeding season.

Objections & Representations

The site was advertised 06.02.2019 Mourn Observer and Down Recorder.

15 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourn District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of two proposals for walking trails within Tievenadarragh Forest, the other path is considered under planning reference LA07/2019/0116/F.



The SPSS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division, which has been considered. The applicant also provided Habitat Regulation Assessment (HRA). The HRA has also been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED responded to LA07/2019/0116/F and suggested planning conditions which will require additional information prior to commencement of works, the statutory consultee is content to recommend approval of the development under LA07/2019/0116/F.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Tievenadarragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats.

PPS8 Policy OS3 Outdoor Recreation in the Countryside details the criteria for considering the proposed walking path. The proposal would not result in loss of agricultural land, there would be of adverse impact on the visual amenity or character of the local landscape and the path can be absorbed into the landscape with the aid of the existing mature vegetation of Tievenadarragh Wood. The proposal would not have an unacceptable impact on the amenities of nearby residents and would not prejudice public safety. The proposal does not include illumination or floodlighting.

PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

In terms of PPS2 Policy NH1 SES have advised, based on the information supplied by the applicant, that the proposal is not likely to have a significant effect on a European and Ramsar Sites (International). This is in keeping with pplanning policy.

The proposal has also been considered in relation to PPS2 Policies:

NH 2 Species Protected by Law
 NH3 Sites of Nature Conservation Importance – National
 NH4 Sites of Nature Conservation Importance – Local
 NH 5 Habitats, Species or features of Natural Heritage Importance

Recommendation:

Approval

The information provided has been considered by the relevant Statutory Consultees and the Planning Authority is content to recommend approval subject to the planning conditions as recommended by consultees.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

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

- a) Details of further surveys for red squirrels prior to any works commencing, including tree felling or associated mechanical operations.
- b) Mitigation measures for red squirrels including the halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Details of compensatory tree planting for the loss of red squirrel foraging habitat.
- d) Details of further surveys for badgers prior to any works commencing, including each phase of tree felling or associated mechanical operations.
- e) Mitigation measures for any badger setts identified within 25m of any works or felling operations.

REASON: To mitigate for impacts on protected species using the site.

No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by the planning authority.

REASON: To ensure no protected species are impacted by the proposal.

There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

REASON: To protect breeding birds.

Case Officer signature:
Date:
Appointed Officer signature:
Date:



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

Application Reference: LA07/2019/0116/F

Date Received: 21.01.2019

Proposal: Walking, non-bitmac community trails

Location: Tievenadarragh Forest, Newcastle Road, Drumaness



Site Characteristics & Area Characteristics

The site is comprised of a path formed through the current Tievenadarragh Wood which shares its western boundary with the Newcastle Road (A2) and the Eastern boundary with Old Park Road. The wood lies to the south of Drumaness. The

LA07/2019/0116/F

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woodland has a dense coverage and an undulating topography associated with low-rise drumlin topography within the area.



The site is within Ancient Woodland.

Site History:

PENDING - LA07/2018/1929/F

New car park for 15 no. carparking spaces and perimeter fence
90m West of No 33 Old Park Road, Drumaness

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), PPS2 Natural Heritage, and PPS8 Open Space, Sport and recreation.

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 site is within Ancient Woodland. To inform opinion Planning consulted with DAERA Forestry Service, Shared Environmental Services (SES) and DAERAs Natural Environment Division (NED).

Forestry Service offered no objections and outlined information for the benefit and highlighting:

'The lands, which are the subject of these applications, are currently managed by Forest Service under a 150-year Lease dated 24 June 1959. Consequently, Forest Service are required to consult with the lessor and obtain necessary permissions as part of the considerations in dealing with the Council's request for use of this land.'

LA07/2019/0116/F

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During the processing of the application additional information was submitted to fulfil the requests of NED and SES.

The Habitats Regulation Assessment (HRA) has been received and SES are content that the details provided are accurate and highlighted the following:

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

NED required additional information relating to ecological impact assessments. This information was provided and NED are content to recommend approval subject to planning conditions which require the applicant to submit;

1. a Protected Species Management Plan prior to commencement of works,
2. Details of the appointed Ecological Clerk of Works (ECoW) to include their roles and responsibilities prior to commencement of any development

NED also request the Planning Authority attach a condition restricting development during bird breeding season.

Objections & Representations

The site was advertised 06.02.2019 Mourn Observer and Down Recorder.

17 Neighbouring properties were notified of the planning application.

The Statutory notification period has now passed and no representations for support or objecting to the application have been received prior to completion of the planning report.

Consideration and Assessment:

The proposal is a full planning application, made by Newry and Mourne District Council and managed by their appointed agent Outdoor Recreation NI. The application is one of two proposals for walking trails within Tievenadarragh Forest, the other path is considered under planning reference LA07/2019/0115/F.

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

PPS8, Policy OS3 provides policy and criteria for development for outdoor recreation in the countryside. PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

LA07/2019/0116/F

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The proposal is for a walking path with bit-mac trails. It does not include provision of new vehicular access, car parking, or floodlighting. The submitted information has accommodated the need for additional detail to establish a principle of development.

The proposal will be sited within the forest. This will require some removal of vegetation however the applicant has provided the additional information as requested by Natural Environment Division and the Habitat Regulation Assessment has been considered.

The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species ie priority species or priority habitat than has not been appropriately considered by the applicant.

The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. While NED has suggested planning conditions which will require additional information prior to commencement of works, the statutory consultee is content to recommend approval of the development.

The proposal will not be visible unless you are located within the forest paths proposed. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area neighbouring the forest have been notified. The proposal would not have any demonstrable impact on the residential amenity of dwellings which neighbour the forest.

The provision of community paths within the Tievenadarragh Forest facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats.

Recommendation:

Approval

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to edit prior to the issuing of the decision:

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.

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

LA07/2019/0116/F

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- a) Details of further surveys for red squirrels prior to any works commencing, including tree felling or associated mechanical operations.
- b) Mitigation measures for red squirrels including the halting of any works or tree felling should any squirrel dreys be found, until a mitigation strategy has been approved by NIEA.
- c) Details of compensatory tree planting for the loss of red squirrel foraging habitat.
- d) Details of further surveys for badgers prior to any works commencing, including each phase of tree felling or associated mechanical operations.
- e) Mitigation measures for any badger setts identified within 25m of any works or felling operations.

REASON: To mitigate for impacts on protected species using the site.

No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by the planning authority.

REASON: To ensure no protected species are impacted by the proposal.

There shall be no works, including vegetation clearance, during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

REASON: To protect breeding birds.

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



Comhairle Ceantair
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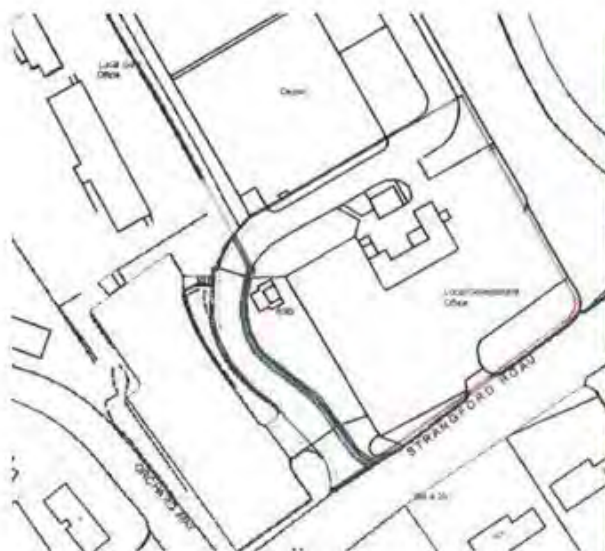
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0447/F

Date Received: 22.03.2019

Proposal: The application is for full planning permission for the redevelopment of land from former office building and car park to staff and fleet car park.

Location: The application site is located within the settlement limits of Downpatrick as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site accommodates the former Down Council offices building, associated hardstanding.. The wider site accommodates staff offices, commercial vehicle workshop and garage, maintenances buildings, fuel supplies and store facilities. The car parking to the front and side is for staff parking and to the rear side parking for refuse collection lorries.

Site History:

LA07/2016/0671/F Lands at the front of council offices at 24 Strangford Road, Downpatrick
The dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to the council depot and provide the required site lines PERMISSION GRANTED
29.09.2016

R/2009/0910/F DDC HQ, 24 Strangford Road, Downpatrick, BT30 6SR. New window opening in office building. PERMISSION GRANTED 27.11.2009

R/2012/0425/F Down District Council HQ, 24 Strangford Road, Downpatrick, Installation of approx. 160 linear metres long X 2.4 linear metres high security fence for approx. 6-8 months (Temporary security fencing)
PERMISSION GRANTED 10.10.2012

R/2014/0637/LBC 24 Strangford Road, Downpatrick, Co Down, Demolition of buildings adjoining listed building at former Council Offices, Strangford Road, Downpatrick PERMISSION GRANTED 28.06.2016

R/2000/0173/F 24 Strangford Road, Demesne Of Down, Downpatrick, Two prefabricated sectional buildings with access made from ground floor of existing building PERMISSION GRANTED 25.03.2000

R/2000/1565/F Adjacent to 24 Strangford Road, Downpatrick Office Accommodation for Fire Authority District Headquarters PERMISSION GRANTED 23.02.2001

R/2002/0317/Q Downpatrick Possible sites for cinema PRE APPLICATION ENQUIRY - NON COMMITTAL

R/2008/0001/F 24 Strangford Road Downpatrick Retention of existing portacabins and provision of additional two portacabins for temporary office accommodation (5 years) (amended proposal and plans) PERMISSION GRANTED 12.05.2008

Surrounding area

R/2009/0476/O Lands located between and accessed from Strangford Road and Quoile Road, and adjacent to Down District Council Office at Strangford Road. Post Primary School, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (accesses from Strangford Road and Quoile Road) and off site road improvements. PERMISSION GRANTED 07.12.2009

LA07/2015/0697/PADOff Strangford Road, Downpatrick, New School PAD CONCLUDED

LA07/2016/0308/PADQuoile Road, Strangford Road, Downpatrick, Post Primary School PAD CONCLUDED

LA07/2016/0770/O Lands south of 26 Strangford Road, Downpatrick, Proposed residential development (12 Units) (amended scheme) PERMISSION GRANTED 02.06.2017

LA07/2017/0825/RM Lands located between and accessed from Strangford Road and Quoile Road and adjacent to former Down District Council Offices at Strangford Road, Downpatrick, Post primary school, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (Strangford Road and Quoile Road) and off site road improvements (outline approval R/2009/0476/O)
PERMISSION GRANTED 18.05.2018

Planning Policies & Material Considerations:

The main Planning policies in relation to the assessment of the application are:

RDS - Regional Development Strategy

SPPS - Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 6: Planning, Archaeology and The Built Heritage

Consultations:

NI Water – Statutory

DFI Roads – No objections subject to conditions

Historic Environment Division – No objections in principle

Environmental Health – No objections subject to conditions

Northern Ireland Electricity (NIE) – No objections

Objections & Representations

In line with statutory requirements 16 neighbours have been notified on 04.04.2019. The application was advertised in the Mourne Observer and the Down Recorder on 24.04.2019.

One letter of representation was received by the neighbour at 1 The Meadows.

The main points of the letter are:-

- Strangford Road is a residential area
- Property looks directly at site and do not want to be looking at a fleet of vehicles
- Awakened at 6.30 at weekends with council vehicles
- Lorries bring rats and smells
- Road sweepers and bin lorries have started to park in this area and noise levels are high
- This noise will increase with presence of all these vehicles and cause disturbance
- Depreciate value of surrounding properties
- Commercial vehicles should be parked away from residential properties and in a more appropriate area.

Consideration and Assessment:

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

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

PPS 6 – Planning, Archaeology and the Built Heritage

The application impacts on the Former Workhouse (Grade B2) which is of special architectural and historic importance and is protected by Section 80 of the Planning Act (NI)

2011. Given that the building is listed Historic Environment Division were consulted regarding the proposal. The application is considered under Paragraph 6.12 of Strategic Planning Policy Statement for Northern Ireland and Policy BH 11 – Development affecting the setting of a Listed Building.

Given the current and recent use HED:HB have stated that it is acceptable in principle that the foreground should contain parking. However, any new scheme should respect the character. HED considers the expanse requires interruption through use of some soft landscaping between banks of spaces. A low exposed aggregate wall is specified to the western boundary.

The site is well established as the former Down Council offices with refuse depot to the rear of the site. The area has been used for staff parking this application is to formalise the parking arrangement with staff parking to the front and small vans to be parked to the side. The works proposed will aim to upgrade the existing frontage and well used hardstanding to more formalised parking arrangement. The existing lands are to be regraded and resurfaced with low walls. External lightning also forms part of the proposal. The entrance is also to be widened and new gates installed. Hedging planting is also proposed to help screen some of the activities to the rear of the site.

The agent was made aware of the issues and amended plans were submitted 03/07/2019 which address the issues raised by HED. Improvements will be made to the existing grass areas to the front and planting beds introduced to break up the parking and soften the hardstanding area. The existing fencing is already in place from a previous application R/2012/0425/F.

Taking into account the letter of objection from the neighbouring property, there is an historic use on the site. The parking has been laid out for staff car parking to the front and small van parking to the side, and not the parking of the larger refuse lorries to the front. The application does not involve a change of use to the site. The application proposes to relocate staff parking onto the site of the formerly demolished council admin building and use the other side of the car park for some additional fleet vehicle parking with designated parking spaces marked and circulation routes displayed through the site. The proposal will not impact any more significantly in terms of residential amenity as to what is already there at present. The Council's Environmental Health Department were consulted regarding the proposal and have no objections in principle subject to conditions.

The Council have indicated that as part of a land sale to the Education Authority there is a 2 hour daily traffic restriction over the use of the existing main fleet access route for Council Vehicles. The restricted use as detailed on the plan, is that this entrance cannot be used by any Council vehicles between school starting times 8:30am to 9:30 am and finishing times from 2:45pm to 3:45pm. This clause was put into the Contract of Sale by the Education Authority under the grounds of Child Safety to ensure that school children cannot be injured by passing Council Vehicles to and from this Council entrance.

The Council have stated that it is anticipated that most Council HGV and Bin Lorry vehicles will already be off site by 8:30am but there may be a few which will not be off site and therefore for that few there needs to be access through the site to the proposed access point directly on to Strangford Road. Similarly, when Council vehicles are returning to the depot there is a likelihood that some vehicles will return to the depot between 2:45pm and 3:45pm

and as the existing fleet vehicle entrance will be closed for use during this hour long period that Council HGV and Bin Lorries vehicles will all be required to use the proposed new access point directly on Strangford Road.

As the two access points to the site are only 35m apart it is not anticipated that there will be a noticeable difference in noise levels between the two access points. The Council have spoken to EHO and they are content with this arrangement.

Access, Movement and Parking

Transport NI have offered no objections to this proposal. It is also considered that sufficient provision has been made parking and turning within the site.

Conclusion

The proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

Recommendation:

Approval

Conditions:

Time, EHO conditions, landscaping

Case Officer Signature

Date

Appointed Officer Signature

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

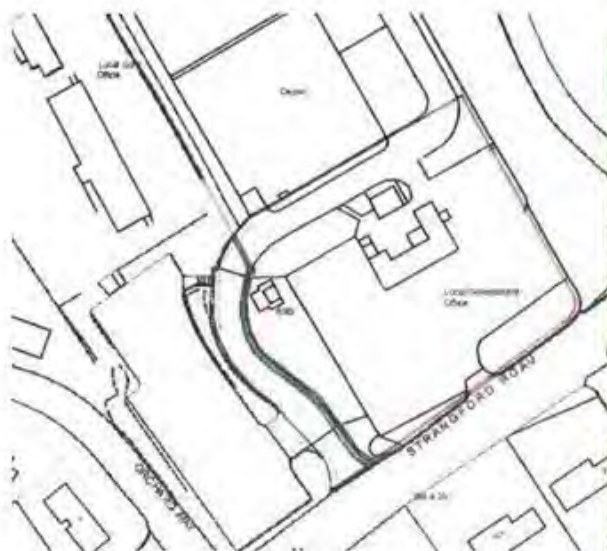
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0449/LBC

Date Received: 22.03.2019

Proposal: The application is for Listed Building Consent planning for the redevelopment of land from former office building and car park to staff and fleet car park.

Location: The application site is located within the settlement limits of Downpatrick as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site accommodates the former Down Council offices building, associated hardstanding.. The wider site accommodates staff offices, commercial vehicle workshop and garage, maintenances buildings, fuel supplies and store facilities. The car parking to the front and side is for staff parking and to the side parking for refuse collection lorries.

Site History:

LA07/2016/0671/F Lands at the front of council offices at 24 Strangford Road, Downpatrick
The dismantling and reconstruction of an existing stone wall and gate posts to upgrade the existing entrance to the council depot and provide the required site lines PERMISSION GRANTED
29.09.2016

R/2009/0910/F DDC HQ, 24 Strangford Road, Downpatrick, BT30 6SR. New window opening in office building. PERMISSION GRANTED 27.11.2009

R/2012/0425/F Down District Council HQ, 24 Strangford Road, Downpatrick, Installation of approx. 160 linear metres long X 2.4 linear metres high security fence for approx. 6-8 months (Temporary security fencing)
PERMISSION GRANTED 10.10.2012

R/2014/0637/LBC 24 Strangford Road, Downpatrick, Co Down, Demolition of buildings adjoining listed building at former Council Offices, Strangford Road, Downpatrick PERMISSION GRANTED 28.06.2016

R/2000/0173/F 24 Strangford Road, Demesne Of Down, Downpatrick, Two prefabricated sectional buildings with access made from ground floor of existing building PERMISSION GRANTED 25.03.2000

R/2000/1565/F Adjacent to 24 Strangford Road, Downpatrick Office Accommodation for Fire Authority District Headquarters PERMISSION GRANTED 23.02.2001

R/2002/0317/Q Downpatrick Possible sites for cinema PRE APPLICATION ENQUIRY - NON COMMITTAL

R/2008/0001/F 24 Strangford Road Downpatrick Retention of existing portacabins and provision of additional two portacabins for temporary office accommodation (5 years) (amended proposal and plans) PERMISSION GRANTED 12.05.2008

Surrounding area

R/2009/0476/O Lands located between and accessed from Strangford Road and Quoile Road, and adjacent to Down District Council Office at Strangford Road. Post Primary School, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (accesses from Strangford Road and Quoile Road) and off site road improvements. PERMISSION GRANTED 07.12.2009

LA07/2015/0697/PAD Off Strangford Road, Downpatrick, New School PAD CONCLUDED

LA07/2016/0308/PAD Quoile Road, Strangford Road, Downpatrick, Post Primary School PAD CONCLUDED

LA07/2016/0770/O Lands south of 26 Strangford Road, Downpatrick, Proposed residential development (12 Units) (amended scheme) PERMISSION GRANTED 02.06.2017

LA07/2017/0825/RM Lands located between and accessed from Strangford Road and Quoile Road and adjacent to former Down District Council Offices at Strangford Road, Downpatrick, Post primary school, ancillary sports pitches and car parking together with all associated site works including landscaping, accesses (Strangford Road and Quoile Road) and off site road improvements (outline approval R/2009/0476/O) PERMISSION GRANTED 18.05.2018

Planning Policies & Material Considerations:

The main Planning policies in relation to the assessment of the application are:

RDS - Regional Development Strategy

SPPS - Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 6: Planning, Archaeology and The Built Heritage

Consultations:

Historic Environment Division – No objections in principle

Objections & Representations

Due to the nature of the proposal neighbours were not required to be notified.

Planning Policies & Material Considerations:

The main Planning policies in relation to the assessment of the application are:

RDS - Regional Development Strategy

SPPS - Strategic Planning Policy Statement

PPS 3 - Access, Movement and Parking

PPS 6: Planning, Archaeology and The Built Heritage

Consideration and Assessment:

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

This application is associated with a full planning application LA07/2019/0447/F.

Having taken account of the location, zonings and constraints of the site and nature of this proposal, consultations have been carried out with HED, DFI Roads, EHO along with other additional consultations as part of the associated Full application.

As stated above the site is located within the Downpatrick as designated in the Ards and Down Area Plan 2015.

Historic Environment Division: Historic Monuments (HED: HM) were consulted on the application and have considered the impacts of the proposal. HED: HM

Historic Environment Division (HED) were initially consulted regarding the application, in terms of Policy BH 11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. Amendments were sought from the applicant to address the concerns from HED.

An associated Full application has been submitted for the works that are to be carried out. See associated report for LA07/2019/0447/F for consideration of the full works that this scheme entails.

A conversation was held on the phone with the case officer from HED, who states that the principle of the use on site has already been accepted and that softening the car parking with landscaping and amending the wall materials to the western elevation and amending

the gates to a more simple style, should be sought from the applicant. The amendments were sought and the Planning Office is now content that the requirements from HED have now been met.

Taking account of the acceptability of the associated full planning application, no objections are offered to this listed Building Consent.

Recommendation

Consent

Conditions

The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Case Officer Signature

Date

Appointed Officer Signature

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0529/F

Date Received: 05.04.2019

Proposal: Environmental improvements to include: New granite paving, kerb trims and dished channels. Tactile paving. Asphalt footpath with stone chippings. New street lighting and removal of overhead wires. Tree surrounds and tree planting. Coloured road coatings.

Location: Drumintee Road from junction with Mallon's Lane to point adjacent to 2 Forkhill Road incorporating the junction with Chapel Road and Railway Road, Meigh.

Site Characteristics & Area Characteristics:

The majority of the application site is located within the settlement limits of Meigh as defined within the Banbridge / Newry and Mourne Area Plan 2015 although a very small section of the site is set outside the settlement limits. The site is within an Area of Outstanding Natural Beauty.

The site runs along Newry Road and includes the junction with Chapel Road, the site includes the public footpath areas on the edge of the public road, the site fronts many properties which include a variety of land uses.

Site History:

There have been a number of planning applications in the vicinity of the site however there is no planning history which is associated with this application.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 6 - Planning, Archaeology and The Built Heritage
- Planning Policy Statement 2 Natural Heritage

Consultations:

- **Council Environmental Health Section –**
No objections.
- **Historic Environment Division (HED)–**

Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to the SPPS and PPS6 archaeological policy requirements.

Historic Buildings stated that listed buildings in the locality are sufficiently removed from the proposal and there are no objections.

- **Department for Infrastructure Roads –**
The initial consultation response received stated there were issues and suggested a meeting would be required. A meeting was organised, and it was discussed there was a need to remove a section from within the red line due to ownership issues, this was agreed with all parties. Amended drawings were received and a further consultation was issued, the latest response raises no objections to the proposal. The response did state that construction details plus maintenance proposals should be agreed with the DFI Roads Section Engineer prior to the commencement of work, this could not be conditioned but could be placed on any approval as an informative.

Objections & Representations:

The application was advertised on 12th April 2019, seventy-seven (77) neighbouring properties were notified on 7th May 2019, no objections or representations were received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

The Banbridge / Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure.
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

The application is for an environmental improvement scheme, this includes the provision of new granite paving for footpaths, granite trim and granite road kerbs. The proposal also includes dropped kerbs, coloured coating to road surface, some feature light columns and proposed tree planting.

The proposed improvements will help to improve the character and appearance of the area as a whole. It is considered that the proposed environmental improvement scheme will make a positive contribution to the townscape of Meigh and that it is sensitive to the surrounding area in accordance with DES 2 of PSRNI. The proposed materials to be used are considered acceptable by the planning section of the Council, the materials and construction methods to be used must meet relevant standards which are an issue outside the planning system, the planning section however are content that if all standards are adhered to then the proposed materials are acceptable and will not impact on the character or appearance of the area. The proposal includes tree planting both in a covered pit and in grass areas, the proposed planting will add an element of landscaping to the area which will help to soften the appearance of the area to further enhance the character of Meigh.

As stated a small portion of the site is located outside the settlement limits of Meigh, given that this small area will be for the provision of tree planting it is considered that there are no issues and the proposal is considered acceptable in terms of PPS21.

The proposal is considered acceptable in terms of PPS2 as there will be no adverse impacts on the Area of Outstanding Natural Beauty.

The site area is close to a few Listed Buildings and also the site is adjacent to the area of a Monument, HED have advised that they are content the proposal is satisfactory when considered against the SPPS and PPS6.

DFI Roads stated they have no objection and as such the proposal is considered acceptable in terms of PPS3.

It is considered that the proposal meets all relevant policy requirements and that it will help to improve the character and appearance of Newtownhamilton.

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:

Date:

Authorised Officer:

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0538/F

Date Received: 05 April 2019

Proposal: Environmental improvement scheme

Location: Main Street from junction with Carquillan to a point adjacent to Fegan's Motor factors 43 Main Street including areas at junctions with Rathfriland Road and Rostrevor Road, Hilltown

Site Characteristics & Area Characteristics:

The application site takes in part of the main street in Hilltown as described above as well as part of the road to either side of the junction of Main Street with the Rathfriland Road and Rostrevor Road.

Site History:

There have been a number of planning applications in the vicinity of the application site but none relevant to the assessment of the proposal.

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 2 – Natural Heritage

Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement (PPS) 6 (Addendum): Areas of Townscape Character

PPS 15 (Revised) Planning and Flood Risk

Planning Strategy for Rural Northern Ireland

Consultations:

Transport NI – no objections

NI Water – no objections

Environmental Health – no objections

Rivers Agency – no objections

Historic Environment Division – no objections

Objections & Representations

65 neighbour notifications were issued on the 16 June 2019.

The application was advertised in local papers on 01 June 2019.

No objections or representations have been received in relation to the proposal.

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 following plan designations apply to the site:

- Mournes AONB
- Within settlement limits for Hilltown
- Area of Townscape Character HN 14
- Protected Route (Main Street)
- Area of Archaeological Potential

The policies of the SPPS will be considered. The impact on listed buildings and the setting of the listed buildings and on the area of archaeological potential will be assessed under PPS 6 and the impact of the proposal on the Area of Townscape Character will be assessed under PPS 6 (addendum). The impact on the AONB will be assessed under PPS 2.

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

The proposal is for improvements to Hilltown Mainstreet, including new granite paving, tactile paving, coloured coating to road surface, new semi mature trees, storm water collection and replacement of existing lighting columns within the red

line. This application will make a positive contribution to the townscape and is sensitive to the surrounding area in accordance with Policy DES2 of PSRNI.

Impact on listed buildings and Area of Archaeological Potential

The application is in proximity to St John's Church of Ireland (Grade B1) and Downshire Arms (Grade B2) which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

HED Historic Buildings has considered the impacts of the proposal on the buildings, and on the basis of the information provided, advise:

- It is content under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED Historic Monuments has assessed the application and, due to its nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Impact of Area of Townscape Character

The site forms part of the Hilltown Area of Townscape Character. The proposal makes use of traditional materials and is in keeping with the character of the ATC. It is therefore considered to comply with the policies of PPS 6 (addendum).

Access and parking

Existing parking and access is retained. DFI Roads are content with the proposal in terms of PPS3.

Flooding

The proposal complies with PPS 15.

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: _____



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

Application Reference: LA07/2019/0577/F

Date Received: 12.04.2019

Proposal: Environmental Improvements Scheme

Location: Armagh Street from junction with Cladymilton Road to The Square Dundalk Street from The Square to the junction with Castleblaney Street and the car park adjacent to the Spar supermarket Newtownhamilton.

Site Characteristics & Area Characteristics:

The application site is located within the settlement limits of Newtownhamilton as defined within the Banbridge / Newry and Mourne Area Plan 2015, the majority of the site is also located within the Town Centre of Newtownhamilton as defined in the Area Plan. The site is within an Area of Archaeological Potential and a few listed buildings are located adjacent to the site boundary.

The site runs the majority of Armagh Street and it includes the public footpath areas on the edge of the public road, the site fronts many properties which include a variety of land uses.

Site History:

There have been a number of planning applications in the vicinity of the site however there is no planning history which is associated with this application.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 6 - Planning, Archaeology and The Built Heritage

Consultations:

- **Council Environmental Health Section –**
No objections.

- **Historic Environment Division (HED)–**

Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to the SPPS and PPS6 archaeological policy requirements.

Historic Buildings – initially having considered the possible impacts on buildings and felt that additional information was needed to detail the proposal adjacent to Listed Buildings. The agent was asked to provide drawings detailing the proposal adjacent to the buildings identified, these drawings were provided, and a further consultation was issued. The latest response states that Historic Buildings having considered the enlarged detail provided at listed buildings and are content the proposals satisfy the SPPS and PPS6 (BH11).

- **Department for Infrastructure Roads –**

The consultation response received stated there are no objections to the proposal. The response does state that the section office would not be in favour of the proposed materials and that perhaps these could be amended to materials to be agreed with the section engineer. Given that the response states there are no objections the Council are content, with regard to materials this issue is for the council to make a decision.

Objections & Representations:

The application was advertised on 19th April 2019, one hundred and twenty-four (124) neighbouring properties were notified on 7th May 2019, one representation was received, and the comments are detailed below.

The representation received does not directly object to the proposal but raises issues that it is felt should be considered as part of the scheme. The first issue is for traffic calming to be implemented in the area, this issue is not a planning matter and does not form part of this current application. The second issue relates to the need to remove bollards outside the Police Station and return the street to two-way traffic, again this is not a planning issues and it does not form part of this application.

The comments received have been considered and it is felt that they are not material to this current application.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications.

The Banbridge / Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure.
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.

The application is for an environmental improvement scheme, this includes the provision of new granite paving for footpaths, granite trim and granite road kerbs. The proposal also includes dropped kerbs, coloured coating to road surface and some feature light columns etc.

The proposed improvements will help to improve the character and appearance of the area as a whole. It is considered that the proposed environmental improvement scheme will make a positive contribution to the townscape of Newtownhamilton and that it is sensitive to the surrounding area in accordance with Des2 of PSRNI. The proposed materials to be used are considered acceptable by the planning section of the Council, the materials and construction methods to be used must meet relevant standards which are an issue outside the planning system, the planning section however are content that if all standards are adhered to then the proposed materials are acceptable and will not impact on the character or appearance of the area.

The area includes a few Listed Buildings and also an Area of Archaeological Potential, HED have advised that they are content the proposal is satisfactory when considered against the SPPS and PPS6.

DFI Roads stated they have no objection and as such the proposal is considered acceptable in terms of PPS3.

It is considered that the proposal meets all relevant policy requirements and that it will help to improve the character and appearance of Newtownhamilton.

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:

Date:

Authorised Officer:

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2019/0579/F

Date Received: 12.04.2019

Proposal: Environmental Improvement Scheme

Location: Catherine Street and Cross Street extending to access steps to Dibney River incorporating the following road junctions Catherine Street & Irish Street

Site Characteristics & Area Characteristics

The site comprises a length of street comprising Catherine street, Cross street and including road junctions at Catherine Street and Irish Street. New Lighting and paving included within the scheme

The site is located within the settlement limits of Killyleagh and an AoNB as defined in the Ards and Down Area Plan 2015 and within the Killyleagh Conservation Area. LLPA 1 Dibney River corridor and associated planting. Within an Area of Arch Potential. Numerous Listed buildings adjoining site. Protected Route



The Proposal is an Environmental Improvement Scheme consisting of replacement paving and road surfacing along Catherine Street and its junctions with Irish Street, shore Street, high Street Church Street and Frederick Street. The proposal will utilise the following materials

- Granite paving and setts in various sizes
- Coloured coating to road surface
- Stone banding 1.5m wide with bitmac infill to other pavements.



Site History

None directly relevant

Planning Policies & Material Considerations

SPPS
 PPS6 planning, Archaeology and the Built Environment
 Killyleagh Conservation Area Guide 1993

Consultations

HED
 NIE
 Rivers Agency
 DFI Roads

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 01.05.2019.

74 neighbours were NN on 09.05.2019.
 No objections have been received

Consideration and Assessment

The proposal is for replacement street lighting and paving along sections of existing footway/junctions in Killyleagh. Proposal also includes for coloured coating to road surface.



The provisions of the Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) are material in all decisions on individual planning applications and appeals. During the transitional period until the Council has adopted a Plan Strategy for its area, the SPPS and retained planning policy statements are applicable. With regard Listed Buildings, the SPPS states

6.12 Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

With regard Conservation Areas, the SPPS states

6.18 In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.

6.19 In the interests of preserving or enhancing the character or appearance of a Conservation Area, development proposals should:

- be sympathetic to the characteristic built form of the area;
- respect the characteristics of adjoining buildings in the area by way of its scale, form, materials and detailing;
- not result in environmental problems such as noise, nuisance or disturbance;
- protect important views within, into and out of the area;
- protect trees and other landscape features contributing to the character or appearance of the area;
- conform with the guidance set out in any published Conservation Area design guides; and
- only consider the demolition of an unlisted building where the planning authority deems that the building makes no material contribution to the character or appearance of the area and subject to appropriate arrangements for the redevelopment of the site.

The proposal is assessed against the SPPS and PPS6. There is no policy conflict between the SPPS and PPS 6.

PPS 6 Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

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

- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

There are a number of Listed Buildings on Catherine Street which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011.

