



June 20th, 2019

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 26th June 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.

- Councillor Devlin

## 2.0 Declarations of Interest.

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

- Item 6 - LA07/2017/0078/F - erection of 3 light industrial units - 20m east of 223a Newcastle Road, Seaforde - all Councillors can take part in the discussion/decision on this application with the exception of **Councillors Devlin and Harte.**

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 29 May 2019. (Attached).

📎 *Planning Committee Minutes - 29 May 2019.pdf*

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### *For Discussion/Decision*

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

📎 *Addendum list - 26-06-2019.docx*

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

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## 6.0 LA07/2017/0078/F - erection of 3 light industrial units - 20m east of 223a Newcastle Road, Seaforde. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Kieran Carlin, Planning Permission Experts, on behalf of objectors Paul and Clodagh Killen; Mr and Mrs Trainer and John Knipe, Seaforde and District Community Association. **(Submission attached).**
- Ewart Davis, agent, is not seeking speaking rights but wishes the Committee to consider the attached submission in support of the application. **(Submission attached).**

- A representative of the Council's Environmental Health Department will be in attendance.

📄 [LA07-2017-0078-f- 3 light industrial units seaforde.pdf](#) Page 17

📄 [PlanningCommittee\\_Site\\_Visit\\_LA07\\_2017\\_0078\\_seaforde.pdf](#) Page 27

📄 [Item 6 - LA07-2017-0078-F \(support\).pdf](#) Page 28

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### ***Development Management - Planning Applications for determination***

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#### **7.0 LA07/2016/1606/F - proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off main street for 2 dwellings (amended proposal) - Cumran Park, Clough, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

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

📄 [LA07\\_2016\\_1606\\_F\\_Cumran.pdf](#) Page 30

📄 [Item 7 - LA07-2016-1606-F \(support\).pdf](#) Page 42

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### ***Development Management - Planning Applications for determination (in closed session)***

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#### **8.0 LA07/2018/0995/F - replacement dwelling previously approved under application R/2011/0332/F with new access (details amended - site location plan) - site south-east of 123b Ballylough Road, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Declan Rooney, agent, in support of the application. **(Submission to follow under separate cover).**

Item 8 is deemed to be restricted by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to an individual. The public may, by resolution, be excluded during this item of business.


📄 [LA07-2018-0995-F report replacement ballylough.pdf](#) Page 44

#### **9.0 P/2010/0904/F - erection of farm dwelling to include retention of existing foundations - 45m north of 18 Ballinasack Road, Mullaghbawn. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Owen McGinty, objecting to the application. **(Submission to follow under separate cover).**
- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application. **(Submission to follow under separate cover).**

Item 9 is deemed to be restricted by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information relating to an individual. The public may, by resolution, be excluded during this item of business.

 [P-2010-0904-F.pdf](#)

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***Development Management - Planning Applications for determination***

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**10.0 P/2013/0527/0 - proposed residential development of detached and semi-detached dwellings (to complete Carrickshane Housing Development) with associated site and landscape works - lands at McShane's Road to the west of Carrickshane and to the north of Orior Park, Bessbrook. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list


 [P-2013-0527-O.pdf](#)

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**11.0 P/2014/0106/F - retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

 [P-2014-0106-F.pdf](#)

Page 80

**12.0 P/2014/0891/F - information to address condition 07 of planning permission granted under planning ref P/2008/0084/F and modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F**

**(retrospective application). (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📄 *P-2014-0891-F.pdf*

Page 91

**13.0 LA07/2017/0791/F - erection of private housing development consisting of the demolition of the existing building at No. 12 Jonesborough Village and the erection of 4 No. dwellings (4 semi-detached), road improvement works, landscaping and associated site works (amended description and plans) - land to the rear of No. 12 Jonesborough Village, Jonesborough. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Kevin McGurran and Shane Carr, agents, in support of the application. **(Submission attached).**

📄 *LA07.2017.0791.F Revised Jonesborough.pdf*

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📄 *Item 13 - LA07-2017-0791-F (support).pdf*

Page 109

**14.0 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

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

📄 *LA0720171182F Strategic Filling Station (c).pdf*

Page 110

📄 *Item 14 - LA07-2017-1182-F (support).pdf*

Page 126

**15.0 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 and 8 Marie Villas, Burren. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Tom Stokes, agent; Ciaran Murdock, applicant and Paul Fegan, Senior Committee Member St. Mary's GAC Burren, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from Councillor D McAteer, in support of the application. **(Submission attached).**

📄 *LA07-2018-0073-Burren Housing (c).pdf* Page 142

📄 *Item 15 - LA07.2018.0073.F (Burren Hill).pdf* Page 164

📄 *Item 15 - support Cllr. McAteer.pdf* Page 165

**16.0 LA07/2018/0094/F - proposed training pitch with ball stops and associated fencing including 300m athletic circuit and extension of existing running/walking perimeter path - St. Mary's GAC Carrogs Road, Burren. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Tom Stokes, agent, Ciaran Murdock, applicant and Paul Fegan, Senior Committee Member St. Mary's GAC, Burren, in support of the application. **(Submission attached).**

📄 *LA07-2018-0094-Burren Playing Field Extension (c).pdf* Page 166

📄 *Item 16 - LA07.2018.0094.F - (Burren Training Pitch).pdf* Page 186

**17.0 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, BT34 1QA. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from James McConnell on behalf of Palcas Homes, in support of the application. **(Submission attached).**

**18.0 LA07/2019/0024/DCA - Complete removal of existing office to create unobstructed access to warehouse at the rear - 40 Greencastle Street, Kilkeel. (Case Officer report attached).**

Rec: CONSENT REFUSED

- A request for speaking rights has been received from David Annett, in support of the application. **(Submisison attached).**

**19.0 LA07/2019/0061/F - replacement dwelling and domestic garage (in place of LA07/2015/0972/0) - 90m SW of 368 Newry Road, Kilkeel. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

**20.0 LA07/2019/0305/F - proposed site access road widening with footpath for public vehicular access and disabled accessibility purposes to cemetery - Warrenpoint Municipal Cemetery. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

**21.0 LA07/2019/0321/F - Variation of condition - see below. (Case Officer Report attached).**

- Variation of condition No 6 of planning permission LA07/2016/1092/F. Condition 6 of the permission stated: 'Mineral extraction shall not commence in the extended area to the west of the current site until earth banks have been constructed using the overburden from the site as indicated on the approved drawing Nos. 04 REV 1 and 11 REV 1 date stamped 8 December 2017'. It is proposed to vary this

condition to read: 'To allow commencement of mineral extractions as approved in Phase 1 Extractions to coincide with the construction of the earth banks prior to the commencement of the approved extraction in Phase 2'. (Amended description) at Lands to the north and west of and the existing Leode Quarry Leode Road Hilltown Newry.

Rec: APPROVAL

- A request for speaking rights has been received from Gareth McCallion, agent and Paul Fitzpatrick, applicant, in support of the application. **(Submission attached).**

[LA07-2019-0321-F Leode Quarry.pdf](#)

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[Item 21 - LA07-2019-0321-F \(support\).pdf](#)

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### *For Discussion/Decision*

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#### **22.0 Request for delegated powers under The Planning Act (NI) 2011 and the Planning (Development Management) Regulations (NI) 2015 - LA07/2018/16277/F - variation of conditions on planning permission P/2009/0163/F for a food store and industrial/business park Carnbane Way/Sheppards Way, Newry. (Report attached).**

[Request for Delegated Authority. Agenda Item to be included at the next meeting of Planning Committee on 26 June 2019.pdf](#)

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#### **23.0 Regional Property Certificates - proposed increase in fees. (Attached).**

[Increase in Fees - report to Planning Committee 26 June 2019.pdf](#)

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### *Notices of Motion*

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#### **24.0 To consider the following Notice of Motion referred from the June Council Meeting as proposed by Councillor Enright:-**

“Newry Mourne and Down’s Draft Local Development Plan to 2030 (preferred options paper) went out for consultation in June 2018 and the consultation closed on 24th August 2018. The Development Plan is minimalistic in dealing with climate change. It notes the lack of National Government targets and uncertainty over the future of renewable targets. It comments that “there is no system-wide need for further renewable energy being connected to the grid” (key issue 18). The plan acknowledges that the Council has 160 kilometers of coastline, but there are no plans to deal with sea-level rise in the document.

In October 2018 the UN announced that we have 12 years to save the planet. UN scientists gave the starkest warning yet that our chances of tackling climate change and averting disaster are slipping away. They said delaying to 2030 would be too late to avoid a 2% rise in global temperatures and



climate catastrophe. The UN says action by government actors would need to be taken now. Westminster is paralyzed by Brexit and Stormont is not sitting,.

In view of this, and the UN's Climate Change warnings for 2030, Council declares a 'Climate Change Emergency' and will fundamentally revise and amend the draft of the 2030 Newry, Mourne and Down Development Plan (preferred options paper) to deal with rising sea levels, the need to transition to 100% renewable energy, the infrastructure for electrification of transport over the next 10 years and how our District can command a strategic advantage in being a major producer of renewable energy on the Island of Ireland to bring large numbers of well-paid jobs to the area and boost the commercial rates of the Council from new renewable installations in our area.”

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*For Noting*

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**25.0 Historic Tracking Sheet. (Attached).**

 *Planning HISTORIC TRACKING SHEET - UPDATED 04-06-2019.docx*

*Page 232*

**26.0 May 2019 Planning Committee Performance Report. (Attached).**

 *MAY 2019 Planning Committee Performance Report.pdf*

*Page 240*

**27.0 Report of meetings between Planning Officers and Public Representatives. (Attached).**

 *Record of Meetings report.pdf*

*Page 245*

**28.0 May 2019 Appeals and Decisions. (Attached).**

 *Current Appeals and Decisions May 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 29 May 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 L Devlin  
 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
Mr M Keane	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/046/2019: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

**P/047/2019: DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

Ms Ward advised that Items 3 and 4 on the Agenda were deemed to be exempt information and would therefore be taken 'In Committee'.

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on the following matter which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information**

**relating to financial or business affairs of any particular person (including the Council holding that information).**

**P/048/2019: AGREEMENT ON CALL-IN PANEL**

Ms Ward advised that as per protocol, the Call-In Panel would consist of three members of the Planning Committee; the Chair of Planning Committee, an SDLP member and a Unionist member and this would rotate on a six monthly basis with the Vice Chair of the Committee sitting on the Panel along with a representative from Sinn Fein and SDLP for the second six months.

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Harte, it was agreed that the Chair of Planning Committee - Councillor Larkin, Councillor Hanna and Councillor McAteer would sit on the Call-In Panel for the first 6 months and the Vice Chair together with a representative from Sinn Fein and SDLP parties for the second six months.**

**P/049/2019: AGREEMENT ON LOCAL DEVELOPMENT PLAN STEERING GROUP**

Ms Ward advised the Local Development Plan Steering Group had now moved under the remit of the Planning Department and Membership of the Steering Group should comprise the Members of the Planning Committee.

**AGREED:** **On the proposal of Councillor Clarke, seconded by Councillor Hanna it was agreed that the membership of the Local Development Plan Steering Group should comprise the Members of the Planning Committee.**

**P/050/2019: 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:-

- **Item 6** - LA07/2018/0650/F - proposed dwelling to the rear of 45 Greenpark Road, Rostrevor - Members who were present for the entire item were **Councillors Casey, Hanna, Harte, Larkin, McAteer and Ruane** (plus former Councillors Craig and Loughran).
- **Item 7** - LA07/2018/1193/F - off site replacement dwellign with detached garage - approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan - Members who were present for the entire item were **Councillors Larkin, Casey, Harte, McAteer, Ruane** (plus former Councillors Craig, Macauley and Loughran)
- **Item 8** - LA07/2016/0758/F - new dwelling and garage - lands approximately 50m south of 56 Crawfordstown Road, Drumaness - Members who were present for the entire item were **Councillors Larkin, McAteer, Casey, Clarke, Hanna, Harte and Ruane** (Councillor Devlin apology - plus former Councillors Loughran, Craig and Murnin)

- **Item 10** - LA07/2017/0078/F– erection of 3 light industrial units on lands 20m east of 223a Newcastle Road, Seaforde – Members who were present for the entire item were **Councillors Clarke, Hanna, Larkin, Devlin and Ruane** (plus former Councillors Loughran and Macauley)
- **Item 11** - LA07/2017/1603/0 - housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development - lands to the west of 34 and 61 Old Railway Close, Leitrim, County Down - Members who were present for the entire item were **Councillors Larkin, McAteer, Casey, Clarke, Hanna, Harte, Ruane** (Councillor Devlin was absent for this application plus former Councillors Craig, Loughran, Macauley and Murnin).
- **Item 12** - LA07/2018/0820/F - erection of 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 - Members who were present for the entire item were **Councillors Larkin, McAteer, Casey, Clarke, Devlin, Harte, Ruane** (Councillor Hanna apology, plus former Councillors Craig, Loughran, Macauley and Murnin)

Ms Ward stated that due to the Election and subsequent change of membership on the Planning Committee, some of the Elected Members who had previously been present for the entire discussions on the above applications were no longer on the Committee; consequently, it would be impossible to have the quorum normally required under Standing Orders.

Ms Largey advised Members that 20.7 of the Standing Orders allowed that in exceptional circumstances the Chairperson could use his discretion to proceed on the above applications without a full quorum and Members who were not previously involved in all previous discussions could take part in the discussion/decision on the applications. She said Planning Officers would be giving a full presentation on the applications.

**AGREED:**                    **On the proposal of Councillor Ruane, seconded by Councillor McAteer, it was agreed that due to exceptional circumstances the Chairperson exercise his discretion as per 20.7 of the Standing Orders to enable all Committee Members to take part in the discussion/decision of planning applications LA07/2018/0650/F;                    LA07/2018/1193/F                    and LA07/2017/0078/F.**

Councillor Clarke said as he had not been present at the site meetings for Items LA07/2018/0650/F and LA07/2018/1193/F, he would not be taking part in discussions on these two applications.

**P/51/2019:                    REVIEW OF PLANNING**

Mrs Ward provided an update to members on the review of planning and referred to recent press articles. She outlined the numbers of planning applications currently in the system and the potential solutions being considered to deal with the backlog of applications.

Ms Ward confirmed there would be further discussions with the Party Representatives and a Workshop would be held with all Councillors to update them on this issue.

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

**MINUTES FOR CONFIRMATION****P/052/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 10 APRIL 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 10 April 2019. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 April 2019 as a true and accurate record.**

**FOR DISCUSSION/DECISION****P/053/2019: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 May 2019. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 29 May 2019: -**

- **LA07/2018/1783/F** - conversion of existing outhouse to a dwelling – 10m north of 397 Glasdrumman, Annalong. **REFUSAL**
- **LA07/2018/1933/F** – proposed new village play park – Jim Steen Playing Field located 100m west of 44 Dungormley Estate, Newtownhamilton. **APPROVAL**
- **LA07/2019/0211/F** – eastern ball stops and car park extension – Crossgar Playing Fields, Kilmore Road, Crossgar. **APPROVAL**

**DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION****P/054/2019: PLANNING APPLICATIONS FOR DETERMINATION**

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor Reilly, it was agreed to defer the following planning application from the schedule:**

**Item 11 – LA07/2016/1606/F** – proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off Main Street for 2 dwellings. (amended proposal) – Cumran Park, Clough, Downpatrick

**REFUSAL**

**Deferred for full presentation at the next Planning Committee Meeting.**

The following applications were then determined by the Committee:-

**(1) LA07/2018/0650/F  
(Audio recorded – IN CLOSED SESSION - NO)**

(Councillors Bain, Clarke, Mason, Reilly, Trainor withdrew from the Meeting)

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

**Location:**

To the rear of 45 Greenpark Road, Rostrevor.

**Proposal:**

Proposed dwelling.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr J Cole, 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 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:**

- Amendments had been made to the original proposal to change it from a two-storey dwelling to a one and a half storey dwelling, however, Planning Officials still considered the amended proposal appeared as a two storey dwelling.
- The ground level could be dropped sufficiently to match the neighbouring plot and screening could be used to further shield it from neighbouring property.
- Legal advice to Members was that the Committee could, if they were inclined to, overturn the application in principle, based on the personal circumstances of the applicant, subject to further compromise and design issues.

**Agreed:**

**On the proposal of Councillor Ruane, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0650/F contrary to Officer recommendation, based on the personal circumstances of the Applicant, subject to further compromise and design changes.**

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

(Councillors Bain, Clarke, Mason, Reilly, Trainor re-joined the Meeting)

**(2)                    LA07/2018/1832/F  
 (Audio recorded – IN CLOSED SESSION - NO)**

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

**Location:**

No. 2 Lassara Heights, Warrenpoint.