HB18/03/032	Hamilton Arms Bar 2 Catherine St.	B1
HB18/03/030	7 Catherine St.	B1
HB18/03/027	1 Catherine St.	B2
HB18/03/033	4-6 Catherine St	B
HB18/03/028	3 Catherine St.	B1
HB18/03/029	5 Catherine St.	B1
HB18/03/031	9 Catherine St.	B1
HB18/03/034	8 Catherine St.	B

HED were consulted on the proposed development and have considered the impacts of the proposal on the buildings, and on the basis of the information provided, advise it considers the proposal satisfies Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, with requested conditions.

As the proposed development is located within an Area of Archaeological potential HED Monuments were consulted, they have responded that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

PPS 6 Policy BH 12 New Development in a Conservation Area

The Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

The proposal which entails replacement paving with granite paving and granite setts, coloured road surface and replacement street lighting and shall not have a detrimental impact on the integrity of the Killyleagh CA.



An extract from the Killyleagh CA Booklet refers

“Railings are to be seen in a variety of forms in the town together with supporting dwarf walls steps and in some cases pavings. Renewal and replacements of these various artifacts must respect established traditions such as the use of wrought and cast iron and not mild steel. Steps should be in stone preferably Mourne Granite and paving should be in granite setts to match.”

The development proposal proposes the replacement of a tree at the Junction of Catherine Street and High Street. It is proposed to replace this tree with a specimen tree within a tree pit to allow for expansion of the roots. As trees within a Conservation Area are automatically afforded protection, given this isolated singular tree is being replaced with a specimen tree it is considered acceptable and will not detrimentally affect the character of the CA.

NIE networks were consulted and have no responded that they have no response to make. Rivers Agency were consulted given the proximity of the development to the Dibney River and responded

FLD1 - Development in Fluvial Flood Plains- the Flood Map (NI) indicates that the applicant’s proposals lie outside the 1 in 100 year fluvial flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – Not applicable based on the information provided.

FLD3 - Development and Surface Water – PPS 15 FLD3 states that a Drainage Assessment will be required for all development proposals that exceed the following thresholds:

1. Residential development comprising 10 dwelling units or more.
2. A Development site in excess of 1 hectare.
3. New hard-surfacing exceeding 1000m².

The agent has advised that all hard surfacing is pre-existing and not new, there will be no increase in the area of new hard surfacing. Therefore a DA is not required.

However, Rivers Agency advise that even though a DA is not required by the policy the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner that minimises flood risk to the proposed development and elsewhere.

DFI Roads advise that they have no objections.

Recommendation to Approve

Authorised by



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2019/0656/F

Date Received: 11 April 2019 made a valid application on 26 April 2019

Proposal: Change of Use of ground floor reception to Narnia themed audio/visual room

Location: The application site is located at Kilbroney Reception block, Kilbroney Forest Park, Rostrevor

Site Characteristics & Area Characteristics:



Image 1 Application Site

The application site is located at the reception centre within Kilbroney Forest Park and Rostrevor Wood. The site lies adjacent to Rostrevor settlement limit. Kilbroney Park reception centre includes a café, tourist information office and vacant residential accommodation on the ground floor. Tennis courts, Narnia trails, picnic areas and children's play areas are located adjacent to the reception centre.

Site History:

Reference	Location	Proposal	Application Status
LA07/2018/05 19/PAD	Kilbroney Park & Rostrevor Forest, Rostrevor, Newry, BT34 3DQ,	The Upgrade & Improvement Of Existing Forest Paths & Roads. The Development Of 11.5km Of New Walking Trails/Paths & 2.75km Of New Mountain Bike Trails. Original/Previous Planning Submission For Mountain Bike Trails Is Under Reference P/2010/1007/F.	Current Application Under Consideration
LA07/2019/00 36/F	'The Fairy Glen Walking Trail', Kilbroney Forest Park, Shore Road, Rostrevor, Co Down, BT34 3AA,	Upgrade To An Existing Path Network Around The Kilbroney Park Hub To 'The Fairy Glen Walking Trail' In Kilbroney Park - A Walk Trail Network Which Will Be Made Up Of Existing Trail Walks With Some New Build On Sections Of The Trail".	Current Application Under Consideration
P/1975/0810	JENNINGS MEADOW, ROSTREVOR	PROPOSED USE OF LAND FOR OPEN PARKLAND	PERMISSION GRANTED
P/1982/0442	SHORE ROAD, ROSTREVOR	OPEN PARKLAND	PERMISSION GRANTED
P/1982/0838	KILBRONEY PARK, SHORE ROAD, ROSTREVOR	ERECTION OF RECEPTION CENTRE	PERMISSION GRANTED
P/1991/0115	THE RECEPTION BUILDING KILBRONEY PARK ROSTREVOR	Extension To Reception Building To Provide Additional Bedroom And Storage Accommodation	PERMISSION GRANTED
P/1997/0134	CAMPING SITE TOILET BLOCK KILBRONEY PARK ROSTREVOR	Refurbishment Of Toilet Block	PERMISSION GRANTED
P/2003/0588/ F	Kilbroney Park, Rostrevor	Erection Of Proposed Conservatory To Restaurant Of Kilbroney Reception Building	PERMISSION GRANTED
P/2010/0824/ F	Lands At Kilbroney Park, Rostrevor	Works To Include Extension To Existing Car Park, Construction Of New Amenity Building, Site Furniture, Entrance Features And Interpretation Boards.	PERMISSION GRANTED
P/2011/0984/ LDP	Kilbroney Park, Rostrevor, Newry,	This Proposal Consists Of Installing 6 Interactive Learning Stations	PERMITTED DEVELOPMENT
P/2013/0163/ F	Kilbroney Park And Rostrevor Forest Shore Road Rostrevor Newry,	Development Of 28Km Of Mountain Bike Trail System Throughout The Forest.	PERMISSION GRANTED

Planning Policies & Material Considerations:

The proposal is assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 3 Access, Movement and Parking,
- PPS 2 Natural Heritage
- PPS 6 - Planning, Archaeology and the built heritage
- PPS 21 Sustainable Development in the Countryside

Consultations:

- Historic Environment Division - Content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- NI Water (strategic) – Generic response received.
- NIEA - No comment to make
- Shared Environmental Services - The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Objections & Representations

There are no notifiable neighbours applicable to the application site. The application was advertised in the local press on 15 May 2019. No representations were received.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limit of Rostrevor and is within the Mourne AONB, Kilbroney Historic Park, Garden and Demesne, Rostrevor Wood Local Landscape Policy Area (LLPA) RR 09 and it lies adjacent to a Site of Local Nature Conservation Importance (SLNCI). There are no specific policies in the Plan relating to the proposed use which will be assessed against regional planning policy.

The site contains the above protected areas therefore PPS 2 is relevant to the consideration of this proposal. SES and NIEA have been consulted on the proposed development. NIEA had no specific comments to make on the potential impact of the development and SES determined the following result on the potential impact of the proposal: *The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.)*

Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site. NIEA

NIEA Historic Environment Division have been consulted on this application and are content the proposed development is satisfactory to SPPS and PPS 6 archaeological policy requirements.

There are no changes to the current access and parking arrangements as a result of the proposed development and there is no intensification identified on the planning application form. Given the existing use of the site and provision of on site car parking it was not considered necessary to consult DFI Roads Service on this matter.

PPS21 - Sustainable development in the Countryside Policy CTY1 - Development in the Countryside Allows a range of development in the countryside where it is demonstrated that the development is essential and details the type of development which may be acceptable and the policies they should be assessed against. The policy notes that tourism development is assessed against the TOU policies in the PSRNI, however since the introduction of PPS 16 (June 2013) tourism development in the countryside is assessed against TSM 2 Tourist Amenities in the Countryside and TSM 7 Criteria for Tourism Development.

The proposed development is for change of use of the rangers accommodation within the existing reception centre at Kilbroney Forest Park to a Narnia audio visual room. The proposed use does not fall neatly with any particular use class in the Planning Use Classes Order (NI) 2015 and is thus sui generis. I consider the change of use element acceptable as it is compatible with the surrounding land use which includes the tourist amenities on offer within Kilbroney Forest Park, particularly the existing Narnia trail adjacent to reception centre. The proposal is not extending the existing building or intensifying its use and there are no changes to the design of the building. In summary I consider the proposal respects the scale, design and materials of the existing building and there is no adverse impact on features of natural or built heritage. Approval is recommended.

Recommendation: Approval

Conditions:

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 Signature:	
Date: 3 July 2019	
Authorised Officer Signature:	
Date: 4 July 2019	



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1025/F

Date Received: 28th June 2018

Proposal: Alteration and Extension (two storey side extension) to existing retail premises, all associated site works including demolition of section of market wall and existing trading stall structure.

Location: Newry Market, John Mitchel Place, Newry.

1.0. Site Characteristics & Area Characteristics:

- 1.1. The application site forms part of Newry Variety Market which fronts onto John Mitchel Place.
- 1.2. The application site boundary originally contained a stall within the Market and a portion of the Market Wall fronting onto John Mitchell Place. A reduced scheme, submitted during the processing of the application as discussed below, included only the existing market stall.
- 1.3. The market stall consists of a hipped roof supported by cast iron posts. It is built against the granite boundary wall and railings at the edge of the Market site fronting onto Hill Street/John Mitchell Place.
- 1.4. The stall is adjacent to an existing 2-storey brick building in retail use.

2.0. Site History:

2.1. P/1986/0692/F: Ext to existing shop and conversion of store to shop.
Permission Granted.

P/1989/1090. Ext to shop with Offices on first floor. Permission Granted

P/1996/0453. Canopy. Permission Granted

P/2000/2122/F. Alteration & Improvements to existing market, toilets, shop units & 2 new stores. Permission Granted.

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

3.1. The application site is within:

- Newry City Development Limit
- City Centre Boundary
- Primary Retail Core
- Primary Retail Frontage
- Newry Conservation Area
- Area of Archaeological Potential
- Adjacent to Listed Buildings (St Mary's Church of Ireland, 9 John Mitchell Place, 21 St Colman's Park
- 3 Scheduled Monuments adjacent.

3.2. The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- PPS6 – Planning, Archaeology and the Built Heritage
- Newry Conservation Area Document
- A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

- o Living Places Urban Stewardship and Design Guide

4.0. Statutory Consultations:

- 4.1. DFI Roads: In its final response, DRI Roads Service has confirmed no objections.
- 4.2. NI Water: Public water main, foul and surface water sewers available with capacity to serve the development.
- 4.3. Environmental Health: No objections.
- 4.4. DfC Historic Environment Division (HED:HB): No objections in relation to the impacts of the proposal on the listed building and advises it is content with the proposal under para 6.12 (setting od SPPS and Policy BH 11 of PPS 6. HED Historic Monuments (HM) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

5.0. Objections & Representations:

- 5.1. Details of the application were notified and advertised in July 2018 and July 2019. No objections were received.

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1. In summary, the proposal is to extend an existing retail unit into the area of the Newry variety. It is intended to replace an existing single storey market stall and part of the granite boundary wall to the Market with the 2-storey extension to the existing retail unit.
- 6.2. The Planning Department assessed the impact of the proposal on the character of the Market and the general Conservation Area. It is considered that the replacement of the single storey market stall and part of the boundary wall, as proposed, would be detrimental to the overall character of the townscape, Conservation Area and the Variety Market, which in itself makes a visual contribution to the Conservation Area.

- 6.3.** On this basis the Planning Department contacted the agent on 4 September 2018 to advise him that the proposal to demolish the existing market wall and trading stall was considered contrary to policy, in particular, Policy BH 12 and BH 14 of PPS 6. It requested a revised scheme to include a reduction in the scale of the proposed extension to single storey, the retention of the existing market wall and the use of external finishes appropriate to the Conservation Area.
- 6.4.** The agent, in an e-mailed response dated 26 September 2018, stated that the applicant did not wish to amend the scheme and requested that it be brought to Planning Committee.
- 6.5.** Following a representation on the application, the Council appointed a Conservation Area Architect, in January 2019, to review the proposal. A report on the proposal was received by the Planning Department on 13 February 2019.
- 6.6.** A meeting was held with the applicant on 22 March 2019 to discuss the implications of the report for the application. Amendments were requested including design changes that would make the proposal more in keeping with the character of the Conservation Area and the overall townscape.
- 6.7.** Amended plans were then submitted by the applicant on 19 June 2019. These included: retention of the existing boundary wall with existing Market entry to remain unaffected; retention of the existing market stall to be used for storage in connection with the existing retail unit with new internal double doors linking to existing premises; the retention of the existing stall design details, (roof, fascia & soffit and rainwater goods); and the installation of dark green powder coated aluminium infill panels to match existing structure and the installation of silver/grey powder coated aluminium roller shutter and metal work to be painted green to match existing finishes.
- 6.8.** It is considered that the revised proposal is a reduced scheme and does not involve any change to the existing Market entrance and will not involve any encroachment onto the public road or footpath. No further statutory consultations are required.

7.0. Recommendation

7.1. It is considered that the amended drawings are acceptable and can be recommended for approval

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1807/F

Date Received: 19th November 2018

Proposal: Replacement Dwelling

Location: 55 Ballymaginaghy Road, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Ballymaginaghy Road, Castlewellan. It is comprised of a 0.2 hectare portion of land, which contains a detached single storey dwelling and associated out-buildings and an enclosed garden area which is positioned at a lower level than the existing dwelling. The buildings are accessed directly from Ballymaginaghy Road.

The site is defined by a post and rail fence along all boundaries with a rendered wall along the road frontage of the site.

The site is located within the rural area and is surrounded by agricultural land, there are however, single dwellings dispersed throughout the surrounding area.



Site History:

There is no planning history relating to this site.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 21 (CTY 3), in addition, to the history and any other material consideration.

The application was advertised initially in the local press on 12.12.18

No57 Ballymaginaghy Road, Castlewellan was notified of the proposal on 30.12.17.

Consultations:

In assessment of the proposal consultations were carried out with the following Transport NI

– No objections

NIW – Statutory Response informative apply

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site

Consideration and Assessment:

The proposal seeks outline planning for the erection of a replacement dwelling.

SPPS

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21.

Policy CTY 3

Policy CTY 3 of PPS 21 provides the policy context and states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

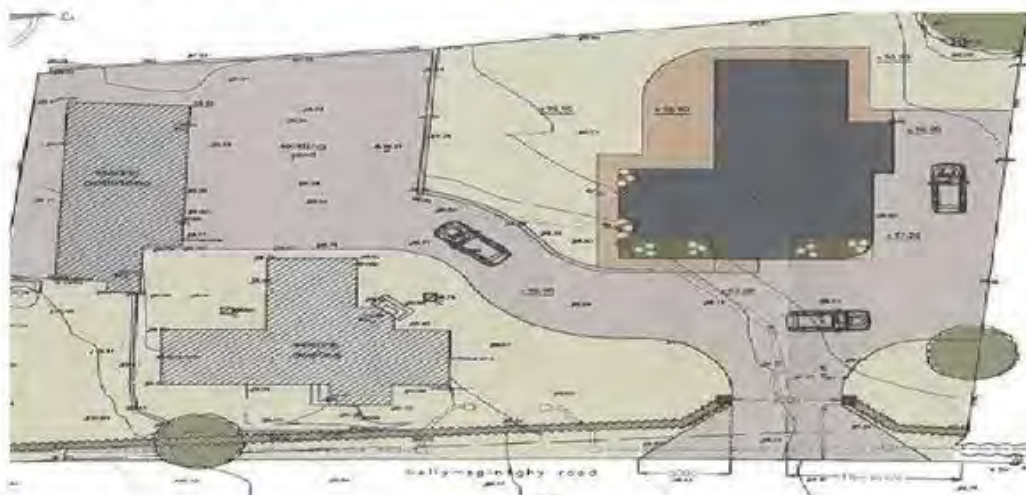
In assessment of this initial criterion, it is considered that the dwelling exhibits the essential characteristics of a dwelling and all external structural walls are substantially intact.

Policy CTY 3 provides criteria for instances where a non-listed vernacular building is present – this is not the case at this site.



In addition, to the above, proposals for a replacement dwelling will only be permitted where 5 additional criteria are met. The applicant seeks full planning permission for a detached dwelling which he proposes to site on the lower level grassed area within the curtilage of the existing dwelling. The proposed dwelling will have a maximum ridge height of 7.5m above finished floor levels and a frontage of 12.9m. The proposed dwelling is modern in design and a departure from that which is typical in the immediate area i.e. single storey of modest design.

In consideration of the additional criteria it is noted that the proposed dwelling would be sited within the established curtilage of the existing dwelling, in that it is positioned within the existing garden area of the current dwelling. While, the proposed dwelling will have an increased height from that of the dwelling currently noted on site, it will be positioned on a slightly lower level than the existing and may therefore be less conspicuous given this positioning and its proposed set back from the road frontage.



The proposed dwelling is larger than the existing in terms of scale and form and would therefore have a visual impact which is greater than the existing, however, they are not considered to be significantly greater than the existing dwelling given the proposed lower level of siting and set back from the public road. The proposed design of the dwelling, however, is not in keeping with that immediately surrounding the site. It is considered that the varying roof scapes and projections proposed, result in a dwelling which appears excessively fussy and therefore not the simplified form suitable for the rural setting within the Area of Outstanding Natural Beauty (AONB).



PROPOSED FRONT ELEVATION

In consideration of the remaining criteria, it is considered, that all necessary services could be provided without significant or adverse impact on the environment or character of the area. There are no objections to the proposed access, which has been revised from its current location to provide improved safety for ingress and egress from the site.

In summary therefore, it is considered that the proposal does not meet the requirements of CTY3, in terms of design.

Policy CTY 13

Policy CTY 13 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where criteria A – G are not met. As discussed above the design of the building is considered inappropriate for the site and its locality. The guidance document Building on Tradition provides advice with regard to new buildings in the countryside and states that new dwellings should be simple in form with few add-ons such as dormers, bay windows or rooflights, the roof shapes should not be complex and a mix of gable widths, roof pitches should be avoided, as should excessive use of dormers and roof lights. Unfortunately, the proposed dwelling has several of these features and therefore appears to have an awkward and overly fussy form which is unacceptable in this AONB

PPS 2

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size, and scale for the locality and all the following criteria are met:

- (A) The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the locality; and
- (B) Its respects or conserves features of important to the character and appearance of heritage of the landscape; and
- (C) The proposal respects:
 - Local architectural styles and patterns
 - Traditional boundary details, by retaining features such as hedges, walls, trees and gates and
 - Local materials, design and colour.

In consideration of this, it is noted that the site lies within Mourne and Slieve Croob AONB and specifically the Mourne Foothills. As such therefore, the area is quite distinct in its landscape character and proposals should respect the local architectural style and pattern. It is considered that the proposal does not achieve this in terms of its design as discussed above. The proposal therefore also fails to comply with this policy and should be refused accordingly.

Conclusion

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

Recommendation:

REFUSAL

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

- 4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the design of the dwelling does not respect the local architectural style of the area.

Signed

Date

Signed

Date



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1807/F
Date Received: 19.11.2018
Proposal: Replacement dwelling
Location: 55 Ballymaginaghy Road Castlewellan

RECONSIDERATION FOLLOWING DEFERRAL

Application was presented to the 29 May 2019 meeting of Newry Mourne and Down Planning Committee with a recommendation to refuse.

Application was deferred by Committee

On the proposal of Councillor Larkin, seconded by Councillor Clarke, it was agreed to defer Planning Application LA07/2018/1807/F so that the revised design could be considered and officers to agree a revised design with the agent/applicant. It was also agreed that Officers be delegated authority to impose any relevant conditions.

The Planning Office contacted the agent regarding the submitted revised scheme of 25 February 2019 and advised that it had been considered by the planning Office, but it did not go far enough to address the design issues with the proposal.

The Planning Office requested that the agent proceed to submit a further revised scheme and listed the issues with the proposal which required addressing. The agent has advised via email that no further revisions shall be submitted and requested that the application be presented to the August 2019 meeting of the Planning Committee. The Planning Office is unable to comply with the direction of the Planning Committee in agreeing a revised design with the agent, therefore the application is being returned to Committee for a decision. The recommendation of the Planning Office therefore remains unchanged.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the design of the dwelling does not respect the local architectural style of the area.

Appointed Officer Signature:

Date:

I would like to request speaking rights for the following people at next Wednesday's (21st) planning committee meeting:

Tom Wilson
Sharon Johnston
Shauna Middleton

The following issues will be discussed:

- * New list of issues regarding design raised by the planning office
- * Previous list of issues regarding design raised by the planning office
- * Other applications passed by Council within the AONB

Kind regards
Shauna



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

Application Reference: LA07/2018/1883/O

Date Received: 03.12.2018

Proposal: The application is for outline planning permission for a dwelling on a farm.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site Characteristics & Area Characteristics:

The site is located off the Drumgooland Road access down a laneway and accommodates an agricultural field located directly to the rear of No 62 Drumgooland Road. There are well defined boundaries comprising native species hedging and trees. There is an area of hardstanding at the entrance to the field along the SW boundary and a shipping container/lorrybox is situated on the site along the SE corner of the field. The land rises from the roadside toward the site in a westerly direction. The site also falls from the southern boundary in a northerly direction. The area is rural in character and is characterised by dispersed single dwellings in the countryside.

Site History:

R/2014/0133/O Lands located between 58 and 60 Drumgooland Road
Loughinisland, Proposed infill and garage PERMISSION GRANTED 13.05.2015

R/2009/0757/F Land 40m North East of 62 Drumgooland Road, Loughinisland, Replacement dwelling. APPLICATION WITHDRAWN 11.11.2009

R/2006/0981/RM 300m SSE of 62 Drumgooland Road, Loughinisland, 1No. dwelling PERMISSION GRANTED 09.02.2007

R/2005/1525/F 190m SW of 62 Drumgooland Road, Drumgooland, Downpatrick, 2-storey dwelling. PERMISSION GRANTED 07.12.2006

R/2002/1122/O 170m SW of 62 Drumgooland Road, Loughinisland 1 No domestic dwelling. APPEAL DISMISSED

R/2002/1121/O 300m SSE of 62 Drumgooland Road, Loughinisland 1 No dwelling. PERMISSION GRANTED 23.09.2003

R/2002/1119/O 250m Sw of 62 Drumgooland Road, Loughinisland 1 No dwelling. APPEAL DISMISSED

R/2002/1117/O 220m SW of 62 Drumgooland Road, Loughinisland 1 No domestic dwelling. APPEAL DISMISSED

R/2002/1116/O 190m SW of 62 Drumgooland Road, Loughinisland 1 No domestic dwelling. PERMISSION GRANTED 14.11.2002

R/2001/1339/F 140m southwest of 62 Drumgooland Road, Drumgooland, Downpatrick, Proposed dwelling PERMISSION GRANTED 02.05.2002

R/1998/1063 ADJ TO 62 Drumgooland Road Loughinisland Site for new dwelling PERMISSION REFUSED

R/1979/0110 Drumgooland Road, Loughinisland, Downpatrick Bungalow PERMISSION GRANTED

LA07/2019/0749/LDE60 Drumgooland Road, Loughinisland, Dwelling PERMITTED DEVELOPMENT

LA07/2018/0658/RM Lands located between 58 and 60 Drumgooland Road, Loughinisland, Proposed Infill dwelling and garage Pre Decision Resolution Of Issues

2003/A452 250m SW of 62 Drumgooland Road, Loughinisland APPEAL DISMISSED 20.07.2004

2003/A451 220m SW of 62 Drumgooland Road, Loughinisland APPEAL DISMISSED 20.07.2004

2003/1122 170m SW of 62 Drumgooland Road, Loughinisland APPEAL DISMISSED 20.07.2004

Planning Policies & Material Considerations:

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

Consultations:

NI Water – Statutory response

DFI Roads – No objections subject to a condition regarding the access

DAERA - – the business ID has been in existence for more than 6 years and the business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

DAERA however state that Business ID identified on P1C claimed land where proposed site is located in 2018. Prior to 2018 land was claimed by a different business.

Objections & Representations

In line with statutory requirements five neighbours have been notified on 19.12.2018 The application was advertised in the Mourne Observer and the Down Recorder on 02.01.2019.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals. Other than an update in the definition of what constitutes "agricultural activity" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps and site location plan have been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (now known as DAERA) business ID number along with other evidence to prove active farming over the required period. Policy CTY10 does not confer an absolute entitlement to the approval of a dwelling

on a farm. The policy is permissively worded but makes it clear that approval will be conditional upon certain criteria being met.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and they state that prior to 2018 the land in question was claimed under a different business Number. There is no dispute that the applicant has a Farm Business ID No. which DAERA has stated has been active and established for the last 6 years. The proposed site is located in 3/115/114 field 4 and was claimed by the business (630430 – the applicant) identified on P1C in 2018. Prior to 2018, this field had been claimed by business 613033 – the applicants father.

Paragraph 5.40 in the justification and Amplification section of CTY 10 states that planning permission will not be granted for a dwelling under this policy where a rural business is artificially divided solely for the purposes of obtaining planning permission or has recently been sold off a development opportunity from the farm such as a replacement dwelling or other building capable of conversion. For the purposes of this policy 'sold off' will mean any development opportunity disposed of from the farm holding to any other person including a family member. The applicant clearly states on the P1C form that this (the site) field No 4 is the only field out of his 5 fields that has a farm shed and is off an existing laneway as required by CTY 10. It is also the only field that he can get a car access to as at the minute he has to cross other people's land to get to the other fields, which can be seen from the farm maps. This demonstrates that the other fields are land locked and therefore may not meet the requirements of CTY 10 'dwellings on farms'. The addition of this field would therefore allow him to apply for a dwelling on a farm. The field that the site is situated on has only recently been acquired to the farm business. The agent has stated that the field (the site) has been transferred from the applicant's fathers land maps to the sons maps and this can be seen on the father's maps, which shows the removal of field no 4 from DAERA maps dated 22/01/2019. In this case this artificially dividing the land to obtain planning permission may set an unwarranted precedent and is contrary to policy.

Part (b) requires that no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. Having undertaken a history search of the land owned on the submitted DAERA farm maps the Planning Department is satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10.

Criterion (c) of CTY 10 requires the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)".

The dwelling is to be located to the rear of No 62 Drumgooland Road. No 62 is cited on the P1 form and the P1C as being the applicants address. The temporary buildings on the site at present could not be considered as buildings to cluster with for the purposes of the policy. The dwelling and garage, however, located at No 62 could be considered as 'buildings' in order to cluster with, therefore part c of the policy would be met. A well designed single

storey dwelling on the site, could be suitably integrated on the site. The proposed dwelling would read with the existing buildings adjacent and with mature boundary hedges surrounding the site there would be no issues in terms of Policy CTY 13 - Integration and Design of buildings in the Countryside.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area, or that it creates or adds to a ribbon of development. In this case a dwelling on the site would be acceptable in terms of CTY 8 and would therefore not have a detrimental impact to the rural character of the area.

Policy CTY 16 – Sewerage - The proposal could be served by a septic tank and soakaway system within the red line.

Access, Movement and Parking

Transport NI have offered no objections to this proposal. The access is proposed along an existing laneway. The reserved matters application to comply with the RS1 form of 2m x 60m. It is also considered that there would be sufficient provision within the site for parking.

Impact on Residential Amenity

A dwelling on the site could be positioned a sufficient distance to have no adverse impact on the neighbouring property at No 62 where the applicant currently resides with his family.

Conclusion

The proposal is considered to be contrary to policy CTY 10 part (a) in that it has not been established that the farm business is active and established for the required time.

Recommendation:

Refusal

Refusal Reason:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the field in which the proposal is situated has been actively farm by the farm business, for the requisite six year period.

Case Officer Signature

Date

Appointed Officer Signature

Date



Planning Office
Newry Mourn & Down Council
O Hagan House
Monaghan Row
Newry

Proposed Farm Dwelling - LA07/2018/1883/O

We would like the opportunity to speak regarding the above application at the next meeting.

Proposed decision (including reasons if the decision is refusal) –
Refusal - The proposal is considered to be contrary to policy CTY 10 part (a) in that it has not been established that the farm business is active and established for the required time.

The only reason for refusal is set out below (as per the case officers email to me)

"With regard to the above application, I have discussed the application with the senior officer with a view to refuse the application. This is due to the acquisition of field 4 (the site) which was transferred to the applicant. Therefore it has not been demonstrated that the field in which the proposal is situated has been actively farm by the farm business, for the requisite six year period."

The applicant James Savage currently farms the application site and was given it by his father Daniel Savage who farmed it for 50+ years prior to this. The DARD response confirms the applicant has been registered from 1 / 12 / 1997 therefore over the minimum requirement of 6 years. The field has been in the Savage family for generations and it is common that fields are handed down from father to son. This is not a case of lands artificially being divided up for the purposes of planning permission it is simply farming lands getting handed down. DARD also confirms that the application field was farmed by the applicants father prior to the applicant getting it passed down.

Both Daniel Savage (the applicants father) and also I would like to speak at this meeting.

Yours Faithfully

Colin Dalton
For and on behalf of GRAY DESIGN LTD
Cc Sinead Ennis

Liam Hannaway
Chief Executive



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

Audio Recording Consent Form

Please indicate if you agree to your speech/any submission made by you being recorded by Newry Mourne and Down District Council by marking 'X' in the appropriate box:

I agree to being recorded at the Committee Meeting

I **do not** agree to being recorded at the Committee Meeting

Signature:

Don Savage

Organisation:

Energy Design

Date:

9/ Aug / 19.

Please return to Democratic Services before the date of your presentation or bring your completed form to the Meeting



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1888/F

Date Received: 5th December 2018

Proposal: Farm Dwelling

Location: 71a Ballybannon Road Castlewellan



Site Characteristics & Area Characteristics:

The site is comprised of a 0.2hectare portion of land which has been cut out of a larger agricultural field. The site is to be accessed via an existing laneway taken directly from Ballybannon Road which serves the existing dwelling at No 71a Ballybannon Road and the adjacent farm lane.

The site is relatively flat but visible from the public road. The eastern boundary is defined by the existing field boundaries (hedges), the northern and western boundaries are defined by mature vegetation, while the southern boundary is currently undefined.

The site is located immediately adjacent a number of agricultural buildings and a vacant dwelling, which are accessed via a laneway from Ballybannon Road.



Site History:

LA07/2018/0710/F – Renovation and Extension including single storey sunroom @ 71 Ballybannon Rd, Castlewellan – Granted 19.10.2018.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area, but within the AONB. The site is also located within an Area of Constraint on Mineral Development.

Consultations:

Transport NI – No objections in principle

NI Water - No objections informatives apply

DAERA – Confirmed 6 years existence of business and payments claimed for BPS 2015 - 2018

SES – No objections

Objections & Representations

The following neighbouring properties were notified on 15th January 2019:

- 69 and 71 Ballybannon Road, Castlewellan

The application was advertised in the local press on 9th January 2019.

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The proposal seeks full planning permission for a farm dwelling.

SPPS

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

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings, the policy is broadly consistent with the policies set out in PPS21.

PPS 21

Policy CTY1 of PPS 21 states 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 farm dwelling as considered under Policy CTY 10.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all of the following the criteria.

The applicant has provided a Farm business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that claims have been made in the years 2015 - 2018.

In assessment of this it is noted that the business while been established for 6 years, has not demonstrated that it has been active for 6 years as claims have only been made in the last 3 years 2015 – 2018. The applicant was therefore requested to provide additional supporting information which would demonstrate that he has been actively farming the land for the required 6 years i.e. those years prior to 2015.

In response to this request the applicant advised the Planning Authority that he has been working this farm since his childhood and following the death of farm owner

WH Quinn in 2008, he continued to work the farm for Mr Quinns wife until her death in 2017. The applicant however did not claim subsidies as this was done by Mrs Quinn. The applicant therefore was essentially a farm manager until he inherited the farm from Mrs Quinn. A land registry check notes that the land was registered to the applicant in 2018.

In light of the ownership history of the farm, the applicant has submitted to the Planning Authority the following information in support of his case

- Herd Registers for the years 2005 and 2013 – the applicants name and current address at 7 Claragh Court Clough are noted. The register does, however, detail livestock being moved from the site at 71 Ballybannon Rd to various markets.
- The applicant has also submitted Testing Documents from DARD in the years 2012 -2015 for his Herd. Unfortunately, however, these documents do not detail where the herd was tested and refers only to the current address of the applicant at Clough and not the farm at Ballybannon Road.
- A number of invoices / receipts have been submitted for years dating 2012-2015. These receipts relate to the purchase of farm supplies, Farmer Co-op sales, Veterinary bills etc. The majority of these receipts detail the applicants address as 7 Claragh Court, Clough, however a number in 2012 do detail Mr Campbells address as 71 Ballybannon Road, Castlewellan.

On the basis of the above information, it is considered that while the farm business is established it has not been sufficiently demonstrated that the business has been active for the required time period. The proposal does not therefore comply with Criteria A of CTY 10.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search on EPIC has not revealed any other planning applications in connections with the business ID, nor any other developments being sold off. The provision in CTY10 with regards to disposing of development opportunities or dwellings applies from 25th November 2008. There is no evidence to suggest that any development opportunities or dwellings have been sold off since 25th November 2008, therefore the proposal meets criteria (b).

The proposed site is located immediately south of the existing farm buildings and dwelling. It is considered that the dwelling would cluster and visually link with the established group of buildings on the farm. The site is visible from both directions along Ballybannon Road and would be visually linked with the existing farm buildings.

The proposal is considered to meet criterion (c).

CTY13

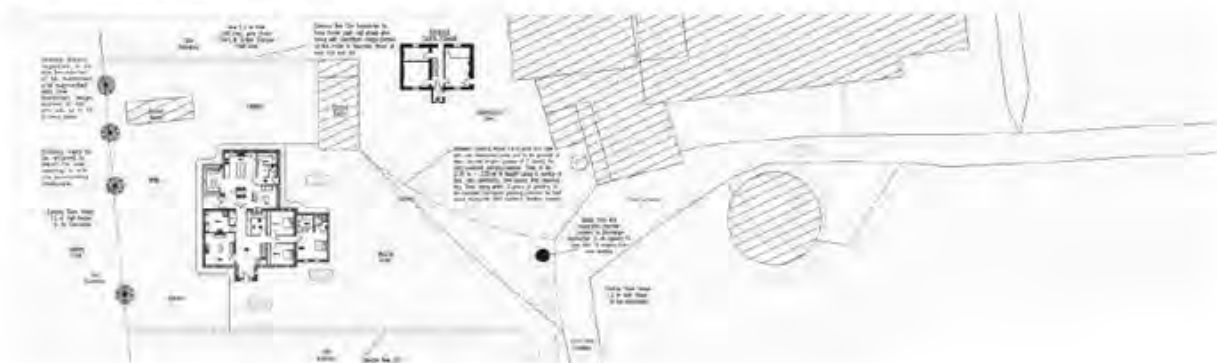
The site is located adjacent the existing farm buildings on land that is relatively flat. The site benefits from existing mature vegetation to the north and west. A single-storey dwelling is proposed, and it is considered that it would integrate suitably into the site without appearing prominent in the landscape.

The dwelling will have a maximum ridge height of 6.3m above finished floor level, with a frontage of 15m (not including the side projection). The main portion of the dwelling will have gable depth of 9.2m – a large return is proposed to the rear of the main dwelling which will extend a further 9m. The dwelling will be finished with bangor blue slates, smooth rendered walls, old English yellow base and chimney, natural stone to the porch and sunroom areas with black uPVC glazed windows, doors and rainwater goods.



Front Elevation

While the footprint of the dwelling is large it is considered that given the flat nature of the site, its set back position some 200m from the public road and the presence of the mature vegetation, along with its grouping with the adjacent farm buildings, the dwelling would blend with the landform and integrate well.



CTY14

It is not considered that the proposed dwelling, would appear prominent in the landscape.

CTY16

A septic tank is proposed. It is noted that the tank is located more than 15m from the proposed dwelling.

PP3

The site accesses onto a public road therefore, PPS 3 Policy AMP 2: Access to Public Roads, is applicable which states that planning permission will only be granted for a development involving direct access, or the intensification of the use of an existing access onto a public road where such an access will not prejudice road safety or significantly inconvenience the flow of traffic.

In consideration of this aspect of the proposal, it is noted that the applicant seeks to utilise an existing access. DfI Roads were consulted and have no objections to the proposal subject to conditions.

Summary

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

Recommendation: Refusal

REASON:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been active for at least six years.

Signed:

Date:

Signed:

Date:

Planning Statement in Support of Planning Application

Speaker Mr Colm Quinn – Agent

Speakers / Answering Questions Applicant Mr David Campbell

Application Reference: LA07/2018/1888/F

Proposal: Farm Dwelling

Location: 71a Ballybannan Road Castlewellan

Planning Refusal Reason:

The applicant however did not claim subsidies as this was done by Mrs Quinn. The applicant therefore was essentially a farm manager until he inherited the farm from Mrs Quinn. A land registry check notes that the land was registered to the applicant in 2018.

Thank you for the opportunity to speak at this morning's planning meeting.

The Applicant David and I feel disappointed that our application has reached this stage, we both had a good working relationship with the case officer, for example an amended house type was submitted previously when requested and agreed upon. When the case officer raised the issue regarding the ownership status of the farm, the applicant David met with the officer providing her with copies of evidence such as the herd book, farm business accounts, along with farm receipts etc to prove that he has been the farm business owner farming the land since 2008. We believed that even after some further phone calls between the applicant and the case officer that the application was being recommended for approval.

The Applicant and I were surprised to see on the Planning website that the application was recommend for refusal, we feel that we were not given an opportunity to submit further evidence to explain that David is a full-time farm business owner.

Although we respect the decision of the case officer's report, we feel that by attending today's planning meeting, that perhaps we can put forward our case with additional evidence. That the Applicant is an active farm business owner since 2008, and that perhaps the Planning Committee may agree with our evidence and overturn the case officer's recommendation, or at least to have the application deferred, so that hard copies of additional evidence can be submitted, for review.

Myself, the applicant and the case officer have put a lot of work into getting this application to the stage, we are at today, and we feel there is too much to lose on such a technically.

I would like to give the councillors and the planning officers present a brief overview of the background of the farmlands at 71 Ballybannan Road.

The late Mr William Quinn had built up a considerable sized dairy farm of over 80 milking cows on a 65-acre farm solely owned by himself and his late wife Mrs Ashley Quinn. The farm was successful and maintained to the highest standards.

Like many local children, the applicant here today Mr David Campbell a neighbour of the late Mr William Quinn grew up working on the farm, spending many evenings, weekends and summer holidays here. As David whom is now 40 years of age progressed through life he continued to work on this farm.

Unfortunately, Mr Quinn took ill health in 2004 and at the young age of 20 the applicant David took over the running of the farm on the behalf of Mr Quinn, with the farm actively milking away. Sadly, on the 9th December 2008 Mr Quinn passed away. However such was the close relationship, and the respect the late Mr Quinn had for the applicant David,

he made a Will on the 12th February 2008 stating that he would leave the farm lands, to his wife Ashley for her lifetime and upon her decease to the said Mr David Campbell.

However, the outbuildings, machinery and livestock would immediately transfer to Mr Campbell. (Copy of the will is here) A conacre agreement (copy of which is here) was set up and from this period in 2008. David took full control of his new Farm Business at 71 Ballybannon Rd. Since then the applicant David has went on to marry and have 3 children. He has continued to carry on working the farm business and has made significant investments in both new farm buildings, new machinery and upgrading the Milking Parlour while the Late Mrs Ashley Quinn was still living.

A hard-working Mr Campbell purchased a family home at 7 Claragh Court, Clough in a new residential development, as there were no affordable sites available in the nearby countryside.

Mrs Ashley Quinn passed away in late 2017, and few months thereafter the full ownership of the lands were officially transferred to the Applicant Mr David Campbell.

The reason for refusal is that "although the farm business has been established for 6 years, it has not been demonstrated that it has been active for 6 years as claims have only been made in the last 3 years 2015 – 2018".

The reason for this is that prior to 2015 the landowner claimed the single farm payments, however a reform of the Single Farm Payment scheme in 2015 meant that the tenant now claims these payments.

Although we do not dispute that the applicant did not claim single farm payments before 2015, this was not a fault of the applicant, it was how the scheme was setup at that time. We do not understand why you must claim single farm payment to prove you are a full-time active farmer for the purposes of a Planning Application. There are many other ways of proving you are a fulltime farm business owner. There are many farmers across Northern Ireland whom do not claim single farm payment.

Prior to 2015 the applicant David had a Conacre Agreement with the Late Mrs Quinn with receipts of Cheques paid, here with me.

The applicant David's sole income is from the Farmlands at Ballybannon Rd, with his wife working part-time and raising their 3 children. There is no habitable accommodation on the farmlands and David must travel 8 miles between his family home and the farm many times throughout the day. This can be particularly difficult with cows calving, the early hours for milking, and for providing additional security measures. There is no one more deserving of a site on a farm than David, whom has put a lot of effort into gaining an income from these lands.

The proposed Dwelling meets all the other criteria as set out in PPS21.

We feel that it is unfair to have to make David potentially wait a further 2 -3 years before he can apply for planning permission under the PPS 21 Scheme. In this time, he would like to have his family home completed, and be enjoying life, with his family, while continuing to expand his farm business.

Several people have written letters in Support of David's Application for a farm dwelling. There has been no objections raised.

Below is an example of people who can vouch that David has been a farm business owner in his own right, actively farming the lands for more than 6 years?

Mr Ernie Ritchie Vice Chairman of the National Beef Association has written a letter in support which I can provide a copy of stating that he has known the applicant David for a considerable time and stated that he David has in his own right been farming at 71 Ballybannon Road since 2008.

A partner in the Castle Vets Group a Mr Aidan O Hare has written a letter also in support stating that since 2005 to this present day himself and other staff members and been continually attending the cattle of Mr David Campbell at 71 Ballybannon Road, for the purposes of livestock provision, and testing cattle for TB on the behalf of DAERA. He also states that by Mr Campbell residing on the farm full time it would allow him to be more farm efficient and therefore increase welfare standards of his livestock.

A Mr Mark Doyle a Health & Welfare Inspector for DAERA has also written a letter in support, stating that Mr David Campbell's herd has been registered and operational since 2005. And that he has been carrying out TB testing on this herd since 2010.

There is also some confusion with the case officer unsure of the address of the applicant David. Yes, all postal correspondence goes to his home address of 7 Claragh Court, but this is only because there is no habitable accommodation at 71 Ballybannon Road, for there to be a live, registered address by Royal Mail. 7 Claragh Court is a small residential estate and there is no way it could accommodate a large dairy farm.

I have in a copy of the Applicant David's Farm Insurance from NFU Downpatrick which although shows the correspondence address at 7 Claragh court. The registered, premises address is stated as 71 Ballybannon Road.

David is a good hardworking farmer and it testimonial to him that people have written these letters in support of his application.

David has previously submitted bank statements, end of year's accounts, farm receipts, herd books, etc, providing more than enough evidence that the David is a sole farm business owner for more than 6 years. A visit to his farmer at 71 Ballybannon Road will also demonstrate this, or even a conversation with David, you will be able to understand David's passion for farming and his family.

At present time with so much uncertainties in the world, I think people like David should be congratulated for his hard work and commitment for maintaining the farming standards and practises that he does.

I would therefore ask, that you consider, that the applicant David is a full time active sole business farm owner and that the proposed application meets all the criteria as set out in PPS 21, and vote in favour of this application.

Thankyou



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference:	LA07/2019/0019/F
Date Received:	20th March 2019
Proposal:	Proposed agricultural building, hard standing and all associated site works
Location:	Approx 150m NW of 5 Church Road, Crossgar



Site Characteristics & Area Characteristics:

The site is comprised of a 0.2-hectare portion of land cut out of a larger field which is currently used for agricultural grazing. The site is defined by mature vegetation along the south eastern and south western boundaries while the northern boundary is currently undefined. Church Road is noted to slope steadily upwards in the southerly direction from The Craig Road.

The topography of the surrounding area is typically undulating, and it is noted that the area is predominantly agricultural in use, however, there are a number of detached single dwellings and farm holdings dispersed throughout the area.

Site History:

There is no previous history on this site for this type of application.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the rural area outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – the business has claimed BPS / AES in last 6 years but on the application site

Rivers – No objections

Objections & Representations

No objections or representations have been received from neighbours or third parties of the site.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of an agricultural building, hardstanding and all associated works.

The agricultural building will have a proposed floorspace of 232sqm. It will have a maximum ridge height of 4.8m and will be finished with dark green profiled cladding with clear panels to the roof, with dark green ventilated cladding and smooth concrete finish to the walls.

The building will be positioned immediately adjacent the roadside boundary of the site and the adjacent agricultural gate to the field.

The applicant has advised that the site is comprised of recently purchased land which has been added to his farm holding. These lands are detached from the main farm buildings on Abbeyview Road.

In consideration of this proposal the Strategic Planning Policy Statement (SPPS) sets out the transitional arrangements that will operate until the Council has adopted a plan strategy for the whole of the council area. During this transitional period the planning authority will apply the SPPS and the retained planning policy statements.

Under Policy CTY1 of the retained PPS21 agricultural and forestry development will be granted where it meets the criteria of CTY12.

CTY 12 states that the development must occur on an active and established agricultural or forestry holding and demonstrate that

- (A) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (B) In terms of character and scale it is appropriate to its location
- (C) It visually integrates into the local landscape and additional landscaping is provided as necessary
- (D) It will not have an adverse impact on the natural or built heritage; and

- (E) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In assessment of these criterion it is noted that the farm holding as identified on the P1C is active and established, however, DAERA have noted that the site was not claimed by any business in 2018 and by two other businesses prior to 2018. The applicant / agent has addressed this issue by stating that the site is recently purchased land which is will be formally placed within the farm holding during the next SAF submission May 2019.

In terms of the visual impact of the proposal, it is considered that the building is of character and scale that is appropriate to its location and would visually integrate into the local landscape given the mature boundary vegetation.

It is considered that the building would not have an adverse impact on the natural or built heritage nor detrimentally impact on the amenity of neighbouring residential dwellings – No 5 Church Road is approximately 100m from the proposed site.

As the proposed building is located on land away from the existing farm buildings, the exceptional test is engaged which requires the applicant to demonstrate that the building

- Is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons.

In support of whether the proposed buildings are necessary for the efficient use of the farm holding, the agent has advised that the main farm group is located at 53a Abbeyview Road as indicated on the farm maps and P1c and consists of 8.5 hectares of ground along with existing farm and agricultural buildings. The proposal site is located approximately 5.5m from the main buildings and forms part of a 10-hectare parcel that has been recently purchased for grassing and silage. There are no buildings at Church Road and therefore the applicant / agent considered that a new building is necessary for the efficient use of the holding as the area constitutes more than half of the area on the agricultural holding. The agent states that it would take 3 people all day to move the animals as only 3 cattle can be moved in a trailer at one time.

In consideration of this information, while I note that the site is located 5.5m away from the main farm holding, the applicant purchased this land knowing its distance from the main holding and perhaps the challenges this might entail. This however, does not provide sufficient justification for a building at this location. In addition, while a building on this site may be useful to the applicant, it has not been demonstrated sufficiently that it is essential for the efficient functioning of the business

The proposal is therefore contrary to Policy CTY 12 of PPS 21.

Recommendation

Refusal

Reasons:

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

- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 12 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the buildings, if permitted, are not considered necessary for the efficient use of the agricultural holding and would not integrate into the local landscape.

Signed

Date

Signed

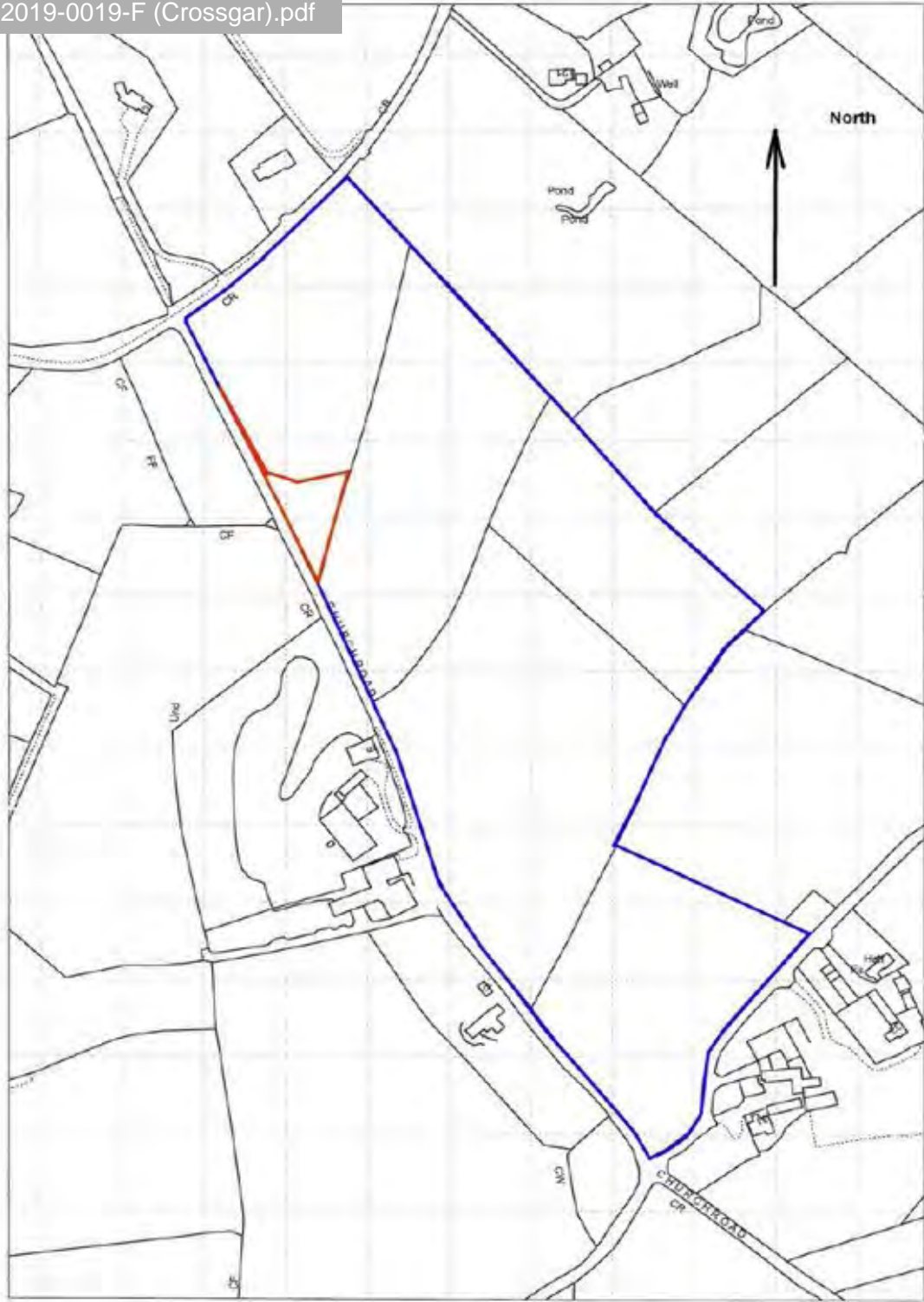
Date

LA07/2019/0019/F

Approximately 150m North West of the junction of
5 Church Road, Crossgar

Proposed agricultural building, hardstanding and all
associated site works





Site Location



	Field Boundaries	Field to be deleted		Scale: 1:5,000 Printed: 15/10/2014 Photo Date(s): 21/05/2012	Page 2 of 2 DARD maps do not convey legal ownership
	Verified Unverified, Unclear	Ineligible Features			

Existing Farm Holding located at 53A Abbeyview Road

- ▶ **The applicant has an active and established farm business since 19/11/1991, as accepted by DAERA (>6years)**
- ▶ **The farming enterprise is the breeding of beef cattle, suckler's and horses**
- ▶ **The farm holding is split into two parcels of land totalling 18.5 hectares - 8.5 hectares and 10hectares**
- ▶ **The main farm group is located at 53A Abbeyview Road (8.5 hectares) with existing buildings**
- ▶ **This is 5.5miles away from the application site and adjoining fields (10 hectares).**
- ▶ **There are no existing buildings/facilities at this location for animal husbandry/welfare, isolation, pest control.**
- ▶ **It would take 3 people all day to move the animals from Abbeyview Road, which is not efficient or productive**
- ▶ **Movement of livestock over such a distance could prejudice their viability of animals if they are pregnant, sick or injured.**

Google Maps

5 The Craig Rd, Downpatrick BT30 9BE to 53A Abbeyview Rd
Abbeyview Rd

Drive 5.4 miles, 11 min



- ▶ **The policy test is not a test of perfection**
- ▶ **It is a consideration of whether it would be necessary for the efficient use of the farm holding**
- ▶ **Productivity and profitability are material considerations, along with the safety and animal welfare.**
- ▶ **The building is essential for the wintering of animals, storage of feeds, provision of parasite control - TB testing, vaccination and welfare of animals in accordance with the legislation.**
- ▶ **It is not practical, safe or efficient to move pregnant or sick animals, machinery and feeds back and forth 5.5miles from the main farm group at Abbeyview Road.**
- ▶ **These were the only lands available to the applicant to purchase to enable the expansion of his farm enterprise.**
- ▶ **The split location of the holding, size, lack of buildings and the need for adequate facilities for animal welfare would be significant material considerations. See overleaf Ministerial Correspondence, which confirms.**

From the office of the
Minister of the Environment



Department of the
Environment

www.doeni.gov.uk

Mr Richard O'Toole
Michael Burrows Associates
33 Shore Road
HOLYWOOD
County Down
BT18 9HX

DoE Private Office
8th Floor
Goodwood House
44 - 58 May Street
Town Parks
BELFAST
BT1 4NN

Telephone: 028 902 56019

Email: private.office@doeni.gov.uk

Your reference:
Our reference: COR/867/2012

30 August 2012

Dear Richard

Thank you for your letter dated 3 August 2012 regarding PPS21 CTY12 'Agricultural and Forestry Development'.

In your correspondence you refer to persons who want to start a new farm business where there are no buildings present. Any proposals for a farm building, where this is the first building on the farm, will be required to satisfy the other relevant policies, including the policy criteria set out under Policy CTY12 of PPS21.

However, it is accepted that accommodating livestock, farming equipment or farm produce are important material considerations which need to be balanced in the round having regard to the requirements of all relevant planning policy, including Policy CTY12, the particulars of each case, local circumstances, and all other material considerations. Therefore failure to comply with the '6 year rule' may not in all cases render an application unacceptable. This may be of interest and assistance to your client.



475 Antrim Road
Belfast
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T: 028 9037 0227
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Mrs Annette McAlamey
Senior Planning Officer
Newry, Mourne and Down District Council
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

2nd July 2019

Re:

LA07/2019/0019/F
Proposed agricultural building, hard standing and all associated site works
Location:

Dear Sir/Madam,

I write to you in support of the above application for a new agricultural shed submitted by Mr P Killen at lands Approx. 150m NW of 5 Church Road, Crossgar.

Mr Killen is a member of the Ulster Farmers Union and along with his horse breeding enterprise farms suckler cows and calves.

It is our understanding that the Department of Agriculture, Environment and Rural Affairs (DAERA) has already confirmed that this business is both an active and established farm business.

The Ulster Farmers' Union would ask that the following is taken into consideration when establishing whether this proposal is necessary for the efficient use of the agricultural holding.

Mr. Killen has a suckler cow / beef enterprise, and as he is currently grazing cattle at the Church Road address it is essential that Mr. Killen has adequate facilities for his farming enterprise at this site. The proposed use of this farm building is for an isolation unit at various times in the year, but also as a shelter and inspection facility for his stock and storage facility for animal bedding, feedstock and medicines to service his herd at this location.

With any farming enterprise the emphasis is to ensure that animals are healthy and free from disease at all times. Cattle farming involves a range of animal husbandry procedures to

Letter of support from Ulster Farmers Union

- ▶ No objections from any 3rd parties
- ▶ No objections from any statutory agency
- ▶ “Active and Established” farm business - Since 1991
- ▶ Main farm group located 5.5miles away - Split holding
- ▶ No agricultural buildings at this location.
- ▶ Building is necessary for wintering of livestock, good animal husbandry, isolation, vaccination in accordance with Welfare of Farm Animals Regulations (NI) 2012
- ▶ Application is supported by the Ulster Farmers Union - See letter on file
- ▶ The building would visually integrated into the landscape and is appropriate in size and scale



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/A0101
Appeal by: Ronnie Wallace
Appeal against: Refusal of full planning permission
Proposed Development: Farm shed development – part retrospective
Location: 60 m NE of 26 Paisley Road Carrickfergus
Planning Authority: Mid & East Antrim Borough Council
Application Reference: LA02/2018/0492/F
Procedure: Informal Hearing on 23rd January 2019.
Decision by: Commissioner Helen Fitzsimons dated 19th February 2019

Decision

1. The appeal is allowed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The appeal site lies in the Belfast Urban Area Greenbelt within the Carrickfergus Area Plan 2001(CAP) the local development plan that operates in the area. The draft Belfast Metropolitan Area Plan is a material consideration in this appeal and it also designates the area within which the appeal site lies as a Greenbelt. Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) published in June 2010 is regional policy and is also material in this appeal.
4. The preamble to PPS 21 states that the policy provisions of this PPS will take precedence over the policy provisions for stated designations contained in existing statutory and published draft development plans one of which is Green Belts. Consequently PPS 21 is the determining policy document in this appeal.
5. Policy CTY 12 of PPS 21 'Agricultural and Forestry Development' states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met. The Council has raised objections under the following ; that it is necessary for the efficient use of the agricultural holding; that the applicants will need to provide sufficient information to confirm that there are no suitable existing buildings on the holding or enterprise that can be used; and that exceptionally, consideration may be given to an alternative site away from the existing farm buildings provided there are no other sites available at another group of buildings on the holding.

6. The farm holding is in two portions and spans either side of Paisley Road. Access to the main buildings on the farm is via an extensive laneway some 580m in length on the southern side of Paisley Road. The main group of buildings comprise the farm house and three farm sheds. The appeal site, a field, is located on the northern side of Paisley Road and is served by a 100m long track. There are no other buildings on the appeal site. The appellant also produces silage in the fields below where the main farm grouping lies and sometimes on parts of the upper portion of his holding.
7. The appellant is a predominantly a sheep farmer with a flock of some 24 ewes, comprising a mix of two breeds, Hampshire and Dorset. These breeds allow for more intensive breeding throughout the year with the result that lambing occurs at least twice a year on this holding, with a gestation period of some five months. His best grazing land is in and around the area of the appeal site on the northern side of Paisley Road. For the providence of his animal husbandry activities this is where he mainly grazes his flock, and this makes sense to me. At my site visit I noted a number of heavily pregnant ewes within the appeal site.
8. I am aware that sheep farming can be a tenuous affair in so far as pregnant ewes must be treated with care. I accept that movement during pregnancy can result in loss of the lambs and also that during the birth process the stress of moving the animals can cause complications which can be fatal. In addition I also accept that an animal having difficulty during labour may require veterinary attention in a warm and secure place. Movement of the livestock in either of these circumstances over a distance in excess of half a kilometre to buildings at the main farm group could prejudice the viability of any pregnancy and indeed the ewe itself. This would have an adverse impact on the not only the efficiency of running the farm business but also because of the modest level of farming activity its viability. Consequently I do not consider that the existing farm buildings are suitable for the purposes proposed. There are no other buildings on the holding that could be used. Taking account of all of these factors I conclude that this shed located away from the existing farm buildings is necessary for the efficient functioning of the holding. The Council has not sustained its reason for refusal based on Policy CTY 12 of PPS 21.
9. The appeal site is part of the larger field within which the sheep graze. I do not consider it necessary to have that portion of the host field with boundary treatment. It is necessary to ensure that the existing field boundaries are retained in the interests of the visual amenity of the countryside.

Condition

1. The trees and hedgerows on the southern and western boundaries of the appeal site shall be permanently retained.

This decision is based on the 1:2500 scale site location plan; the 1:500 scale site plan and the 1:100 scale drawing 'new agricultural shed'.

COMMISSIONER HELEN FITZSIMONS

2018/A0101

List of Documents

Planning Authority: - C1 Written Statement and Appendices

Appellant:- A1 Written Statement

Attendances

Planning Authority:- Ms N Alexander
Ms E Graham

Appellant:- Mr Kevin Gillespie (The Planning Practice NI)
Miss Alex Wallace (Appellant's Daughter)



Appeal Decision

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Appeal Reference:	2018/A0198
Appeal by:	Mr Joseph Walls
Appeal against:	The refusal of full planning permission.
Proposed Development:	2 no. farm buildings (retrospective)
Location:	Existing farm buildings located 140m SE of 26 Sandbank Road, Hilltown Newry.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0403/F
Procedure:	Written representations and accompanied site visit on 15 May 2019
Decision by:	Commissioner Mandy Jones, dated 11 August 2019.

Decision

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

Reasoning

2. The main issues in this appeal are;
 - the principle of development in the countryside and
 - whether the buildings are visually integrated into the surrounding landscape.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMP) is the local development plan for the area where the appeal site is located. The site lies in the countryside and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (ANOB) and outside any settlement limit identified in the plan. The plan contains no material policies for the type of development proposed.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21

'Sustainable Development in the Countryside' (PPS 21). Therefore, PPS 21 provides the policy context for this appeal.

5. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that contribute to the aims of sustainable development. One of these is agricultural and forestry development in accordance with Policy CTY 12.
6. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where a number of criteria are met. These include criterion (a) which requires that it is necessary for the efficient use of the agricultural holding or forestry enterprise; criterion (b) which requires that in terms of character and scale it is appropriate to its location and criterion (c) which requires that it visually integrates into the local landscape and additional landscaping is provided as necessary. The Council considers that the proposal fails to meet these first 3 criteria.
7. The Council raised concerns regarding additional information provided by the appellant within his statement of case. I find the matters to be further clarification on the appellant's farming case and commercial activities. Further clarification on issues raised is a normal part of the appeals process and I do not consider this to be at odds with Section 59 of the Planning Act.
8. This appeal is in relation to a retrospective application for 2 no farm buildings. The appeal site is situated in the south eastern corner of a large farm complex and commercial yard located on the eastern side of Sandbank Road. The 2 buildings consist of a steel portal framed grain store which is connected to a steel portal framed cattle shed which has a slatted floor and underground tanks. The floor area of the grain store is 17.4m x 30.00m with a ridge height of 12.0m and an eaves height of 9.0m. The roof and part elevations are finished in corrugated agriclad cladding. It has roller shutter door on the long side elevation. The floor area of the lean-to cattle shed is 30.0m x 18.0m with a ridge height of 7.0m. It is part finished with vertical timber cladding. It has a sliding door on the gable elevation. Both appear as agricultural buildings.
9. The farm business ID is registered to Mr Joseph Walls and the farm is approximately 48.85 hectares. Consultations with DEARA established that the agricultural business has been established for at least 6 years and in that time the appellant has claimed single farm payments demonstrating that the business is active. The Council considers that the initial policy test has been met.
10. All of the farm buildings are located within the Sandbank Road complex and are adjacent to the farm dwelling. The appellant also runs an agri – sales and supplies business that has operated from the site for many years. There is a clear distinction on the site between the farm buildings and the commercial buildings. The appeal buildings are directly adjacent to the existing farm buildings and farmyard.
11. The retail sales part of the business is to be relocated to a site on the Newry Road just outside Hilltown approved under applications P/2011/0832/O in March 2014 and P/2014/0820/RM in January 2015. I was told by the Council that the outline approval was accompanied by an Article 40 Agreement that all retail sales would cease at the appeal site. The Council therefore considers that full implementation of this approval

and relocation of the retail sales away from the appeal site would mean that the existing buildings in the complex would become redundant and could be suitable for re – use.

12. The appellant argues that the 2 appeal buildings are necessary for the continued expansion of the long established farm business. Although the herd numbers have slightly decreased (to 157 animals in May 2018 from 165 animals in May 2015), his farming practices have changed in line with advice from DEARA, that winter housing of livestock and feeding with meal and supplements is the preferred option for productive and profitable animals and better for animal husbandry and welfare. Previous farming methods of feeding animals in the open fields during the winter has now ceased. The appellant stated that this method of feeding animals in the open fields resulted in many fatalities within his herd during the winter of 2010.
13. I was told by the appellant that although the approved commercial development on the Newry Road has commenced it may be some until the re location of the business takes place due to the financial uncertainty of Brexit and its impact on the farming industry. In any case, it was argued that the buildings associated with the commercial activity are unsuitable for the current needs of the farm complex. It was proposed that when the relocation takes place the commercial buildings will have to be replaced with new modern farm buildings and not the adoption of redundant commercial buildings. From my observations on site of the existing commercial buildings I concur with the appellant that they would not be suitable for the specific agricultural use required. I accept the timeframe for relocation is unknown to the appellant at this present time and this was unchallenged.
14. The animal shed is used to winter animals and has a slatted floor to large underground slurry tanks. The grain store is a multi purpose farm building used for the storage of straw, animal feeds, bulk fertiliser, machinery and is also used as an animal housing unit when the animal shed is at capacity. The roof height is required to accommodate machinery such as telehandlers and tractors. At my site visit, there was no doubt that both buildings were in agricultural use. All the other buildings within the complex also appeared to be fully utilised.
15. Given the evidence presented by the appellant regarding his farming practices, the design parameters of the appeal buildings specifically for agricultural use, their location relative to the other farm buildings and yard and my observations on the site of the use of the buildings on the complex, I am persuaded that the appeal buildings are necessary for the efficient use of the agricultural holding. I consider that criterion (a) has been met.
16. Policy also requires that new agricultural buildings are sited beside existing farm buildings and the design and materials to be used are sympathetic to the locality and adjacent buildings. The appeal buildings are located to the rear of the existing cluster of buildings and sited directly adjacent to the existing farm buildings and farm yard. The external materials of corrugated cladding and timber cladding are sympathetic to the existing cluster and wider agricultural area.
17. The grain store has a ridge height of 9.0m, and the Council argue that the height and scale appears excessive and it is a prominent feature that fails to integrate satisfactorily into the landscape when viewed from Sandbank Road and Newline.