**Proposal:**

Single storey rear extension to provide disabled person's bedroom and shower room.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Power-point presentation:**

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

**Issues Raised:**

- The proposed extension would result in dominance of the host property and a loss of amenity space.
- Mr O'Callaghan considered it would be impossible to design a smaller extension that would cater for the applicant's needs.
- Mr McKay considered the upstairs would be rendered redundant if the proposed extension was built and said the installation of a stair lift could be a suitable solution to the applicant's medical needs.
- The proposed building works were being grant aided by the Housing Executive.
- It was considered by Members the Housing Executive would have a stringent housing adaptation process in place.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2018/1832/F on the basis that he considered there to be exceptional personal circumstances and the Housing Executive would have exhausted all options before agreeing to provide grant aid to cover the proposed extension. Councillor Clarke 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:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2018/1832/F contrary to Officer recommendation on the basis that there were exceptional personal circumstances resulting in a real need for this accommodation and the Housing Executive would have exhausted all other options.

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

It was unanimously agreed to come out of closed session.

**(3) LA07/2018/1193/F  
(Audio recorded – NO)**

(Councillors Clarke and Mason withdrew from the Meeting)

**Location:**

Approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan.

**Proposal:**

Off site replacement dwelling with detached garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Seainin Hanna, 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 said that in the case of replacement dwellings, there was an expectation the original access would be used.
- The original access was not in the applicant's ownership.
- The proposed siting of the replacement dwelling would be six metres lower than the current location of the building to be replaced.
- The proposed off-site replacement dwelling and detached garage would be sited within the green triangle as demonstrated in the presentation delivered by the agent.

**AGREED:** On the proposal of Councillor Reilly, seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1193/F contrary to Officer recommendation on the basis that the original access was not in the ownership of the applicant and the proposed site was secluded from the road and would not have as great a visual impact as the replacement dwelling site.



**It was agreed the entrance from the road should be of a stone construction.**

**It was also agreed that Officers be delegated authority to impose any relevant conditions including that the dwelling should be single storey ridge height and that the dwelling be sited within the green triangle as shown on the presentation delivered by the agent.**

**(4) LA07/2016/0758/F  
(Audio recorded – YES)**

(Councillor Clarke rejoined the Meeting, Councillors Harte and Mason withdrew from the Meeting)

**Location:**

Lands approx. 50m south of 56 Crawfordstown Road, Drumaness.

**Proposal:**

New dwelling and garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Andy Stephens, agent 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 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 accepted that whilst the application represented a cluster opportunity, it failed to appear as a visual entity and the proposed development would create a ribbon of development which contravened policy.
- Mr Stephens considered that as the site had no road frontage on to the Crawfordstown Road due to an existing rocky outcrop, it could not contribute to a ribbon development.
- The proposal met 4 points of the relevant Policy.
- Mr McKay advised Members that as the red line boundary extended to the road, the proposed site had frontage and therefore created a ribbon.

Councillor Hanna proposed to accept the Officer's recommendation to refuse. Councillor Larkin seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	3

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2016/0758/O as per the information and recommendation contained in the Case Officer report presented to Committee.

**(5) LA07/2017/0078/F**  
**(Audio recorded – YES)**

(Councillors Harte and Mason rejoined the Meeting)

**Location:**

20m east of 223a Newcastle Road, Seaforde.

**Proposal:**

Erection of 3 light industrial units.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Kieran Carlin, Planning Experts, on behalf of objectors Paul and Clodagh Killen, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Speaking rights:**

Ewart Davis, agent, Karl McIlroy, Noise Expert and Danny Mahon, applicant, in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

Ms McAlarney 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:**

- The proposed construction would be one metre from the boundary and eight metres from the gable of Paul and Clodagh Killen's property.
- Access to the proposed industrial units would be the same one the Killen's used to access their property.
- Two Noise Impact Studies had been conducted, one on behalf of the objectors and one on behalf of the applicant.
- Mr Campbell, from the Council's Environmental Health Department had reviewed both Noise Impact reports and he considered that due to the uncertainty of the final use for the industrial units, there would be an adverse impact in terms of noise to neighbouring houses.

**AGREED:** On the proposal of Councillor Clarke, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2017/0078/F to allow for a site visit so that Members could assess the site in more detail. Mr Campbell, Environmental Health Officer, also attend the site visit.

(Lunch 1.20pm – 2.10pm)

**(6) LA07/2018/1807/F**  
**(Audio recorded – YES)**

**Location:**

55 Ballymaginaghy Road, Castlewellan.

**Proposal:**

Replacement dwelling.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Power-point presentation:**

Ms McAlarney 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:**

- Additional amended drawings were submitted on 21 February 2019 which the applicant considered would overcome the refusal reasons.

**AGREED: 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.**

**(7) LA07/2017/1603/O**  
**(Audio recorded – YES)**

**Location:**

Lands to the west of 34 and 61 Old Railway Close, Leitrim, Co. Down.

**Proposal:**

Housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

John Cleland, agent and Patsy Rice, 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 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 approved building lands at Ballydrumman Road which had been granted in 2010 was still extant and could be completed at any time.
- In 2010, there had been no flooding or service issues with the building lands at Ballydrumman Road.
- A letter from a local Estate Agent indicated a desire for homes in Old Railway Close, Leitrim.
- Planning Department considered the proposed site to be outside the settlement development limit of Leitrim.

Councillor Hanna proposed to accept the Officer's recommendation to refuse in relation to Planning Application LA07/2017/1603/O, this was seconded by Councillor Ruane.

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

FOR:	4
AGAINST:	3
ABSTENTIONS:	5

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2017/1603/O as per the information and recommendation contained in the Case Officer report presented to Committee.

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

**Location:**

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

**Proposal:**

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

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Michael Worthington, 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 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 site was on located on land previously passed for development but the land had not been previously developed, therefore Planning Department considered it did not constitute a brownfield site.
- The amended plans that had been submitted to Planning Department had not been considered as the proposed application fundamentally contravened planning policy.
- Mr Worthington said although a brownfield was sometimes referred to as previously developed land, the term was not defined in PPS15 and due regard should therefore be given to the Regional Development Strategy in determining if a site was brownfield. The RDS defined a brownfield site as vacant and derelict piece of land and is an infill site. This site meets this definition.
- Legal opinion was that a brownfield site was previously developed land and this application did not comply with policy.

Councillor Clarke proposed to defer Planning Application LA07/2018/0820/F to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency. Councillor Reilly seconded the proposal.

**AGREED: On the proposal of Councillor Clarke, seconded by Councillor Reilly it was unanimously agreed to defer Planning Application LA07/2018/0820/F to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.**

**(9) LA07/2018/1194/F  
(Audio recorded – YES)**

**Location:**

52A Carrigagh Road, Finnis, Dromara, Dromore.

**Proposal:**

Proposed change of use from existing vernacular building used as a domestic store with associated extension to create a 2 bed holiday cottage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Bailie, agent, and Francis Rice, 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 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 dwelling was located on a low traffic volume road.
- Planning Officials confirmed if approval was granted, it could be stipulated in the conditions the dwelling was only to be used for holiday accommodation.
- The front of the house would remain the same and visitors could use the rear access.
- Members regarded the dwelling to have local historical importance.

- A stone wall could be erected at the entrance to the dwelling.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Devlin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1194/F contrary to officer recommendation on the basis that it was a low level traditional cottage that would contribute to the tourism project of the area.

It was agreed that the applicant would work with Planning Department to ensure the external façade of the building was brought back to its original condition.

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

(10) LA07/2018/0072/F  
(Audio recorded – YES)

(Councillor Devlin and Councillor Trainor left the Meeting)

**Location:**

Lands to the rear and south west of Nos. 25-35 Forest Hills and to the rear of Nos. 15-19 Forest Hills, Newry.

**Proposal:**

Erection of 15 No. dwellings, garages, landscaping and all other associated site works (amended proposal).

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Gareth McParland, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members. Tom Moore also spoke on a number of issues of concern.

Robbie Sholdis, agent, was available to answer queries from Members.

**Power-point presentation:**

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

**Issues Raised:**

- Mr McParland stated he would not be opposed to a housing development as he acknowledged the land had been zoned for housing.
- There should have been some provision for a play area within the overall plan.
- Mr McKay said whilst he didn't disagree with the sentiments regarding open space, he said the opportunity to provide open space / play provision may have been missed.
- DFI had no objections, subject to certain conditions being imposed.
- Mr McParland considered the proposed tree planting to provide screening was unsuitable in terms of road safety and site lines.

Councillor McAteer proposed to defer Planning Application LA07/2018/0072/F to allow for a site visit to take place. The proposal was not seconded.

Councillor Ruane proposed to issue an approval in respect of Planning Application LA07/2018/0072/F as per officer recommendation. Councillor Hanna seconded the proposal.

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

FOR:	9
AGAINST:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2018/0582 as per the information and recommendation contained in the Case Officer report presented to Committee.

**It was agreed that conditions be imposed to deal with residents' concerns regarding the proposed tree planting / screening and that Officers be delegated authority to impose any relevant conditions.**

**(11) LA07/2018/1556/F  
(Audio recorded – NO)**

**Location:**

8 Tamary Hill, Rathfriland.

**Proposal:**

Extension and renovation of existing dwelling and new domestic garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Glyn Mitchell, 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 M Keane 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 agent considered the proposed dwelling would result in a minimal increase to the original footprint of the existing building.
- The proposed application would meet the criteria required for a replacement dwelling.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1556/F contrary to officer recommendation on the basis that the proposed dwelling was in a rural location and

would not detract from the appearance and character of the surrounding area.

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

**FOR NOTING**

**P/052/2019: HISTORIC ACTION SHEET**

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

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

**P/053/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT APRIL 2019**

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

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

**P/054/2019: 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/055/2019: APPEALS & DECISIONS**

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

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

The Meeting concluded at 4.10pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 26 June 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 26 June 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:-

- **P/2013/0527/0** - proposed residential development of detached and semi-detached dwellings (to complete Carrickshane Housing Development) with associated site and landscape works - lands at McShane's Road to the west of Carrickshane and to the north of Orior Park, Bessbrook. **APPROVAL**
- **P/2014/0106/F** - retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure. **APPROVAL**
- **P/2014/0891/F** - information to address condition 07 of planning permission granted under planning ref P/2008/0084/F and modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F (retrospective application). **APPROVAL**
- **LA07/2019/0061/F** - replacement dwelling and domestic garage (in place of LA07/2015/0972/0) - 90m SW of 368 Newry Road, Kilkeel. **APPROVAL**
- **LA07/2019/0305/F** - proposed site access road widening with footpath for public vehicular access and disabled accessibility purposes to cemetery - Warrenpoint Municipal Cemetery. **APPROVAL**

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**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2017/0078/F**

**Date Received: Jan 2017.**

Proposal: Full permission is sought the erection of 3 light industrial units, on lands 20m east of 223a Newcastle Road, Seaforde.

Applicant: Mr D Mahon

**Location:**

The site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015. It is noted the site is on land regarded as white-land, and is outside the ATC of Seaforde, while it is also noted the Newcastle Road is a Protected Route (within the development limit). The site is located to the southern edge of this small settlement whereby the southern boundary of the site forms the boundary and edge of the development limit. The lands beyond to the south are rural in character, while the lands adjoining the remaining boundaries including to the far side of the Newcastle Road are largely residential in character with the exception of a commercial yard which is located to the rear of 1-4 Austin Terrace.

It is also noted there are scheduled monuments and listed buildings in the vicinity of the site.

**Site Characteristics & Area Characteristics:**

The site outlined in red extends to include a roughly square shaped plot of land off Newcastle Road, located between the ruins of a former structure to the east and the dwelling and curtilage of no.223a to the west, whereby the red line also extends down to adjoin the Newcastle Road. This site includes a small solid/permanent single storey structure at present, with concrete yard area, and overgrown area of hard-standing and mounding. It is not clear what this small structure is or was last used as.

The dwelling (side gable), driveway and boundary wall of No.4 Austin Terrace and also commercial yard form the northern boundary of the site. No.4 comprises a 2 storey end terrace dwelling whereby the boundary comprises a wall which is approx 1m high to the front of this dwelling which steps up and is approx 2m high to the rear. The dwelling and curtilage of no.223a adjoin the western boundary of the site, whereby this boundary includes a wall which is approx 2m high. This dwelling at

no.223a is also 2 storey high. The commercial yard, although closed during the date of the site visit in Feb 2017, advertises digger hire and refers to heavy plant.

### Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous applications in the vicinity of the site, the most relevant of which observed includes:

LA07/2017/0072- Lands 15m south of 4 Austin Terrace, Car wash, Full, Pending, Applicant: Mr D Mahon

R/2007/0376- Lands to the rear of 223 Newcastle Road, Housing development of nine townhouses and one detached dwelling, Full, Withdrawn, 2008, Applicant: Mr N Killen

### Objections & Representations

7 representations in opposition to the proposal have been received to date (20-06-17) from the owner/occupiers of no.2, 3, and 4 Austin Terrace, 233a Newcastle Road (which is 223a as confirmed by the owner of this property) 219 Newcastle Road, 1a Kennel Road, and Seaforde and District Community Association (c/o 186 Newcastle Road), whereby the main issues/concerns raised include:

- the plans/information submitted are inaccurate,
- the lands is not vacant, as there is a house on the site,
- increased traffic volume from the proposal and impact it will have on area
- the entrance to the site is used as a bus stop,
- the site is close to the edge of Seaforde where there is a hidden dip where traffic will be travelling at speed in to this small settlement and passed the site entrance, site lines at the entrance are very poor,
- approving this development will deprive properties of a safe environment, and will have a negative impact on adjacent residents
- the site is accessed via a right of way and yard area,
- ownership challenges,
- there are bats in the vicinity of the site,
- existing sewers cannot cope with surface water and this proposal will make the situation worse,
- the industrial nature of the proposal is not in keeping with the character of this small settlement and is contrary to PPS4,
- there are no commercial properties that line the main road in Seaforde. Seaforde has retained its traditional character, and is not over-developed which is one of its best features. Seaforde has no industrial sites in evidence, and to change the use of this site from residential to industrial is not in keeping with the character of the village,
- there is no street lighting in this stretch of Seaforde, which causes hazards,
- the entrance to the site is close to the junction with Kennel Road, while there is also an agricultural gate entrance adjoining the site,
- the industrial use will cause noise, light and emissions pollution, vapour and water pollution, and fire hazard affecting residents and wildlife,
- there is a lack of information regarding hours of business in this residential area,

See file for full content of reps received as the above is only a summary of the main issues raised which are considered in the assessment below.

The above summary is only intended to grasp the main issues raised, and does not seek to provide an exhaustive list of each and every representation received, whereby similar issues have often been raised by more than 1 person.

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Newcastle Road, Austin Terrace and Kennel Road as part of this application in Jan 2017, while it was also advertised in the local press in Feb 2017. Following receipt of further information a further round of NN was undertaken in April 2017.

#### **Consultations:**

Having account the nature of this proposal, and constraints and zonings of the site and area, and representations received consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Historic Environment Division (HED) and Environmental Health as part of this application.

NI Water and HED offer no objections, while the remaining consultees have requested further information.

Further information was requested from the agent in May, whereby a detailed letter and Transport Assessment were then received in April. No other surveys/bio diversity checklist or information has been received to date (20-06-17). A Bio Diversity checklist is required to fully assess and consider any potential impacts arising from the proposal. As such it is considered insufficient information has been submitted to fully assess the proposal. It is noted concerns were expressed from interested parties regarding bio diversity related matters.

#### **Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS11 and supplementary guidance**

As outlined above the site is located on the inner edge of the settlement development limit of the small settlement of Seaforde, as identified in the Ards and Down Area Plan 2015, on land regarded as white-land,

#### **Assessment**

It is proposed to erect a row of 3 industrial units on this site, which will front towards the Newcastle Road, and will back towards No.223a. the existing building on site is to be demolished with parking to the front. (It is noted the site is not vacant as indicated on the P1 form).

Having account the nature of this proposal it is considered the provisions of the recently published SPPS, and also PPS3 and PPS4 apply.

The SPPS has retained policies PPS3 and PPS4, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS3 and PPS4.

As such it is considered PPS3 and PPS4 remain the applicable policy context to consider the proposed development under

These units will be sited close to the boundary with no.223a (approx 1m from the boundary), and will be set back approx 40m from the road.