18. The Sandbank Road is a straight and relatively fast stretch of road. Given the set back of the overall cluster from the Sandbank Road, the location of the appeal buildings to the rear of the cluster and the peripheral nature of views from the road, I consider the appeal buildings to be satisfactorily integrated into the local landscape. Given the screening effect provided by other buildings within the cluster in front of the appeal buildings, I do not consider them to appear prominent and excessive in terms of height and scale.
19. Newline is up to ½ mile away from the appeal site. Given the nature of this long distance view, intervening vegetation and topography, mountainous backdrop, and the siting of the appeal buildings within and to the rear of the existing cluster, I consider the appeal buildings to be satisfactorily integrated into the local landscape. I consider that criterion (b) and (c) have been met. As the proposal complies with Policy CTY 12, it is one of the types of development which in principle are considered to be acceptable in the countryside and Policy CTY 1 has been met. Accordingly, the Council's first reason for refusal has not been sustained.
20. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding countryside and it is of appropriate design. The Council argue that the appeal proposal is (a) a prominent feature in the landscape; (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and (c) it relies primarily on the use of new landscaping for integration. As already concluded, I consider the appeal buildings to be satisfactorily integrated into the countryside and to be of appropriate agricultural design for the locality. Although the appellant did not propose any landscaping, the existing complex of buildings provide adequate enclosure to visually integrate the 2 appeal buildings. The proposal does not rely on the use of new landscaping for integration. I consider that the appeal buildings meet the policy tests of Policy CTY 13. The Council's second reason for refusal has not been sustained.
21. Policy CTY 12, paragraph 5.55 states that all permissions granted under this policy will be subject to a condition limiting the use of the building to agriculture. It is therefore necessary to impose such a condition.
22. In conclusion, as all of the reasons for refusal have not been sustained the appeal is allowed and full planning permission is granted subject to the following condition :

Condition

- 1) The buildings hereby approved shall be used solely for the purposes of agriculture.

This appeal decision is based on the following drawings:

- PAC 1: Site Location Plan, scale 1:2500: Council ref: 01
- PAC 2: Site Layout, Scale, scale 1:500: Council ref: 02
- PAC 4: Farm Building Plans, scale 1: 200: Council ref: 04
- PAC 5: Elevations, scale 1:200: Council ref: 05

COMMISSIONER MANDY JONES

List of Documents

Planning Authority: 'A' Statement of Case with appendix

'B' Rebuttal

Appellant: 'C' Statement of Case with appendices

'D' Rebuttal

Appearances

Newry Mourne and Down

Planning Authority: Mr G Murtagh

Appellant: Mr G Tumelty, agent
Mr C Walls



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210

Mrs Annette McAlarney
 Senior Planning Officer
 Newry, Mourne and Down District Council
 Downshire Civic Centre
 Downshire Estate
 Ardglass Road
 Downpatrick
 BT30 6GQ

2nd July 2019

Re:

LA07/2019/0019/F

Proposed agricultural building, hard standing and all associated site works
Location:

Dear Sir/Madam,

I write to you in support of the above application for a new agricultural shed submitted by Mr F Killen at lands Approx. 150m NW of 5 Church Road, Crossgar.

Mr Killen is a member of the Ulster Farmers Union and along with his horse breeding enterprise farms suckler cows and calves.

It is our understanding that the Department of Agriculture, Environment and Rural Affairs (DAERA) has already confirmed that this business is both an active and established farm business.

The Ulster Farmers' Union would ask that the following is taken into consideration when establishing whether this proposal is necessary for the efficient use of the agricultural holding.

Mr. Killen has a suckler cow / beef enterprise, and as he is currently grazing cattle at the Church Road address it is essential that Mr. Killen has adequate facilities for his farming enterprise at this site. The proposed use of this farm building is for an isolation unit at various times in the year, but also as a shelter and inspection facility for his stock and storage facility for animal bedding, feedstock and medicines to service his herd at this location.

With any farming enterprise the emphasis is to ensure that animals are healthy and free from disease at all times. Cattle farming involves a range of animal husbandry procedures to

maintain and enhance animal health, welfare and production and ultimately the profitability of the enterprise. Mr. Killen must every day carry out routine general health inspections of his stock, and continually throughout the year needs to carry out essential routine treatments. This ranges from lameness monitoring and foot care, administering of prescribed medicines such as external and internal parasite control, vaccinations, lungworm control, ear tagging etc. It is therefore vital that Mr. Killen has proper facilities for looking after the stock kept on these lands allowing him to carry out these inspections and operations when necessary.

It must be stressed here that Mr. Killen does not have any other farm building at this location. It is neither efficient or practical for Mr. Killen to continue to transport stock kept at the lands at Church Road to the principle farm buildings (Abbeyview Road), 5.5 miles away, every time he has to carry out routine inspections, routine operations or isolate a sick or injured animal. Under the Welfare of Farmed Animals Regulations (Northern Ireland) 2012 a person responsible for a farmed animal is responsible for meeting the legal obligations for animal welfare. Our members must, under the welfare legislation, take all reasonable steps to ensure that they do not cause any unnecessary pain, suffering, injury or distress to his animals.

There are situations where DAERA consider cattle unfit to be transported and state that animals should not be transported when they are unable to move independently without pain, have a severe open wound, are heavily pregnant or have given birth within the previous seven days. This is further enforced by the Welfare of Animals (Transport) Regulations (Northern Ireland) 2006 (as amended). It is therefore essential that Mr. Killen has this proposed facility to ensure the welfare of his animals are protected.

With regard to the proposed use of as an isolation facility, DAERA recommend that it is good practice to have isolation facilities but also permit that while animals are not being isolated it is possible to use the facility for other purposes.

DAERA has published the "Code of Practice 2012" under the Welfare of Animals Act (Northern Ireland) 2011 for farmers. This document clearly states that "*action should be taken immediately if any cattle are injured or appear ill or distressed*" and "*stock-keepers should have a procedure for isolating and caring for sick or injured animals. Isolation pens should be an essential component of any cattle unit and they should have an entrance that is wide enough for an animal to be easily herded into the pen. When moving sick or injured cattle to the isolation pens, it should be ensured that unnecessary suffering does not occur*". It is therefore essential that this isolation facility is located adjacent to the lands where stock is present.

(Welfare of Farmed Animals Regulations (Northern Ireland) 2012 states at:

Schedule 1 paragraph 6 – Where necessary, sick or injured animals shall be isolated in suitable accommodation with, where appropriate, dry comfortable bedding.


The Ulster Farmers' Union believe that this proposed farm building is necessary for the efficient use of the agricultural holding given that Mr. Killen currently has no agricultural shed at Church Road to service this part of his farm business.

Whilst the planning officer notes that the applicant purchased this land knowing its distance from the main holding and perhaps the challenges this might entail. Mr Killen had no alternative option to purchase additional lands and expand his farm business closer to the principal farmyard.

With annual TB testing a minimum requirement and the possible need for more frequent testing should a TB break down in the area occur, it would be considerably stressful to transport heavily pregnant cows and young calves back and forward from this out-farm to the home handling facilities, which could be significantly detrimental to development and in turn the viability of the animals and business.

Such matters are important material considerations that need to be considered in reaching a determination and I would be very grateful if you could please reconsider in light of my comments.

Yours faithfully

PP 

Gillian Cheatley
Senior Technical officer
Ulster Farmers Union

From the office of the
Minister of the Environment



Department of the
Environment

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Your reference:

Our reference: COR/867/2012

30 August 2012

Dear Richard

Thank you for your letter dated 3 August 2012 regarding PPS21 CTY12 'Agricultural and Forestry Development'.

In your correspondence you refer to persons who want to start a new farm business where there are no buildings present. Any proposals for a farm building, where this is the first building on the farm, will be required to satisfy the other relevant policies, including the policy criteria set out under Policy CTY12 of PPS21.

However, it is accepted that accommodating livestock, farming equipment or farm produce are important material considerations which need to be balanced in the round having regard to the requirements of all relevant planning policy, including Policy CTY12, the particulars of each case, local circumstances, and all other material considerations. Therefore failure to comply with the '6 year rule' may not in all cases render an application unacceptable. This may be of interest and assistance to your client.

The latest planning statistics on the number of approvals of agricultural buildings show that from April 2011 to March 2012 244 such applications were received and 234 applications were approved. This represents an approval rate of 96%. This high rate of approvals indicates that most farmers are able to submit proposals which satisfy the requirements of CTY12.

I will consider this matter as part of the ongoing operational review of the policy.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1586/RM

Date Received: 12.10.2018

Proposal: 2 storey dwelling and detached garage

Location: Between 6 & 8 Sturgan Road, Camlough, Newry, BT35 7HS

Site Characteristics & Area Characteristics:

The site includes part of a larger former agricultural field located on the elevated Sturgan Road within the rural area / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015.

Site History:

LA07/2015/0249/O

Infill site for 2 dwellings

Permission Granted: 03.03.2016

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

Planning Policy Statement 21

Planning Policy Statement 3

Planning Policy Statement 2

Consultations:

Transport NI – no objection subject to conditions.

Objections & Representations

1 neighbour was notified on 12.11.2018 and 02.04.2019

The application was advertised on 31.10.2018

No objections or representations received.

Consideration and Assessment:

The proposal is for Reserved Matters on the back of a previous outline approval. The previous outline application Ref LA07/2015/0249/O was approved on 03.03.2016. This application for Reserved Matters was received on 12.10.2018 which is within the requisite 3 years and adheres to all the outline conditions. Therefore, the principle of development is considered established and this report will be considered against the siting, design, access and landscaping as identified in condition 3 of LA07/2015/0249/O.

Siting

The proposed site encompasses a smaller red line boundary than the previous outline application which reflects the application for one dwelling and to develop 'one half' of the site. It is noted there were no siting restrictions imposed on the outline decision notice. The proposal dwelling has been sited towards the front of the site (facing the public road) and respectful of the established building line along the frontage. With this in mind, I have no objections to the siting of the proposal.

Design

The site is critically viewed from the Newtown Road (alongside Camlough Lake) which ensures the design will be apparent over long distant views as well as along the Sturgan Road.

Following a request for amendments to the design on 19th February 2019, a revised scheme was received addressing these points, apart from the removal of the hipped roof design.

The finishes of the proposed dwelling are acceptable for the rural area, however the hipped roof, owing to a Georgian style design I consider out of keeping with the development pattern in the locality which is contrary to part (e) of policy CTY 13 of PPS 21. Further to this, the proposed design is not considered to respect local architectural styles and patterns as expected by part (c) of policy NH6 of PPS2 which enforces further policy requirements for Areas of Outstanding Natural Beauty.

The Planning Authority has been consistent on this position which is consolidated by the context of the surrounding area, where traditional gable ended pitched roofs are a dominate design feature. In the absence of a design guide specific to the Ring of Gullion AONB the surrounding context is a strong material consideration. Annex 2 of PPS 21 notes traditional roof form maybe be hipped rather than gabled in *some localities* (my emphasis) however I contend that hipped roofs are not an obvious design pattern in this area. The traditional vernacular for South Armagh is the *Irish Cottage*, linear in form with a traditional gable ended pitch, with most dwellings approved now, a modernisation of this template.

Whilst the agent has noted that if guidance regarding the roof pitch is followed, the height would have to be increased, it is important to note condition 3 of the Outline Permission where it states that height amongst other design considerations is a matter reserved. Regardless of this however, the height of the dwelling can be reduced accordingly to an appropriate scale for the site.

Access

The access arrangements are acceptable to Transport NI and satisfy the policy requirements of CTY13 of PPS21 and PPS3. I would have no objections to the access arrangements which represent a traditional arrangement.

Landscaping

Trees have been shown to be planted along the southern boundary of the site which aids integration and will improve neighbouring amenity. The existing natural screenings of the site have been retained where possible and augmented with native species hedgerow and shrubs. I am content the landscaping features comply with prevailing policy.

Recommendation: Proposal is contrary to policy CTY 13 of PPS21 and policy NH6 of PPS 2 due to the design of the dwelling as described above.

Refusal Reasons;

- 1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.**
- 2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that, the proposal does not respect local architectural styles, patterns and design.**

Case Officer:

Authorised Officer:

My name is Patrick Allen and please bear with me as I am not used to presenting to a planning committee. I'm a doctor and more at home on hospital wards. I am originally from South Armagh and married to Fiona who is from Sturgan Road. Her father lives two doors from the site. My oldest son starts school in Camlough in September.

I am extremely passionate about this project as it is my family home and a place I am invested in with close family ties. I have employed a local architect from Camlough who knows the place and produced a rural design which has an appreciation of the local context.

I would like to thank the briefing panel who have kindly allowed this application to be referred to the Planning Committee. I understand there to be one single issue that is whether the proposed hipped roof is a traditional design feature of the Ring of Gullion AONB.

The officer suggests that the *Irish Cottage*, linear in form with a traditional gable ended pitch is the predominant style with most dwellings approved now based on this template. It is further suggested that the proposed dwelling is not in keeping with the established pattern of development for this reason.

Having read the reports and the documents that inform the policies I understand that the foothills of the 'Ring of Gullion' are described in the 'Building on Tradition' document as being comprised of small farms and stone or whitewashed cottages on strong geometric field patterns.

While true of a distant past this is not the only or predominant form of housing found in the area. The Sturgan Road frontage is not typical of upland areas and does not have a predominance of stone or whitewashed cottages set in strong geometric field patterns. The buildings are mainly of recent construction and varied in architectural style.

Approximately 1.5 kilometres south of the site on the Ballynalack Road overlooking Camlough Lake are at least three dwellings with hipped roofs. While the officer suggests that most recent dwellings are approved with conventional ridged roofs it does not mean that all dwellings have followed this pattern or the 'Irish Cottage' style.

No reference is made by the officer to these local examples. Even if the construction of these buildings pre-date the designation of the AONB they are still now an integral part of the character of the area and must be weighed as material. They follow the same pattern of development as Sturgan Road in that they fit within a ribbon of development primarily made up of dwellings with ridged roofs.

I would respectfully request that the members give weight to this and agree that hipped roofs are a design feature of this part of the AONB.

The officer does not refer to the design guidance provided by the Council at informative 1 of the outline permission (LA07/2015/0049/O). The layout and arrangement of the proposed dwelling is designed in the 'linear form' and follows the general parameters as set out in the outline planning permission for a two-storey building. The frontage is 14 metres and the gable 9 metres as suggested. The roof has a 35-degree pitch.

I would ask the members to note that in the guidance in Annex 2 of PPS 21 that the depth of traditional vernacular dwelling (front to back) is generally limited by roof construction to about 6 metres. The officer makes no reference to this in his report and the guidance offered by the Council at the outline planning stage is at odds with the 'Irish Cottage' style with a single room depth gable.

The hipped roof is a feature of the formal architectural approach and takes account of the deeper floor plan as indicated at informative 1 of the outline planning permission.

It is not accepted that the hipped roof is not a rural vernacular form that harms the character of the AONB. I refer to page 97 of the Building on Tradition document in which the Glebe layout and arrangement is expressed in the 'formal architectural' and Georgian style and identified as good design. The committee should have a say whether this is good design.

I understand having read the officers report that one key viewpoint is offended which is a distant view from the Newtown Road at Camlough Lake. You can see the building set in the context of other development adjacent. Please note the hill in the background and the dark coloured slate roof blending into the landscape.

It is considered that the proposed dwelling is properly designed having had full regard to the Building on Tradition document as required by the paragraph 4.36 of the SPPS. It does not offend the character of the AONB and the requirements of policy NH 6 of PPS 2 are met in full.

I would respectfully request that the committee disagree with the officer's advice and approve this application for the reasons I have set out.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**

District Council

Application Reference: LA07/2018/1913/O

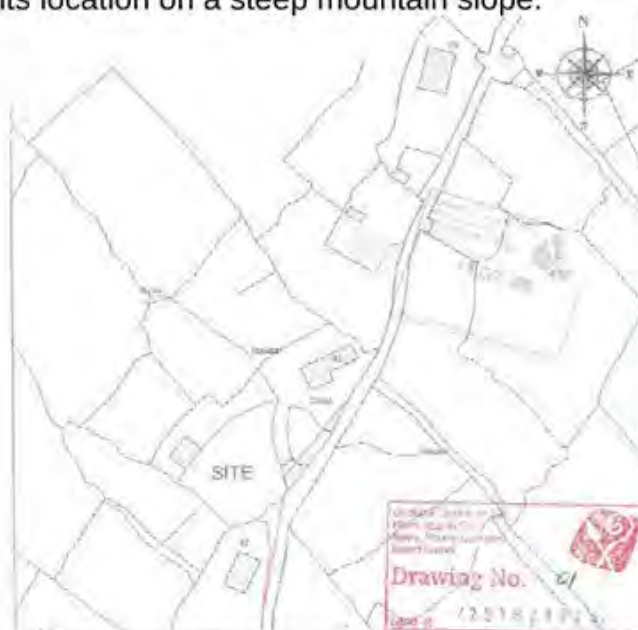
Date Received: December 6th 2018

Proposal: Infill Site for 1 dwelling

Location: *Site between 33 and 37 Ballard Road, Lislea*

Site Characteristics & Area Characteristics:

The site is a cut out of a grazing field located on the northern slopes of Slieve Gullion approximately 3 miles east of the village of Lislea. It is located on a laneway that connects on to Ballard Road approximately a mile to the north, it is very narrow a terminates a short distance to the south west. The site slopes sharply down to the west, a result of its location on a steep mountain slope.





The site is bounded along the road by a low post and wire fence, to the rear of the site are two agricultural buildings



The site is located in between two single storey dwellings, Number 33 Ballard Road is located to its north east;



While Number 37 is located to the south west;



On the other side of Number 33 there is a gap until a group of agricultural buildings are encountered, these are at a significantly lower level than the road. The site's prominent position on the side of a mountain means that there are long range views of it from the surrounding area, especially from the lower part of Ballard Road to the west.



Site History:

There is no previous history on the site

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 21 Sustainable Development in the Countryside.

Consultations:

Transport NI No objections

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:

Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to dwellings in the countryside it is less prescriptive than the retained policy and it is this which has greater determining weight.

Banbridge/Newry and Mourne Area Plan 2015.

The site is located in the countryside east of the small settlement of Lislea, no other provisions of the plan are relevant.

PPS21 Sustainable Development in the Countryside Policy CTY1

The policy sets out 6 categories of residential development which are acceptable in the countryside, the proposal is for an infill dwelling and therefore CTY8 is the most relevant.

Policy CTY8 Ribbon Development and Infill

The policy allows for the infilling of a gap, sufficient only to accommodate a maximum of two dwellings, within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern in the area. To qualify as a substantial and continuously built up frontage there must be a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case there are two buildings along the road frontage, Nos 33 and 37, there are gaps on either side of these dwellings until the next building and they are not visually linked with these buildings due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

In addition, the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

Policy CTY 13 Design and Integration of buildings in the Countryside

The critical view for this policy is the long range one from the west along Ballard Road, from this viewpoint, shown above, a dwelling on the site will appear behind the agricultural buildings with a belt of mature trees to its rear. A modest dwelling, sensitively designed at this location would not appear unduly prominent, care should be taken to ensure that any dwelling does not have a large under-build which could adversely affect the character of the area.

Recommendation:

The proposal is for an infill dwelling situated along a laneway on the slopes of Slieve Gullion. The proposal fails the requirements of CTY 8 in that there is not a substantial and continuous built up frontage in this location and the site has accompanying development to the rear.

Therefore refusal is recommended.

Refusal Reasons:

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballard Road.

Case Officer

Authorised Officer

The members of briefing panel have kindly allowed this application to be referred to the planning Committee so the member can decide whether this is an infill site.

I have read the officer's report and understand for this site to be considered an exception under policy CTY 8:-

1. the development must first comprise a small gap site in an otherwise substantially and continuously built up frontage comprised of 3 or more buildings along a road frontage without accompanying development to the rear; and
2. second the proposed development must also respect the existing pattern of development along the frontage in terms of size, scale, siting and plot sizes.

The officer in their report suggests that there are only two buildings along the road frontage, at 33 and 37 Ballard Road and there are gaps on either side of these dwellings until the next building.

The officer then goes on to say that the buildings are not visually linked due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

Finally it is suggested that the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

It is my consideration that full and proper consideration is not given in the report to the other buildings that contribute to the meaning and understanding of what the gap is and that the substantial and continuously built up frontage.

I would ask the members to note as shown in slide one the frontage comprises the dwelling and outbuildings at 29 Ballard Road, the barrel vaulted shed between 29 and 33 Ballard Road, the dwelling at 33 Ballard Road and the dwelling and outbuildings at 37 Ballard Road.

When travelling along Ballard Road you get a perception of a continuous line of buildings and a build-up of development which the dwelling adds to. Contrary to the advice of the officer the fact that the buildings are below the road adds to this perception as any sense of a discernable gap is lost when driving along the road at a slightly elevated position.

There is an awareness of the existing dwellings and the barrel vaulted shed with at least their roofs and upper sections visible along Ballard Road for the entire length of the ribbon of development and beyond where static views are perceptible and from where indivisibility between buildings can be considered and assessed. The views at slides two and three show how the buildings relate to one another when viewed from the entrance to 29 and the gable of 37 Ballard Road.

The officer does not consider the ribbon in its entirety as part of their assessment and it is my consideration that it is clear that there is a sequential awareness of development extending from 29 to 37 Ballard Road from one or more of these static viewpoints.

The buildings to the rear of the application site are also at a much lower level than the ribbon of development to the edge of Ballard Road. They are visually separated and distinguishable and the officer does not provide meaning or context to this in their assessment and I would

argue that there is no accompanying development to the rear of the site and the policy test is satisfied.

The officer does not argue that a dwelling at this site would not respect the existing pattern of development along the frontage in terms of size, scale, siting and plot size. As no reason for refusal is presented it is accepted by the planning department that the second part of the policy test is met in full.

The site is only capable of absorbing one single storey dwelling that would if sited gable ended to the road fit within the frontage consistent with the pattern of development along this part of the Ballard Road.

The site meets all the criteria of policy CTY 8 and merits being treated as an exception to the policy as a small gap and would not add to the existing ribbon along Ballard Road. I would respectfully request that the committee disagree with the officer's advice and approve this application for the reasons I have set out.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0008/F

Date Received: 19.12.2018

Proposal: Site for infill dwelling and garage.

Location: Circa 70m East of No. 14a Ayallogue Road, Newry.

Site Characteristics & Area Characteristics:

Site History:

P/1999/0724 – Opposite 12a Ayallogue Road, Newry - Site for dwelling- Permission Granted.

P/2000/0686/F - Opposite 12a Ayallogue Road, Newry - Proposed new 2 storey dwelling and detached garage – Permission Granted - 18.10.2000.

P/2006/0540/O - Adjacent to 11 Ayallogue Road, Newry - Site for dwelling and detached garage – Permission Refused - 21.08.2007.

LA07/2018/1571/F - Directly East of 15 Ayallogue Road, Newry - New house on a farm with detached garage – Current Application.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections, conditions suggested.

Objections & Representations:

The application was advertised on 17th January 2019, nine neighbours were notified on 21st January 2019/20th June 2019, no representations or objections have been received.

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

Principle of Development

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

The application site has an agricultural building and No 15 to the north, both have a frontage with the public road. No 11 which is located to the south east of the site has its access lane running along the boundary with the application site but No 11 is set some distance from the public road and is not considered to have a frontage with the public road. No 11 when approved did not include the curtilage of the property extending to the public road and as a result it does not have a road frontage. As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would add to a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Design, Appearance and Layout

The proposal is for a two storey dwelling large surrounding garden area and a garage set to the rear of the property. Given that the surrounding area includes a variety of different house types including two storey properties the proposed dwelling would be considered acceptable in terms of its design and appearance.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. Given that the proposed dwelling is considered to be of an acceptable design it is considered that the proposal could integrate onto the site and so would comply with CTY13.

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. Given that the proposal is not considered as an infill opportunity it will add to a ribbon of development along Ayalogue Road, this will therefore result in a suburban style build when viewed with existing buildings. The proposal is considered contrary to parts (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

As the proposal lies within an AONB policy NH6 of PPS2 is applicable, the proposal is not considered to have a detrimental impact on the AONB due to the mix of different properties in the area which range in size, scale and design.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

Development relying on non-mains sewerage.

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

Recommendation: Refusal**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 Ayalogue Road and does not represent an exception of 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 building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Officer:

Date:

Authorised Officer:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0462/F

Date Received: 20.03.2019

Proposal: Erection of replacement dwelling house, ancillary site works and landscaping

Location: 118 Cullaville Road, Crossmaglen

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area plan 2015. The application site is located on the edge of the busy Cullaville Road, at present the site contains a single storey dwelling which is currently being lived in, a double garage is also located on the site. A large open garden area is set to the front of the dwelling with some mature trees along the roadside boundary of the site, the remaining boundaries of the site are defined by a maintained mature hedge.

The site is located within a rural area although there are a number of dwellings in the vicinity of the site, the surrounding properties vary in their size, scale and design.

Site History: No relevant planning history.

Planning Policies & Material Considerations:

Banbridge / Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

PPS 6: Planning, Archaeology and The Built Heritage

Building on Tradition

Consultations:

NI Water – Generic response.

DFI Roads – No objections if the dwelling to be replaced could be occupied, the dwelling is currently being lived in.

Historic Environment Division – No objections.

Objections & Representations:

The application was advertised on 1st April 2019, eight (8) neighbours were notified on 23rd May 2019, no representations or objections have been received.

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

Principle of Development

Policy CTY3 states that for planning permission to be granted the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantial intact.

Having inspected the site I am content that the building exhibits the essential characteristics of a dwelling and is currently being lived in, I am therefore content that a replacement opportunity exists at the application site.

Additional CTY3 Requirements

As well as the dwelling to be replaced needing to be a viable replacement opportunity it must also meet several other policy requirements set out in CTY3.

- The proposal is to be located within the existing curtilage of the property to be replaced with the proposed dwelling to be located slightly forward of the existing property on the site, as such the proposed curtilage is acceptable.
- Originally the scheme included a dwelling that was a mix of two storey and one and a half storey in design, the design also included two large rear returns. The Planning Department raised concerns with the agent regarding visual impact given the size and scale of the proposal and also the design and appearance of the proposal as it was felt that the large rear returns are not considered traditional in design or appearance. An amended scheme has been submitted with the ridge height reduced by 81.5cm and the finished floor level lowered by 32.5cm, the footprint of the rear returns has not been reduced. The agent has stated in the information submitted that they feel the proposed dwelling is

traditional in its appearance with the size, scale and form of the proposed front elevation amended. The site is located on the edge of the busy public road, it is considered that the proposal (as amended) would result in a visual impact significantly greater than the existing dwelling to be replaced. The overall size and scale of the proposal is still considered excessive, the dwelling will be open to views when travelling along the public road and it is considered that the visual impact will be significantly greater and so be contrary to CTY3 requirements.

- The amended scheme submitted has altered the design of the front elevation with the overall height reduced, the overall size and scale is still considered excessive and significantly greater than the existing dwelling on the site. The massing of the proposal has not been amended with the rear returns remaining, it is considered that the proposed rear returns are not traditional design features and given the roadside location of the site the rear returns will be visible and as such would be considered an unacceptable design feature. It is considered that the proposed design is not of a high quality appropriate to its rural setting, this is contrary to CTY3 requirements.
- Given the existing dwelling on the site still being lived in it would be considered that all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.
- As the dwelling on site is currently lived in DFI Roads has no objections to the proposal.

Policy CTY13 – Integration and Design of Buildings in the Countryside

Policy CTY13 outlines a number of criteria that should be met for the integration and design of buildings in the countryside.

- As previously stated the site is located on the edge of the public road and the size, scale and massing of the proposal would result in the dwelling being a prominent feature in the landscape.
- Although the site has some mature trees along the roadside boundary the remaining boundaries are defined by hedges. Given the size and scale of the proposed dwelling the site would not offer a suitable degree of enclosure for the building to integrate.
- The proposed drawings submitted show a large number of new trees to be planted along the boundaries of the site, as such the proposal relies primarily on the use of new landscaping for integration.
- As the proposal is to make use of an existing access there will be minimal ancillary works associated with the proposal.
- The design of the building is considered inappropriate for the site given the size, scale, design and massing for the reasons previously discussed.

- It is considered that the proposal fails to blend with the landform and existing buildings in that the proposal would have a significantly greater visual impact than the dwelling to be replaced.

It is considered that the proposal fails to meet criteria a), b), c), e) and f) of CTY13.

Policy CTY14 – Rural Character

Policy CTY14 outlines criteria to be considered regarding the potential to cause detrimental change to or further erode the rural character of an area.

- The proposal would be considered unduly prominent in the landscape given the large size, scale and massing of the proposal.
- As the proposal would see an existing dwelling replaced by a new dwelling then this would not be considered a build up of development.
- The proposal would respect the pattern of development in the area as it would see one existing dwelling replaced by one new dwelling.
- Again as the proposal is for a replacement which will see the existing dwelling demolished it would not be considered to create ribbon development.
- The proposal would not result in ancillary works that would damage rural character.

It is considered that the proposal fails to meet criteria a) of CTY14.

Recommendation: Refusal

Refusal Reason:

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building;
 - the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries;
 - the proposed building relies primarily on the use of new landscaping for integration;

- the design of the proposed building is inappropriate for the site and its locality;
- the proposal fails to blend with the landform and buildings;

and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- the dwelling would, if permitted, be unduly prominent in the landscape;

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

Case Officer:

Date:

Authorised Officer:

Date:



Speaking Rights Request

Planning Reference: LA07/2019/0460/F

Applicant Name: Mr Colm Watters

Proposal: Erection of Replacement Dwelling house, Ancillary Site works and Landscaping.

Site Location: 118 Cullaville Road, Crossmaglen, Newry, Co.Armagh,
N.Ireland, BT35 9AQ



Consideration

It is contested that the subjective opinion and interpretation of the planning policy tests set out by the Planning Authority in their delegated refusal has been incorrectly applied to this proposed residential development. Specifically, it is felt that the application meets all the defined policy tests;

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.' It continues 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'. One of these is a replacement dwelling in accordance with Policy CTY 3 of the PPS.

It has been accepted that the existing dwelling represents a valid replacement opportunity, meeting relevant criteria within Policy CTY3, however the Planning Authority ascertain, that the proposed scale of the proposed dwelling will have a significantly greater impact than the existing dwelling.

Currently, the applicant's aged parents both reside at No. 118 Cullaville Road. The existing building was constructed in 1980 and was granted as a replacement dwelling house. The applicant resides in rented accommodation and It is intended to replace the existing detached residential dwelling house to accommodate both the applicant's family and his elderly parents.



Throughout Assessment and following discussions with the case officer, the scale of the proposed dwelling has been reduced to a maximum ridge height of 6.8m above the current finished floor level. Whilst the front elevation of the proposed dwelling has the appearance of a storey and half dwelling, the proposed height is only 300mm above that of a typical chalet bungalow. **(Appendix 2)**

Policy CTY3 States "the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact **significantly** greater than the existing building".

It is important to note, the policy does not state that the replacement dwelling cannot be larger than the original dwelling. The distinction is that it does not have a **significantly** greater impact.

There are limited critical views of the application site, with the only view of the dwelling on approach from the north-east **(Appendix 1)**. On this approach, the existing dwelling lies to the rear of the site, where there is little vegetation. In direct contrast to this, the proposed siting of the new dwelling is closer to the Cullaville Road, where there is a significant level of existing mature vegetation, which will augment and assist in the integration of the new dwelling into the landscape.

When approaching the application site from the South-West out of Cullaville, the application site is completely screened from public view by the existing mature vegetation, which does not require removal.

There are no long-range critical views of the application site and with the existing mature vegetation around the site, it is contended that the proposed dwelling will not have a **significantly** greater impact on this existing landscape.



It is notable, there have been no objections to this proposal from either any third parties surrounding the application site nor any of the statutory consultees.

The existing pattern of residential development in this area includes a differing range of dwelling house types and scales, located upon sites with little or no capacity for integration into this landscape (Appendix 3).

The standard for integration of existing residential dwellings within this landscape has already been determined by these examples and the design of the replacement dwelling is of a high quality appropriate to its rural setting and have regard to this local distinctiveness;

It is felt that the application has not been assessed correctly in light of current planning policy and indeed the planning history of the surrounding area and it is therefore respectfully requested that this recommendation is overturned and the application approved.

Appendix 1

Critical Views of the Application Site.



View of the Proposed Site Travelling from the South-West along Cullaville Road.



View of the Proposed Site Travelling from North along Cullaville Road.

Appendix 2 Site Section Analysis.



Site Section
Scale 1:200



Two Storey & 1 ½ Storey Dwellings in close proximity to Application Site.

Appendix 3

Photographs of Similar Existing Detached Residential Dwelling Houses located upon the Cullaville Road, Crossmaglen.



Existing 2 Storey Detached Dwelling House – 160 meters South of the Application Site



Existing 2 Storey Detached Dwelling House – 122 meters North West of Application Site



Recently Constructed 1 ½ Storey Detached Dwelling House – 174 meters South West of Application Site.



Existing 2 Storey Detached Dwelling House – Cullaville Road, Crossmaglen.



Existing 2 Storey Detached Dwelling House – Cullaville Road, Crossmaglen



Existing 2 Storey Detached Dwelling House – Cullaville Road, Crossmaglen



Existing 2 Storey Detached Dwelling House – Cullaville Road, Crossmaglen



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0901/O

Date Received: 13.06.2018

Proposal: Proposed site for farm dwelling and garage

Location: 74m South of No. 50 Castlewellan Road, Ballyaughian, Hilltown, BT34 5YJ

Site Characteristics & Area Characteristics:

The site is an agricultural field located along the Castlewellan Road, Hilltown. It is generally flat with hedges to some of the boundaries with other boundaries defined by a post and wire fence.

Site History:

A history search of the farm holding was carried out with the following results:

P/1979/0646	PROPOSED SITE FOR REPLACEMENT FARM BUNGALOW	BALLYAUGHIAN, HILLTOWN	Permission granted	29.08.1979
P/1998/1104	Erection of replacement dwelling	ADJOINING 31 ISLAND ROAD ATTICAL KILKEEL	Permission granted	05.11.1998
P/2002/0865/O	Site for dwelling	West of 49 Castlewellan Road, Hilltown	Permission granted	15.04.2003
P/2006/0465/RM	Erection of dwelling and garage	West of 49 Castlewellan Road, Hilltown	Permission granted	08.06.2007
LA07/2016/0731/O	Site for dwelling and garage on farm	60 metres South East of 47 Castlewellan Road Hilltown	Appeal dismissed	02.05.2017

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

PPS2 – Natural Heritage

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside

DCAN15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

NI Water – no objections

DfI Roads – no objections subject to conditions and subject to Planning being satisfied that this is an exception to the policy.

DAERA – DAERA confirmed in their consultation response dated 2 July 2018 that single farm payments have been claimed within the last 6 years and that the farm business has been in existence for more than 6 years.

Objections & Representations

2 neighbour notifications were issued on 25 June 2018.

The application was advertised in local papers on 4 July 2018.

No objections or representations have been received in relation to this proposal.

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 settlement limits and is unzoned under BNMAP 2015 and located within the Mourne AONB. 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 SPPS and PPS 21. As there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The impact of the proposal in the AONB will be considered under PPS 2.

PPS21 Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

- (a) Criterion (a) requires that the farm business is currently active and has been established for at least 6 years.
- (b) Criterion (b) requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008.
- (c) Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm

Farming activity

- The farm business must be currently active and have been established for a minimum of 6 years; ('agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1307/2013.)

The farm maps provided, dated February 2018, relate to farm ID number – 660376 under the name of Mrs EE and Mr Conor Gribben. Mrs Eileen Gribben is listed on the P1C form and farm maps as the owner of the farm business. DAERA provided a consultation response 2 July 2018 stating that the farm business has been in existence for more than six years and that it has claimed subsidies in the last six years. DAERA further clarified that subsidies were claimed between 2005 and 2014 and in 2015. The applicant has also provided the following information in relation to farming activity:

- A computer printout filled in by hand with information relating to tagging of lambs and sheep with dates entered from 29/9/17 – 24/5/18
- Receipts for feed and farm supplies from Joseph Walls Ltd. some with related debit card receipts for the following dates: 28/4/2017, 27/5/17, 3/6/17, 21/7/18, 28/7/18, 30/7/18
- Debit card receipt for the Veterinary Clinic, 17 Castle Street Rathfriland dated 28/04/17 and invoice for veterinary services dated 02 January 2018
- Invoice for sheep sales at Hilltown Farmers' Attested Sales Ltd. dated 24/05/2018, 07/07/2018
- Letter from Hunter Stinton and Co Chartered Accountants enclosing farm accounts for the year ending 5 April 2018. These show farm accounts for 2017 and 2018. The letter includes a 2018 tax return Self Assessment Statement for Mrs EE Gribbon detailing tax payments and repayments from 7 Dec 2015-18 October 2016

Taking all these pieces of evidence into account, it is considered that the applicant has shown sufficient evidence that the farm business has been active and established for 6 years and criterion b is met.

Development opportunities

Criterion (b) requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008.

Following a planning history search of the lands shown on the farm maps provided by the applicant, the planning department is satisfied that no development opportunities have been sold off the farm and therefore criteria b is satisfied.

Visually linked

Criterion c states that the dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm and where there are either:

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

The application site is located on the opposite side of the road to the established group of farm buildings at 50 Castlewellan Road. Given the separation distance between the existing group of buildings on the farm and the fact that the public road visually separates the site from this group of buildings it is not considered that a dwelling on the site would be visually linked or sited to cluster with this building group. Paragraph 5.41 of PPS 21 states that dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The separation distance that would result between the proposed dwelling and the group of farm buildings would mean that it would not form an integral part of that building group or be visually interlinked with those buildings when travelling along the Castlewellan Road. The applicant was made aware of these concerns in a letter from the planning department dated 18 July 2018 and given the opportunity to make a case for the proposed site.

The agent provided a letter dated 8 August 2018 stating that it is unnecessary to justify an off-site location as the proposal meets the criteria for clustering with the existing buildings. Nevertheless, the letter also makes the case that there are limited sites available at the existing farm yard as sites to the north east or south west of the farm yard would be considered as ribbon development. Therefore, the only remaining available sites are field 2b, 4 and 2/A on the applicant's farm maps.

I agree with this assessment that it would be possible to site a dwelling in these fields which would visually link with the existing group of farm buildings. The applicant has provided a Veterinarians letter which states that there are health and

safety reasons to locate the proposed dwelling away from the existing farm yard. These are:

- Any building of a dwelling in the land adjacent to the existing farm buildings would be counter-indicated for the welfare and safety of the animals on the farm;
- In the event of a disease outbreak on the farm such as foot and mouth disease, the shared entrance would also stop people entering and leaving the new property; and
- The proximity of the dwelling to animals would be dangerous to people and pets with the danger of spread of disease to humans from animal discharges and faeces.

Similar issues were considered in relation to this farm by the Planning Appeals Commission under appeal reference 2016/A0174. The Commissioner found that the configuration of the farm layout is such that if a dwelling is sited to the west of the farm house and the garage it would not be adjacent to buildings in use for animal housing. Notwithstanding the policy indication to use existing laneways where practicable, this would not preclude consideration of proposals for other access arrangements. A separate access at the field opening to the west of the farm house would overcome the concerns noted above in relation to access.

Taking this into consideration, I do not find that the applicant has demonstrated health and safety reasons or verifiable plans to expand the farm business at the existing building group(s) which would justify a site away from the existing group of farm buildings under the above policy. The proposal therefore does not meet criterion c of CTY 10.

Impact on rural character

Policy CTY 13 and CTY 14 of PPS 21 are relevant.

The proposal is considered to be contrary to policy CTY 13 as a dwelling on the site would not visually integrate into the landscape fails on criteria a and g in that:

- it would be a prominent feature in the landscape; and
- it is not visually linked or sited to cluster with an established group of buildings on a farm.

The proposal is considered to be contrary to CTY 14 in that the proposal would cause a detrimental change to and further erode the rural character of the area. The proposal fails to meet criteria a and b of CTY 14 in that it would be unduly prominent in the landscape and would result in a suburban style build-up of development.

Protected Route

Policy AMP 3 of PPS 3 requires that planning permission will only be granted for a development proposal involving direct access or the intensification of an existing access onto a protected route in a number of cases. One of these is a dwelling on a farm where it would meet the criteria for development and access cannot be reasonably obtained from an adjacent minor road. There is no minor road from which access could be taken. However, as the proposal is not acceptable in principle in the

countryside in the first instance, the proposed intensification of the access would not represent an exception under Policy AMP 3 of PPS 3.

Policy NH6 of PPS 2 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design and where a number of criteria are met. Given that that the proposal would result in a build-up of development along the Castlewellan Road and have a detrimental impact on the character of the rural area, its siting would not be sympathetic to the character of the AONB.

Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY10 criterion c of Planning Policy Statement 21 'Sustainable Development in the Countryside,' in that the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that there are demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s) that would justify an alternative site on the farm.
2. *The proposal is contrary to Policy CTY13 criteria a and g of Planning Policy Statement 21, that it would be a prominent feature in the landscape and it is not visually linked or sited to cluster with an established group of buildings on a farm.*
3. The proposal is contrary to Policy CTY14 a and b of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, add to a build-up of development and be unduly prominent in the landscape which would erode rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
4. The proposal is contrary to policy NH 6 of PPS 2 in that it would detract from the overall character of the AONB.
5. *The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 3 'Access, Movement and Parking' Policy AMP3 in that the proposal does not fall within the exceptions listed relating to the existing accesses onto Protected Routes and*

would therefore result in the intensification of an existing access onto a Protected Route.

Case officer: _____

28/6/19

Authorised officer: _____

28/06/19



Speaking Rights Request

Reference: LA07/2018/0901/O
Applicant Name: Mrs Eileen Gribben
Proposal: Proposed site for farm dwelling & garage
Site Location: 72m South of No. 50 Castlewellan Road, Ballyaughian, Hilltown, Down,
BT34 5YJ



Consideration

Criterion (c), Policy CTY 10 of PPS 21 requires that the new building be visually linked or sited to cluster with an established group of buildings on the farm.

Policy CTY10 also requires that the new building be visually linked or sited to cluster with an established group of buildings on the farm. In Paragraph 5.41 it goes on to say that farm dwellings should be positioned to form an integral part of a particular building group or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.

The proposed site is located 33m to the south of the existing group of buildings on this agricultural holding. Although the site is located on the opposite side of Castlewellan Road it is felt that the two are both visibly linked and the new dwelling would indeed be sited to cluster with the existing group of buildings.

The Guidance document Building on Tradition (Appendix 1) provides examples of traditional farm yards in Northern Ireland stating "Farmyards or singular narrow plan farm dwellings initially extended at the gable end of the structure and then with additional units to form parallel, scattered or courtyard farmyards. **Parallel farms sometimes cross the public road and where they are disconnected, a loose form of courtyard is created.**"

Appendix 2 provides an analysis of the views of the site when travelling either direction along Castlewellan Road. There are no other dwellings or buildings within the immediate vicinity of the application site or existing agricultural group on approach from either direction along Castlewellan Road, therefore it is felt that a new dwelling on these lands would read as "belonging" to the existing farm holding. This is in line with the guidance examples provided in Building on Tradition.



Whilst it is felt that it is unnecessary to justify an off-site location as this proposal meets the criterion for clustering with the existing buildings, the applicant had previously submitted information regarding the health and safety issues regarding the access to these rear lands (Application Ref: LA07/2016/0731/O) when taken in conjunction with ongoing farming operations, from Mr Kenny Henry MRCVS from The Veterinary Clinic, Rathfriland. It is felt that these reasons along with the proposed site being visually linked with the existing farm grouping justify this proposed site.

The proposed access to the site is via an existing laneway which fronts onto the Castlewellan road and it is contended that as the relative criterion from Policy CTY10 has been met the application represents an exemption to the Protected Routes Policy under Policy AMP3 from PPS3.

The Case Officer has made a recommendation to provide an alternative site adjacent and west of the existing farm grouping, stating "a separate access at the field opening to the west of the farm house would overcome the concerns noted above in relation to access."

It is concerning that this alternative site is being suggested, especially considering it would represent a direct departure from the Protected Routes Policy, which states in PPS3 page 21 sub note 4 (Appendix 3), that **"For the purposes of the policies in this PPS, a field gate is not an access."** A new access at this point immediately raises health and safety concerns for both the applicants and existing traffic on this protected route. This issue was not raised with the commissioner during planning appeal 2016/A0174 and it is felt that this suggestion would not have been raised if the commissioner had been alerted to this information. Protected Routes guidance states "It is important that a new access or intensified use of an existing access onto a protected route does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion. Additionally on stretches of Protected Routes designed specifically to facilitate the



efficient and safe movement of traffic; it is essential that access which would compromise road safety or prejudice their design standards, is severely restricted.”

Therefore, in addition to this proposed site being visually linked with the existing group of buildings on this farm holding, the siting on the opposite side of the Castlewellan Road is also justified for health and safety reasons. The site also enjoys a significant amount of screening from mature vegetation and a rising back drop and with limited critical views the new dwelling will not have a detrimental impact on this landscape.

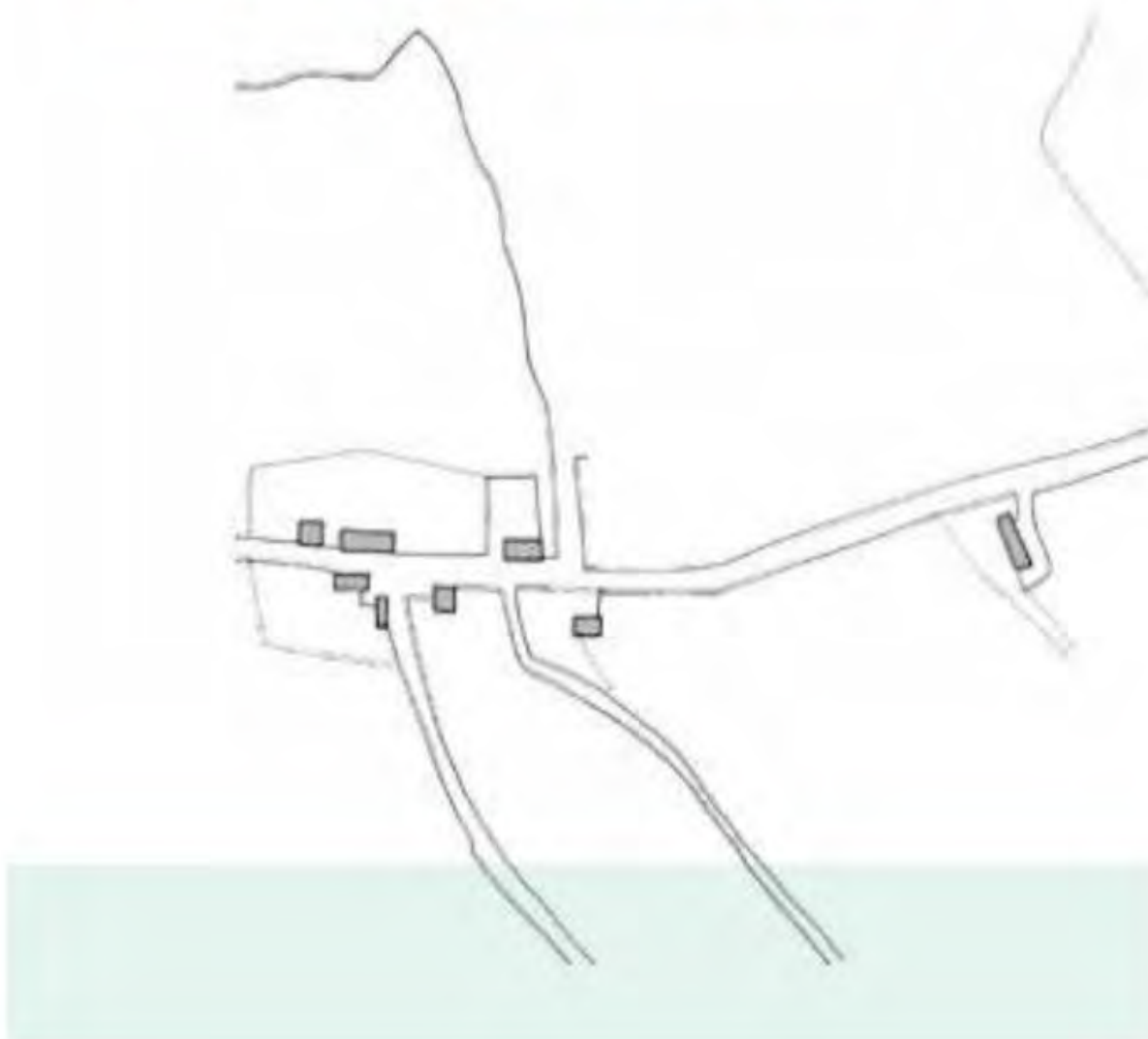
It is therefore requested that this recommendation is overturned and the application approved.



Appendix 1
Building on Tradition Extracts

Small Holdings and Roadside Farmyards

With farm dwellings and buildings either
fronting or with the gable end to the road.



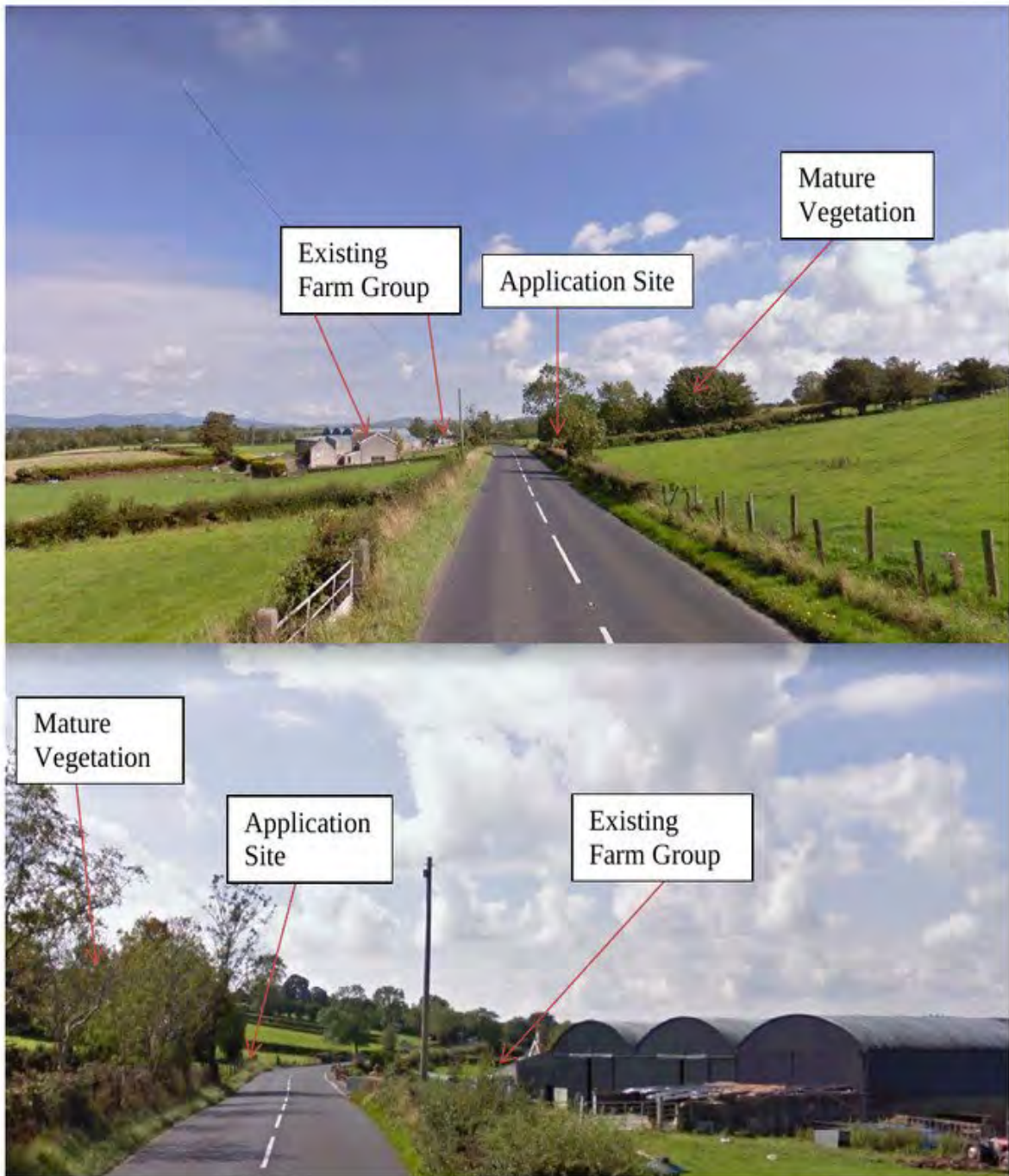
Extended and Parallel Farmyards

Farmyards or singular narrow plan farm dwellings initially extended at the gable end of the structure and then with additional units to form parallel, scattered or courtyard farmyards. Parallel farms sometimes cross the public road and where they are disconnected, a loose form of courtyard is created.





Appendix 2
Visual Linkage between Application Site & Existing Farm Group





Appendix 3
PPS 3 Extract on Protected Routes



Planning Policy Statement 3: Access, Movement and Parking

network surrounding it, and it is part of the function of planning control to seek to avoid or mitigate adverse impacts. In assessing development proposals the Department will therefore seek to ensure that access arrangements for development proposals are safe and will not unduly interfere with the movement of traffic. In addition the Department considers it essential to restrict access to Protected Routes in order to facilitate the efficient and safe movement of traffic over long distances (see Policy AMP 3 Access to Protected Routes).

New Access

- 5.13 New development will generally require vehicular access⁴ to a public road, either in the form of a new access or by the use of an existing one. A properly located and well-designed access is essential for the safety and convenience of all road users – those proceeding on the public road, including cyclists and pedestrians, as well as those using the access.
- 5.14 The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.
- 5.15 Whatever the type of access, good visibility is also essential for the safety and convenience of all road users. The Department will expect applicants to have control over the land required to provide the requisite visibility splays and ensure that they are retained free of any obstruction. A condition will normally be imposed requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

⁴ For the purposes of the policies in this PPS, a field gate is not an access.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA10/2019/0001/F

Date Received:

19/12/2018

Proposal:

Proposed erection of first floor flat front dormer with 2 windows

Location:

12 Melrose Park, Kilkeel, BT34 6UA

Site Characteristics & Area Characteristics:

The site is located at 12 Melrose Park, Kilkeel and it is located within the development limits for Kilkeel as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). This is a highly residential area dominated by single storey detached dwellings of a similar style and finish.

Melrose Park is accessed off the north-eastern side of the minor public road and the subject dwelling is located on a corner site. The site comprises of a single storey detached dwelling with a single storey rear projection [conservatory] and detached garage; it is finished with pebble-dash render, brown profiled concrete roof tiles, white uPVC windows and rainwater goods. The entrance to the dwelling is defined by a small pedestrian gate in the small pebble-dash wall which travels around the front and side [southern & western boundaries] of the dwelling. The front garden is comprised of lawn and shrubs either side of the concrete path which leads to the front door and around the perimeter of the dwelling. There is a tarmac driveway located in the north-western corner of the site, providing enough space for 1 car. This leads directly to the detached garage and rear garden area. The garden to the rear is comprised of a small lawn and paved patio area. The boundary along the eastern side is defined by a boundary wall (pebble-dash finish), this travels around the northern boundary before the detached garage forms the rest of the boundary along this side. The boundary wall along the western boundary is augmented by a mature leylandii hedge.

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- The Planning (General Permitted Development) Order (NI) 2015
- PPS 2: Natural Heritage
- PPS 7 (Addendum): Residential Extensions and Alterations

Site History:

There is no relevant site history.

Consultations:

No consultations were required for this application.

Objections & Representations:

Neighbour notification: 11/01/2019

Advertised: 16/01/2019

Re-neighbour notified: 20/05/2019

Re-advertised: 29/05/2019

No objections or representations have been received.

Assessment**Proposal**

The original proposal was for a flat roofed front dormer with 2 windows. The proposed dormer extension extended 10.55m along the plane of the roof with a depth of 1.95m. It was proposed that this would be finished with a white dash render to match the existing and white uPVC windows.

The original proposal was contrary to policy and as such, amendments were sought. Amended plans were received on 9th May 2019, labelled 01 REV 1. The amended proposal is for a large box dormer to the rear of the dwelling with 3 windows across the front. It is proposed that the box dormer will extend 11.4m across the roof plane, with a depth of 2.5m. The dormer would be set down 0.15m from the ridge of the existing dwelling and set in 0.35m from either gable.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material

considerations. The subject site is located in the settlement development limits of Killeel as identified by the BNMAP 2015. There are no specific policy provisions within BNMAP for this site and as there is no significant change to the policy requirements for residential extensions following the publication of the SPPS, the retained addendum to PPS7 'Residential Extensions and Alterations' will be given substantial weight in determining this proposal, in accordance with paragraph 1.12 of the SPPS.

Policy EXT1 is the determining policy for this proposal – there are four criteria to assess:

- a) The proposal is for a flat roof dormer extending 11.4m along the plane of the roof on the rear elevation of the dwelling. Para A16 of Annex A, PPS 7 (Addendum) states that the regular repeated rhythm and uniformity of roof forms should be retained. A17 notes that where a dormer window is open to public view, it can cause a visual intrusion into the street scene. Whilst the proposed dormer is located to the rear, it would be visible from the street and would therefore be considered to have an adverse impact on the street scene and character of this area. This is a large box dormer which extends the full length of the house and whilst, it is acknowledged that there is one other dwelling with a box dormer [No. 1 Melrose Park], it is not characteristic of the area and this proposal could lead to a top-heavy/unbalanced appearance. The overall size of the dormer would be considered to be too large and it would dominate the appearance of the roof. In light of the above, the proposal does not comply with criterion (a) of Policy EXT 1 of PPS 7 (Addendum).

Policy DES 2 - Townscapes of the Planning Strategy for Rural Northern Ireland must also be considered. It states that new development should be appropriate in use and the siting, scale, layout, design and materials should be sensitive both in itself and in relation to adjoining buildings, spaces and views. It also highlights that new development should minimise visual, functional and physical disruption and should enhance the area. In relation to this proposal, the proposed box dormer would not be considered sensitive both in itself or in relation to the adjoining buildings, space and views. Therefore, the proposal is also considered contrary to Policy DES 2.

- b) This is a highly residential area with a number of neighbouring dwellings, however, given the nature of the proposal, the impact of the proposal would be most felt by No.3, 10, 14 and 16 Melrose Park as they are located directly opposite the proposal, to the west, east, north and north-east respectively.

The boundary treatment to the north comprises of a detached garage, boundary wall and some plants. Given the siting of the detached garage, the impact of over-looking on No.14 would be minimal. However, No.16 is a 1 ½ storey, pitched roof dwelling;

this combined with the lower boundary wall treatment, would result in a degree of over-looking which does not currently exist. Nos.3 and 10 are located across the street to the west and immediately east of the subject dwelling. There would be no adverse impact on No.3 in terms of over-looking or impact on private amenity space. This is due to the separation distance and the fact there are no windows on the side elevation of the dormer. There could be a small degree of over-looking on No.10 as a result of the dormer being at first floor level, however given the location of the windows and the fact that No.16 is a 1 ½ storey dwelling directly to the rear of No.10, it is not thought that the impact would have a significantly greater impact. Para A28 of Annex A, PPS 7 does note, that there are few households that cannot claim to be over-looked to some degree. The proposal would not impact on the neighbouring dwellings in terms of loss of light and over-shadowing given the sun path and orientation of the buildings. The proposal would not unduly impact on the amenity space neighbouring dwellings and therefore, complies with criterion (b) of Policy Ext 1.

- c) The proposed works would not cause the unacceptable loss of, or damage to trees or landscape features which contribute significantly to local environmental quality;
- d) The proposed works would not impact on the available parking space and access to the dwelling. There would be sufficient curtilage space to provide for recreational and domestic purposes by virtue of the remaining front and rear garden area, including bin storage provision.

Recommendation:

Refusal

The proposal does not comply with criterion (a) of Policy EXT 1 of PPS 7 (Addendum) in that the size, scale and massing of the proposal would dominate the appearance of the roof and would have a significant adverse impact on the street scene and character of the area.

No third-party objections or representations have been received.

Conditions/ Reasons for Refusal:

1. The proposal is contrary to PPS 7 (Addendum): Residential Extensions and Alterations, Policy EXT 1 by way of -
 - Scale and design of the proposed extension are not subordinate
 - Would not integrate with the existing dwelling and surrounding landscape
 - The proposal would set a precedent for further such inappropriate development in the locality

2. The proposal is contrary to Planning Strategy for Rural Northern Ireland, Policy DES 2 – Townscapes in that this development is not considered to be sensitive in terms of siting, scale, design and materials both in itself and in relation to adjoining buildings, spaces and views. It would be considered to detract from the character, amenity and design of the area.

Case Officer Signature: 
Date: 5.7.19
Appointed Officer Signature: 
Date: 10.7.19

LA07/2019/0001/F

Description of the application –

Proposed erection of first floor flat front dormer with 2 windows

12 Melrose Park Kilkeel BT34 4BY

1. The proposal does not comply with criterion (a) of Policy EXT1 of PPS7 (Addendum) in that the size, scale and massing of the proposal would dominate the appearance of the roof and would have an adverse impact on the street scene and character of the area.



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

The planning officer asserts that the proposed development does not comply with criterion (a) of Policy EXT1 of PPS7 as it would not be subordinate, it would fail to integrate with the existing dwelling and surrounding landscape and that it would set a precedent for further such inappropriate development in the locality. This is not the case:

- The proposal seeks permission for a flat roof dormer to the rear roof plane of the existing detached property. It is set down from the ridge, set in from the respective gables, set up from the eaves and does not extend beyond the rear building line. This proposal is therefore subordinate to the existing property in every respect and complies with the key design criteria for developments such as this.
- The case officer has failed to accurately assess the prevailing character of the area, which has resulted in an erroneous assessment of the proposal in its context. The Case Officer Report states that there is one other property which has a box dormer. This is factually incorrect. There are 5 properties visible from Melrose Park with box dormers (No's 15 Manse Road, 1 & 3 Melrose Park, 10 & 14 Irvington Close). There is also no mention of the 2.5m high hedge located along the property's rear western boundary which provides screening from short- range views when moving immediately past the site, nor is there mention that it would be completely screened from view to the north by intervening development. It is also noteworthy that there is a recently constructed 2-storey dwelling in close proximity to the application site (No.8 Melrose Park) with a much higher ridge and a contrasting appearance to all others along Melrose Park. This adds to the varying character and appearance of the area, which has also been omitted from the case officer's assessment of the application. This proposal would only be visible from the street scene from limited and specific viewpoints and there are numerous box dormers that set a precedent for this type of development in the vicinity. Fundamentally, failing to accurately assess the characteristics of the area has erroneously led the Case Officer to conclude that this development would be out of keeping with the character of the area and in doing so has resulted in a misinterpretation of planning policy.
- The planning officer asserts that the overall size of the dormer would be too large and would dominate the appearance of the roof. As mentioned above, the proposal has been

designed to be subordinate to the host dwelling. In addition, the planning officer has failed to take account of the legitimate fall-back position available to the applicant that allows the construction of an almost identical scheme without requiring planning permission under permitted development. Part 1, Class B of The Planning (General Permitted Development) Order (Northern Ireland) 2015 allows for 'the enlargement improvement or other alteration of a dwelling house consisting of an addition or alteration to its roof' subject to compliance with a set of criteria. This proposal satisfies all criteria aside from that which requires the alteration to be no closer than 0.5m to the ridge and eaves. The proposal has been designed to be 0.15m from the ridge and eaves to provide sufficient head room within the extended roof space, which is only 35cm closer than that allowed under permitted development. This fall-back position is material to the consideration of this application and has been omitted from the planning officer's assessment of it. The fundamental point is that the proposed development would be no more harmful to the character of the area or appearance of the host dwelling than that which could be constructed without requiring planning permission.

- The Case Officer Report states that paragraph A17 notes that where a dormer window is open to the public it can cause visual intrusion into the street scene. Paragraph A17 does not state that because it is visible from the street scene it is prima facie harmful. This development has been designed to be subordinate, there are 5 other box dormers visible from the street scene, there is recent development which adds to a varying character and the proposal would only be visible from specific views. This scheme would cause no harm to the character of the area and as such satisfies the requirements of policy EXT1.

- This development would not set a harmful precedent – each application must be assessed on its own merits. This proposal is screened by intervening development and a roadside hedge and is almost identical to that which could be constructed under permitted development. These matters are specific to this proposal in this location and as such no harmful precedent would be set by granting planning permission for it.

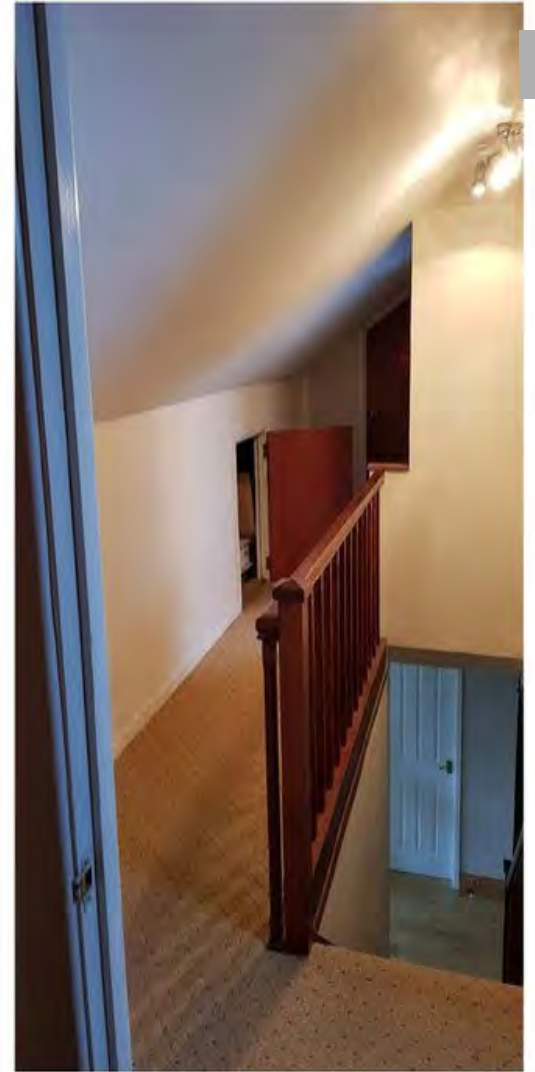
3. The planning officer also mentions that the proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland, although the perceived conflict with this policy is not identified in the proposed refusal reason. For the reasons identified above, this proposal would cause no harm to the character of the area or appearance of the host property and as such causes no conflict with policy DES2.