This Newcastle Road is a busy road which carries a large volume of traffic each day. The development of Seaforde is identified as a small settlement in the Area Plan, whereby the frontage to Newcastle Road is considered to have largely retained its historical character comprising low density development, which is largely residential in character.

It is noted there is a hall within this small settlement, while there was also formerly a PSNI station in this settlement, although which has since been converted to residential use. The remainder of this development fronting Newcastle Road is largely residential in character, although it is also noted there is a yard area with digger hire available, although which is located beyond the rear of no.1-4 Austin Terrace, which is associated with no.223a.

Newcastle Road is the main road through the small settlement of Seaforde, whereby the development fronting this road including mature trees has largely been preserved and unaltered thereby retaining and protecting the distinctive character of this small settlement, which includes an ATC.

It is noted light industrial units fall with Use Class B2 of The Planning (Use Classes) Order (NI) 2015.

This development of 3 light industrial units will be sited to the south side of Austin Terrace and in front of the dwelling of no.223a Newcastle Road, and will be accessed via the existing concrete laneway serving no.223a and digger hire yard. The current application for the car wash is located between the site and the Newcastle Road.

These units will be located in 1 row, each measuring approx 11.5m by 6m, with office and WC. These units will be constructed in blockwork walls with green profiled sheeting and roller doors, and will include a mono pitch roof being 5m high to the front and 3.5m high to the rear.

With regards to PPS4 it is considered the applicable policy provisions include PED1 and PED9.

It is considered the introduction of such a use in this small settlement of Seaforde which has largely retained its historical character and frontage to Newcastle Road, is not compatible with the surrounding land uses, and is not appropriate to the character of this area.

In addition it is considered the use of this site for 3 industrial units in such close proximity to a number of residential properties will have an adverse impact on the amenity of these nearby residents from vehicles, persons and equipment on site.

Following initial consideration of the case a letter was issued to the agent in March advising that the principle of development is not acceptable and is likely to be

recommended for refusal. Reference was also made to the comments from the consultees and representations received.

In response to this a letter and Transport Assessment were submitted from the agent, whereby TNI are now content, however Environmental Health continue to object as the proposal may adversely impact on the amenity of nearby residential properties. (No other supporting information was supplied by the agent.

Environmental Health have also advised the applicant may wish to submit a Noise Impact Assessment to support their case, however as the principle of this use is not considered acceptable, it is considered there is no merit in requesting this additional information at some cost to the applicant).

It is noted the building of no.223 is partly located within the red line and is not shown on the proposed site plan, thus it is understood it is being removed to accommodate this development and can be conditioned as such.

It is also noted from the information submitted the water supply and foul sewage will be sourced from/disposed off to the mains, while surface water will be disposed off to storm drains.

As outlined above the site accesses on to the existing concrete laneway serving no.223a, and then accesses onto the Newcastle Road, which is a Protected Route Policy AMP3 of PPS3 makes provision for a development proposal involving direct access, or the intensification of the use of an existing access where access cannot reasonably be taken from any adjacent minor road.

It is noted there is no existing minor road to access from, whereby the development will access on to a laneway. As such it is considered the proposal does not offend PPS3.

While it is noted several concerns have been expressed regarding roads related matters, TNI have been consulted as part of this application, who provide professional advice and have offered no objections to this proposal.

The Planning Authority raised the ownership issue with the agent, who has advised there is an ongoing legal dispute regarding the precise dimensions of the applicants ownership and any ROW which exists, and this is currently with solicitors.

Current experience indicates there are no known sewerage capacity issues in this Seaforde area at present, whereby consultation has also been undertaken with NI Water.

However taking into account the above, the principle of development is not acceptable whereby the use is not considered compatible or appropriate to the character of the settlement of Seaforde. In addition it is considered the proposal will adversely impact on the amenity of nearby residents.

As such refusal is recommended.

### **Recommendation: Refusal**

#### **Reason:**

**- The proposal is contrary to Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with the surrounding land uses.**

- The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents, and will create noise nuisance.
- Having notified the applicant/agent under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that additional information (Bio Diversity checklist) is required to allow the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



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**Newry, Mourne  
 and Down**  
 District Council

**Application Reference:** LA07/2017/0078/F

**Date Received:** 18.01.2017

**Proposal:** Erection of 3 light industrial units

**Location:** 20m East of 223a Newcastle Road Seaforde







Site has been cleared as off Nov 2017

### **RECONSIDERATION FOLLOWING DEFERRAL**

Application was presented to the 19 July 2017 meeting of Newry Mourne and Down Planning Committee with a recommendation to refuse for reasons being contrary to Planning Policy Statement 4, lack of information (Bio Diversity checklist) and impact on neighbouring residential amenity by reason of noise.

Recommendation to Refuse was overturned by the Planning Committee

**AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to issue an approval, in principle, in respect of Planning Application LA07/2017/0078/F, contrary to Officer recommendation, with Planning Officers being delegated authority to impose relevant conditions to ensure there shall be no adverse impact to residential properties.**

Following deferral of the planning application on 19 July 2017 the Planning Office requested from the agent the submission of a Noise Impact Assessment (NIA) for EHO on the 26 July 2017.

A NIA was received by the Planning Office on the 30 August 2017. EHO were consulted on the 14 September 2017.

EHO responded on the 05 October 2017 requesting further information from the agent, this was requested by the Planning Office on the 5 October 2017.

Additional information was submitted by the agent on the 17 October 2017, EHO consulted on the 17 October 2017.

EHO responded on the 07 November 2017, stating that the proposed development has been approved by the Planning Committee and that conditions be attached to minimise the impact on amenity of nearby residential properties, namely

The hours of operation, to include any HGV activity, should be limited to Monday to Saturday: 09:00 to 17:00 with no operation on Sundays.

No external plant should be used or installed without prior agreement with the Planning Office.

The doors to the rear of the units, as shown on drawing date stamped 18 Jan 17 by Planning Office, must be kept closed when units are operational.

The units shall be constructed as specified on page 10 of the Noise Assessment, dated 21<sup>st</sup> August 2017.

Acoustic report submitted to the Planning Office on the 24 Jan 2018 by Irwin Carr on behalf of the objectors on the application.

EHO were consulted on the Acoustic report on the 25 Jan 2018. EHO responded on the 15 February 2018 stating the following

### Comments

Environmental Health note that, following our last comments of 7<sup>th</sup> November 2018, this application is again under consideration.

Environmental Health had previously raised concerns regarding the conservativeness of the Noise Assessment produced by KRM, dated 21<sup>st</sup> August 2017, and requested that the report be revised. It is noted that a Noise Impact Assessment Review produced by Irwin Carr, dated 8 January 2018, has been submitted and this document has been reviewed by Environmental Health.

It is the opinion of Environmental Health that the Noise Assessment produced by KRM, dated 21<sup>st</sup> August 2017 has not accurately predicted the noise impact at nearby residential properties and no noise mitigation measures have been proposed for this site. It is likely that noise from the proposed development will have a significant adverse impact on the amenity of the nearby residential properties.

The EHO have indicated a significant adverse impact on neighbouring properties.

The application as previously presented to Planning Committee in July 2017 was considered contrary to PPS4 Planning and Economic Development. In particular policies PED 1 and PED 9 of PPS 4.

Policy PED 1 Economic Development in Settlements

In villages and smaller rural settlements the policy states

***A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use.***

Policy PED 9 General Criteria for Economic Development, states

***A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:***

***(a) it is compatible with surrounding land uses;***

- (b) it does not harm the amenities of nearby residents;***
- (c) it does not adversely affect features of the natural or built heritage;***
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;***
- (e) it does not create a noise nuisance;***
- (f) it is capable of dealing satisfactorily with any emission or effluent;***
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;***
- (h) adequate access arrangements, parking and manoeuvring areas are provided;***
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;***
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;***
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;***
- (l) is designed to deter crime and promote personal safety; and***
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.***

Planning officials cannot comply with the directions of the Planning Committee of 19 July 2017. Given the proposals impact on neighbouring properties by reason of noise, Planning Officials must recommend that the Planning Committee reassess their opinion on this application and agree refusal of this application.

### **Refusal Reasons**

- 1.** The proposal is contrary to the SPPS and Policy PED1 of PPS4 Planning and Economic Development, in that the development is incompatible with nearby residential properties.
- 2.** The proposal is contrary to Policy PED9 of PPS4 Planning and Economic Development, in that the development would if permitted, harm the amenities of nearby residents by reason of noise nuisance.

**Appointed Officer Signature:**

**Date:**



## Planning Committee Site Visit Note

**REF:** LA07/2017/0078/F

**PROPOSAL:** Erection of 3 light industrial units at 20m East of 223a Newcastle Road  
Seaforde

**DATE:** 14 June 2019

**ATTENDEES:** Cllr Clarke                      Cllr McKee  
Cllr Larkin                                      Cllr Hanna  
Cllr Ruane                                        Cllr Reily  
Cllr Mason                                        Cllr Trainor  
Cllr McAteer                                    Cllr Bain  
James Campbell                              (Council EHO)  
Annette McAlarney (Council Planner)

Site visit took place on site on 14 June 2019. Drawings referred to on site were the proposed site layout drawing of 30 August 2017 and the plan and elevational drawing dated 27 April 2017.

Matters discussed related to

- access laneway and ownership.
- Height of proposed units
- Levels on site
- Use of proposed units
- Noise impact to adjoining properties, affected properties identified.

Annette McAlarney

Senior Planner

**LA07/2017/0078/F – 3 Light Industrial Units 20m east of 223A, Newcastle Road Seaforde for Dan Mahon**

This application is on the schedule for 26<sup>th</sup> June 2019 Council meeting with an opinion to refuse, although approval was recommended on 19<sup>th</sup> July 2017 subject to conditions.

The Ards Down Area Plan zones this 0.1ha site as White Land inside the Development Limit. It lies within an area of mixed use, being adjoined by a large Builder's Yard containing 2 maintenance sheds, one of which forms the rear boundary to the Austin Terrace Houses. (See previously submitted Photos)

60m to the north is the Young Farmers' Hall which hosts community classes, dances and an annual tractor run. In its yard is a hot food van open 9am-9pm.

On the opposite side of the road is the 2016 approved County Down Stoves with its showroom serviced by 40 ft long lorries. This lies within the Area of Townscape Character and LLPA2.

The proposal is for 3 x 63m<sup>2</sup> Class B Light Industrial Units. Class B uses can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit – i.e. they are acceptable adjoining residential. The prospective occupants are a printer, picture framer or garages for Mr Mahon's chip vans.

**On 19<sup>th</sup> July 2017 Planning Committee determined the application be approved** subject to conditions. (See Mrs McAlarney's letter of 7<sup>th</sup> August 2017)

KRM's Noise Report of 21<sup>st</sup> August 2017, and clarification letter of 17<sup>th</sup> October explained that the assessment criteria appropriate for light industrial B2 uses had been used. A further clarification letter is included. 1/4/2019 All detail the existing high ambient noise levels encountered due to its proximity to the heavily trafficked Newcastle Road.

Environmental Health's Consultation Reply of 7<sup>th</sup> November 2017 stated the application has been approved and suggested conditions – all of which are acceptable to Mr Mahon – i.e. days and hours of opening, no external plant and rear doors to be kept shut.

Mr Mahon is happy to accept any conditions imposed by Council and is surprised that his light industrial proposal set beside a builder's yard is deemed unacceptable.

Liam Hannaway  
Chief Executive

Date: 07 August 2018  
Our ref: LA07/2017/0078/F  
LA07/2017/0072/F  
Your Ref:



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

Ewart Davis  
14 Killynure Avenue  
Carryduff  
Belfast  
BT8 8ED

Dear Mr Davis

**Re: Erection of 3 light industrial units and Car Wash 20m East of 223a Newcastle Road Seaforde**

I refer to the above planning applications which were presented to the Planning Committee on the 19<sup>th</sup> July 2017. The Planning Committee determined that the application should be approved and delegated authority be passed to Planning officers to attach the necessary conditions. Both applications remain under consideration with senior officials.

Yours Sincerely

Annette McAlarney  
Senior Planning Officer



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2016/1606/F

**Date Received:** 30.11.2016

**Proposal:** The application is for full planning permission for a proposed development of 8 x 2 storey dwellings and associated site works. Alterations to an existing access off main street for 2 dwellings.

**Location:** The application site is located inside the settlement limits of Clough and within an Area of Archaeological Potential as designated in the Ards and Down Area Plan 2015.



LOCATION PLAN - 1:1250



Aerial of site – Spatial NI

#### **Site Characteristics & Area Characteristics:**

The site is located at lands which bound both Main Street Clough and Cumran Park. The site is irregular in shape and forms a roughly 'L' shaped plot. To the north of the site there are open fields and this defines the edge of Clough settlement. This boundary is defined by a substantial native species hedgerow. To the west of the site is No 12 a two storey detached dwelling which runs parallel to part of the site. The eastern boundary is defined by some whinbush and some vegetation and bounds both the rear gardens of No 7 and 9 Main Street and the Main Street, given its irregular shape. The character of the immediate area is a mixture of house types. Cumran Park itself comprises semi detached dwellings and apartments. There are a pair of semi-detached dwellings which front directly onto the Square with parking to the rear and a pair of semi-detached dwellings in Cumran Park which have small front gardens and in curtilage parking to the side. The apartments are designed to resemble a larger dwelling and front directly onto the Square with some parking to the rear. Cumran Park is located close to the Square which is characterised by two storey blocks of terraced dwellings which step down from Main Street as the land slopes in a westerly direction. The primary school, church and hall are located in close proximity.





View on entrance to the site



No 12 – adjacent and west of the site



Western boundary with No 12



Eastern boundary



View to the south towards Cumran Park



The Square



View from No 7 Main Street towards No 12



Edge of settlement limit

**Site History:**

R/1973/0266 Main Street Clough. Alterations And Extension To Dwelling. Permission Granted

R/1981/0035 7 The Square, Clough Change Of Use To Offices - Permission Granted  
 R/1981/0036 7 The Square, Clough Change Of Use To Restaurant Permission Granted  
 R/1984/0174 7, The Square, Clough. Change Of Use To Rest Home For The Elderly.  
 Permission Granted  
 R/1985/0207 11 The Square Clough Extension To Dwelling. Permission Granted  
 R/1987/0461 Adj To No 7 The Square Clough  
 Dwelling Permission Granted  
 R/1990/0284 Ashmore House 7 The Square Clough Single Storey Extension To Residential  
 Home - Permission Granted  
 R/1990/0285 Ashmore House 7 The Square Clough Demolish Existing Single Storey Annex  
 And Replace With Single Storey Pitched Roof Extension - Permission Granted  
 R/1991/0355 11 The Square Clough Alterations And Extension To Dwelling - Permission  
 Granted  
 R/1992/0498 11 The Square Clough Alterations And Extension To Dwelling Permission  
 Granted  
 R/1995/0476 9 The Square Clough Alterations And Extension To Dwelling Permission  
 Granted  
 R/1996/6202 Rear Of 9 Main Street Proposed Dwelling Rear Of 9 Main Street  
 Clough  
 R/2000/0088/F No 5 Main Street, Clough, Co Down. Replacement Two Storey Dwelling  
 House For Use As Private Dwelling. Permission Granted 27.03.2000  
 R/2001/1197/Q Lands To Rear Of 9 The Square Clough Residential Development Pre  
 Application Enquiry - Non Committal  
 R/2002/0855/F Lands Adj To No.9 The Square, Clough. 9 Dwelling Houses. Permission  
 Granted 15.11.2002  
 R/2004/0061CA - 4 Main Street, Clough. Unpermitted Building Enforcement Case Closed  
 R/2006/0514/F 7A & 9 The Square, Clough, Downpatrick. Housing Development Comprising 4  
 No Houses And 4 No Apartments. Permission Granted 20.11.2007  
 R/2008/0084/F 5-9 Main Street, Clough, Residential Development Comprising 12 No  
 Of Apartments And 9 No Of Townhouses And Associated Site Works, Including Minor  
 Relocation Of Bus Stop. Permission Refused 30.06.2009  
 R/2010/0093CA 5-9 Main Street, Clough. Operational Devt Enforcement Case Closed

### **Planning Policies & Material Considerations:**

The application site is located within the settlement limits of Clough 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 relevant regional policy context provided by PPS 3, PPS 7 'Quality Residential Environments' and the second addendum to PPS7 'Safeguarding the Character of Established Residential Areas' (the Addendum). Supplementary guidance contained in 'Creating Places - Achieving Quality in Residential Developments' (CP) is also material to the consideration of the application as is DCAN 8 'Housing in Existing Urban Areas'.

### **Consultations:**

NI water – No objections  
 DFI Roads – objection for the reasons given at the end of this report  
 NIEA Water management – No objections  
 NIEA – Land, Water, Soil – No objections subject to conditions  
 Historic Environment Division – HED-HB – no objections subject to conditions  
 Historic Environment Division – HED-HM – Archaeological evaluation required however, HED will to accept conditions if proposal is approved.  
 Rivers Agency – no objections

### Objections & Representations

In line with statutory requirements sixty one neighbours have been notified on 14.12.2016, 18.12.2017 (amended plans) and again with amended plans on 13/09/2018. The application was advertised in the Mourne Observer and the Down Recorder on 21.12.2016 and again with amended plans 10.01.2018. A total of 49 objections were received.

The main issues raised by the majority of objectors relate to

- **Traffic and Transport** – the proposal would increase the volume of traffic given there is already a would pose an increased risk to both pedestrians and road users.
- **Traffic** – there are already a number of community facilities already located at the Square, Clough including the local primary school, Church and Church Hall, Orange Hall, play park and old school, increased traffic will have an impact on all of these facilities
- **Environmental Impact** – noise and dust during construction. Establishment of a construction site would have a negative impact on surrounding facilities.

The occupant of No 11 The Square makes reference to birds of prey circulating the area and using the area for hunting and nesting ground.

No 12 Cumran Park objects to:

- The area to the left of the entrance was an area of open space for a play area
- How the proposal will operate smoothly in terms of traffic as No's 7 and 8 reverse from their drive and there have been some near mishaps
- Footpath going across their entrance (crossing) which they see as very dangerous, regarding safety of pedestrians

### Consideration and Assessment:

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

#### PPS 7 -Planning Policy Statement 7 Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with, or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhood's are important matters to consider.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local

character and the environmental quality, amenity and privacy enjoyed by existing residents. Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

Policy LC1 of the Addendum sets out additional criteria to be met in Established Residential Areas (ERA). Criteria (a) and (b) thereof require that the proposed density is not significantly higher than that found in the ERA and that the pattern of development is in keeping with the overall character and environmental quality of such an area. In defining what constitutes an established residential area, Annex E of the Second Addendum to PPS 7 refers to neighbourhoods dominated by medium to low density single family housing with associated private amenity space or gardens. In smaller towns, villages and settlements established residential areas generally display a more intimate character and spatial scale. There is often more local variety in architectural styles and treatments, with building lines, property sizes, plot ratios and road layouts being much more changeable.

The site is irregular in shape and forms a roughly 'L' shaped plot. The site extends from the rear gardens of Nos 1 & 2 Cumran Park to the east of No 12, where the plot at this point has an overall length of approx 345m with a maximum depth of 115m. The site then turns at right angles towards Main Street, where the site extends a further 340m with varying depths from approx. 110m at its narrowest to 143m towards Main Street. This area is currently overgrown. The site bounds open countryside to the north and forms the edge of Clough settlement limit at this point. The wider area or ERA around the site exhibits a broad range of development predominantly characterised by both detached dwellings that front onto Main Street, with long rear gardens, extending to terraced dwellings which front onto the Square.

0.35ha



Plan as originally submitted

Amended plan

Latest plan on which this report is considered



In consideration of the above, the character of this part of the road is predominantly residential with the exception of the primary school and hall. The site is 'L' shaped and the topography of the site is such that it falls gradually from Main Street to the rear of the site. The portion from Cumran Park is relatively flat in nature.

The scheme was initially submitted and it was deemed at this stage that the layout was unacceptable. A meeting was held and the issues regarding the layout were discussed, following the meeting the agent resubmitted plans which were submitted dated 5 March 2018. On the initial application, a dwelling was located on an area which was indicated on previous approval R/2006/0514/F as an area of open space. This open space therefore is gained protection under PPS 8 policy OS1. This was referenced when the meeting was held with the agent/applicant. A further amended scheme was submitted on, 14 December 2017, and 5 March 2018 which were also all deemed to be unacceptable. Further plans were also received on a number of other occasions, the final submission on which this layout assessment is based was submitted on 15<sup>th</sup> August 2018 with house type floorplans and elevations submitted 21<sup>st</sup> May 2018.

The dwelling that was located on this area of open space has since been removed from the latest plans. On the layout at the entrance to the scheme is indicated as a detached house type C. The dwelling is face on and parallel to the shared driveway, with a gable depth of 7.5m, the dwelling is set back approx. 2.2m from the service strip shared with the porch approx. 0.8m from it. House type C has a ridge height of 7.6m to FFL. Parking is to the side

of this dwelling with two spaces indicated. Private amenity is indicated to the rear of this dwelling and the side and while it is above the recommended 70sq metres as referenced in Creating Places guidance, the boundary treatment to the side by way of a low railing would not ensure that this space is private. Boundary treatment along the side of House type B (at the entrance) has not been specified, but reference is made that garden spaces are demarcated by new boundary fences at 1.8m high clearly there would have to be some sort of treatment to ensure that rear gardens remain private. Paragraph 7.16 of CP indicates that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. In this latest plan it is gable on as one enters the site, due to the restricted nature of the site, there is a rear boundary distance of 5m to No 12's gable which lies directly to the rear of house Type C. This dwelling has a width of 8.5m at two storeys, excluding the single storey garage which is a further 3.4m. Given its bulk, massing, design and proximity to the party boundary, the proposed dwelling would be over dominant and visually intrusive to the extent that it would have an unacceptable impact on the residential amenity of occupants of No. 12. The proposal would create conflict with adjacent land uses, fail to respect the surrounding context and consequently offend criteria (a) and (h) of Policy QD 1. Following a number of meetings with the agent whereby House type C at the entrance has been orientated in both directions, and where neither design proved acceptable, thus reinforcing that the site is a difficult one to development appropriately and in keeping with the policy and guidance given.





In the northern corner of the site layout is house a pair of semi detached dwellings of house type A. The houses are located close to the shared driveway and are less than 2m from it, this combined with the way the dwellings are angled into the corner creates a dominant and imposing effect. Rear boundaries are short of the 10m, however, both properties have over the recommended level of private amenity space, parking is located to the side of the dwellings. Continuing east leads towards a turning head whereby 3 further house type B's are located, one detached and one pair of semi detached. There is approx. 1m separation distance between the detached and semi detached property. At the meeting that was held with the agent who is also the applicant, the edge of settlement buffer was also discussed. A requirement to soften the impact of development on the urban edge. This has been shown as 5m buffer which runs to the north of the site along the NW boundary. The service strip from the access road, appears to be within this buffer zone. With the detached house type B running very close to the buffer, thus separation and maintenance of this landscape buffer is compromised by the development.

Indicated as two House type Cs these are located facing onto Main Street with one paired access to serve both dwellings. The dwellings are also two storey and are detached in nature. The dwellings are set back from the main road and share a paired access onto Main Street. In this proposal, there is a 20m back to back separation between new properties, (i.e. the properties fronting Main Street and those 3 properties at the end of the turning head). While these two dwellings are set back slightly from the road (further back than No 7 and 9 main Street), the dwellings do address the road frontage and provide a balanced amount of hardstanding and landscaped area and thus would in Planning terms be deemed acceptable.

The site is an irregular shape, which makes its development very difficult. While views of the proposal would be mainly from Cumran Park, the roofscape and shared surface nature of the access arrangements would be appreciated from the surrounding area. The site's width is too restrictive to suitably accommodate the proposal, and the access road is informing its design. The proposal would result in a contrived landform incompatible with its surroundings. The site's restricted nature would result in unacceptable damage to the area's local character and fail to provide a quality residential environment. The proposed scheme therefore fails the tests of QD 1 in that the development overall does not respect the surrounding context and is not appropriate to the character and topography of the site in

terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.



### PPS 3 – Access, Movement and Parking – Policy AMP 2

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads had also been present at the initial meeting regarding the layout. Following consultation regarding the latest plan, they have also considered that the layout does not comply with policy.

1. Sight visibility splays from the existing car parking to the rear of No 1 & 2 The Square cannot meet with the minimum requirements as set out in DCAN 15. 2.0m x 33m.
2. Bollards indicated on plan to be removed.
3. Proposed turning head does not comply with DMRB standards, ie HGVs unable to negotiate bends.
4. Type 5 road does not have any speed humps.
5. Proposed service strip shows buffer zone encroaching on its entire length of the northern boundary.

Thus the proposal is being refused for the reasons given below.

### PPS 6 – Planning Archaeology and the Built Heritage

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage.

The potential impact of the proposal on the archaeological heritage of the site needs to be assessed.

The proposal is in close proximity to 2-4 Main Street (Grade B2), No.1, The Square Street (Grade B2), and No.7 The Square, Clough Street (Grade B1), which are of special



architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division, Historic Buildings (HED: HB) was consulted on the application and having considered the drawings is satisfied that the requirements of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, Policy BH11 (Development affecting the setting of a listed building) and the Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development, 6.12, subject to conditions.

Historic Environment Division: Historic Monuments (HED: HM) has previously requested an archaeological evaluation under Policy BH3 of PPS 6. HED: HM advised that an archaeological evaluation is the preferred option to manage the archaeological risk at this site in terms of the potential for previously unrecorded archaeological remains to be encountered during the course of development works. However, should the applicant be willing to accept the risk of dealing with archaeological mitigation post-planning decision, HED: HM is content that an archaeological mitigation strategy may be implemented by way of planning condition should the local planning authority be minded to approve the application. They have included conditions as per Policy BH 4 of PPS 6.

### **PPS 15 – (Revised) Planning and Flood Risk**

PPS 15 adopts a precautionary approach to development in areas susceptible to flooding.

Rivers Agency have been consulted regarding the proposal and since the development was less than 10 dwellings and the hardstanding did not equate to over 1000m<sup>2</sup> then a drainage assessment was not required. Rivers Agency have no objections to the proposal.

### **Conclusion**

The proposal does not comply with relevant planning policies as dealt with in this report and it is recommended that the application be refused for the following reasons.

### **Recommendation:**

Refusal.

### **Refusal Reasons:**

1. The proposed development is contrary to SPPS and Policy QD 1(a) of Planning Policy Statement 7, Quality Residential Environments in that the development does not respect the surrounding context and is inappropriate in terms of layout, scale, proportions, massing and appearance of the buildings, structures and landscaped and hard surfaced areas.
2. The proposal is contrary to SPPS and Policy QD 1 (c) of PPS 7: Quality Residential Environments in that the design and layout would cause conflict with the adjacent dwelling at No 12 Cumran Park causing an unacceptable adverse effect on their residential amenity due to poor separation distances and over dominance.

3. The proposed development is contrary to SPPS and Policy QD 1 of PPS 7 in that the design and layout of the proposed residential development is not based upon an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
4. The proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction and filling station where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction of Main Street.
5. The proposal is contrary to Planning Policy AMP1 Creating and Accessible Environment of Planning Policy Statement 3, access, movement and parking, in that it would, if permitted, prejudice the safety and convenience of road users since the road infrastructure to sustain this type of development is not available within the scope of the application.
6. The proposal is contrary to the Planning Policy Statement 7 Quality Residential Environments in that the submitted details, fails to demonstrate a satisfactory internal layout in accordance with the Departments Guide Creating Places.

Case Officer Signature

Date

Appointed Officer Signature

Date

VAT Number 201 4432 68  
Company reg. nr. NI49154

**WHW Design Limited**  
9 Crossgar Road, Dromara, Co. Down BT25 2JT  
Telephone: 028 97 532 740  
Fax: 028 97 532 740  
E-mail: [william@whwdesign.co.uk](mailto:william@whwdesign.co.uk)

Date: 14<sup>th</sup> June 2019

RE: Cumran Park, Clough

Planning ref nr. – LA07/2016/1606/F

Dear Sir, Madam,

In response to the case made by the Department and a rebuttal statement by WHW Design.

**Case summary and outline**

- Application validated 30 Nov 2016
- Decision made and submitted to Council 7<sup>th</sup> Jan 2019.
- Original application [not made by WHW Design] was for 10 nr units.
- Subsequent meeting [with WHW Design] with planners have reduced this scheme down to 9, 8 with the most recently submitted plans [although not used for this application] for 7 units. These plans were dated and acknowledged 29<sup>th</sup> Nov 2018.

**Rebuttal statement.**

**House type C at entrance**

The case officers report has highlighted house type C near the entrance of the site. Stating its bulk, massing design and proximity to the party boundary, this proposed dwelling [C] would be over-dominant, visually intrusive and an unacceptable impact on nr 12. Nr 12 is positioned gable-on to the site and with one small window at first floor level which I assume is a bathroom I would suggest, that in my opinion, it is it that is imposing.

The ground level in the site is lower than that of nr 12 and so house type C would have a lower ridge height. The difference in floor levels is approximately 0.5m. With a main roof ridge height 7.5m from finished floor level and an annex garage ridge height of 4.3 above finished floor level I would contest the point that this proposed dwelling would be in any way be over-dominant nor visually intrusive to nr 12, as I say a much larger house with a dominant gable wall. As mentioned there is small window in the gable of nr 12 which may be a bathroom. The ground floor windows in house type C are not an issue with the first floor windows being 2 bedrooms. Appeal case 1998/A325 acknowledges that some degree of overlooking, particularly of first floors is to be expected in urban situations. I would also like to highlight that there is a timber fence between the two plots, which is to be retained and reinforced by further planting will assist in screening. This point is also highlighted and carries weight in the appeal case.

W H W D E S I G N L I M I T E D



The distance between the gable and rear elevation of house type C is given as 5m, although 6m would be more accurate. Appeal case 1999/A069 allowed an application to proceed with a separation distance of 4m from the boundary. As a condition however, a 3m high wall was conditioned and formed part of the approval. A similar condition would be acceptable in this case.

The case officers report highlighted, that previously, a dwelling was to be located on an area which was approved under R/2006/0514/F as an area of open space and that gained protection under Policy PPS8 OS1. This policy however goes on to state that an exception will be permitted if alternative provision can be made which is at least as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality. My proposal is to relocate house type C to this area and allow this site to become the open space thus satisfying the policy as well as overcoming the overlooking / privacy concern.

#### Pair of semi's in northern corner.

The amended plan, submitted in November, has substituted this set of semi's with one unit – a house type C thereby reducing the site by one unit again from 8 down to 7. This is a now smaller footprint and when coupled with the realignment of the access road, it has resolved any concerns with service strips and the buffer zone.

#### Dfl Roads

Following meeting and discussions with a consultant, Dfl Roads have offered no objections on the plans submitted in November. The plans, this decision is being made on, have been superseded and it is these amended plans that WHW Design wishes to have this application measured against.

#### Planning archaeology

Following a meeting with Historic Environment Division they have offered no objections subject to any approval being conditioned.

#### Rivers Agency

As the proposal is less than 10 units and the hardstanding is less than 1000m<sup>2</sup>, Rivers Agency have offered no objections.

#### Conclusion.

Although not involved with discussions from the original application I feel I have tried to address any planning concerns as they have been raised. There is of course an economic impact with this site having be reduced initially from 10 units, to 9, 8 and now with a set of amended plans in the planning office showing 7. I respectfully ask that these plans be looked at, as all of these concerns are addressed within those. That would allow this application to progress as an approval.

Regards William Wallace. BSc(Hons) Dip Arch ADPPA ARB RIBA.

For WHW Design Limited




WHW DESIGN LTD





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0995/F

**Date Received:** 29<sup>th</sup> June 2018

**Proposal:** Replacement dwelling previously approved under application R/2011/0332/F with new access

**Location:** Site south-east of 123b Ballylough Road, Castlewellan



The site is within the countryside.

#### **Site Characteristics & Area Characteristics**

The site is to the rear of dwellings 125A and 125 Ballylough Road with site access through an agricultural lane situated between No 125A Ballylough Road and the new build dwelling granted by Council in June 2017 under planning reference LA07/2016/1479/F.