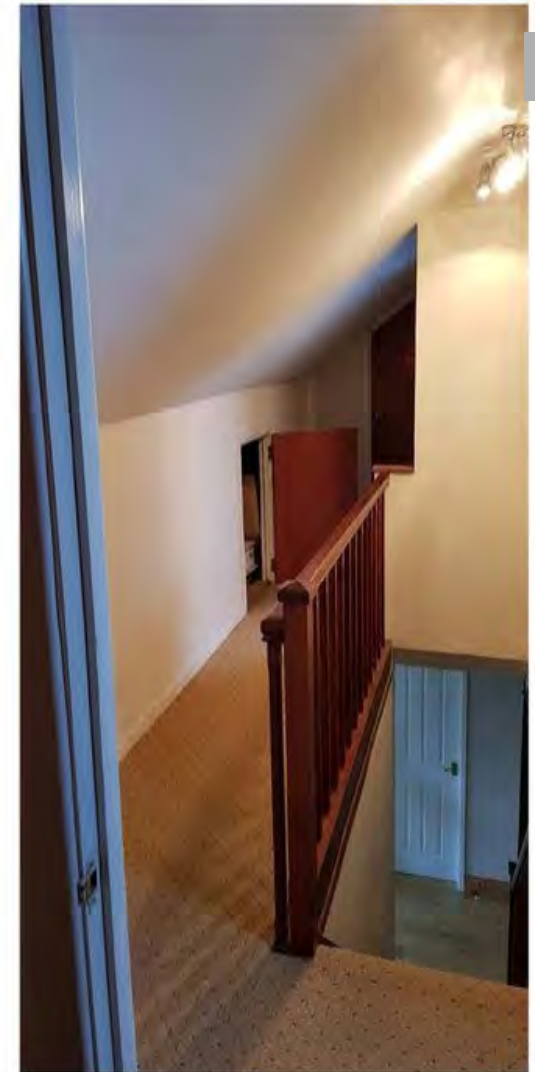


Planning Application
Number :
LA07/2019/0001/F









Very Low Ceilings

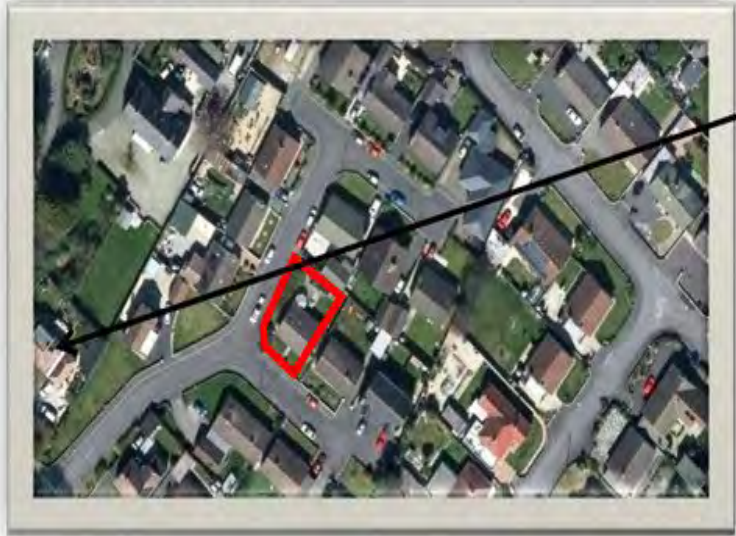
Existing Roof Windows

Application Site



*The proposal does not comply with criterion (a) of Policy EXT1 of PPS7 (Addendum) in that the size, scale and massing of the proposal would dominate the appearance of the roof and **would have an adverse impact on the street scene and character of the area.***

Application Site



Application Site



Application Site



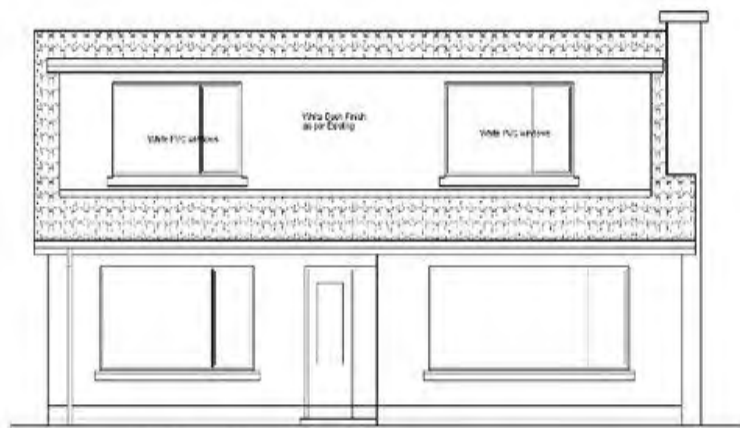
Application Site



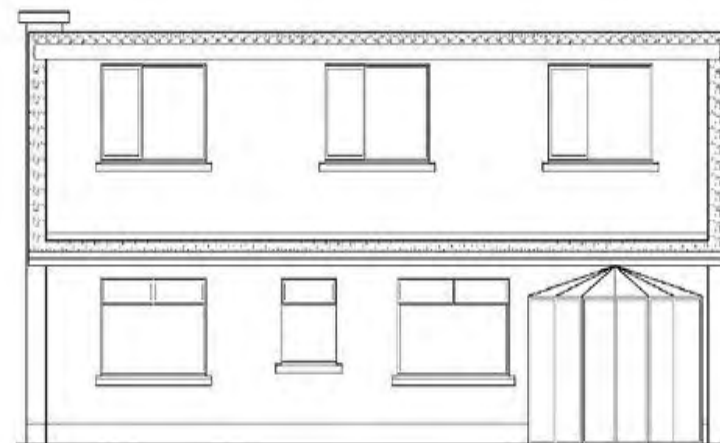




The dormer was originally applied for at the front of the house and we move it to the rear as a compromise



Front Elevation....



Rear Elevation....





Planning permission is **not** required provided that:

1. No part of the roof light, dormer or extension is higher than the highest part of the existing roof.
2. No part of the roof light, dormer or extension projects by more than 15 centimetres in front of any existing roof slope of the house which faces onto a road and forms the principal or side elevation of the house.
3. No part of the roof light, dormer or roof extension is any closer than 0.5 metres to the roof ridge, eaves or any party wall or verge.
4. The materials used in any exterior work are of similar appearance to those used on the existing house.
5. Any window on a side elevation within 15 metres of a boundary with another house is obscure glazed; and is non – opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
6. Your house is not in a conservation area.



Planning permission is **not** required provided that:

1. No part of the roof light, dormer or extension is higher than the highest part of the existing roof.
2. No part of the roof light, dormer or extension projects by more than 15 centimetres in front of any existing roof slope of the house which faces onto a road and forms the principal or side elevation of the house.
3. No part of the roof light, dormer or roof extension is any closer than 0.5 metres to the roof ridge, eaves or any party wall or verge.
4. The materials used in any exterior work are of similar appearance to those used on the existing house.
5. Any window on a side elevation within 15 metres of a boundary with another house is obscure glazed; and is non – opening unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
6. Your house is not in a conservation area.





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0207/F

Date Received: 25/01/2019

Proposal: Erection of dwelling (Change of House Type from that approved under P/2013/0261/F)

Location: 70m East of No.53 Cullion Road, Mayobridge, Newry, BT34 5BA

Site Characteristics & Area Characteristics:

The application site is located to the east of Cullion Road, set back c.110m from the public road which sits at a higher level than the application site. The access to the site is adjoined to the north and south by single storey dwellings. The site is relatively flat with foundations and brick piles present to the north east of the site. The site boundaries are formed by wire and post fencing. There is a drop in levels to the east of the site meaning the site is visible from Ballykeel Road.



Application Site

Planning Policies & Material Considerations:

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

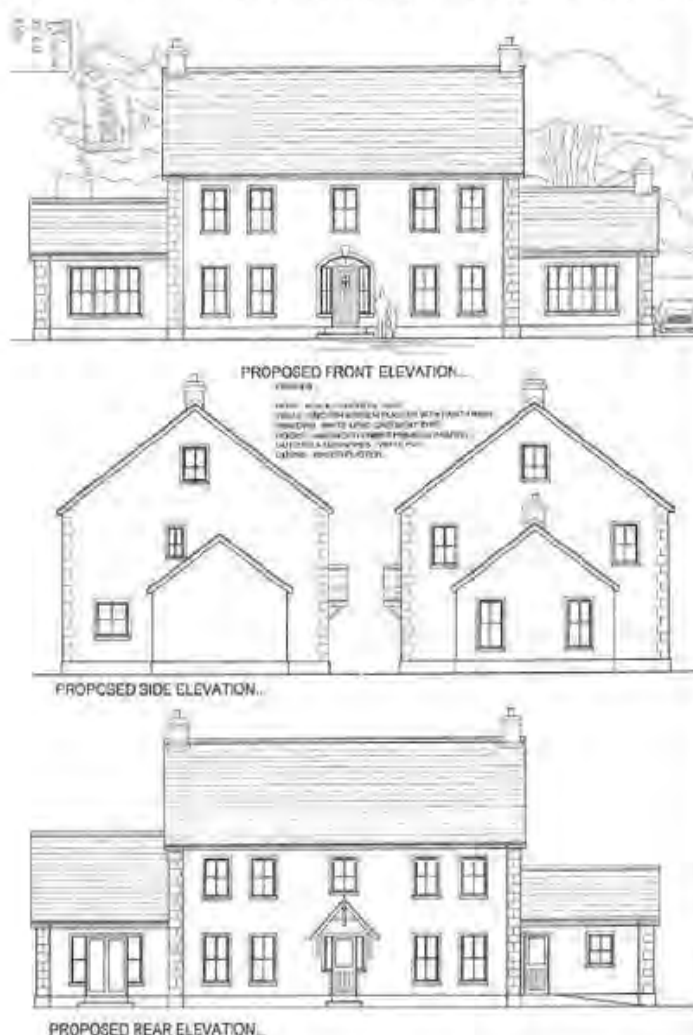
- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Building on Tradition- A Sustainable Design Guide for the Northern Ireland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

Site History:

P/2013/0631/F- Change of house type and garage from that approved under application no P/2006/2122/RM 70 metres east of no 53 Cullion Road, Mayobridge, Newry, BT34 5BA. Approved 13/10/2014 subject to a five year time limit, this permission is presently extant.

During the assessment of this planning application the Case Officer recommended refusal as they did not consider that P/2006/2122/RM was lawfully commenced and fails Policy CTY1 of PPS21. Delegated Group meeting of 20/06/2014 agreed with the recommendation that the previous permission has expired and the proposal fails CTY1. The application was deferred for an office meeting and the Senior Planner was content that the previous approval has commenced and changed opinion to approve.

The dwelling approved is shown below, two storey dwelling with a pitched roof and ridge height of 9.1m.



P/2006/2122/RM- Erection of 2 storey dwelling and garage 70 metres east of No.53 Cullion Road, Mayobridge. Approved 17/04/2008. The dwelling approved had a ridge height of 8.5m with a pitched roof.



P/2003/1407/O- Erection of 2 storey dwelling and garage 70 metres east of No.53 Cullion Road, Mayobridge. Approved 5th November 2003. This decision imposed a ridge height restriction of 8.5m above finished floor level, the existing natural screening along the northern and eastern site boundaries were to be retained to ensure the development integrates into the countryside.

Consultations:

- **NI Water-** Generic response provided
- **HED-** Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- **Transport NI-** No objections to the proposal.

Objections & Representations:

Two neighbour was notified on 15/02/2019 and the application within three local newspaper with a statutory expiry on 13/03/2019. No objections or submissions have been received.

Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant

policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS 21 sets out a range of types of development which in principal are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

PPS21- Sustainable Development in the Countryside

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

This application seeks a change of house type on an extant approval, the principle of development has been established. This current application will be assessed under Policies CTY13 and CTY14 of PPS21 and the guidance provided within Building on Tradition.

Policy CTY13

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where the design of the building is inappropriate for the site and its locality and where it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Correspondence was sent to the Agent on 31st May 2019 acknowledging that whilst ridge height of the proposal is lower than the extant approval, hipped roofs are not considered acceptable in the countryside and it was requested this element was removed and replaced with a traditional pitched roof.

On 14th June 2019 the Council received a covering letter and accompanying map and photographs. The covering letter outlined that the applicant feels the design of this dwelling is acceptable in this part of south down due to the varied house typed in the area and the existing dwelling/ buildings in the locality which have hipped roofs. It was also contended that the design is acceptable given it is set back from the roadedge.

The map provided covers a large area and whilst a number of the photos have corresponding numbers on the map, not all correspond. Cullion Road is c. 2.42miles in length, along this length of road only one dwelling has a hipped roof (c. 427metres south west of the application site). The next closest dwelling with a hipped roof is located along Sandy Road (c. 411m north west of the application site). I do not believe that these two dwellings read with the application site, within a 1.76 mile radius of the site there are only two dwellings with hipped roofs, I do not consider the other buildings highlighted by the Agent set a precedent for the acceptability of hipped roofs in the area. Whilst acknowledged the site is set back from Cullion Road the dwelling will be apparent along Ballykeel Road.



● Application Site ● Location of hipped roof dwellings

I consider the proposal to be contrary to criterion e of Policy CTY13 as I do not believe hipped roofs are an obvious design pattern in this area

Policy CTY14

Policy CTY 14 relates to rural character and states that a new building will be unacceptable in the countryside where it is unduly prominent in the landscape. Given the extant approval on the site the principle of a two storey dwelling on the site has been established and the proposal would not be contrary to Policy CTY14.

PPS3- Access, Movement and Parking

Transport NI have been consulted on this application and are content with the proposal.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and would set an unacceptable precedent in the area.

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0290/F

Date Received: 13.02.2019

Proposal: Single storey rear extension (amended plans)

Location: 62 Hennessy Park, Newry, BT34 2EF

Site Characteristics & Area Characteristics:

The site contains a two-storey mid terrace dwelling on an elevated site with views over Newry.

Site History:

P/1993/0449 Extension to dwelling, Permission granted, 08.07.1993

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 6 - Planning, Archaeology and The Built Heritage

Planning Policy Statement (PPS) 7 (Addendum) – Residential Extensions and Alterations

DCAN 15 - Vehicular Access Standards

Consultations:

HED were consulted as the site falls within an Area of Archaeological Potential – no objections

Objections & Representations

7 neighbour notifications were issued on 25.02.2019 and again on 21.05.2019 following the submission of amended plans.

The application was advertised in local papers on 06.03.2019 and again on 05.06.2019 following submission of amended plans.

Two objections have been received in relation to this proposal and are discussed 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 site is located within the settlement limit of Newry as set out in BNMAP 2015. There are no specific policies in the plan that are relevant to the determination of the application, so it will be considered under the operational policies of the SPPS, PPS 7 (addendum) and PPS 6.

The proposal is for a single storey flat roof extension to the rear of the property. The extension measures 2.5 metres high, 4.1 metres wide and 6.2 metres long. The extension runs tight against the boundary with number 60 and is set back from the boundary with number 64 by 0.3 metres. At first floor level the existing balcony and double doors will be removed and replaced with a full height window. The existing yard is bounded to either side by a 1.8 metre high timber fence.

Policy EXT 1 of PPS 7 (Addendum) states that permission will be granted for a proposal to extend or alter a residential property where criterion a-d are met. These criteria are considered below:

- (a) 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;

The proposed extension is located to the rear of the dwelling and as such there will be limited views of it from the surrounding area. It is subordinate to the main dwelling. Materials have not been indicated on the submitted plans, but a condition can be attached to ensure that materials match those of the existing dwelling.

- (b) the proposal would not unduly affect the privacy or amenity of neighbouring residents;

No windows are proposed to either side elevation of the proposed extension. As the double doors to the first floor of the property have been closed off, there will be no access to the new flat roof. Therefore, I consider that no loss of privacy will occur to neighbouring properties as a result of the proposal.

A letter of objection has been received from the adjoining property at 64 Hennessy Park in relation to the proposal. The residents of this property objected to the proposed extension on the grounds that:

- It would involve removal of the boundary fence;
- Rain water goods may overhang their property;
- It would enclose the rear garden of 64, creating a feeling of being "hemmed in";
- Loss of views;
- Loss of daylight to rear garden, patio doors and kitchen window; and
- Potential use of flat roof as a roof deck.

The objection letter notes that PPS 7 (Addendum) states that a single storey extension of 3.5 metres deep for terraced dwellings would generally be acceptable,

as well as noting guidance from PPS 7 (Addendum) in relation to roof terraces, loss of privacy, loss of light, dominance, and the light test at page 17 of the addendum.

The amended plans received have addressed the issue above in relation to potential removal of the boundary fence; overhanging rainwater goods; and potential use of the flat roof as a roof deck.

The amended plans submitted now allow the light test at page 17 of the addendum to be carried out (see drawing 05 Rev A). A 60-degree line has been drawn from the centre of the closest window at both 60 and 64 Hennessy Park. This test shows that while the closest window at number 60 meets the light test, the window at number 64 fails the light test. Annex A of PPS 7 (addendum) states that the guidance in Figure 1 is not however a rigid standard which must be met in every case and that other relevant factors should also be taken into consideration. In this case, daylighting to an adjacent dwelling is already impeded by the existing boundary fence which is 1.8 metres high. The proposed extension is 2.5 metres high, so 0.7 metres higher than the existing fence. Consideration must be given to the fact that light to number 60 and 64 is already impeded by the existing boundary fence and taking this into account as well as the orientation of the site, it is considered that overall, the proposal would not significantly exacerbate the existing situation.

In relation to the potential for the extension to cause a dominant or "hemmed in" effect, again taking into account the existing boundary fence, I do not consider that the extension would exacerbate the existing situation to either 60 or 64 Hennessy Park.

On my site visit, I noted a large raised deck at number 64 (at first floor level) which will be unaffected by the extension in terms of loss of daylight or dominance.

Taking into account the specific circumstances of the site, in this instance I consider an extension longer than the 3.5 metres recommended in PPS 7 (Addendum) to be acceptable.

In relation to the loss of views, this is not a material planning consideration.

The objection letter stated that further information could be provided in relation to the personal circumstances of the objectors. However, given the above assessment in relation to loss of light and dominance, this is not considered to be necessary.

(c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;

Trees or landscape features are unaffected by the proposal.

(d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

There is a large garden area to the rear of the property and sufficient space will remain once the extension has been constructed. There is currently no vehicular

access to the rear of the property, so the extension will have no impact on the parking and manoeuvring of vehicles.

HED has been consulted and is content with the proposal in relation to the provisions of PPS 6.

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 materials of the extension hereby permitted shall match those of the existing dwelling.

Reason: In the interests of visual amenity.

Case officer: _____

Authorised officer: _____

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. Further meeting on site, siting agreed awaiting amended drawings from agent. Amended Drawings received on 16 April 2019. Currently being processed.	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, Moneywabane, 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. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.</p> <p>No application submitted to date 04/06/2019</p> <p>Application for poultry houses received LA07/2019/0953/F on 13/06/2019</p>	
		<p>PLANNING MEETING - 13 FEBRUARY 2019</p>			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site between 54	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and 58 Edenappa Road, Jonesborough				
LA07/2018/0820/F	Erection of a semi-detached pair of dwellings and associated car parking – lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.	A McAlarney	Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee – DEFER	N
		PLANNING MEETING – 13 MARCH 2019			
LA07/2017/1458/F	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 – 150m west of 40 Ballyculter Road, Ballyalton, Downpatrick	Defer to consider new information submitted by applicant	A McAlarney	Deferred and Planning office consulting on late info submitted. Additional info submitted 23 May 2019 and out to consultees Application WITHDRAWN from the Planning Process	Y
LA07/2018/0753/F	Proposed new "Sure Start" nursery building, with	Defer to allow further discussion regarding access and parking to	P Rooney		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	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	take place with Planning Officials; Dfi Road and the applicant			
		PLANNING MEETING – 29 MAY 2019			
LA07/2018/1807/F	Replacement dwelling – 55 Ballymaginaghy Road, Castlewellan	Defer for a revised design to be considered and conditions to be delegated to Officers	A McAlarney	Return to August Planning Committee REFUSAL	N
		PLANNING MEETING – 26 JUNE 2019			
LA07/2017/1182/F	Strategic roadside service facility, incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation – Belfast Road, Newry	Defer for a site visit	A Davidson	Site visit held – 08-07-2019 – application returned to August Committee Meeting	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/0930/F	New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2PIB apartments and 1 No. 2PIB wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0 – 41 Belfast Road, Newry	Defer for a site visit	M Keane	Site visit held – 08-07-2019 – application returned to July Committee Meeting – agreed to defer for further discussions between applicant/planning officers to see if an acceptable proposal can be agreed and decision making powers be delegated to Planning Officers	N
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2019/0149/F	Proposed dwelling – adjacent to 11 Saul Road, Downpatrick	Defer for a site visit	A McAlarney	Proposed date for site visit – 02-08-2019	N
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee	N
LA07/2018/1975/0	Dwelling – to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road, Rossglass	Defer for a site visit	A McAlarney	Proposed date for site visit – 02-08-2019	N

Newry, Mourne & Down District Council – July 2019

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1. Live Applications

MONTH 2019/20	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	177	1,173	269
May	192	1,196	266
June	155	1,184	264
July	139	1,157	250

2. Live Applications by length of time in system

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	1,173
May	718	212	81	61	124	1,196
June	718	202	86	57	121	1,184
July	664	243	76	51	123	1,157

3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79
June	73
July	76

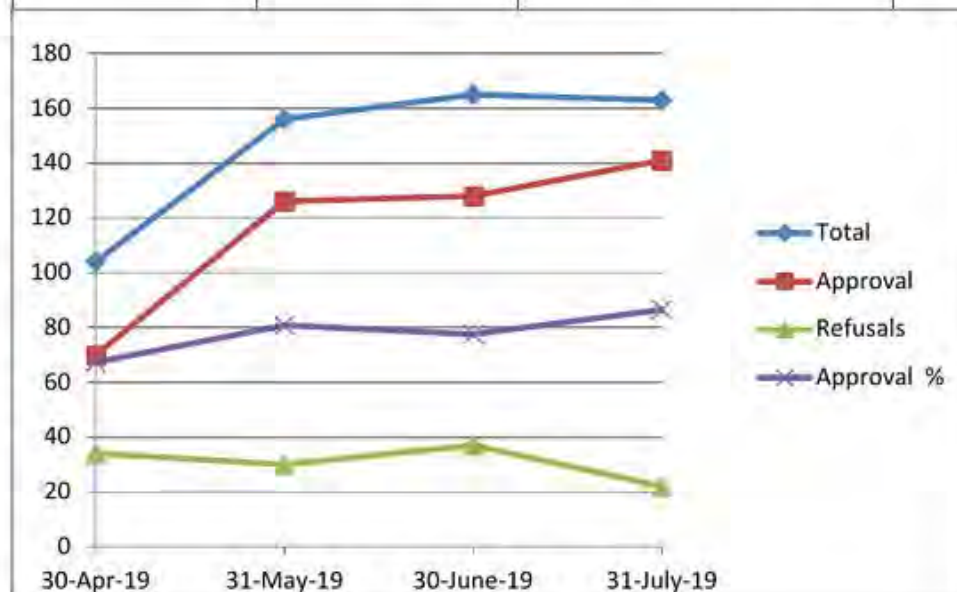
Newry, Mourne & Down District Council – July 2019

4. Decisions issued per month

Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152
June	165	148
July	163	157

5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	104	Approvals (70)	67%
		Refusals (34)	33%
May	260	Approvals (196)	75%
		Refusals (64)	25%
June	425	Approvals (324)	76%
		Refusals (101)	24%
July	588	Approvals (465)	79%
		Refusals (123)	21%



Newry, Mourne & Down District Council – July 2019

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6. Enforcement Live cases

Month 2019/20	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	329	230	183	79	63	179	1,063
May	308	247	174	85	62	178	1,054
June	286	249	171	83	61	174	1,024
July	283	261	166	83	60	170	1,023

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
10 April 2019	17	11	6
29 May 2019	15	12	3
26 June 2019	16	13	3
24 July 2019	27	18	9
Totals	75	54	21

8. Appeals

Planning Appeal Commission Decisions issued during July 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	20	1	1	0	1
Down	26	5	4	1	0
TOTAL	46	6	5	1	1

Newry, Mourne & Down District Council – July 2019

Statutory targets monthly update – June 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	3	1	51.8	0.0%	163	81	22.0	22.2%	28	66	192.0	30.3%
May	1	1	600.0	0.0%	146	138	21.1	28.3%	30	36	85.4	44.4%
June	2	3	230.8	33.3%	105	144	24.6	22.2%	23	48	114.7	37.5%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	5	230.8	20.0%	414	363	22.2	24.5%	81	150	125.6	36.0%

Source: NI Planning Portal

Newry, Mourne & Down District Council – July 2019

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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

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
05/04/2019	A McAlarney	Clr D Curran
22/05/2019	A McAlarney	Clr D Curran
04/06/2019	A McAlarney	C McGrath MLA
04/06/2019	A McAlarney	C McGrath MLA
06/06/2019	A McAlarney	Clr T Andrews
11/06/2019	A McAlarney	C McGrath MLA (Dominic O'Reilly)
12/06/2019	A McAlarney	Clr W Walker

Current Appeals

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ITEM NO	3	PAC Ref:	2018/A0223
Planning Ref:	LA07/2017/1252/	DEA	Newry
APPELLANT	Ms Naíomh 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	Written Reps with Site Visit	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	4	PAC Ref:	2018/A0231
Planning Ref:	LA07/2018/0270/	DEA	The Mournes
APPELLANT	Conquer Fitness		
LOCATION	Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
PROPOSAL			
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure		Date Appeal Lodged	05/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

313

ITEM NO	5	PAC Ref:	2018/A0238
Planning Ref:	LA07/2018/0963/	DEA	Slieve Croob
APPELLANT	Miss L Patterson		
LOCATION	Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
PROPOSAL	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2018/A0239
Planning Ref:	LA07/2018/0532/	DEA	Slieve Croob
APPELLANT	Ryan Rogan		
LOCATION	Between 11 And 13 Seavaghan Road Ballynahinch		
PROPOSAL	Proposed dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7	PAC Ref:	2018/A0243
Planning Ref:	LA07/2017/1485/	DEA	Downpatrick
APPELLANT	Mr J McCabe		
LOCATION	Site Approx. 250m South East Of No 60 Killyleagh Road Downpatrick		
PROPOSAL	<small>Co Down</small> Conversion & extension of barn previously approved under R/ 2014/0654/F with additional extension to form new domestic dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2018/A0251
Planning Ref:	LA07/2018/0015/	DEA	The Mournes
APPELLANT	Gordon Graham		
LOCATION	Between 20 And 22 Ulster Avenue Annalong		
PROPOSAL	<small>Co Down</small> Proposed change of house type and integrated domestic garage (Amended scheme)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	29/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9	PAC Ref:	2019/A0007
Planning Ref:	LA07/2018/1756/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs Wilson 150m SE Of 59A Drumsnade Road Ballynahinch		
PROPOSAL	Proposed off site replacement dwelling with retention of existing for ancillary use of dwelling at no.59		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2019/A0008
Planning Ref:	LA07/2018/0340/	DEA	Downpatrick
APPELLANT LOCATION	Mr Rea 100m SE Of 71 Killyleagh Road Downpatrick BT30 9RN		
PROPOSAL	Farm dwelling with associated hard and soft landscaping and alterations to existing vehicular access onto public road		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

316

ITEM NO	11	PAC Ref:	2019/A0009
Planning Ref:	P/2014/0107/F	DEA	Crotlieve
APPELLANT	Paul McAlinden		
LOCATION	53 Rostrevor Road Hilltown Newry BT34 5TZ		

PROPOSAL Erection of dwelling (change of house type on site where works have commenced)

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Informal Hearing** **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	12	PAC Ref:	2019/A0011
Planning Ref:	LA07/2018/1417/	DEA	Slieve Croob
APPELLANT	Ellen Brennan		
LOCATION	Between 84 Cumber Road And 80 Drumnaconagher Road Crossgar Downpatrick		

PROPOSAL Proposed 2 No Dwellings on an infill site under Policy CTY8 of PPS21

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 17/04/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

317

ITEM NO	13	PAC Ref:	2019/A0012
Planning Ref:	LA07/2018/1273/	DEA	Crotlieve
APPELLANT	Ms A Dunford		
LOCATION	Lands Adjacent And North Of No. 104 Burren Road Burren		
PROPOSAL	RT34 3XT Two storey detached dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14	PAC Ref:	2019/A0014
Planning Ref:	LA07/2018/1412/	DEA	Crotlieve
APPELLANT	Christopher Brown		
LOCATION	Adjacent To And West Of No.40 Ballygorian Road Ballygorian		
PROPOSAL	Hilltown Proposed replacement dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

318

ITEM NO	15	PAC Ref:	2019/A0016
Planning Ref:	LA07/2018/0185/	DEA	Slieve Croob
APPELLANT	Michael Doran		
LOCATION	Opposite 37 Carricknab Road Downpatrick		
PROPOSAL	Proposed new dwelling on a farm		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2019/A0017
Planning Ref:	LA07/2018/1635/	DEA	The Mournes
APPELLANT	James Morgan		
LOCATION	87 Head Road Ballymartin		
PROPOSAL	RT34 APII Alterations and extension to dwelling in substitution to approval LA07/2016/0646/F		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	01/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

319

ITEM NO	17	PAC Ref:	2019/A0020
Planning Ref:	LA07/2018/0085/	DEA	Rowallane
APPELLANT	William Lindsay		
LOCATION	Land Opposite And To The South Of 18 Ringdufferin Road Rathcuuingham		
PROPOSAL	T ^{ove} Single dwelling under CTY 6		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2019/A0023
Planning Ref:	LA07/2018/0264/	DEA	Downpatrick
APPELLANT	Steven Skelly		
LOCATION	36 Demense Heights Downpatrick		
PROPOSAL	Extension to dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

320

ITEM NO	19	PAC Ref:	2019/A0025
Planning Ref:	LA07/2017/0707/	DEA	Crotlieve
APPELLANT	Mr John Annett		
LOCATION	75m North East Of 29 Rath Road Warrenpoint		

PROPOSAL

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20	PAC Ref:	2019/A0027
Planning Ref:	LA07/2018/1663/	DEA	Downpatrick
APPELLANT	Mr & Mrs Cyril Hamilton		
LOCATION	Between 153 & 157 Strangford Road Downpatrick		

PROPOSAL Dwelling (infill Site)

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

321

ITEM NO	21	PAC Ref:	2019/A0028
Planning Ref:	LA07/2017/1849/	DEA	Rowallane
APPELLANT	Mr N Graham		
LOCATION	6-10 Fairview Saintfield Parks Saintfield		
PROPOSAL	Erection of 9 no domestic dwellings (Townhouses)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/05/2019
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:	2019/A0031
Planning Ref:	LA07/2018/0128/	DEA	Rowallane
APPELLANT	Paul Scott		
LOCATION	Lands 195m SSE Of 95 Cahard Road Cahard Ballinahinch		
PROPOSAL	New private access to dwelling previously approved under LA07/2017/1210/RM		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

322

ITEM NO	23	PAC Ref:	2019/A0032
Planning Ref:	LA07/2018/0672/	DEA	The Mournes
APPELLANT	Marc Morgan		
LOCATION	Approx 50m North West West Of 53 Tullyree Road		
PROPOSAL	^{Kilronn} Infill dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2019/A0035
Planning Ref:	LA07/2018/1266/	DEA	Slieve Croob
APPELLANT	Mr S O'Hare		
LOCATION	Lands Approx. 200m SW Of 59 Demesne Road Seaforde		
PROPOSAL	^{Ballynahinch} Proposed farm building and animal handling facility (amended plans)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

323

ITEM NO	25	PAC Ref:	2019/A0037
Planning Ref:	LA07/2018/1371/	DEA	Slieve Croob
APPELLANT	Mr Christopher Rea		
LOCATION	Between 52 & 52A Magheralone Road Ballynahinch		
PROPOSAL	Single dwelling house and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/05/2019
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:	2019/A0038
Planning Ref:	LA07/2018/0787/	DEA	Crotlieve
APPELLANT	Maria Morgan		
LOCATION	Approximately 30 Metres North East Of 75 Benagh Road Newry		
PROPOSAL	RT34 2.IF Erection of dwelling and garage (gap site)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	20/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