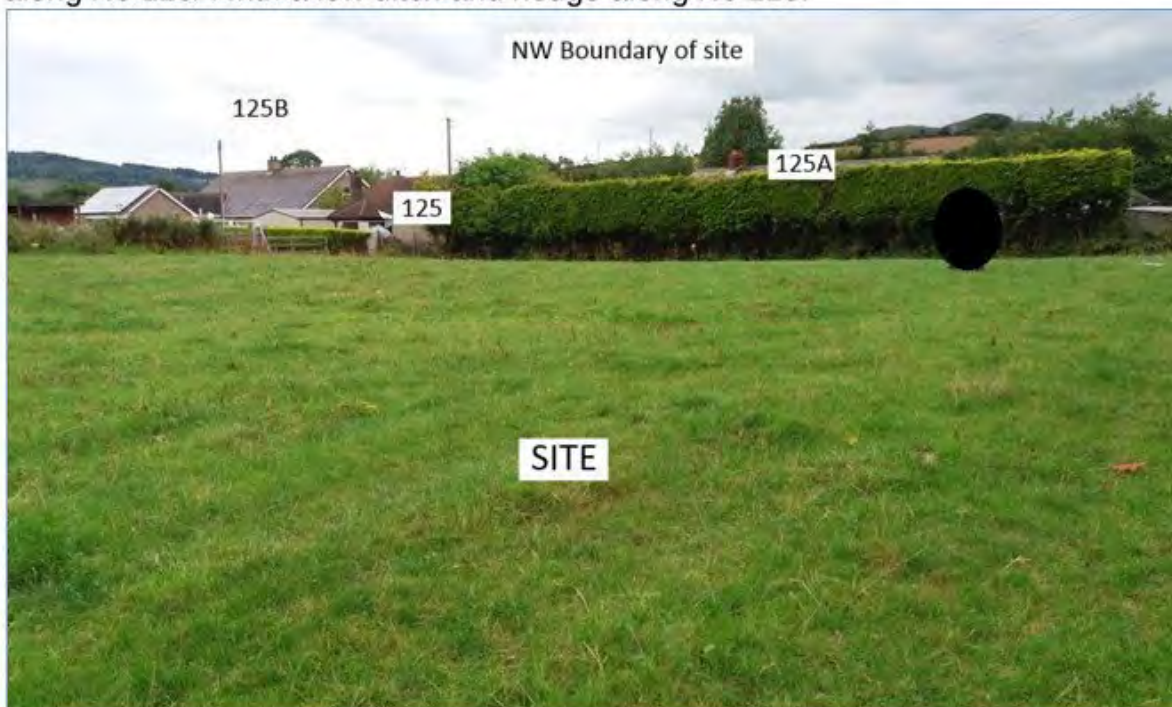


The site has an undulating topography. The site has an elevated level when compared to that of both the Ballylough Road as well as the finished floor levels of dwellings at Nos 125A, 125 and 125B Ballylough Road.





The site is cut out of a larger agricultural field. The NE boundary of the site is defined by a hedge of mature trees and vegetation. The NW boundary of the site is shared with No 125 and 125A and defined by an open wire fence and conifer hedge along No 125A with a low ditch and hedge along No 125.



The eastern boundary is shared with the larger agricultural field and as a result is undefined. The southern boundary is defined by a mature hedge



The southern boundary is shared with an agricultural field and defined by a mature hedge with a small portion within the SW corner defined by an open wood ranch style fence which provides the boundary between the rear garden of NO 125B and the site.



No animals present on site during site inspection, the land is in good order and appears to be used for grazing/silage/hay.

The site level rises slightly as you move to the east through the site before dropping steadily moving east through the field past the site boundary.

**Site History:**

R/2011/0332/F Granted 07.10.2011

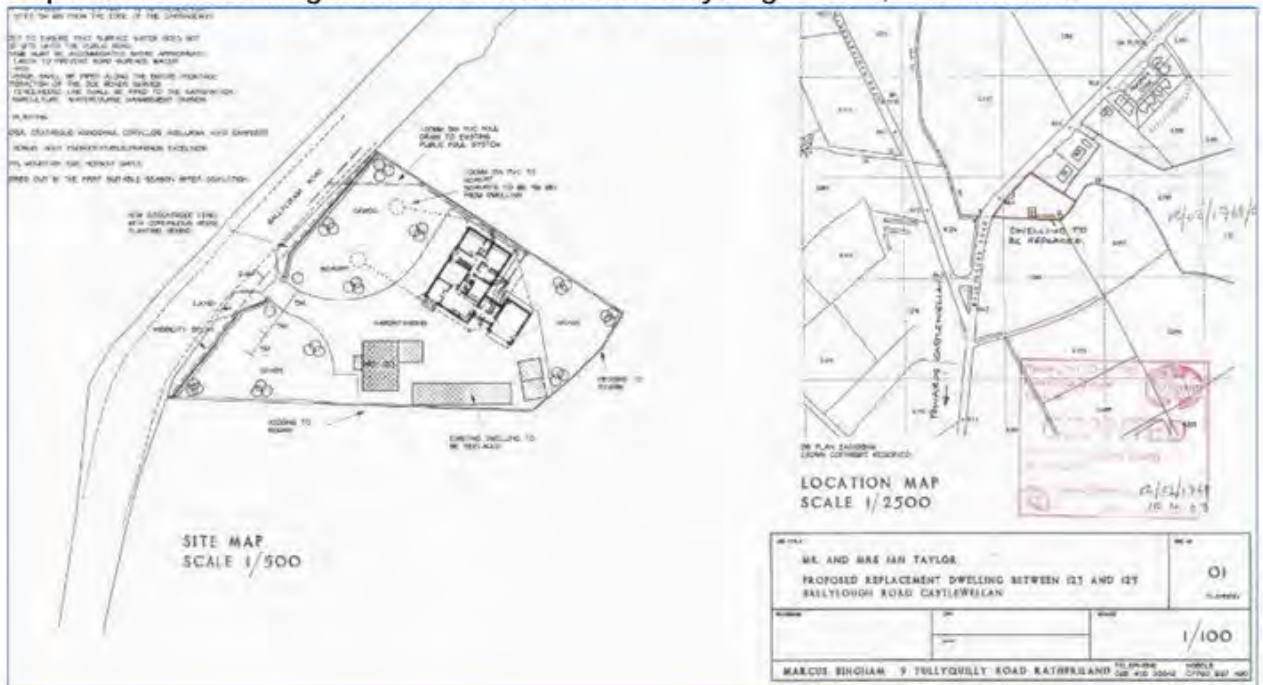
A Taylor

Proposed replacement single storey dwelling with detached garage at 123 Ballylough Road, Castlewellan.





R/2002/1768/F Granted 10.4.2003  
 Mr and Mrs I Taylor  
 Replacement Dwelling between 123 and 125 Ballylough Road, Castlewellan



R/2002/0899/O Refused 07.11.2002  
 Mr and Mrs I Taylor  
 Site for dwelling and garage between 123 & 125 Ballylough Road, Ballywillwill, Castlewellan.

*Neighbouring the site:*

LA07/2016/1479/F Granted 15.06.2017

C O'Hare

Proposed Dwelling Adjacent to 125 Ballylough Road, Ballywillwill.

LA07/2015/1230/F Refused 22.12.2016

C O'Hare

Dwelling at rear of 125 Ballylough Road, Ballywillwill.

R/2014/0033/F Granted 29.4.2014

C O'Hare

Replacement Dwelling 125 Ballylough Road, Castlewellan

**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 21 (PPS21) Sustainable Development in the Countryside, PPS3 Access, Movement and Parking and PPS2 Natural Heritage.

Department Guidance documents such as Building on Tradition – A Sustainable Design Guide, DECAN 15 Vehicular Access will also be considered. Please note the list of documents is not exhaustive.

**Consultations:**

*NI Water Ltd* – Standard response detailing information for the proposed developers NI Water connections. This can be attached as informatives in the event of an approval.

*Transport NI* – responded seeking amended plans with visibility splays of 2.4m\*120m detailed in the site location and layout. Full response available on the planning portal. Amended plans with Transport NI consultation response was sought by Planning. Response received via email highlighting recent planning approval LA07/2016/1479/F for a dwelling adjacent to No 125 Ballylough Road (currently under construction). Comments were then sought from Transport NI and their response advised their previous comments remain applicable and the objections have been considered.

**Objections & Representations**

The site was advertised in Mourn Observer and Down Recorder on the 25<sup>th</sup> July 2018.

A total of 8 Neighbours were notified.

Representations have been received regarding the proposal which can be viewed in full on the application as well as the planning portal. The comments have been submitted in the form of a petition from 4 separate addresses. For the purposes of the planning report the representations received have been summarised and the planning concerns are detailed as follows:

- The previous planning approval, LA07/2011/0332/F for a replacement dwelling, as referenced within the proposal description has lapsed
- The demolition of the building previously approved for replacement and therefore no building to replace
- The proposal would result in a ribbon of development contrary to policy and set a precedent for development
- The proposal would compromise the residential amenity of existing dwellings and the impact of the proposed access on No 125 Ballylough Road.
- Safety of the proposed access and inadequate visibility splays
- The proposal would not be an exception to current planning policy relating to new access on a protected route.
- The visibility splays needed to facilitate a safe access would be on lands outside of the control/ownership of the applicant and would not be forthcoming

The representations received also reference planning policy Draft PPS14 Policy CTY5. This policy has been superseded and the current policy consideration would fall under the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21).

Relating to comments regarding the access arrangements the site is not accessed through a protected route and planning approval would not confer title. Transport NI considers details of the proposal, and if necessary the Council can apply a negative planning condition if the proposal was approved. Such a planning condition would ensure the access and associated visibility splays are put in place prior to commencement of development.

#### **Consideration and Assessment:**

The application is a full application proposal for a dwelling within the Countryside.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning 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 the favour of the provisions of the SPPS.

The Strategic Planning Policy Statement for Northern Ireland includes strategic policy for residential and non-residential development in the countryside. It must be considered along with PPS21 Sustainable Development in the Countryside. Policy CTY1 of PPS21 identifies a range of development considered appropriate and accommodates the aims of sustainable development. One such avenue for sustainable development is a replacement dwelling.

The proposal description refers to a lapsed planning approval R/2011/0332/F which granted approval for a replacement dwelling in October 2011. This expired planning approval for the replacement of No 123 Ballylough Road included a shared access with No 125B Ballylough Road.



As required by Article 34 of the Planning (Northern Ireland) Order 1991 and Condition 1 of planning permission R/2011/0332/F development on site must commence before the expiration of 5 years from the date of the planning permission.

The previous approval, R/2011/0332/F, granted 7<sup>th</sup> October 2011 expired on 7<sup>th</sup> October 2016. Therefore development must have commenced prior to the 7<sup>th</sup> of October 2016. Condition 2 of this permission required the existing buildings to be demolished, all rubble and foundations removed from the site before the construction of the new dwelling.

Further to site inspection, the building referred to within planning permission R/2011/0332/F has been demolished. There is no evidence of the dwelling previously known as No 123 Ballylough Road on site.

Direction issued by the Department of Environment on 23<sup>rd</sup> of March 2015 refers to planning legislation Planning Act (Northern Ireland) 2011 Planning (Demolition-Description of Buildings) Direction 2015 states that the demolition or a structural alteration consisting of the partial demolition of any building shall not be taken for the purposes of the Planning Act (Northern Ireland) 2011 to involve the development of land. Therefore, despite the buildings referred to in R/2011/0332F having been demolished, this does not constitute the commencement of development on site and therefore the previous planning permission for a replacement dwelling expired on the 7<sup>th</sup> of October 2016.

The proposed development of a single dwelling on this application site must be considered in relation to the current planning policy SPPS and PPS21. Policy CTY1 of PPS21 identifies a range of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The SPPS and PPS21 Policy CTY3 facilitate replacement dwellings within the countryside where the building to be replaced exhibits the essential characteristics of a dwelling and as minimum all external structural walls are substantially intact.

Block Plan R/2011/0332/F



Proposed Block Plan



The site of the current application is etched in red, site location map LA07/2018/0995/01 dated 29JUN2018. This site does not include an existing dwelling for replacement. The dwelling referred to within the site location map is within the curtilage of No 125B Ballylough Road, it is not within the red line of the site, not within the applicants ownership/control, and has been demolished. There is no building to consider as a replacement dwelling and therefore proposal is therefore not in keeping with planning policy CTY3.

The applicant supplied personal information in support of the proposal which identifies the circumstances which hindered the commencement of planning approval granted for replacement of No 123 Ballylough Road ie reference R/2011/0032/F. The details are confidential and have been considered by Planning.

The information submitted by the applicant, would not be sufficient to set aside the Planning (Demolition-Description of Buildings) Direction 2015 relating to commencement of development the expiry of previous planning application R/2011/0332/F and the need to satisfy current planning policy. It must also be noted that the applicant could have sought amendments to the approved access arrangements or a change of house type during the lifespan of planning approval R/2011/032/F and did not seek to do so.

The site is not would not meet the criteria for a new dwelling relating to a small gap site (CTY8), a dwelling in relation to a farm (CTY10) or to meet the essential needs of a non-agricultural business (CTY7).

Policy CTY6 and the SPPS considers a dwelling based on special personal or domestic circumstances. Additional information relating to the applicant's personal circumstances has been submitted with the application. The details of the applicant's circumstances have been considered. Policy CTY6 states that provision should be made for a dwelling to meet the long term needs of a person where there are compelling and site-specific reasons related to the persons personal or domestic circumstances, and where there are no alternative solutions to meet the particular circumstances of the case. Policy criteria of CTY6 detailed within PPS21 requires the applicant to provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and genuine hardship would be caused if permission were refused.

The justification and amplification of Policy CTY6 states that while there may be cases whereby special personal or domestic circumstances require a new house in the countryside, the onus is on the applicant to provide sufficient information to allow a proper assessment such as details of the level of care required in relation to any medical condition, the identity of their main carer, an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning were to be refused as well as what alternatives to a new dwelling have been considered.

The applicant has not provided information to demonstrate that there are no alternative solutions to meet their circumstances. Example of an alternative would be the extension or annex at their current property/carers address. The applicant resides a considerable distance from the site with the address detailed within the P1 Form as Brackenagh West Road, Kilkeel which measures approximately 20miles. No site-specific need has been demonstrated to justify the dwelling on the proposed site and the personal circumstances presented do not refer to the level of care required by the applicant or identify their main carer. No details relating to how genuine hardship would be caused if the permission were to be refused. The proposal fails to satisfy Policy CTY6 of PPS21.

The applicants planning agent submitted a Design and Access Statement with the proposal which refers to the applicant's personal circumstances and identifies policy CTY2a of PPS21 as justification for a new dwelling in the Countryside.

Policy CTY2a permits a dwelling within an existing cluster of development provided all the following criteria is met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings) 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 landscape
- Development would not adversely impact on residential amenity.

Considering the policy criteria of CTY2a the buildings of Nos 125, 125A, 125B, the new build dwelling, No 127 and the dwellings of Murphys Close are not located at a focal point. The site is to the rear of a cluster of linear development along Ballylough Road which consists of four or more buildings and lies outside of a farm. There is no social or community building or facility and the crossroads of Clonvaraghan Road and Ballylough Road are some distance south, it is not associated with the existing dwellings. The dwelling would not provide a suitable degree of enclosure, it could not be easily absorbed into the existing cluster through rounding off or consolidation and it would visually intrude into the countryside. The proposal would be visible when approaching from the south. The proposal offends policy CTY2a.

Several objections have been received in relation to the proposal. CTY2a criteria seeks to protect residential amenity. Considering the history of the site, the proximity of the neighbouring dwellings and mature boundaries I would not be of the opinion that the proposal would not have adverse impact on residential amenity of the existing dwellings.

Policy CTY13 (a-f) permits a building in the countryside that can be visually integrated into the surrounding landscape and it is of an appropriate design. The policy states that a new building will be unacceptable where it is a prominent feature in the landscape. Critical views of the site are achieved when travelling north-east along the Ballylough Road from the junction of the Ballylough Road and Clonvaraghan Road. The site has the benefit of established boundaries within the larger agricultural field to aid integration however the due to the elevated nature of the site proposed, the roof would be visible from the critical views obtained to the SW of the site. The design, size and scale reflect that within the area. The site is within the designated Area of Outstanding Natural Beauty and the proposal would not offend policy NH6 of PPS2 Natural heritage which is applicable within the AONB.

Policy CTY14 (a-e) permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building on the site would not be unduly prominent within the rural landscape. It would not result in the creation of a ribbon of development.

#### **CTY16**

Policy CTY16 permits development relying on non-mains sewerage, or where the applicant can demonstrate that this will not create or add to a pollution problem. I would recommend attaching a planning condition relating to the need for the applicant to submit their consent to discharge for consideration prior to commencement of development to ensure the proposal complies with Policy CTY16.

#### **Recommendation:**

The information provided by the applicant does not set aside the planning condition of R/2011/0032/F for commencement of development within five years from the date of the planning approval. There is no dwelling within the site to consider for replacement and the proposal fails to satisfy Policy CTY1 of PPS21. The applicant has not demonstrated that their personal circumstances result in the need for a dwelling and there is a site-specific need. No evidence has been provided to demonstrate the applicant considered alternative solutions to meet their particular

case. The dwelling would not satisfy the criteria of Policy CTY2a for development within an existing cluster. The proposal is contrary to policy.

**Refusal Reasons/ Conditions:**

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

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 Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
  - the cluster is not associated with a focal point and is not located at cross-roads;
  - the identified site is not able to provide a suitable degree of enclosure and is not bound on at least two sides with other development; and
  - the dwelling would not be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character and visually intrude into the open countryside.
4. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and 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 and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

**Case Officer signature:**

**Date:**

**Appointed Officer signature:**

**Date:**





**Application Reference:** P/2010/0904/F

**Date Received:** 19.07.2010

**Proposal:** Erection of farm dwelling to include retention of existing foundations

**Location:** 45 metres north of 18 Ballinasack Road, Mullaghbawn

**Site Characteristics & Area Characteristics:**

The site is located in the open countryside outside of any settlements and within the Ring of Gullion Area of Outstanding Natural Beauty (AONB) as designated in the Banbridge Newry and Mourne Area Plan 2015. The site is located on the elevated and minor Ballinasack Road. The site currently encompasses foundational work and steel caging and is currently located below the level of the road (approximately 3 metres below) but is situated above the level of the dwelling at No.18 (approximately 5 to a maximum of 10 metres in parts) and is approximately 45 metres to the north of No.18. The site is bounded by post and wire fences with low hedges to the front of the site. The surrounding area is rural in character and is characterised by farm groups and single houses.

**Site History:**

**P/2003/0168/O – Site for dwelling and garage was approved on 20<sup>th</sup> June 2003.**

**P/2006/2002/F – Erection of dwelling was approved on 11<sup>th</sup> January 2008.**

**P/2010/0108/CA – Enforcement case opened with complaints regarding unauthorised commencement of works on the site. This case was closed on 9.3.17.**

**Consultations:**

DARD/ DAERA – several consultation response received.

3.10.12 – (DARD) – Farm Business ID in existence for more than 6 years and no single farm payment or DARD support claimed in the last 6 years.

5.12.17 – (DAERA) – Farm Business ID in existence for more than 6 years and no single farm payment or Areas of Natural Constraint Payment or Agri Environment Scheme Payment in the past year.

6.3.19 – (DAERA) – Farm Business ID in existence for more than 6 years with the Farm Business ID allocated on 12.3.93 and it is a Category 1 Business ID. The farm business has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years, with no claims made in any of

these years. The application site is not on lands for which payments are currently being claimed by the farm business. The land is currently let out to another farmer.

DFI Roads – Content subject to conditions and informatives on 9.4.19.

NI Water – Content subject to informatives on 11.4.19.

Environmental Health – Satisfactory arrangements must be made for the effectual disposal of foul sewage. Recommended that full planning approval not be granted until NIEA is satisfied that consent to discharge can be issued in respect of this proposal. Other septic tank and energy efficiency informatives recommended.

### **Objections and representations:**

13 objections received

### **Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

DCAN 15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

### **Consideration and Assessment:**

It is first necessary to outline the long and complex history with regards to this application site. Outline approval was granted on this site for a house on 20<sup>th</sup> June 2003 under planning reference P/2003/0168/O. Subsequently on 11<sup>th</sup> January 2008 a full application for the erection of a dwelling was granted under planning application reference P/2006/2002/F with a one year time limit to commence development. On February 19<sup>th</sup> 2010, the Department of Environment opened an enforcement case P/2010/0108/CA on the site in response to complaints regarding unauthorised commencement of works on the site. On May 20<sup>th</sup> 2010 the Department served a planning contravention notice on the landowner and in response the applicant stated that he had started work on the site in autumn 2009. This date would have been beyond the time limit of the previous approval which

should have commenced by 11<sup>th</sup> January 2009. On 19<sup>th</sup> July 2010, the Department received the current application for the erection of a dwelling to include retention of existing foundations. The proposed description has since been amended to erection of farm dwelling to include retention of existing foundations.

Over the period from July 2010 to November 2011, objections as well as amended plans and additional information were submitted to the Department. Then on 8<sup>th</sup> December 2011 the application was presented to the legacy Council as an approval and was subsequently deferred. The application was then reconsidered by the Department and it was agreed that there was no evidence to prove that work started on the site in accordance with the previous application approved. This recommendation for refusal was then deferred at Council on 10<sup>th</sup> February 2012. A meeting was then held between the Department and the applicant/ agent in May 2012 and the applicant/ agent contended that they had an active farm and agreed that they would submit farm maps as well as a P1C farm form so that a case could be made for a farm dwelling approval on the site.

A P1C form as well as a farm map were submitted to the Department in May 2012, DARD were consulted on this information and on 3<sup>rd</sup> October 2012 they confirmed that the Business ID had been in existence for more than 6 years, however single farm payment or less favoured allowances had not been claimed in the last six years. The application was then re-assessed by the Department and it was considered that there was an established farm and erroneously that the site complies with Policy CTY 10 and approval was recommended. This recommendation was then deferred by the Council on 7<sup>th</sup> March 2013. Following this deferral, a meeting was held between the Department and the objectors in May 2013 and the information raised in the meeting was considered and a further assessment was made and the application was again recommended as an approval and was agreed by the Council on 8<sup>th</sup> August 2013, however the approval did not issue due to a further review by the former Planning Department.

On 7<sup>th</sup> September 2016, a meeting was held between the Planning Department and the new planning agent as well as the applicant and a Councillor. The issues raised in this meeting related to the complex history of the application site as well as arguments as to why the application should be approved.

Subsequently, on 24<sup>th</sup> November 2016, an amended proposed site layout as well as an existing site layout survey and cross section were submitted by the new planning agent. The intention was then for the application to be quickly assessed by the Planning Department however this was held back due to the Planning Department requesting legal opinion on the issue of active farming in general terms on all such affected planning applications.

When this application was first recommended as an approval in 2011, the former Planning Department were recommending approval on the basis that the previous approval had commenced however this recommendation was deferred by the legacy Council. Following a reassessment of the proposal in 2012 it was realised by the Planning Department that no evidence was submitted to prove that the works started prior to the previous approval lapsing and so the application was then recommended as a refusal and was deferred by the Council.

The now Planning Department has assessed and considered the issue of commencement of the previous planning approval. The previous full permission was granted on 11<sup>th</sup> January 2008 with condition 1 requiring that the development hereby permitted shall be begun before the expiration of 1 year from this date. Condition 4 also required that the vehicular access including visibility splays and any forward sightline shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted. This pre-commencement condition 4 was not complied with and currently in 2019 the access, splay and forward sightline have not been completed or indeed were never implemented on the site. Failure to comply with condition 4 means that the permission has lapsed and has not commenced. Furthermore, aerial photography as well as superimposed drawings provided by the former agent show that the foundational work is built in the wrong position on the site and is not in accordance with the approved plans and so the permission has not commenced. Additionally, the applicant has previously stated that he started work on the site in autumn 2009 which would have been after the one year expiry date of the previous approval which would have been 11<sup>th</sup> January 2009. In light of this, the Planning Department consider that the previous approval on the site was not commenced and this permission has lapsed. At a meeting in May 2012 the applicant and former agent appeared to accept that the previous approval had not commenced and said that had a small active farm and Business number and subsequently a P1C form and farm map were submitted for consideration and assessment in May 2012 and the proposal was also amended to the erection of farm dwelling to include retention of existing foundations.

Article 45 of the Planning Act (NI) 2011 states that subject to this part and section 91 (2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current statutory development plan – the Banbridge Newry and Mourne Area Plan 2015, the site lies in the open countryside within the AONB.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than the retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

This application is described as being the erection of a farm dwelling, the SPPS does not contain any new direction in relation to this type of proposal, therefore under the provisions of Paragraph 1.12 it is the retained policy which is afforded greater weight in this case.

## PPS 21 Sustainable Development in the Countryside:

Policy CTY 1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with Policy CTY 10. Under Policy CTY 10 planning permission will be granted for a dwelling house on a farm where all the listed criteria A to C are complied with as well as the requirements of CTY 13, 14 and 16. Under Criteria A it must be demonstrated that the farm business is currently active and has been established for at least 6 years. In their latest consultation response DAERA have confirmed that the farm Business ID has been in existence for more than 6 years which satisfies the establishment section of criteria A. However, DAERA have also confirmed that no basic payment scheme or agri environment scheme have been claimed by the farm business in any of the last 6 years and no claims made in any of these years. They also highlight that the application site is not on land for which payments are currently being claimed by the farm business and this response demonstrates that the farm Business is not currently active. Importantly DAERA also state that the land is currently let out to another farmer. The P1C form also indicates that the applicant currently lets the land in conacre to another farmer. As the land is let in conacre the farm business is not active and it is incorrect to suggest that conacre letting is sufficient to establish a business. Lands let in conacre do not and cannot satisfy the test that the landowner is in an active farm business. The landowner is a landlord, that is the essence of conacre. As a consequence this proposal does not comply with Criteria A in that, it has not been demonstrated that the farm business is currently active.

Under Criteria B of CTY 10 no dwellings or development opportunities out-with settlements have been sold off from the farm holding within 10 years from the date of this application. The Planning Department has no concerns with regards to this criteria.

Under Criteria C of CTY 10 it must be demonstrated that the proposed 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 from an existing lane. The proposal is contrary to criteria C as it is not visually linked or sited to cluster with an established group of buildings on the farm. There is no existing building groups on the farm as verified by the farming statement provided in this application. In later correspondence, the former agent referred to a building in a state of ruin within the farmland situated in field 7 of the farm maps. This ruin is some 340 metres away from the proposal and regardless the ruin does not equate to an established group of buildings on the farm. Furthermore, the proposal does not meet the exceptionality clause of criteria C in that it has not been demonstrated that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm or that verifiable plans exist to expand the farm business at the existing building groups to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm. The proposal fails to comply with policy CTY 10 and as a consequence does not comply with Policy CTY 1 in that there are no overriding reasons why this development is essential in this rural location and could not be located within an settlement.

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

an appropriate design. A new building is unacceptable if any of the Criteria A to G are applicable. It is considered that the proposal will be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, it relies primarily on the use of new landscaping for integration, ancillary works do not integrate with their surroundings and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm. The site is open and exposed with little in the way of screening and is elevated in nature in relation to the surrounding topography. Furthermore, it is the proposed intention to infill/ raise the levels in the site by up to 3 metres which will further exacerbate issues of prominence on the site and any little screening that there is will be removed and it will not be possible for the proposal to integrate if approved. Sight splays, access and forward sight line work will be required to the front of the site which will further expose the issues of integration and prominence and primarily new landscaping would be required and relied upon for integration of the entire site. The ancillary works which would be required to facilitate the proposal, and in particular the infilling would not integrate with their surroundings. Also, as previously mentioned under Policy CTY 10, the proposal is not visually linked or sited to cluster with an established group of buildings on the farm.

Under Policy CTY 14, planning permission will be granted for a new building in the countryside where it does not cause demonstrable change to, or further erode the rural character of the area and a new building will be unacceptable if any of the criteria A to E apply. It is considered that the proposal is contrary to this policy as the building would, if permitted be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, creates a ribbon of development and the impact of ancillary works would damage the rural character. As the proposal is contrary to criteria D in that it creates a ribbon of development then the proposal is also contrary to Policy CTY 8 of PPS 21 which is the primary policy for assessing ribbon development in that the proposal would, if permitted, result in the creation of ribbon development along the Ballinasack Road.

The objector has raised concerns with regards to septic tanks and soakaways under Policy CTY 16, however, any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

### **Planning Policy Statement 2: Natural Heritage**

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Ring of Gullion AONB. The siting of the proposal is considered unsympathetic to the special character of the AONB in general and of the particular locality due to its inability to group with existing buildings on the farm.

### **Planning Policy Statement 3: Access, Movement and Parking**

No concerns are raised with regards to this planning policy and DFI Roads have confirmed that they are content with this proposal subject to appropriate conditions and informatives.

#### **Objections/ Representations:**

13 objections have been received on this application. All of these objections have been received from a representative of the owner of the house to the south of the proposed site.

The issues raised are as follows:

- Inaccuracies in drawing scales;
- Septic tank and soakaway concerns;
- Detrimental impact on local amenity;
- Excessively obtrusive and adversely intrusive to land and skylscapes;
- Hugely intrusive and adversely intrusive to occupiers of No.18;
- Misleading information;
- Previous report lacking in care;
- Contravention of PPS 21;
- Does not meet with Policy CTY 1, 10, 13, 14 and 16 and it is not visually linked and clustered, is not an active farm and is prominent in the landscape;
- Foundations not in accordance with previous approvals;
- Contrary to PPS 4 and PPS 7;
- Negligence on the part of the former Planning Department;
- Should be a legal challenge/ judicial review and
- Land rented to another party and not operated as a farm business.

All of the issues raised in these objections have been fully considered in the assessment of this planning application. The majority of the points raised by the objector are relevant and have been reflected in the concerns raised throughout this report and have also been reflected in the below refusal reasons. Discrepancies with regards to scale of drawings and misleading information have now been corrected and resolved and a recommendation can be made on this basis of the information submitted. Issues raised regarding PPS 4 and PPS 7 are the incorrect policy with regards to this proposal. It is considered by the Planning Department that the proposal, if approved would not cause a detrimental impact on the amenity of No.18 and would not be intrusive on this property. It is considered that the separation distance of approximately 41 metres at the closest point between the proposed house and the existing house coupled with the re-orientation of the house so that the front of the proposed house faces the main Ballinsack Road is enough along with tree planting to ensure there will be no overlooking or negative, dominant impact on No.18.

**Recommendation:**

Refusal is recommended as the proposal is contrary to the SPPS, PPS 21 and PPS 2.

**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 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 is currently active;
- The proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm or that verifiable plans exist to expand the farm business at the existing building groups to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

3. 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 creation of ribbon development along Ballinasack Road.

4. 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 proposed building is a prominent feature in the landscape;
- The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- It relies primarily on the use of new landscaping for integration;
- Ancillary works do not integrate with their surroundings; and
- It is not visually linked or sited to cluster with an established group of buildings on the farm.

5. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- The building, would, if permitted be unduly prominent in the landscape;



- Result in a suburban style build – up of development when viewed with existing and approved buildings;
- It creates a ribbon of development and
- The impact of ancillary works would damage rural character.

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer**

**Authorised Officer**



**Application Reference:** P/2013/0527/O

**Date Received:** 10.07.2013

**Proposal:** Proposed residential development of detached and semi-detached dwellings (to complete Carrickshane Housing Development), with associated site and landscape works.

**Location:** Lands at McShane's Road, to the west of Carrickshane and to the north of Orior Park, Bessbrook.

#### **Site Characteristics & Area Characteristics:**

This site is located along McShanes Road Bessbrook, into the rear of a new housing development namely CarrickShane. Access will be off the McShanes Road and through CarrickShane. The site sits high above the public road and the adjoining housing developments of Clogharevan, Orior Park and Brookville and is currently overgrown with rough grass.

The site is within the Settlement Development Limit for Bessbrook as designated in the Banbridge, Newry and Mourne Area Plan 2015. This site has also been zoned for housing (BK 06). The surrounding area is residential.

#### **Site History:**

P/2004/3222/F – Erection of 75 dwellings comprising terrace, semi-detached and detached properties with associated site works at lands opposite No.12 McShanes Road was refused and then appealed. At the appeal PAC Ref 2005/A471 a revised proposal was allowed on 13<sup>th</sup> October 2006.

P/2006/1209/F – Erection of 43 dwellings on lands opposite No.12 McShanes Road, Bessbrook was approved on 18<sup>th</sup> July 2008.

P/2014/0071/CA – Enforcement case regarding the unauthorised infilling of land on the site. Case remains open.

#### **Consultations:**

NIEA Natural Heritage – No objection to the proposal on 23.08.13.

Environmental Health Department: No objections on 04.09.2013.

DFI Roads – Content, subject to conditions on 16.12.2013.

NI Water – Content, subject to conditions on 23.09.13.

Public Rights of way Officer within the Council – There are alleged Public Rights of way at this location that would need to be incorporated into the development on 23.06.2014.

Rivers Agency are content. Schedule 6 consent from DFI Rivers to discharge surface water to the watercourse is require and Rivers Agency are content that this is dealt with via a condition to any planning approval on 29.5.19.

**Objections and representations:**

12 objections received which have been fully considered as will be detailed later in this report.