324

ITEM NO	27	PAC Ref:	2019/A0041
Planning Ref:	LA07/2017/1799/	DEA	The Mournes
APPELLANT	H Lynch & E Ferguson		
LOCATION	Land East Of 2 Castle Place Newcastle		
PROPOSAL	RT33, 044 2 No Apartments with associated parking and amenity		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/05/2019
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:	2019/A0049
Planning Ref:	LA07/2017/1488/	DEA	The Mournes
APPELLANT	Blackgate Developments Ltd		
LOCATION	Lands Approximately 60 Metres East Of No. 4 Beach Side Harbour Road Kilkeel		
PROPOSAL	Proposed demolition of existing building and erection of 2 No. dwelling houses, retaining wall, landscaping and ancillary site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	29/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

325

ITEM NO	29	PAC Ref:	2019/A0050
Planning Ref:	LA07/2019/0164/	DEA	Slieve Croob
APPELLANT	Mr & Mrs N Crean		
LOCATION	38 Lighthouse Road Ballyward Castlewellan		
PROPOSAL	Replacement dwelling with retention of old dwelling as agricultural storage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	29/05/2019
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:	2019/A0051
Planning Ref:	LA07/2019/0018/	DEA	Downpatrick
APPELLANT	Mr Cavan Johnston		
LOCATION	Approximately 220m North East Of 51 Shore Road Strangford		
PROPOSAL	Retrospective agricultural building on footprint of existing agricultural building utilising existing rear wall		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

326

ITEM NO	31	PAC Ref:	2019/A0052
Planning Ref:	LA07/2018/1677/	DEA	Rowallane
APPELLANT LOCATION	BB&M Developments 1-4 The Hill Clay Road Shrinley		
PROPOSAL	Removal of the old remains of the four properties and building one new split level house with integral garage and parking		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2019/A0058
Planning Ref:	LA07/2018/1451/	DEA	The Mournes
APPELLANT LOCATION	G Hancock 64 Drummanmore Road Maghery Kilkeel		
PROPOSAL	Proposed retention of 2 No outbuildings within curtilage of existing dwelling for purposes ancillary to the enjoyment of the dwelling house.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

327

ITEM NO	33	PAC Ref:	2019/A0059
Planning Ref:	LA07/2018/1343/	DEA	Crotlieve
APPELLANT	Mr M Hills		
LOCATION	Lands South And Adjacent To 7 Benagh Road Newry		
PROPOSAL	Erection of a dwelling and garage and associated site works (Infill site)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	17/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34	PAC Ref:	2019/A0062
Planning Ref:	LA07/2019/0488/	DEA	Slieve Croob
APPELLANT	Brenda Rooney		
LOCATION	Approx 60m NE Of No 82 Bann Road Castlewellan		
PROPOSAL	Single storey dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

328

ITEM NO	35	PAC Ref:	2019/A0064
Planning Ref:	LA07/2018/0785/	DEA	Crotlieve
APPELLANT	Mr W McMahon		
LOCATION	Approximately 50 Meters North West Of 78 Upper Dromore Road Warrenpoint		
PROPOSAL	Proposed dwelling and detached garage (infill site)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	26/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36	PAC Ref:	2019/A0065
Planning Ref:	P/2014/0920/F	DEA	Crotlieve
APPELLANT	Mr Brian Mulholland		
LOCATION	To The Rear Of 37A Ballyholland Road Ballyholland Lower		
PROPOSAL	^{Newry} Retention of existing agricultural shed, hardstanding, agricultural laneway and earthen embankments		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

329

ITEM NO	37	PAC Ref:	2019/A0069
Planning Ref:	LA07/2018/0496/	DEA	Slieve Croob
APPELLANT	Eugene Stranney		
LOCATION	149 Ballydugan Road Downpatrick		
PROPOSAL	RT30 RHH Change of use of existing garage, study & games room to a dwelling as ancillary to the main existing dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	38	PAC Ref:	2019/A0082
Planning Ref:	LA07/2019/0013/	DEA	Slieve Croob
APPELLANT	Niall Branniff		
LOCATION	50 Drumkeeragh Road Ballynahinch		
PROPOSAL	Replacement dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

330

ITEM NO	39	PAC Ref:	2019/A0096
Planning Ref:	LA07/2018/0496/	DEA	Slieve Croob
APPELLANT LOCATION	Eugene Stranney 149 Ballydugan Road Downpatrick BT30 8HH		
PROPOSAL	Change of use of existing garage, study & games room to a dwelling as ancillary to the main existing dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	40	PAC Ref:	2019/E0001
Planning Ref:	LA07/2019/0210/	DEA	Crotlieve
APPELLANT LOCATION	Chris Kennedy 9a Moneymore Road Newry		
PROPOSAL	Private Dwelling and Garage		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	02/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

331

ITEM NO	41		
Planning Ref:	LA07/2018/1792/	PAC Ref:	2019/E0002
APPELLANT	Mr William McDonnell	DEA	Crotlieve
LOCATION	Aughnagon Road Opposite To 60 Derryleckagh Road Mayohridge		
PROPOSAL	Confirmation sought that construction works undertaken were lawful under planning reference P/2011/F and P/2007/0735/RM and therefore constituted a material start to the dwelling approved under P/2011/0124/F.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	16/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	42		
Planning Ref:	LA07/2018/1381/	PAC Ref:	2019/E0004
APPELLANT	Copart Uk LTD	DEA	Rowallane
LOCATION	39 Junction Road Saintfield Co Down		
PROPOSAL	Vehicle storage, dismantling and sales operation		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	17/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

332

ITEM NO	43	PAC Ref:	2019/E0010
Planning Ref:	LA07/2019/0277/	DEA	The Mournes
APPELLANT LOCATION	Mr Kieran Campbel 1a And 1b Greenhill Park Newcastle		
PROPOSAL	Use of building as 2 separate residential properties comprising 1A and 1B Greenhill Park		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	29/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	44	PAC Ref:	2019/E0025
Planning Ref:	LA07/2019/0459/	DEA	Slieve Gullion
APPELLANT LOCATION	Roger And Simon Foster 165m North West Of 20 Barkers Road Newtownhamilton		
PROPOSAL	To confirm that the works which were undertaken to construct a building to accommodate heating boilers, associated plant and staff welfare facility and the erection of a vertical storage silo were lawful.		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	18/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

333

ITEM NO	45	PAC Ref:	2019/E0026
Planning Ref:	LA07/2019/0460/	DEA	Slieve Gullion
APPELLANT LOCATION	Roger And Simon Foster 65m SW Of 8 Blaney Road Newtownhamilton Newry		
PROPOSAL			

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	18/07/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	46	PAC Ref:	A07/2018/0128/F
Planning Ref:	LA07/2018/0128/	DEA	Rowallane
APPELLANT LOCATION	Paul Scott Lands 195m SSE Of 95 Cahard Road Cahard Ballynahinch		
PROPOSAL	New private access to dwelling previously approved under LA07/2017/1210/RM		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	16/05/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

PAC Reference : 2019/E0016

**Departmental
Reference :** LA07/2016/0305/CA

Development : The alleged unauthorised construction of a building, construction of an extension to a building, siting of silos and construction of a retaining wall.
Demolish retaining wall and restore lands to former condition

Location : Land at Tullyherron Farm Feeds, 38 Tullyherron Road, Mountnorris, Armagh,
BT60 2UF

Appellant : Kieran Shields

Appeal Type : Enforcement Appeal

**Commission
Decision Issued :** 30/07/2019

**Commission
Decision :** Withdrawn



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/A0143.
Appeal by:	D & M Downey.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Retention of change of use of agricultural land adjacent to established retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.
Location:	Lands to west and south of existing retail units at Nos. 113-117 Dublin Road, Newry.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	LA07/2018/0457/F.
Procedure:	Hearing on 5 March 2019.
Decision by:	Commissioner Mark Watson, dated 10 July 2019.

Decision

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

Preliminary Matters

2. The detail of the proposed boundary fence treatment shown on the originally submitted site layout drawing was mistakenly omitted from the revised site layout drawing submitted to the Council during processing of the application. That revised drawing ultimately formed one of the stamped refused drawings. At the hearing the Appellants submitted copies of the proposed fencing treatment detail in order to complete the drawing set. This drawing does not add to or change the proposed development, but merely provides a detail which had formed part of the application at the outset. The drawing would not constitute a new matter as understood under section 59 of the Planning Act (NI) 2011, nor would any prejudice to third parties unaware of its submission arise given it had previously formed part of the application in the first instance and does not alter the substance of the appeal development. The drawing is admissible and will form part of my consideration of the appeal development.
3. The Council pointed to a section of the site layout drawing showing a laneway along the northern portion of the site adjacent to the northern most building, No. 113 Dublin Road. It pointed out that this part of the overall complex lay outside the red line of the planning application. The Appellants stated that no changes are proposed in that area and that the laneway and fencing shown on that part of the land already exist. This is indeed the case and I agree that it does not in itself form part of the appeal proposal despite being shown on the Site Layout for the

purposes of completeness. In any event any decision in relation to this appeal does not apply to that particular section of land as it lies outside the red line of the application.

Reasons

4. The main issues in this appeal are whether or not the retention of the development would:
 - be acceptable in principle, particularly in respect of whether it would be in compliance with the provisions of the Local Development Plan (LDP);
 - adversely impact on the existing drainage conditions for a neighbouring residential estate.
 - result in traffic congestion; and
 - result in an unacceptable adverse impact on the residential amenity of a neighbouring property.
5. The appeal site comprises a portion of land to the west and south of three large shed structures, Nos. 113 – 117 Dublin Road, situated on the western side of the Dublin Road. No. 117, the southern-most unit, is in use as a SuperValu retail store, whilst the middle unit, No. 115, is operated by a charity selling furniture items. The northern-most unit, No. 113, is a pet supplies superstore. The appeal site predominantly comprises a rectangular strip of land that lies to the rear of these units. It is hardcored and slopes downwards to the north where it abuts a series of dwellings including No. 105 Dublin Road. An elongated bund of overgrown topsoil lies along the western most edge of the site, with a post and wire fence providing the boundary with the adjacent agricultural field. To the north-west of the site lies the Edencrieve residential estate.
6. The Appellants operate the SuperValu store and seek to retain the appeal site for additional parking and servicing space for that unit as well as the adjacent units. The SuperValu business at No. 117 employs 24 full time staff and 16 part time and provides the normal range of convenience goods, as well as a hot food offer. A branch of the Post Office was also opened within No. 117 in the last year. The appeal development would provide formally laid out parking spaces, including disabled parking spaces, as well as affording sufficient space for servicing by larger vehicles and circulation space for manoeuvring. A one-way traffic system within the curtilage of the units is proposed. A landscaped area is proposed along the western edge comprised of belt planting and a 2.4m high Ixex Eco Panel fence.
7. There was no contention between the parties that the use on the appeal site was parking ancillary to the already established retail use. The three existing units were initially granted planning permission between 1992 and 1996, with a bulky goods restriction placed on two of the units. A planning application to convert No. 117 to a convenience shop with petrol filling station was granted permission on 19 March 2014 (ref. P/2011/0556/F). This development entailed removal of No. 115 in order to provide the area for the pumps, though No. 115 was not demolished. An application for sub-division of No. 115 (ref. LA07/2016/0952/F) was refused permission by the Council in 2017 and a subsequent appeal against that decision was withdrawn. A Certificate of Lawfulness of Existing Use or Development (CLEUD) for the Class A1 retail use in No. 117 was refused on 19 March 2015 (ref. P/2014/0689/LDP), but subsequently granted on appeal (ref. 2015/E0001) on

2 September 2015. An extension to No. 117 for servicing and storage space (ref. LA07/2017/0850/F) was granted on 8 December 2017.

The principle of development

8. Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge Newry & Mourne Area Plan 2015 (BNMAP) is the LDP for the area the site lies within. The appeal site is within the settlement limit for Newry and is part of zoning NY58, a housing zoning at Chancellors Road / Dublin Road.
9. At paragraph 3.9 of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' (SPPS) it states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 3.8 of the SPPS states that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
10. Paragraph 3.8 of the SPPS provides the basis for the Council's second reason for refusal. However, BNMAP is not an up-to-date plan for the purposes of the SPPS, as it was prepared and adopted prior to the publication of the SPPS itself. The Council's reason for refusal is not sustained, however the general issue of compliance or otherwise with the statutory LDP remains a valid consideration and is encompassed by the first reason for refusal.
11. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the SPPS and those of Revised Planning Policy Statement 15 – Planning and Flood Risk (PPS15) and Planning Policy Statement 3 – Access, Movement and Parking (PPS3). PPS15 and PPS3 remain the applicable policy context to consider certain aspects of the appeal development against.
12. Policy SMT2 '*Development on Zoned Land*' of BNMAP states that planning permission will be granted for the specified uses as well as any range of uses included within the Key Site Requirements (KSRs) and any specified complementary uses. The supporting text states that development proposals on zoned land will be considered in the context of all prevailing regional policy and with any relevant Plan Policies and Proposals, including where specified, KSRs.
13. Zoning NY58 contains three KSRs, the first of which is that a minimum of 24 dwellings shall be provided for social housing. The Council stated that this provision could still be met within the portion of the zoning outwith the appeal site and that in the previous application LA07/2016/0952/F the NI Housing Executive had raised no objections provided the 24 dwellings could still be provided within the overall zoning. I agree with the Council's assessment that the appeal

development would not offend this KSR. There was no contention that the other two KSRs relating to housing density and the point of access onto Edencrieve would be prejudiced by the appeal development, although it was accepted that there would be a consequent overall lower housing yield for the zoning were the appeal to succeed.

14. The Appellants are correct that Policy SMT2 is a permissive policy, one which promotes appropriate development on zoned land. The amplification text for Policy SMT2 states that in general where land is proposed for a specific use, then any proposals should be primarily composed of that use but may be accompanied by a complementary use. The word 'may' suggests a degree of flexibility but not an automatic acceptance of proposals for complementary uses. The pertinent example to this appeal is given of housing developments being accompanied by, in some cases, a local convenience shop. The Appellants considered that the appeal development could represent such a complementary development to housing on NY58. The amplification text for SMT2 goes on to state that KSRs have been used where appropriate to specify such uses and identify unacceptable land uses, however, the only reference within the NY58 KSRs relating to land use is the aforementioned requirement for a minimum of 24 social housing units.
15. Although the policy is not an absolute prohibition on other uses, it does not follow that other uses will automatically be acceptable and I note the reference on page 18 of BNMAP where it states that the zoning of land provides a basis for rational and consistent decisions on planning applications and provides a measure of certainty about which types of development will and will not be permitted. The size of the retail use the appeal development would serve in parking terms is substantially larger and has a greater catchment area than that of a local convenience shop, which would have a very limited catchment area. The Council pointed to the sizeable catchment area for SuperValu, as evidenced in supporting material that accompanied an earlier application by the Appellants. It must also be noted that the appeal development seeks retention of parking ancillary to an existing mix of convenience and comparison retailing rather than representing a local convenience retail use in its own right.
16. Notwithstanding the actual appeal development use itself, in order for a use to be complementary to the development of NY58 for housing, to my mind such a use would also have to either accompany that housing development, or at least be designed in line with that main housing use on the zoning, even if not brought forward concurrently. This is not the case in respect of the appeal development which has been brought forward independent to any housing proposal for NY58 and as a result of a stated need for parking to serve the existing retail development. The appeal development would also be physically separate from any housing brought forward within zoning NY58, with no linkages between the appeal site and remainder of the zoning proposed.
17. In an earlier submission by the Appellants reference was made to an approved application for extension to a waste management business on zoned housing land (ref. P/2010/0650/F) granted in May 2013. The Council stated that this was approved on the basis that BNMAP was in draft form at that stage and afforded less weight in the decision making process. I accept that application granted permission by the then Department of the Environment is not on all fours with the appeal development.

18. The appeal development does not comply with zoning NY58 and although it only takes up a portion of the housing zoning, for the reasons given above I am not persuaded that the car park use would be one complimentary to the zoning itself. Although the BNMAP objectives include facilitating economic development and facilitating appropriate development within existing urban areas that will, amongst other stated aims, promote urban renaissance, these would not justify the appeal development. Retention of the appeal development would fail to comply with Policy SMT2, zoning NY58 and the provisions of BNMAP read as a whole.
19. The Appellants presented a number of other material considerations that they considered outweighed any potential conflict with the LDP. These are addressed below. The Appellants own the portion of NY58 constituted by the appeal site and stated that it would never be utilised for housing. They also pointed out that the remainder of the site was unlikely to be developed for housing given their local knowledge of the farmer who owns the majority share of the zoning, as well that individual's intentions for his farm business. Ownership in itself is not a barrier that would necessarily preclude future housing proposals coming forward on NY58 or justify the appeal development, nor would the current or future farming practices of the majority landowner of the zoning. Thus I afford these particular matters little weight.
20. The Appellants pointed out that the appeal site represented approximately 17% of the overall zoning. The portion of the zoning constituted by the appeal site is a discrete field along the western edge of the zoning, separated from the remainder of the land by a partial hedge line and fence. In the event of permission being granted, its removal from NY58 would not prejudice the ability of the remainder of the zoning to be comprehensively developed to create a quality residential environment, whilst also meeting the three KSRs, including the provision of a minimum of 24 social housing units. I agree that the granting of permission would not prejudice the existing overall BNMAP plan strategy. The Appellants drew my attention to the Preferred Options Paper for the Council's emerging LDP, which indicated a remaining housing potential at 1st April 2016 for 3089 housing units in Newry. I agree that the loss of potentially up to 12 dwelling units would not prejudice either BNMAP, or the emerging draft LDP.
21. As it stands there is a parking shortfall within the site, with manoeuvring of large delivery vehicles having been made difficult by the restricted site and circulation space. The Council considered that the parking shortfall has been brought about by the failure to fully implement the previous permission LA07/2016/0952/F, with retention of No. 115, which was to serve as the petrol pumps area for that earlier permission. The Appellants gave reasons why they had no intention of implementing the petrol filling station element of the previous permission, namely; the border location of the site, fuel being much cheaper south of the border, uncertainty over Brexit and the increasing popularity of hybrid vehicles. They considered that these factors made a petrol filling station an unattractive prospect. Whilst these points do not demonstrate a lack of financial viability, they are nevertheless persuasive that a petrol filling station in this location would present a certain level of risk. Whilst the Objectors considered that the petrol pumps could be implemented at any point through the existing part-implemented permission, my starting point for consideration must be the existing development on site as it stands.

22. The Council considered that the aforementioned retention of No. 115 has resulted in a situation where the existing retail site has essentially become over-developed. I do not disagree with this, however, the appeal development before me is not an expansion of retailing at this location; that has already taken place previously and is not subject of this appeal. Rather the appeal development is an effort to improve the parking standard to a level appropriate to the level of existing retailing at this location. The Class A1 retail use operating in SuperValu was confirmed as being lawful through the CLEUD granted in September 2015. That CLEUD did not and could not compel any uplift in parking standards. Although there were minor differences between the parties in calculating the number of parking spaces required, DFI Roads raised no objections to the appeal development. Notwithstanding the history of development on the site that ultimately brought about the current situation, the appeal development presents an opportunity to improve parking standards and circulation space, including proper implementation of the one way system. The benefits for road safety arising from these improved standards within the appeal site would not be insubstantial.
23. The Council considered that the potential for a wide-ranging precedent existed should permission be granted. I am not persuaded of this given the specific history of development in this location combined with the relatively small proportion of the overall zoning constituted by the appeal site, as well as its discreet physical character relative to the remainder of the zoning. These are such that the granting of permission would have a minimal and non-critical impact on the ability to design and deliver the remainder of the zoning for housing, as well as negligible impact on the overall plan strategy of BNMAP. I am therefore not persuaded that the appeal development if granted permission would set a precedent for other zonings to be developed for uses or complementary uses not specified in BNMAP. In any event, each application must also be considered on its own merits.
24. Whilst the appeal development does not comply with the provisions of the LDP, I find that the above material considerations taken as a whole outweigh this. The Council's objections in principle to retention of the appeal development are therefore not sustained.

Drainage Issues

25. Objectors at the planning application stage raised concerns that the drainage infrastructure at Edencrieve, where problems previously existed, could potentially be impacted by the appeal development. The Appellant submitted a Drainage Assessment along with their Statement of Case which is persuasive that the appeal development would not result in any adverse hydrological impacts or increase drainage or flood risk to Edencrieve. The appeal development does not offend prevailing policy within PPS15 and I note that DFI Rivers had not raised any objections during the application process. This matter would not warrant the withholding of planning permission.

Traffic

26. Objectors raised concerns of traffic intensification arising and pointed to the very busy nature of the Dublin Road. The Dublin Road is a heavily trafficked road in and out of the city, particularly during peak periods. I note the Appellants' point

that a petrol filling station at this location could as readily attract a large amount of traffic to the site compared to that attracted by the present use in No. 115, as well as those visits being short-lived but more frequent if stopping for fuel. The premises which the appeal development serve have an appropriate standard of access, including a right turn lane. I note that DFI Roads raised no objections to the appeal development. From the evidence before me, as well as my own observations on site, I am not persuaded that retention of the appeal development would generate additional traffic above what is already using the premises at Nos. 113 – 117 Dublin Road or significantly inconvenience the flow of traffic on the Dublin Road. The appeal development would not be at odds with the provisions of PPS3 and this matter would not warrant the withholding of planning permission.

Residential amenity matters

27. The Objectors at No. 105 Dublin Road raised concerns pertaining to their residential amenity. They stated that they had suffered damage to the southern boundary of their property when excavations took place on the site, which left their oil tank which lies next to that party boundary exposed. Fears were raised that with the car park directly next to the oil tank and the lack of a defined boundary treatment, the oil could be at risk from theft. The appeal development proposes a fence and planting along the party boundary with No 105 as part of the overall landscaping scheme. I am not however persuaded of the need for a masonry wall along this boundary, as was suggested by the Objector in his written submission, as the proposed fencing and planting would be sufficient for both landscaping purposes and securing the boundary between No. 105 and the appeal site. The proposed boundary treatment can be secured by condition in the event of permission being granted.
28. The Objectors at No. 105 Dublin Road also stated that they had suffered from litter blowing into their property from the appeal site. Whilst litter on the appeal site would be a management matter for the Appellants, I accept that it would be difficult at best to completely stop some customers from choosing to dispose of their litter in such an irresponsible manner. However, the proposed boundary treatment would prevent any such instances of improperly disposed of litter blowing into neighbouring properties including No. 105 Dublin Road. Whilst the Objectors also sought controls over the hot food preparation and extraction system regime within the SuperValu, this appeal relates only to the retention of the car park area. These matters would not warrant the withholding of planning permission.
29. The Objectors at No 105 stated that the two security lights on the rear of No. 115 shine into the rear of their property and although the Appellants did lower the angle some time ago they nevertheless remain an issue. The in-situ lighting to the rear of No. 115 does not lie within the appeal site, nor form part of the appeal proposal, though the Appellants did state that in the event of permission being granted for the appeal development they would undertake to assess the lighting regime for the overall premises. I note that the proposed fencing and planting along the party boundary with No. 105 would assist to a degree with any potential glare into the rear garden. However, nevertheless, the stated concern about lighting resulting in glare into the rear of No. 105 and its garden area is not a matter for this appeal, nor one that would justify the refusal of planning permission for the appeal development.

30. The Objectors also pointed to instances of lorry drivers parking overnight in the appeal site area, including on several instances sleeping in the cabs of their vehicles. The Appellants stated that they had no knowledge of this but did occasionally allow the temporary parking of an empty articulated lorry trailer by a neighbour. The use by lorry drivers of the appeal site as an overnight stopover would be a management issue for the Appellants, but not a matter that would justify the withholding of planning permission for the appeal development.
31. I was told of a period of time around a year ago when the garden at No. 105 Dublin Road was infested with vermin. Poison was laid down to deal with the rats and the Objectors stated that no more have been seen in the past several months. The Objectors suspected that the vermin were a result of the hot food offer at SuperValu and litter issues given the timing of the introduction of that service and the infestation. I have no evidence to directly link the appeal development to this prior infestation and I note that the Appellants are required to store their waste inside the premises in order to comply with certain environmental regulations. The Appellants also told me that they are required to have a rodent control regime in place as part of broader environmental health requirements. This matter would not warrant the withholding of planning permission.

Conclusions

32. Whilst the appeal development does not comply with the provisions of BNMAP, the various material considerations put forward by the Appellants in this case outweigh those provisions. Whilst some of the Objectors' concerns can be addressed through imposition of a landscaping condition, other third party matters raised would not warrant the withholding of planning permission. The various objections to the appeal development are not sustained and the appeal shall succeed. The matter of conditions remains to be considered.
33. The Council suggested a condition that the appeal site should not be sold or leased off from the existing buildings. Although the Appellants raised no objection to such a condition they did not consider it necessary as they would not wish to achieve the desired parking for the retail use and then subsequently dispose of it. Whilst I accept that it would be illogical for the Appellants to remove the parking from the retail buildings it serves, the intent behind the Council's condition is well founded. Given the accepted rationale for retention of the appeal development, a condition restricting the permanent use of the appeal site to parking ancillary to the retailing at Nos. 113 – 117 Dublin Road would be necessary in order to ensure that the parking, with its safety benefits, is retained for those retail units.
34. The Council also suggested a condition limiting the hours of operation of the car park. However, I am unaware of any such conditions restricting the opening hours of the retailing use within SuperValu. The Appellants suggested instead a restriction on servicing taking place on the site within certain periods of the day. They referred to the time periods for servicing contained in the Council's Environmental Health Department (EHD) consultation response for the previously refused application LA07/2016/0952/F, stating that these would be acceptable for the appeal development. I agree that restriction of delivery vehicles within the appeal site at those times of the day as stated in the EHD response would be necessary in the interests of preserving neighbouring residential amenity.

35. Given the works involved I agree that a period of 6 months would be reasonable to allow the carrying out of the hardstanding, marking out of spaces and the landscaping and boundary treatments for the development. I agree that the proposed planting should take place within the first available planting season after the various hard landscaping works have been carried out. The permanent retention of the landscaping would be necessary in the interests of preserving visual amenity.

Conditions

- (1) The lands contained with the area outlined in red on drawing No. 01 stamped received by the Council on 20 March 2018 shall be permanently retained for use as parking associated with the retail units at Nos. 113, 115 & 117 Dublin Road, Newry.
- (2) The car park area hereby approved shall not be utilised by delivery vehicles servicing the retail units prior to 07.00 hours or after 18.00 hours on any day.
- (3) Within 6 months of the date of this decision the car parking areas and all hard landscaping works, shown on drawing 02 (Rev1) stamped received by the Council on 19 June 2018 and drawing PAC1 stamped received by the Planning Appeals Commission on 5 March 2019, shall be implemented in full. The proposed planting shown on drawing 02 (Rev1) stamped received by the Council on 19 June 2018 shall be carried out in full during the first available planting season after the laying out of the car parking areas is complete. The landscaping shall be permanently retained thereafter unless agreed otherwise in writing with the Council prior to its removal.

This decision relates to the following drawings submitted with the application:-

DRAWING NUMBER	TITLE	SCALE	DATE
01	Site Location Map	1:2500	20/03/18
02(Rev1)	Proposed Site Plan (except in respect of the area to the north of No. 113 Dublin Road, outside the red line boundary shown on drawing 01)	1:200	18/06/18
PAC1	Fencing Detail	1:50	05/03/19

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:-	Mr G Murtagh (NM&D DC)
Appellant:-	Mr D Donaldson (Donaldson Planning) Mr M Downey (Appellant) Mr D Downey (Appellant)
Third Parties:-	Mr & Mrs V & C Toner (Objectors)

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices (NM & D DC)
Appellant:-	'B' Statement of Case & Appendices (Donaldson Planning) 'D' Copy of Fence Detail drawing (submitted at hearing) 'E' Copy of Environmental Health Department consultation response for previous application (submitted at hearing)
Third Parties:-	'C' Statement of Case (Mr V Toner)



Appeal Decision

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Appeal Reference:	2018/A0239
Appeal by:	Mr Ryan Rogan
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Between 11 and 13 Seavaghan Road, Ballynahinch
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0532/O
Procedure:	Written representations and Commissioner's site visit on 3 July 2019
Decision by:	Commissioner Rosemary Daly, dated 26 July 2019

Decision

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

Reasons

2. The main issues in this appeal relate to the principal of a new dwelling in the countryside and its impact on the settlement pattern and character of the area.
3. The appeal site is around 5 miles south east of Ballynahinch. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory plan for this area. In the plan the appeal site is located in the countryside and within a designated Green Belt. The plan advises the prevailing regional policy contained in Planning Policy Statement 21 Sustainable Development in the Countryside take precedence over the policy provisions of the plan. The application of Green Belt policy for this area no longer applies.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.
5. Paragraph 6.73 of the SPPS provides strategic policy for residential and non residential development in the countryside. It makes provision for the development of a gap site in an otherwise substantial and continuously built up frontage. It notes that planning permission will be refused for a building which creates or adds to a

- ribbon of development. There is no conflict between the provision of the SPPS and the retained policy contained in PPS21.
6. Policy CTY1 of PPS21 relates to development in the countryside and sets out a range of types of development which in principle are considered to be acceptable in the countryside that will contribute to the aims of sustainable development. One type of development is that of a gap site in accordance with Policy CTY8. The head note of Policy CTY1 additionally requires that proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. It therefore stands if the appeal development satisfies these requirements of CTY8 and the other environmental considerations it can then be considered as acceptable type of development in accordance with CTY1 of PPS21.
 7. Policy CTY8 states the planning permission will be refused for a building which creates or adds to a ribbon of development. As noted above the policy allows an exception in the form of the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it respects the existing settlement pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
 8. The appeal site is a roadside agricultural field, which runs down from the road side. The field is narrow, some 24 metres, along the roadside but widens out to the lower flatter part of the field to the west. The identified site boundary on the submitted location map overlaps with the curtilage and access to the adjacent property at 13 Seavaghan Road; this gives rise to a road frontage of some 48 metres. The site is flanked on both sides by two dwellings. To the northwest boundary is a two storey detached dwelling, at 11 Seavaghan Road, positioned back and down a driveway from the road. A mature boundary hedge including evergreen and deciduous trees defines the shared boundary between the appeal site and this property. To the southeast boundary is a single storey dwelling along the road side and set in a mature garden with a mix of recently planted trees and shrubs. To the east side of the dwelling (13 Seavaghan Road) is a detached garage which shares similar finishes, height and building line position as the main dwelling. A driveway, to the northern part of that site, permits access to the dwelling and also leads to the garage. However, a second access from the Seavaghan Road, to the south side of the dwelling at 13 Seavaghan Road, also permits access to the dwelling, garage and to the land behind on lower ground.
 9. Travelling along Seavaghan Road, the rural character is defined by a number of individual dwellings and groups of buildings sited along the road side and set back from the road. Development in the area is set within a drumlin landscape in the context of undulating landform, field gaps and the presence of mature roadside and boundary vegetation. The dwelling at 11 Seavaghan Road, despite its mature boundaries and its set back from the road is apparent when travelling along this part of the road. The property at 13 Seavaghan Road presents two individual buildings, to the road frontage, in the form of the dwelling and its detached garage. The garage has a small annex attached to its front elevation. This annex adds to the scale and size of the garage building. The double access to the property at 13 Seavaghan Road further adds to the development pattern and appearance of the

continuously built up frontage along this part of the Seavaghan Road. Accordingly at this location along the Seavaghan Road the three buildings share a common frontage onto the road and are visually linked.

10. The Council referred to appeal decision 2016/A0005. This appeal also considered the infilling of a gap between two dwellings. One of the dwellings had a detached outbuilding. In this instance the appeal was dismissed as the outbuilding was considered to be subordinate to the property at 36 Belmont Road rather than appearing as a building in its own merit. The Commissioner in this instance states that *"there are only two buildings which have frontage to the Belmont Road and therefore the appeal could not be considered to represent a gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantially built up frontage"*. Having considered the assessment of this decision in the context of this appeal, whilst the overall scale and size of the garage is smaller than the dwelling at 13 Seavaghan Road I do not find the detached garage in this instance to be entirely subordinate to the main dwelling. The garage, including its adjoining front annex, occupies a road frontage position equal to that of the dwelling on this site. It appears as a separate building with a common frontage onto the road side. For this reason I therefore do not find the appeal proposal to be on all fours with appeal 2016/A0005. Likewise, in the instance of appeal 2015/A0072, where the infilling of a gap was accepted was also assessed on its own merits and within its surrounding site specific characteristics, which are not exactly the same as the appeal site. Neither of these appeal decisions holds determining weight in this appeal.
11. The Council set out a table in their evidence which indicates that the appeal site has a narrower road frontage, of 48 metres, by comparison to an average of 62 metres road frontage to each side of the appeal site. Furthermore the table shows that the appeal site's overall size is larger than the surrounding plot sizes in the area. I do not consider the variance in the road frontage or the overall size of the site to be a determining factor in this instance taking account of the wider pattern of development in the area which offers a variety of plot sizes and road frontage width. A landscaping plan if submitted with the reserved matters application would assist the assimilation of any development on the appeal site within the surrounding character and development pattern of the area. The proposal would not create a ribbon of development along Seavaghan Road, especially as the site is a gap site within the context of three buildings. Accordingly the appeal proposal meets the exception stated by Policy CTY8 for the development of a small gap site sufficient to accommodate up to a maximum of two houses with an otherwise substantial and continuously built up frontage. The Council's second reason for refusal is not sustained.
12. The Council's third reason for refusal relates to Policy CTY14 of PPS21 which considers the impact of the development on the rural character. Given the surrounding mature vegetation and sloping nature of the site a new building would not be unduly prominent on the appeal site. A suitably designed dwelling would not give rise to a suburban style build up of development when viewed in the surrounding context. As noted above a dwelling and garage on the site would respect the traditional settlement pattern in the area and should not create or add to a ribbon of development as it meets the exception set out by Policy CTY8. A condition requiring the details of the site levels and height of the adjacent dwellings at 11 and 13 Seavaghan Road is not necessary given the variety of

height, size and position of dwellings on the landform in this area. The submission of a landscape scheme at reserved matters stage would also ensure that the impact of any ancillary works should not damage the rural character of the area. The appeal development satisfies the policy and environmental requirements of Policy CTY14. The Council's third reason for refusal is not sustained.