**Planning Policies & Material Considerations:**

Regional Development Strategy 2035: Building a Better Future

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Banbridge/ Newry & Mourne Area Plan 2015

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

DCAN 15 – Vehicular Access Standards

Parking Standards

Planning policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments – Policy QD 1

Addendum to PPS 7: Safeguarding the Character of Established Residential Areas

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 12: Housing in Settlements

Planning Policy Statement 15: (Revised) Planning and Flood Risk

A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP 18)

Creating Places

Living Places Urban Stewardship and Design Guide

## **Consideration and Assessment:**

### **Regional Development Strategy 2035 (RDS)**

Under the Society section of the RDS, Policy RG 8 aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. This proposal complies with this given the proposed high quality mix of housing within the settlement development limit of Newry in an accessible position and it does not cause unacceptable damage to the local character and environmental quality or residential amenity of these areas.

### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than the retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

### **Banbridge Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan, so far as material to the application, and to any other material considerations. The site is located within the development limit of Newry on land zoned for housing development BK06 which is a Committed Housing site. Policy SMT2: Development on Zoned Land is applicable. This policy states that 'Planning permission on zoned sites will be granted for the specified uses as well as any range of uses included within the Key Site Requirements and any specified complementary uses'. All prevailing regional planning policies will also be taken into account. The principle of residential development on this site is acceptable given that the site is a zoned housing site. The proposal also complies with policy SMT 2 as the proposal solely seeks permission for the specified use.

### **PPS 2: Natural Heritage**

NIEA were consulted on this application and confirmed that they have no objections to the proposed development. NIEA conducted a site visit and advised that the site

has low natural heritage value. They did also advise that clearance of vegetation should take place outside the bird breeding season between 1<sup>st</sup> March to 31<sup>st</sup> August and that plans at reserved matters stage should show native species boundary planting. It was also advised that an informative regarding the Wildlife Order 1985 should be attached and that tree and hedge loss should be kept to a minimum. The proposal fully complies with this policy and the Planning Authority are content that there will be no unacceptable adverse impact or damage on natural heritage as a result of this proposal.

### **Planning Policy Statement 3: Access, Movement and Parking**

#### **Policy AMP1: Creating an Accessible Environment**

The Department's aim is to create a more accessible environment for everyone and developers therefore should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of the development. As this is an outline application, facilities to aid movement for those whose mobility is impaired have not been included. The developer will however be required to provide such detail at the reserved matters stage.

#### **Policy AMP2: Access to Public Roads**

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 and the proposal does not conflict with Policy AMP3: Access to Protected Routes.

Transportni have assessed this proposal in terms of its impact on road safety and the flow of traffic along McShanes Road. In their initial response (17.09.13), Transportni requested that the applicant show the required visibility splays for the dwelling proposed on site No 44 and an amended layout showing how a traffic speed of less than 20mph can be achieved. Transportni advised that the dwelling at No.44 as shown onto McShanes Road is unacceptable.

The agent submitted revised drawings on 18th November 2013 which showed the visibility splays for site No 44 on a revised site location plan and the inclusion of four speed cushions positioned along the access road and a temporary turning head on a revised site layout drawing. The speed cushions are to be installed at the end of phase three construction with the temporary turning head removed at this time also. Transportni were reconsulted with the amendments and advised in their response dated 16th December 2013 that they were content with the drawings and raised no further issues, subject to appropriate conditions.

#### **Policy AMP7: Car Parking and Servicing Arrangements**

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location.

The concept statement sketch design submitted with this application shows incurtilage parking for each unit down the side of each dwelling. The exact number of spaces required will be worked out at the reserved matters stage when the house

designs are submitted and the number of spaces per unit can be calculated. An appropriate condition shall be attached regarding car parking spaces.

It must also be noted that a revised concept layout plan was received by the Planning Authority on 7<sup>th</sup> February 2014. The road layout remains exactly the same as that which was previously approved by Transportni, however proposed site 44 which was proposed to have direct access onto McShanes Road has been omitted from the scheme. It is appropriate that this proposed site is omitted from the scheme as this space was marked as a pedestrian link between McShanes Road and the new development in the previously approved application under P/2006/1209/F.

**A proposal for new residential must meet the nine criteria outlined in Policy QD1: Quality in New Residential Development of PPS7. These are detailed below;**

**the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.** This application is for outline permission for a residential development on a site to the south west of a new housing development namely Carrick Shane. Carrick Shane was approved in July 2007 and both phases have been completed. It is noted that there are enforcement issues with these constructed dwellings including houses built in the wrong position and areas of open space being subsumed into the gardens of residents. However, it is considered that there is appropriate space within this application site to approve the principle of residential development on the site. This third phase of development respects the surrounding context and will follow the topography of the site and respect site contours. The layout shown in the concept plan is appropriate and provided adequate amenity space is included in the reserved matters details, should meet the guidelines of Creating Places. No details regarding the appearance of the buildings are submitted as part of the outline application but the scale, proportions and the design should reflect those of existing dwellings in CarrickShane. A landscaped area is shown between the proposed dwellings and existing housing at The Gardens and Clogharevan Park. This will act as a buffer and introduce an area of landscaped open space. Conditions shall be attached regarding this open space and associated maintenance and management of the open space.

**Features of the archaeological and built heritage, and landscape features are identified, and where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development.** There are no archaeological, built heritage or landscape features that need to be protected and integrated into the development.

**Adequate provision is made for public and private open space and landscaped areas as an integral part of the development.** As this is an outline application only an indicative layout for the proposed housing development has been submitted. This shows three detached dwellings and ten semi detached units, all with private open space to the rear. The final sizes of these garden areas will be dealt with at reserved matters stage. The gables of No's 22 and 23 Orior Park face the rear boundary of

four proposed units, however the privacy of prospective residents should not be compromised provided the proposed trees and boundary planting is carried out. Between the new units and the site boundary is an area of open landscaped space and a buffer zone to further screen views between this site and the existing units at Brookview Mews and Clogharevan Park.

**Adequate provision is made for necessary local neighbourhood facilities.** The scale of this development does not warrant the inclusion of neighbourhood facilities. The site is within the Settlement Limit and is accessible to local services in Bessbrook.

**A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.** Following a request from Transportni, the agent submitted a revised layout showing details of traffic calming measures. Transportni are satisfied with the provision of such. There are a number of bus services that serve Bessbrook; from here pedestrian access is available through The Gardens, Brookvale Crescent and Clogharevan Park.

**Adequate and appropriate provision is made for parking.** Car parking is provided within the curtilage of the proposed dwellings. The exact number required for each unit will be based on the number of bedrooms and will be calculated at the reserved matters stage.

**The design of the development draws upon the best local traditions of form, materials and detailing.** The finer details of the design of the development have not been submitted; however a note on the concept plan states that the house types will match existing approved house types and if this is the case, the new dwellings will reflect those recently built and under construction.

**The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; the adjacent land uses are residential and this proposal will therefore create no conflict with these.** The site is located to the south west of recently constructed dwellings in CarrickShane and the proposed dwellings will not adversely affect these in terms of overlooking, loss of light, overshadowing, noise or other disturbance. However, the site sits well above the level of Clogharevan Park which could create the potential for overlooking to these dwellings. To counter this, the development proposes a buffer of soft landscaping between the new units and those at the lower level, and given the distance between new and existing, overlooking will be reduced. The dwellings at Orior Park on the southern boundary of the site are single storey and there is the potential here for amenity issues to arise. The separation distance between the gable of No 22 Orior Park and the rear elevation of proposed dwelling on site 56 is 16.5m, with a separation distance of 13m between the proposed dwelling and the common boundary. Creating Places suggests a separation distance of greater than 20m where the development abuts the private garden areas of existing properties. A minimum of around 10m between the rear of new houses and

the common boundary is also recommended to minimise overlooking. Through slight site adjustment at the reserved matters stage, this minimum separation distance of 20 metres can be achieved and a condition shall be attached to ensure this separation distance is achieved.

**The development is designed to deter crime and promote personal safety.**

Front elevations overlooking areas of public use allowing informal surveillance of the area with the aim of enhancing personal safety. Details of how the development will deter crime and promote personal safety will be submitted as part of the reserved matters application.

The Addendum to PPS7 states that 'in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met':

The proposed density is not significantly higher than that found in the established residential area. CarrickShane housing development would be of a density lower than the adjacent housing developments. This proposal respects the density of CarrickShane and will not promote a development of high density.

The pattern of development is in keeping with the overall character and environmental quality of the established residential area. This development extends the previously approved dwellings and is in keeping with the overall character of the area.

All dwelling units and apartments are built to a size not less than those set out in Annex A. This application is for outline permission and therefore the size cannot yet be confirmed.

In light of the above, the proposal complies with QD 1 of PPS 7 and will create a quality and sustainable residential development and will not result in unacceptable damage to the local character, environmental quality or residential amenity.

**PPS8: Policy OS2 Public Open Space in New Residential Development**

The policy states that the Department will only permit proposal for new development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy refers to a normal expectation of at least 10% of the total site area.

**PPS 12: Housing in Settlements**

PPS 12 is a material consideration for this application and lists planning control principles which must be adhered to. This proposal complies with these principles as it will increase the housing density in this area without causing an erosion of local character, environmental quality or amenity. The proposed housing density is



considered acceptable and is in compliance with policy in terms of layout, design and landscaping. The proposal represents a sustainable form of development in line with Planning Control Principle 3 as it is within a defined settlement limit on lands zoned for housing. There are local facilities and services as well as public transport within acceptable distance of the site.

### **PPS15: (Revised) Planning and Flood Risk**

Rivers Agency are content. Schedule 6 consent from DFI Rivers to discharge surface water to the watercourse is require and Rivers Agency are content that this is dealt with via a condition to any planning approval. The proposal complies with this policy.

### **Consideration of objections/ representation:**

A total of 12 objections were received on this application.

There are two common issues raised in all these objection letters. Firstly, the objectors have stated that when they were purchasing their home, they were led to believe that this existing part of CarrickShane was to be a small cul-de-sac of only 11 houses. A brochure distributed by the estate agents showed this site as a landscaped open space.

Secondly the objectors have raised concerns regarding the additional traffic resulting from the proposed development. The existing access road is narrow and would be unable to cope with the additional traffic from the proposed dwellings. Furthermore there are no footpaths along this section of CarrickShane which poses a risk to pedestrians. Also, residents would be faced with a building site beside their home.

Further objection letters were received from residents of CarrickShane following receipt of the amended plans by the Department on the 18th November 2013. The objectors noted that the amended plans did not address their concerns regarding the lack of footpaths and the non-provision of landscaped areas.

### **Considerations**

The development approved under P/2006/1209/F was for the erection of 43 dwellings. The red line of the site included the portion of land now the subject of this current application. No development was shown on this section, and it was to be fenced off from the phase of development now completed. In the applicant's concept statement, he refers to this land on the western side of the application site to be used for open space. He further states that all zones of public open space will be augmented with trees and shrub planting and a gravel path will link McShane's Road with the upper sections of the development. It is understandable therefore how the occupants of the residential units were led to believe that this site would not be developed for housing. The brochure distributed by the estate agent reflects that layout approved under P/2006/1209/F.

However, as mentioned above, the red line of the previously approved site included the area of land to be developed as part of this application The approved detail plans

for this site, Drawing approved 04 (Rev 1) stamp granted 18.07.08 provides no details with regards to how the area of land between the south-west of site 32 to number 22 Orior park will be developed and this area is omitted from these approved plans but as mentioned previously is included in the approved site location plan and is consequently zoned for housing in the prevailing development plan and is therefore suitable for housing and will be approved provided all prevailing regional planning policies are adhered to. However, in terms of the area of land fronting onto McShanes Road and to the north of the site running adjacent to site 43 up as far as site 32 it is noted that this area was approved on 04 (Rev 1) as an area of open space. A condition will be attached to any subsequent planning approval to ensure that this area will be retained as open space as far as possible considering that some of the houses previously approved are now built in the wrong position. This condition will indeed ensure this area of open space is continued right down to the most south west part of this application site. It must be noted that the sales brochure provided by the development does not hold any legislative weight and it is the development plan which is the prevailing policy and the designation within the plan zones the land as being acceptable for housing.

Transportni were consulted with the proposed scheme and requested further details with regards to the use of speed restraints to achieve the target max speed of less than 20mph. Amended plans showing these details were received by the Department on 18th November 2013 and forwarded to Transportni and they were satisfied with the provision of the speed cushions.

With regards to the provision of footpaths, paragraph 19.01 of Creating Places allows for the omission of footpaths along a carriageway where it is desirable to create a shared surface with an intimate human scale suitable for use by pedestrians, cyclists and vehicles. Generally a carriageway of shared surface should serve no more than 25 dwellings. The previous approval for Carrick Shane, application P/2006/1209/F opted for a shared surface carriageway through this part of the development. A shared surface carriageway would be acceptable at this phase of development also as the addition of 13 houses would result in a total of 24 dwellings using this shared surface carriageway. A condition will be attached to ensure no more than 13 houses are approved as part of this outline approval. Transportni have confirmed that the proposed width of the road is acceptable, the proposed shared surface is acceptable and have raised no concerns with increased traffic or road safety. If approved and built, the presence of construction work and traffic is inevitable and Transportni have raised no concerns with this issue. In summary, the objections have been fully considered and do not warrant a change of opinion.

This application was previously recommended for approval by the former Planning Authority and was deferred by the former legacy Council on 14<sup>th</sup> April 2014. A meeting was held on 12<sup>th</sup> June 2014 local Councillors, objectors, Transportni and the former Planning Authority present. Then on 4<sup>th</sup> August 2014 a site meeting was held between local Councillors, the former Planning Authority, Transportni and the former planning agent/ developer. These meetings reviewed the concerns of the objectors while the former Planning Authority outlined their reasoning for approval. The meetings do not warrant a change of opinion.

With regards to the public rights of way issue, it must be noted that this an alleged public rights of way and no application has been received to reinstate it. At the meeting on 4<sup>th</sup> August 2014, the Councillors agreed to have the public right of way reinserted and this will be dealt with via an appropriate planning condition to any planning approval.

In light of the above report and assessment of this legacy application, approval is recommended subject to the below conditions and informatives.

**Recommendation:**

Approval subject to the conditions and informatives below.

**Conditions:**

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

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

2. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation,

car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council.

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

4. Only detached and semi-detached dwellings are permitted at the site, the ridge height of dwellings shall not exceed 8 metres. Each dwelling shall have private amenity space of no less than 70m<sup>2</sup> with a plot depth of no less than 10m from the rear elevation of each of the dwellings with the exception of any new housing backing onto Orior Park.

Reason: To ensure proposals respect the surrounding context and built form of the area and to protect residential amenity.

5. There shall be a minimum separation distance of 20 metres between the existing housing in Orior park and any proposed houses backing onto Orior Park.

Reason: In the interests of visual amenity and to protect residential amenity.

6. No more than 13 dwellings (detached/ semi-detached) shall be erected on this site.

Reason: To ensure the provision of a quality residential environment which complies with planning policy.

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

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

8. A detailed Management & Maintenance Plan shall be provided prior to the occupation of the development.

This plan should set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It should cover existing landscaping (where applicable) and proposed planting. The plan should show what arrangements have or will be put in place to ensure the proper and long term management and maintenance of all aspects of the development. Such a plan should normally cover a minimum period of 20 years.

The details and letter of commitment from the management company which is to be used / employed. It should also be demonstrated what fall back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Recreation).

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

9. A detailed landscape plan, including details of areas of communal open space and planting shall be submitted to the Planning Authority as part of the reserved matters application and will be approved by the Planning Authority prior to the occupation of the development.

Reason: To ensure the appropriate provision of open space and landscaping within the site.

10. No development shall take place until details of gates, fences, walls or any structures in addition to the proposed dwellings have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development is in keeping with the locality.

11. No development shall take place until a plan of the site has been submitted to and approved by the Planning Authority indicating the existing and proposed contours, the finished floor level(s) of the proposed buildings and the position and height of any retaining walls.

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

12. A scale plan at 1:500 shall be submitted as part of the Reserved Matters

application showing the access to be constructed in accordance with the attached Form RS1. The access shall be constructed in accordance with the approved plan prior to the commencement of any other development.

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

13. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 no garages shall be sited closer than 5.6 metres from the back of the footway or service strip.

Reason: To ensure that there is space for a parked vehicle without encroachment onto the footway or service strip

14. The Private Streets (Northern Ireland) Order 1980

The development shall be in accordance with the requirements of the Department's Guide Document 'Creating Places' and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

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

Reason: To ensure the adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services

16. No dwellings shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of 2 private.

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

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

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

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

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

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

Reason: In the interests of visual amenity

20. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Planning Authority.