13. As the proposed development meets the requirement of Policy CTY8 and CTY14, it falls within the range of types of development which in principle are acceptable in the countryside in accordance with Policy CTY1 of PPS21. For this reason the Council's first reason for refusal is not sustained.
14. The evidence satisfies me that a safe access can be made onto the Seavaghan Road. Visibility splays of 2 metres by 45 metres are necessary to achieve a safe access and should be put in place before the commencement of any building operations on the site. Section 62 of the Planning Act (Northern Ireland) 2011 requires that time limits are imposed on outline planning permission. Given the sloping nature of the site it is necessary that any reserved matters includes plans showing existing and proposed ground levels and any retaining features.
15. As the proposed dwelling satisfies the requirements of regional policy as set out by PPS21 and the SPPS, subject to conditions, the appeal is allowed.

Conditions

- (1) Except as expressly provided for by conditions 2 and 3, the following reserved matters shall be as approved by the Council – the siting, design and external appearance of the buildings and the means of access thereto.
- (2) Visibility splays of 2 metres by 45 metres in each direction along Seavaghan Road shall be laid out before any works before any building operations commence and be thereafter permanently retained.
- (3) No development shall take place until there has been submitted to and approved by the council, a landscaping scheme showing:
 - i. a scheme of planting behind visibility splays;
 - ii. retention of the north west and south east boundaries at a height above 2 metres;
 - iii. planting along the west site boundary and within the site;
 - iv. details of any hard landscaping including walls and pillars.

The landscaping scheme should provide details of the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.

- (4) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point. The drawings shall also indicate the location, height and materials of any proposed retaining walls.

- (5) Application for approval of the reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
- (6) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the following drawings:

- Site Location Map Scale 1:2500 dated Newry, Mourne and Down District Council received 30 August 2018; and
- Proposed Access Plan Scale 1:500 dated Newry, Mourne and Down District Council received 1 August 2018.

COMMISSIONER ROSEMARY DALY

2018/A0239

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List of Documents

Planning Authority:-	"A"	Newry, Mourne and Down District Council Statement of Case
Appellant:-	"B"	Appellant's Statement of Case
	"B1"	Appellant's Comments



Appeal Decision

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Appeal Reference:	2018/A0191
Appeal by:	Anthony McIlwrath
Appeal against:	The refusal of outline planning permission
Proposed Development:	Erection of a dwelling
Location:	North and adjacent to 41 Old Park Road, Tievendarragh, Drumaness, Ballynahinch
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2018/0862/O
Procedure:	Written representations and Commissioner's site visit on 29 May 2019
Decision by:	Commissioner Andrea Kells, dated 22 nd July 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. Section 45(1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 operates as the development plan for the area where the appeal site is located. The site lies in the countryside, outside any settlement limit identified in the plan. The plan contains no material policies for the type of development proposed. No conflict arises between the policy provisions of the Strategic Planning Policy Statement for Northern Ireland and those of retained policy regarding issues relevant to this appeal. Accordingly, the main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). Policy CTY1 indicates that there are types of development acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 is entitled Ribbon Development. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that an exception will be permitted for the development of a

small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy defines a substantial and built up frontage as including a line of three or more buildings along a road frontage without accompanying development to the rear.

5. At its most simple level the policy requires that there be a line of three or more buildings along the frontage to constitute a substantial and built up frontage. The appellant contends that the substantial and built up frontage comprises seven buildings. These are:
 - the dwelling and garage at 47 Old Park Road
 - the dwelling at 45 Old Park Road
 - the dwelling, garage and outbuilding at 41A/43 Old Park Road (the different parties referred to this property with different addresses, both are referenced in this decision letter)
 - the dwelling at 41 Old Park Road.

It was common ground between the parties that 45 Old Park Road and 41 Old Park Road have a frontage to the laneway. There was dispute as to the remaining five buildings and it needs to be determined if they form part of a substantial and continuously built up frontage.

6. Paragraph 5.33 states that for the purpose of the policy a road frontage includes a footpath or private lane. In this case there is a dispute as to what constitutes the frontage. CTY8 applies to development along a frontage but does not apply to frontages. The buildings in the vicinity of the site are accessed via a laneway which leads from the Old Park Road. Approximately 40 metres from the access point with the Old Park Road the laneway splits. Number 47 has an individual access from this point leading to the plot which comprises a dwelling and garage. I note from my site visit that the individual nature of this access is identified by a gateway and a letter box with the individual house number. The appellant contended that the extent of this individual access falls to be considered as frontage to the laneway for the purposes of Policy CTY8. I acknowledge that the Justification and Amplification text of Policy CTY8 does refer to a "private lane". However, a private driveway serving a single curtilage is not a laneway for the purposes of the policy.
7. The individual access to 47 Old Park Road meets the laneway at a point adjacent to 45 Old Park Road. Whilst this access may lead to the dwelling and garage at 47 Old Park Road the curtilage of which is set back by approximately 66 metres, the access by itself does not constitute a building along the frontage. I conclude that the buildings at 47 Old Park Road do not make a contribution to a line of three or more buildings as required by policy.
8. A dwelling, a garage and an outbuilding comprise the three buildings at 41A/43 Old Park Road. Whilst a uniform building line is not a requirement of the policy it is necessary to undertake an assessment of the spatial relationship of the buildings within the plot to determine if they contribute to a line of three or more buildings along the frontage. The dwelling and garage are set back by approximately 160 metres from the lane. The outbuilding is positioned closer to

the laneway at approximately 80 metres from it. The dwelling and garage at 41A/43 are separated from the laneway by the properties at 47 Old Park Road and 45 Old Park Road. Consequently they do not have a frontage to the laneway. The spatial relationship of the outbuilding which is to the rear of the neighbouring property at 45 Old Park Road means it is physically separated from the laneway. Consequently, none of the buildings have a frontage to the laneway. All three buildings connect with the frontage via the access. Whilst the strips of overgrown land to either side of the access extend this area to 17 metres this does not constitute a building along the frontage. I am not persuaded that the three buildings at 41A/43 have a frontage to the laneway. I conclude that the buildings at 41A/43 Old Park Road do not make a contribution to a line of three or more buildings as required by policy.

9. This decision is made in the evidential context provided. However, for the avoidance of doubt, the parties were incorrect to conclude that 41 Old Park Road has a frontage to the laneway. As noted at my site visit, Number 41 also has an individual access as identified by a gateway and a letter box with the individual house number. The individual access starts at a point adjacent to the boundary with 41A/43, approximately 40 metres from the curtilage of the dwelling at 41. This is a private driveway. A private driveway serving a single dwelling house is not a laneway for the purposes of Policy CTY8 and therefore the appeal site cannot represent a small gap site in accordance with policy.
10. The appeal site does not lie within a line of three or more buildings along a road frontage. Given the above I conclude that no infill opportunity arises on the appeal site in line with CTY8 and as such matters relating to development pattern do not need to be addressed. The proposal does not meet the exception under policy CTY8 of PPS21. As the development does not meet CTY8, it does not meet Policy CTY1 of PPS21. There are no overriding reasons provided why the development is essential and could not be located in a settlement. The Council's two reasons for refusal are sustained. The appeal must fail.

This decision relates to the ACE Map stamped refused 21 December 2018.

COMMISSIONER ANDREA KELLS

List of Documents

Planning Authority:	"LPA 1"	Statement of case
Appellant:	"APP 1" "APP 2"	Statement of Case by GT Design Rebuttal Statement by GT Design



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
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Appeal Reference:	2018/A0222
Appeal by:	Brigin & Paddy Byrne.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Farm dwelling & garden/farm outbuilding.
Location:	Lands adjoining farm buildings at 28 Ballycander Road, Downpatrick.
Planning Authority:	Comhairle Ceantair an Iúir, Mhúrn agus an Dúin. Newry, Mourne & Down District Council.
Application Reference:	LA07/2018/1207/O.
Procedure:	Written representations and accompanied site visit on 12th June 2019.
Decision by:	Commissioner Damien Hannon, dated 4 th July 2018.

Decision

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

Reasons

2. The main issues raised by this appeal are whether the proposed development is acceptable in principle in the countryside and its impact on visual amenity and rural character.
3. The Ards and Down Area Plan 2015 (ADAP) is the relevant statutory development plan and designates the appeal site as located in the countryside and outside any specific policy area. The ADAP however, contains no policies specific to proposals for residential development in the countryside. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and retained policy regarding issues raised by this appeal. Consequently, Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21), provides the relevant policy context.
4. Policy CTY 1 of PPS 21 sets out a range of types of development which are acceptable in the countryside in principle. The appellant argued that the proposal was acceptable as a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling on a farm where all of three listed criteria are met. Criteria (a) and (b) relate to whether the farm is established and active and whether development opportunities on it have been disposed of. There was no dispute that the proposal would meet both these criteria. Criterion (c) requires a new building to be visually linked or sited to cluster

- with an established group of buildings on the farm. The council conceded that the proposed dwelling would be visually linked with an established group of buildings on the farm and I consequently conclude that criterion (c) would also be met.
5. Policy CTY 10 also requires development proposals to meet the requirements of policies CTY 13 and CTY 14. The council stated that the proposal would offend Policy CTY 13 as the buildings could not be visually integrated into the surrounding landscape. They specifically argued that criteria (b), (c) and (d) of Policy CTY 13 would not be met as the proposal and ancillary works would rely primarily on new landscaping to provide integration. The appeal site lies within a working farm consisting of a farmhouse and a cluster of farm buildings arranged around a farmyard, accessed off Ballyclander Road via a private concrete laneway of some 180m in length. A recently constructed farm building adjoins the western boundary of this group. It is proposed to site a dwelling to the west of the recently constructed building and to open a new access onto the Ballyclander Road.
 6. The southern boundary of the appeal site is vegetated and provision of the required visibility splays of 45m x 2.4m would necessitate only modest removal of roadside vegetation along the site's western boundary. Furthermore, the dwelling would be set in a hollow with steeply rising ground to the north. Remaining roadside vegetation, which could be augmented, would render views of a modest dwelling, from the road, limited and fleeting. I consider the remaining vegetation along the roadside and the site's southern boundary, the agricultural building adjacent to its eastern boundary and the landform backdrop to the north to provide a suitable degree of enclosure to allow a dwelling of 1.5 storey construction and an outbuilding to appear adequately integrated into the surrounding landscape. The council's objection on integration grounds and its second reason for refusal based on Policy CTY 13 is not sustained.
 7. Policy CTY 14 deals with the issue of rural character and states that Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It adds that a new building will be unacceptable where any of a number of stated criteria are met. The council argued that the proposal would offend Policy CTY 14 as it would engage criterion (d) by adding to a ribbon of development. Reference is made, in criterion (c), to Policy CTY 8, which specifically addresses the matter of ribbon development.
 8. I have described the layout of the farm complex above. None of the buildings that comprise this complex, including the dwelling, agricultural buildings clustered around the farmyard or the recently constructed agricultural building, have a frontage onto the Ballyclander Road. Indeed, only partial and fleeting views of these buildings are available from the road and particularly from the viewpoints mentioned by the council. From these public viewpoints, the buildings appear as a farm grouping and there is no perception of ribboning. I consequently conclude the council's objection, based on addition to ribbon development, not to be upheld and its third reason for refusal, based on Policies CTY 8 and CTY 14, not sustained.
 9. In this context I conclude that the proposal would meet all the requirements of Policy CTY 10 and therefore constitute acceptable development in the countryside in accordance with Policy CTY 1 of PPS 21. The council's objection in principle is not well founded and its first reason for refusal is not sustained. In the absence of

sustained objection, the appeal succeeds and outline planning permission is granted.

Conditions

- 1) Except as expressly provided for by conditions 2, 3 and 4, the following reserved matters shall be as approved by the council – the siting, design and external appearance of the buildings and the means of access thereto.
- 2) The ridge height of the dwelling shall not exceed 7metres above existing ground level at the lowest point within its footprint and underbuilding shall not exceed 0.5 metres at any point above existing ground level. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.
- 3) Visibility splays of 2.4m x 40m in each direction along Ballyclander Road shall be laid out before any building operations commence and be thereafter permanently retained.
- 4) No development shall take place until there has been submitted to and approved by the council, a landscaping scheme showing a scheme of planting behind visibility splays and providing the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the council gives written consent to any variation.
- 5) Application for approval of the reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
- 6) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision is based on the 1:500 scale Proposed Site Plan and Levels drawing incorporating an aerial photograph overlain Location Map numbered 41/A1/02 and stamped refused by the Council on 21 January 2019.

COMMISSIONER DAMIEN HANNON

List of Appearances

Planning Authority:-

Ms Cairra Cunningham

Appellant:-

Brigin & Paddy Byrne Ms Brigin

List of Documents

Planning Authority:-

COU1 Statement of Case

Appellant:-

APP1 Statement of Case

APP 2 Comments



Appeal Decision

Park House
87/91 Great Victoria Street
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Appeal Reference:	2018/A0209
Appeal by:	Mr John Rush
Appeal against:	The refusal of outline planning permission
Proposed Development:	Site for infill dwelling
Location:	Lands adjacent to and 29m east of No.15 Altnadua Road, Castlewellan
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2018/1393/O
Procedure:	Informal Hearing on 5 June 2019
Decision by:	Commissioner Brigid McGlinchey dated 1 July 2019

Decision

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

Reasons

2. The main issues in this appeal are whether the proposal is acceptable in principle in the countryside and whether a safe means of access can be achieved.
3. The relevant local development plan is the Newry & Mourne Area Plan 2015. In it, the site is located within an Area of Outstanding Natural Beauty (AONB) and within an Area of Constraint on Mineral Developments. The plan contains no policy specific to infill dwellings in the countryside. As the appeal site is located outside any settlement development limits, the relevant planning 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 Northern Ireland (SPPS) as a retained policy document. Another relevant retained policy document is Planning Policy Statement 3: Access, Movement and Parking (PPS3). The supplementary guidance provided in Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside (BoT) and Development Control Advice Note 15: Vehicular Access Standards (DCAN15) are also material considerations.
4. Notwithstanding that outline planning permission for an infill dwelling on the appeal site had formerly been approved in April 2014 by the then planning authority, Department of Environment (DOE), the Council are not bound by that decision. The Council are entitled to consider the application for an infill dwelling afresh and form its own different opinion. I note that full planning permission was also granted for an infill dwelling on an adjacent site in April 2014 by the DOE. That dwelling (No.13 Altnadua Road) has since been erected.
5. Policy CTY1 of PPS21 specifies a range of types of development considered acceptable in principle in the countryside and that will contribute to the aims of

sustainable development. One of these is a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

6. Policy CTY8 is entitled 'Ribbon Development' and states that planning permission will be refused for a building which creates or adds to a ribbon of development. Despite this opening statement, the policy goes on to advise that an exception will be permitted for the development of a small gap site sufficient only to accommodate 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. It goes on to note that for the purposes of this policy a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear. The appeal site lies within a line of fifteen buildings presenting a common frontage unto this side of Altnadua Road. There was no dispute that the definition of a substantial and built up frontage as set out in the policy is satisfied.
7. The appeal site encompasses two fields and extends back 160m from the road. The site has a narrow road frontage of 14m and rises up and broadens out. The buildings along this stretch of Altnadua Road display a variety of plot sizes and frontages. The Council argue that relative to the extent of the frontages of the adjacent plot sizes of Nos. 15 and 13 Altnadua Road (35m and 45m respectively) and that of No.11 (32m), the appeal site is too small to accommodate a dwelling. This analysis however fails to take account of paragraph 5.34 in the Justification and Amplification of Policy CTY8 which states that it is the gap between buildings rather than the appeal site that should be considered. The notional site layout plan submitted with the application indicated the proposed siting of the dwelling set back midway within the roadside field in between the dwellings on the adjacent plots of Nos. 15 and 13. These existing buildings are separated by a distance of approximately 65m. I consider that the extent of this building to building spacing represents a sufficient gap to accommodate the proposed dwelling.
8. The Council's assessment also failed to take cognisance of the widening configuration of the appeal site as it extends back from the road. Notwithstanding its narrow frontage, the appeal site broadens out with the notional site layout showing the dwelling positioned within part of the site that is 25-35m wide. This site configuration between other existing plots reflects an example of a site deemed likely to comply with Policy CTY8 in BoT (Erratum, p.71). There are no uniform plot sizes along the full extent of the substantially built up frontage along Altnadua Road. Though the width of the frontage of the appeal site is smaller than adjoining plots, I consider that when measured in line with the setback of the adjoining dwellings, the extent of the site would be comparable with that of other plots within the substantially built up frontage. Whilst the appeal site extending over two fields is very large relative to other plots, restricting the curtilage to the front field as proposed by the Council would result in a plot size that is comparable to others along the frontage. I consider that a dwelling sited on the appeal site with such a curtilage restriction would respect the existing development pattern. This could be secured by conditions.
9. Policy CTY8 also requires that the proposal meet other planning and environmental requirements which would include providing a safe means of access from the public road. Policy AMP2 of PPS3 indicates that planning permission will only be granted for a development proposal involving direct access onto a public road where the access will not prejudice road safety or significantly inconvenience the flow of traffic. It goes on to say that the acceptability of access arrangements will be assessed against published guidance contained in DCAN15. This guidance indicates that the visibility

splays required for an access are dependent on the volume of traffic on the road, the speed of traffic on the public road approaching the access and the use of the access. It indicates that a reduction in visibility standards may be permitted where it is judged that danger to road users is not likely to be caused. The normal standards and acceptable reduced standards for visibility (known as the bracketed figures) are indicated in Table B of DCAN15.

10. Altnadua Road is an unclassified road with a carriageway width of 4.7m which Dfi Roads stated carries a low volume of traffic. Based on its observations of passing vehicles, Dfi Roads stated that the speed of traffic using the road is approximately 30mph. My own observations would tally with this assessment. Dfi Roads stated that the required visibility for a new access onto Altnadua Road is 2.0m x 60m in each direction. The appellant however referred to the former planning permission for an infill site granted on the same site in 2014 where sight-lines of 2.0m x 33m in each direction were deemed acceptable by Dfi Roads in its assessment at that time and were approved. This was reflective of the bracketed figure in Table B of DCAN15. Though since that time an approved dwelling at No.13 has been approved and erected, this would not have a significant effect on the volume of traffic on the road and there has been no other material change. Since the current provisions of PPS3 would have been operational at that time, a reduced standard of 2.0m x 33m should be required in the present case in the interests of equity and fairness. Given the low volume of traffic on the road, I am confident that this standard of visibility is not likely to cause danger. This is the basis for my assessment.
11. From an examination on site by all the parties post hearing, it was confirmed that due to the curvature of the road to the left (east side), the requisite visibility of 33m is in place in that direction. To the right (west side), the remnants of a stone bank approximately 1m in height which protrudes beyond the front boundary wall of No.15 Altnadua Road lies within the visibility splay in that direction. Whilst the road slopes upwards and it is possible to see approaching traffic from the west above the wall from the proposed access point, some adjustment would be required in order to achieve full compliance in this direction to ensure no obstruction in visibility at any future date should the bank be increased in height. The adjacent property is not in the appellant's control. Nonetheless, the necessary visibility in that direction is capable in physical terms of being implemented. Paragraph 5.15 of the Justification and Amplification of Policy AMP2 envisages that a negative condition could be applied requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out. As such, I consider that a negative condition could be imposed to provide for a safe access and this matter would therefore not justify a rejection of the appeal. The final refusal for reason based on Policy AMP2 of PPS3 is not sustained.
12. Subject to the aforementioned siting and curtilage conditions, I am satisfied that the proposed buildings would broadly adhere to the prevailing existing development pattern. Subject to the provision of a safe access arrangement and the retention of the mature boundary hedgerow along the northeast boundary of the site which contributes to the enclosure of the site, I am satisfied that the other planning and environmental requirements would be met. I conclude that the proposal constitutes a small gap in a substantial and built up frontage as set out in Policy CTY8 and would meet the other planning and environmental requirements. The proposal would therefore represent a type of development that is acceptable in principle in the countryside under Policy CTY1. Consequently, the first and second reasons for refusal under are not sustained.
13. As all three reasons for refusal are not upheld, the appeal must succeed. The site is sloping and some alterations to the existing ground levels will be necessary to

facilitate a safe means of access and a platform for the buildings. A condition indicating floor levels of the proposed buildings relative to existing ground levels and to an identified datum point on Altnadua Road would therefore be required. In the interests of visual amenity, a condition requiring the retention of the existing mature hedgerow along the north-east boundary of the site and new planting along other boundaries is necessary. Given the separation distance between the appeal site and the existing dwellings, the relative difference in the level of No.15 relative to the appeal site and the mature hedgerow along the northeast boundary with No.13 which is to be retained, I consider that the potential for negative impact on the amenity of those existing properties would be negligible. A specific condition in respect of the design of the proposed dwelling to secure amenity is therefore not necessary.

Conditions

- (1) Except as expressly provided for by conditions 2, 3 and 5, the following reserved matters shall be approved by the Department – the siting, the design and external appearance of the dwelling and garage, the means of access thereto and the landscaping of the site.
- (2) The proposed dwelling and garage shall be sited in the crosshatched area coloured blue on the attached site location map marked PAC1.
- (3) The curtilage of the dwelling shall not extend beyond the crosshatched area coloured green on the attached site location map marked PAC1.
- (4) Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point on Altnadua Road.
- (5) Visibility splays of 2.0m x 33m in each direction at the access point onto Altnadua Road shall be laid out before any building operations commence and shall be permanently retained.
- (6) A landscaping plan shall be submitted as part of the reserved matters application showing:
 - The permanent retention of the mature hedgerow along the northeast boundary of the site;
 - New planting of native species hedgerow along the other boundaries of the curtilage of the site.
- (7) Application for the approval of reserved matters shall be made to the Department before the expiration of three years from the date of this decision.
- (8) The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the following drawings submitted with the application:-

- 01 1:2500 scale Site location plan;
- 02 1:500 scale Existing and proposed site layout plans + Site section (NTS);
- 03 1:500 scale Existing and proposed contextual elevations + Proposed site plan.

COMMISSIONER BRIGID McGLINCHEY

2018/A0209

Appearances

Planning Authority:- A McAlorney
R Loughlin, Dfi Roads
J McKillen, Dfi Roads

Appellant:- T Wilson

List of Documents

Planning Authority:- C1 Statement of case + Appendices

Appellant:- A1 Statement of case

A2 Rebuttal

PA-C 1

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

Planning 7/18/1393/0

Refused

For reasons set out on

Decision form LA07/2018/1393/0

Date 17-12-2018

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

10 SEP 2018

LA07/18/1393

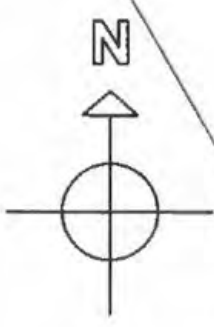
ALTNADUA ROAD

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project
 Outline Planning Application for site adjacent to 15 Altnadua Road, Castlewellan for Mr J Rush

title
 Site Location Plan

project no.	scale	date	drawing no.
1327	1:1250	Sept '18	201-plg





Appeal Decision

Park House
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Appeal Reference:	2018/E0060
Appeal by:	Mr M Johnston, Forest Park Developments
Appeal against:	The refusal of a Certificate of Lawfulness for Existing Use or Development
Subject:	Builders' storage yard
Location:	Immediately north-west of No. 4 Sawmill Road, Castlewellan
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2018/1844/LDE
Procedure:	Written Representations with accompanied site visit on 3 rd July 2019
Decision by:	Commissioner Julie de-Courcey dated 11 th July 2019

Decision

1. The appeal is allowed and a Certificate of lawfulness of existing use or development is granted.

Reasoning

2. A Certificate of lawfulness of existing use or development (CLEUD) is a statement specifying whether any operations which have been carried out on land and any existing use of buildings or other land is lawful on the date that the application for the CLEUD was made to the planning authority. The application for a CLEUD for "Retention of builders storage yard" was made to the Council on 26 November 2018, in accordance with Section 169 of the Planning Act (Northern Ireland) 2011 [the Act].
3. Section 169 (2) of the Act states that: "*For the purposes this Act uses and operations are lawful at any time if – (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)*". The Council, not being satisfied that the use of the land began more than 5 years before the date of the application, issued a refusal notice on 24 January 2019.
4. The appeal site includes a spur road, which is accessed via a field gate leading off Sawmill Road, and visibility splays onto the public road. A 2.5 – 3m high concrete block boundary wall separates the main body of the site from the spur road. The wall is set back from the spur road leaving a rough hard-surfaced strip in between. There is a wide gate in the wall, which leads into what the appellant contends is the builders' yard. This is what I shall refer to as the site from here on. It is 50m wide x 190m deep. The part that is nearest the spur road is relatively flat but

landform falls south-westwards into a river valley. The lower end of the site is very overgrown and steep; rendering it not readily accessible at the time of my inspection. There are building materials stored throughout the remainder of the site. The majority of them appear to be left-overs rather than materials newly bought in from the supplier. There was a digger on site at the time of my visit.

5. There are two buildings within the site. At the northern apex there is a block-built structure with a mono-pitch roof that is attached to and shares the boundary wall. It has a window and low door opening. Various building materials were stored therein at the time of my site visit. The second building is parallel to the site's south-eastern boundary and is constructed in green corrugated metal with a pitched roof (the green building). It is larger in scale and has a bigger footprint (approximately 4m x 7m) by comparison to the block building. It has two doors both of domestic scale. It was locked at the time of my site visit. The appellant said that various building materials are stored therein. The Council said that both buildings are exempt from enforcement action.
6. For this appeal to succeed the onus is on the appellant to show that, on the balance of probabilities, the site's use as a builders' yard commenced on or before 26 November 2013 (the critical date) and that the nature of the use has not changed during the following 5 years. The bulk of his photographic evidence pre-dates that critical date but his aim was to show that the use is long-established. That evidence comprises:
 - A Google Street View image from October 2008 showing the arm of a digger seen from Newcastle Road (A50). The appellant said that this indicates that it was being stored for the stated purpose. Nevertheless it could also have been on site to carry out engineering operations or for agricultural purposes;
 - An aerial view from May 2009 shows the site partially cleared of ground vegetation. The cleared area extended beyond the appeal site's south-western extent. As with this and the ensuing images, the green shed is evident but it could have been used for other than the stated purpose. The appellant has enlarged the image relating to the site's north-eastern corner and said that it shows a builders' digger located near the entrance and materials being stored in rows south of the shed. Other than an area of the enlarged image showing a yellow tinge, the digger is not discernible. At any rate, as set out above, a digger could be on site for purposes other than the stated use. It is possible to make out round objects immediately beside the shed, covering an area commensurate with about two-thirds of its footprint. They could be concrete pipes but I cannot be definitive on this. Even if the items on site were stored in association with the stated purpose, that use was limited to an area of no more than a quarter of the site;
 - A Street View screen capture from March 2011 shows the green building and what the appellant referred to as "*other ancillary buildings in the curtilage*". The image is too grainy to properly discern the size and nature of the other "buildings", they could possibly have been polytunnels and/or could have been on site for a purpose other than its use as a builder's storage yard;
 - A more legible aerial view from May 2012 shows a digger and more extensive use of the site for storage of items, albeit over less than half the site area.

Three concrete pipes of large diameter are stored in the south-western corner. Even with two enlarged inserts, it is not possible to say what the remaining items are. The concrete pipes could have been intended for use within the site for to improve drainage;

- An aerial image from 2014, after the critical date, shows 7 concrete pipes, mainly in the site's south-western corner. The appellant said that 3 enlarged inserts show "*builders lorries and other storage facilities*", "*building materials such as piping etc*" and "*building materials stored at rear of site*". The images are too distant and grainy to be able to make out anything other than the aforementioned pipes. Again, the items stored cover less than half the site and the intensity of use has waned since May 2012;
- The final aerial image is from Dec 2016, with three enlarged insets that the appellant has captioned: "*vehicle turning yard, lorries vans etc being held for builders purpose. Piping located bottom of picture*", "*storage mainly brought to the front of the site with various materials being held on pallets*" and "*piping and other materials stored*". The use of the site had intensified since 2014. From the distance and quality of the enlarged image, I cannot make out the vehicles and pipes to which the first inset refers. The pallets referred to in the second are not discernible. The site is undoubtedly being used for storage. However, whether that was for building materials and/or in association with a building contractor's business it is not possible to be conclusive on.

Taken in the round, of itself, this evidence is not persuasive that the site has been continuously used as a builders' yard for the period from 26 November 2013 to 26 November 2018.

7. The appearance of the items stored on site at the time of my site visit corroborates the appellant's submission that materials left over from construction sites are stored thereon. His point that it is common industry practice to keep costs down and save time by having materials delivered to the construction site rather than a builders' yard is persuasive. Therefore, whilst it would have been helpful to his case to submit documentation relating to materials delivered by suppliers to the appeal site, the absence of such receipts/invoices is not fatal to it.
8. A solicitors' firm submitted a statutory declaration dated 15 January 2019, on behalf of Mr J Kelly, a director of KMB Developments since 1993. It was made under oath and witnessed by a solicitor empowered to administer oaths for the Supreme Court of Judicature in Northern Ireland. I note that if Mr Kelly were found to have intentionally made a false statement, he could be liable for perjury.
9. Mr Kelly said that since 1993 his company has operated as building contractors. The appellant said that the company has built many large local developments. As my role is consider the evidence placed before me, I have not acted on his suggestion to search the Companies House website to garner further information on that company's operating history. A Land Registry extract is appended to the statutory declaration showing that on 15 January 2019 the appellant company owned 2 pieces of land comprised in a folio. The larger piece of land includes the site allegedly used for the stated use. Mr Kelly said that KMB Developments owned the lands within the folio from June 2007 until the company went into receivership in May 2016. He added that the appellant company bought the lands

in February 2017. In the intervening period between his company being taken over by receivers and the lands' sale to the appellant, Mr Kelly said that his company rented "*the premises*", which I take to be the site subject of the current appeal. He added that the tenancy has continued under the appellant's ownership until the date of his statutory declaration. He said that during the entirety of the period from June 2007 until 15 January 2019, the site has been: "*continuously used as a builders yard storing goods and materials such as timber, insulation, blocks and cement. We have also stored plant and machinery on the lands including fork lift trucks, lorries, diggers and vans*".

10. *Gabbitas v Secretary of State for the Environment and Newham Borough Council [1985] JPL 630* established that the appellant's own "self-serving" evidence cannot be rejected because it is uncorroborated or unchallenged. If such evidence is to be set aside there must be good and sufficient reasons for rejecting it. If the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to refuse the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous to justify the grant of a CLEUD on the balance of probability.
11. In this instance, the photographic evidence, by itself, is inconclusive. However, when considered in tandem with the statutory declaration and the appellant's explanation for the lack of supporting receipts/invoices bearing the site's address, the images lend support to those other two strands of evidence. Taken in the round and in the context of *Gabbitas*, the appellant has discharged his onus of proof that it is more likely than not that the use of the site (excluding the spur road and visibility splays shown on Drawing No. A4 - 01 Location Map) as a builder's storage yard had acquired immunity from enforcement action at the date the application subject of this appeal was made. Therefore, this use is lawful by virtue of section 169 (2) (a) of the Act and a CLEUD is granted.

COMMISSIONER JULIE DE-COURCEY

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on 26 November 2018 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown cross-hatched on Drawing No. A4 - 01 Location Map attached to this certificate was lawful within the meaning of section 169 of the Planning Act 2011, for the following reason:

- No enforcement action could be taken in respect of the use of the site as a builders' storage yard because the time for enforcement action had expired.

Signed

Julie de Courcey

COMMISSIONER JULIE DE-COURCEY

11 July 2019

FIRST SCHEDULE

1. The use of the site as a builders' storage yard.

SECOND SCHEDULE

Land immediately north-west of No. 4 Sawmill Road, Castlewellan as shown cross-hatched on the attached Drawing No. A4 - 01 Location Map

Notes:

(1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.

(2) It certifies that the use described in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under section 138 of the Planning Act (Northern Ireland) 2011 on that date.

(3) This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use that is materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.

Attendance at Site Visit

Planning Authority: Ms C Moane

Appellant: Mr E Morgan, Planning Permission Experts

List of Documents

Planning Authority: "LPA 1" Statement of Case
"LPA 2" "Supporting Evidence" submitted with the application subject of this appeal with 1 annex

Appellant: "APP 1" Statement of Case