Reason: In the interests of public health.

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

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

22. No development shall take place until the full details of any retaining walls proposed within the site have been submitted to and approved in writing by the Planning Authority. The retaining walls shall be shall be constructed prior to the occupation of any part of the development hereby approved.

Reason: In the interests of safety and visual amenity.

23. Prior to the commencement of any other development, Schedule 6 Consent from DFI Rivers to discharge water to the watercourse shall have been obtained by the applicant/ developer from the DFI Rivers Local Area Office.

Reason: To ensure compliance with PPS 15 Planning and Flood Risk.

24. An application for the reinsertion of the Public Right of Way within the site shall be submitted by the developer/applicant to the relevant Authority for

approval. If approved, the details of how the right of way will be incorporated into the residential development, a timescale for the development and implementation of the public right of way shall be submitted to and agreed in writing by the Planning Authority prior to the occupation of any part of the development.

Reason: In the public interest

### Informatives

1. This notice relates to drawing No. 01 (Rev 1) which was received on 18th November 2013.
2. Rivers Agency, NIEA, Environmental Health Office and NI Water comments are enclosed for your attention.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. This permission does not confer title. It is the responsibility of the developer to ensure that he/she controls all the lands necessary to carry out the proposed development.

**Case Officer**

**Authorised Officer**





**Application Reference:** P/2014/0106/F

**Date Received:** 27.01.2014

**Proposal:** Retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure.

**Location:** Shepherds Drive, Carnbane Industrial Estate, Newry BT35 6JQ

#### **Site Characteristics & Area Characteristics:**

The site is the existing Regen Ltd facility in Carnbane Industrial Estate, Newry. The main structure of the facility is a building that is divided in two internally with one section used for the processing of Municipal Derived Refuse, and the other section used for the processing of Municipal Solid Waste. There are a number of ancillary structures erected around the site.

The remainder of the facility lies to the north of the main building and it is largely dedicated to the parking of vehicles. The site is situated adjacent to the Newry Canal on its western side, on the opposite side of the canal is Carnbane Gardens an established residential area. Carnbane Industrial Estate has a number of commercial/ industrial premises near to the site.

By way of a development plan definition, the site is located within an existing area of Economic Development within the settlement limit of Newry.

#### **Site History:**

P/2003/0049/F - Construction of a Waste Transfer & Materials Recovery Facility for the segregation of commercial and industrial waste and transfer of mixed dry recyclables was approved on 27.02.04.

P/2005/1163/F - Amendments to planning permission P/2003/0049/F to include alterations to building design, alteration of machinery used, and alteration of conditions 3 (to allow loading to rear of building), 4 & 5 in light of additional noise information. Planning permission P/2003/0049/F is for the construction of a Waste Transfer Station and Materials Recovery Facility was approved on 06.11.06.

P/2007/1386/F - Non compliance with condition 8 of planning permission P/2003/0049/F which relates to the permitted operational working hours at the materials recovery facility was approved on 27.03.09.

P/2008/0473/F - Amendments to existing waste transfer/materials recycling facility (approval P/2005/1163/F and P/2003/0049/F) to include extension of building for material storage, processing equipment and staff welfare facilities; revised internal layout including additional processing equipment and storage bays for mixed and segregated dry recyclables; pump house; maintenance workshop; vehicle access canopy; drum storage container; water storage tank; generator; external mobile transfer station; relocation of 2 no diesel tanks; and external storage bays/quarantine area was approved on 17.02.10.

P/2008/0084/F - In-vessel composting plant and change of use of part of existing materials recovery building to receive and screen organic wastes segregated from municipal solid wastes. Permission is also sought for non-compliance with condition 7 of planning permission P/2003/0049/F which relates to the implementation of a landscaping scheme was approved on 21.07.11.

P/2014/0085/F - Variation of condition 06 (installation of odour control/treatment system) of planning permission granted under planning reference P/2008/0084/F (in vessel composting facility) to allow phased installation of the odour control/treatment system within the waste reception building prior to the construction of approved composting building and variation of condition 10 (erection of 3.5m acoustic barrier) to allow erection of 5m high acoustic barrier was approved on 03.02.15.

P/2012/0396/F - Amendments to the existing waste transfer/materials recovery facility to permit the acceptance of baled refuse derived fuels (RDF) at the site; construction of external storage bays; construction of an external sort area for segregating dense hard plastics; construction of a noise barrier from thick steel panelling; interim storage of unprocessed waste in trailers prior to processing on site and interim storage of baled waste prior to processing on site (Amended description and additional information received) remains under consideration.

P/2014/0891/F - Information to address condition 07 of planning permission granted under planning reference P/2008/0084/F and modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F remains under consideration is recommended for approval.

### **Consultations:**

DFI Roads – No objections on 06.03.14.

Northern Ireland Water (NIW) - No objections. Public water supply within 20 metres of the proposal, consultation with NIW is required to determine how the proposal can be served. Application to NIW is required to obtain approval to connect. Consultation with NIW is needed to determine how best to serve this facility. Foul sewer within 20 metres of the proposal, consultation with NIW is required to determine how the proposal can be served on 17.07.14.

NIEA Land and Resource Management Response - The granting of planning permission for this development will mean that the waste storage license for this site will need to be modified accordingly, details of the silt pit in the north western corner of the site needs to be sought, conditions to restrict the hours of use may be appropriate to reduce the potential impacts, it should be ensured that there are no waste water discharges and the 4 IBC oil tanks shown on Drawing No. 6 should be banded on 7.5.14.

Newry and Mourne District Council, Environmental Health Office - Clarification regarding the mobile plant, hours of use and nature of material processes, clarification regarding the silt pit as well as the position of the mobile glass processing plant and it may be necessary to attach a planning condition to control the location of where this plant can operate from. The storage containers, retained film plant and wheel wash would not give rise to any specific environmental health issues on 29.10.14.

### **Objections and representations:**

46 letters of objection have been received from the residents of Carnbane Gardens, their elected representatives and a firm of solicitors representing an unspecified client. The issues of concern relate to the potential impact on neighbours by reason of noise, increased traffic, pollution, loss of quality of life, loss of amenity, out of character with the surrounding residential properties, concern with hours of operations of new floodlighting operating on the site with disturbance of sleep and intrusion to privacy as well as the operator carrying out works without the benefit of planning permission and the need for an Environmental Statement. These objections have been fully considered in this assessment and will be detailed later in this report.

### **Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Planning Policy Statement 11 – Planning and Waste Management

Planning Policy Statement 3 – Access, Movement and Parking

DCAN 15 – Vehicular Access Standards

Planning Policy Statement 15 – Planning and Flood Risk

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

Planning Policy Statement 2 – Natural Heritage

The Northern Ireland Waste Management Strategy – Delivering Resource Efficiency

ARC 21 Waste Management Strategy – (For Newry, Mourne & Down District Council)

### **Consideration and Assessment:**

#### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than the retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

With regards to waste management, the SPPS largely reaffirms the policies contained in PPS11, although it does confirm that with regards to Policy WM2 of PPS11, the best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process. The proposal fully complies with the SPPS and it must be noted that there is a presumption in favour of treatment facilities where such development is identified through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP). This will be considered further under the PPS11 section of this report.

#### **Planning Policy Statement 11 Planning and Waste Management**

Under policy WM1 of PPS 11 Environmental Impact of a Waste Management facility, proposals for the development of a waste facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all the following criteria are met:

- (a) the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;**
- (b) the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;**
- (c) the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**
- (d) the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;**
- (e) the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;**
- (f) adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;**
- (g) wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;**
- (h) the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.**
- (i) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**
- (j) the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;**
- (k) the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;**

**(l) In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site."**

This proposal will not cause demonstrable harm to human health or result in an unacceptable impact on the environment. The proposal is for retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure and is contained within an existing waste transfer and material recovery facility. The majority of the elements contained within this proposal will be situated along the eastern boundary of the site away from the closest residents in Carnbane Gardens and there will be no impact on the amenity or living conditions of these residents. The wheel wash is the closest element of proposal to the western side of the site however the separation distance is considered acceptable and the Environmental Health Office have confirmed that the wheel wash will not give rise to any specific environmental health issues. The silt pit is not part of this application and is not contained within the red line boundary of this site. The agent has confirmed that the glass plant will not operate in any other location other than that indicated in the plans and the Planning Department will condition this as part of any planning approval. With regards to the operating hours of the plant, this will be controlled via condition.

NIEA Land and Resource Management unit in their comments stated details of the silt pit in the north western corner of the site needs to be sought, conditions to restrict the hours of use may be appropriate to reduce the potential impacts, it should be ensure that there are no waste water discharges and the 4 IBC oil tanks shown on Drawing No. 6 should be bunded. In response to this, the silt pit does not form part of the planning application, conditions will be used to restrict the hours of operation and conditions will ensure there will be no waste water discharges and the LBC oil tanks are not part of the application.

It is considered that the proposal is compatible with the character of the surrounding areas in that the proposal is contained within an existing waste facility and within an industrial site. Housing is located to the west of the site, however the proposal will not be incompatible to this adjacent use given its nature and position within the site.

The visual impact of the waste facility is considered acceptable and will not have an unacceptable visual impact on any area designated for its landscape quality. The Newry Canal runs along the western boundary of this site and there is also a Local Landscape Policy Area (NY 114) to the west of the site. The Newry canal is a monument scheduled for protection under the Historic Monuments and Archaeological objects NI order 1995, and therefore policy BH1 (The Preservation of Archaeological Remains of Regional Importance and their Settings) of PPS 6 must

be considered. The policy advises that development which would adversely affect sites of regional importance or the integrity of their setting will not be permitted unless there are exceptional circumstances. This proposal will not adversely affect the setting of the canal and complies with PPS 6 as well as the prevailing Development Plan. There is no development proposed along the or adjacent to the boundary with the Newry Canal and policy PPS 6 is not offended and consultation with NIEA Protecting Historic Monuments is not required.

There will be no prejudice to the safety and convenience of road users and no nuisance by way of noise, dirt and dust as confirmed by the relevant consultees. DFI Roads have confirmed no objection.

The public road network can satisfactorily accommodate the traffic generated.

Adequate arrangements are provided on the site for parking, servicing and circulation of vehicles. Overall, the proposal complies with PPS 3 Access Movement and Parking as well as DCAN 15 Vehicular Access Standards.

It is not practicable to consider alternative transport modes.

The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests. The principal use of this site has been established over the history of applications since 2003 and this proposal will not cause unacceptable adverse impact. The proposal also fully complies with PPS 2 Natural Heritage.

The type of waste to be treated and proposed treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures. The consultees have raised no issues with the elements of the proposal being considered and suggest conditions to be applied.

The proposed site is not at risk of flooding and the proposal will not cause or exacerbate flooding elsewhere. The site is not situated within a floodplain. The site is within an area of inundation but consultation with Rivers Agency is not necessary as the proposal given its nature, that is an attached glass processing plant, portacabin containing office structure and ground storage, filling plant, skip, wheel wash and associated scaffolding structure will not cause or exacerbate flooding elsewhere and the site will not be at risk of flooding. A condition will be placed on the wheel wash to ensure there will be no waste water discharge and indeed the principal of a wheel wash on the site was established in a former planning approval. Additionally, rivers agency have historically confirmed the site is not at risk of flooding.

The proposal does not result in the permanent loss of the best and most versatile agricultural land.

No landfilling is proposed.

Overall, the proposal fully complies with Policy WM1.

Under policy WM 2, Waste Collection and Treatment Facilities, proposals for waste collection treatment facility will be permitted where they meet four criteria A-D. Criteria B is no longer applicable as the SPPS highlights that the BPEO is no longer a material consideration in the planning process. Under Criteria A of the policy, there has to be a need for the facility established through the Waste Management Strategy and the Waste Management Plan. At the outset it must be noted that the principle use of the site, a waste transfer and material recovery facility is long established on this site through planning history. The new element of waste attached to this proposal is the glass processing plant. The glass processing plant will separate, crush and segregate glass, a form of glass recycling in order to allow it to be made into glass cullet. The glass will only be processed on site and the cullet will be produced elsewhere off the site. The glass processing plant is a waste treatment facility (recycling). There is an established need for such a facility as indicated in the WMS and WMP. The WMS (Waste Management Strategy Delivering Resources Efficiently) identifies a five tier waste hierarchy with preparing for reuse and recycling appearing as the second and third tier on this hierarchy, clearly demonstrating that there is a need for such a glass processing plant. The Arc 21 Waste Management Plan is the relevant WMP for the Newry, Mourne and Down District Council. Reuse and recycling is one of the objectives of this plan, thus demonstrating a need for such a facility. The plan also indicates that there is a responsibility on all government departments to provide leadership in the more sustainable management of waste and across the government estate, a recycling contract was established in 2008 to separately collect items such as glass and Councils are tasked to encourage businesses to recycle. Furthermore the WMP lists the applicant in this case as a licensed waste management facility. Criteria A of WM 2 is complied with. The proposal complies with Criteria C in that it is located within an existing industrial area (Carnbane Industrial Estate) of a character appropriate to the development. The proposal complies with Criteria D, it benefits from easy access to transport. The proposal is contained within a purpose built glass processing plant and in order to produce the top level of quality, separation and segregation and non contamination the plant must be outside the building and away from the other waste materials being treated/processed within the main building. The proposal can only be done outside the building built in and enclosed within the purpose built plant. The sorting will take place inside the building and the processing will be inside the glass processing plant. The building in effect is being appropriately modified. The built development is appropriate to the nature of the waste and the hazards of the waste concerned and will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by



mitigating measures. Ancillary offices, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure are considered to be small scale development and appropriate in nature and raise no issues in terms of planning policies or environmental concerns.

### **Objections/ Representations:**

All objections/representations have been fully considered as part of this application. With regard to the need for an Environmental Statement, the Planning Department have completed an EIA screening as part of this application and it has been determined that an Environmental Statement is not required for this application. The Department considers that issues raised of traffic, loss of amenity and noise do not warrant a change of opinion on this application. The Department have no concerns with regards to traffic, noise or loss of amenity and the consultees have raised no issues with regards to these matters. The site is within an existing industrial estate and is within the character of the area, and the proposal if approved will not cause a loss of quality of life. Any concerns raised with regard to operating times have been considered and will be overcome via planning conditions. The Planning Department are aware that there are enforcement matters on the site which are being addressed through numerous planning applications. The objectors raised concerns with regards to the operations of the floodlighting and this has been noted by the Planning Department and the floodlights no longer form part of this planning application. Overall, the objections have been fully considered and do not justify a refusal of this planning application.

### **Recommendation:**

Approval is recommended of the application subject to conditions. The proposal will not cause a detrimental impact on the environment. The proposal fully complies with planning policy. It is also a significant aspect of the consideration of this planning application that the facility will also be subject to a PPC permitting regime which will consider and control the day-to-day operations of the facility.

**Conditions:**

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

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

2. The development hereby approved relates only to land contained within the site area boundary as identified in Drawing No. 1 (Rev 1). Any new development outside the identified boundary of this drawings No. 1 (Rev 1) shall require separate consent from the Planning Authority.

Reason: To ensure the orderly control of development.

3. No deliveries shall be taken at or dispatched from the site outside the hours of 0700 to 2000 Monday to Saturday and there shall be no deliveries at any time on Sundays.

Reason: To safeguard the living conditions and amenity of residents living in the adjoining area.

4. There shall be no external storage of waste materials, with the exception of the wood in the hookbin and the scrap metal in the bins within the application site hereby approved or with the exception of any other previous planning approval on the entire Regen complex at Shepherds Drive for the external storage of waste materials.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

5. There shall be no external operations outside of the main waste transfer and material recovery facility building with the exception of the glass processing plant, wheel wash or with the exception of any previous planning permission which has been obtained for such operations.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

6. The glass processing plant hereby approved shall only operate in the position identified in drawing No. 02 (Rev 1) and shall not operate in any other position within the waste management facility.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

7. The glass processing plant hereby approved shall not operate outside the hours of 0700 to 2200 Mondays to Saturdays and there shall be no operations at any time on Sundays.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

8. The wheel wash hereby approved shall not operate outside the hours of 0700 to 2200 Mondays to Saturdays and there will be no operations on Sundays.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

9. There shall be no waste water discharges from the development hereby approved.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

**Informatives:**

Public water supply within 20 metres of the proposal, consultation with NIW is required to determine how the proposal can be served. Application to NIW is required to obtain approval to connect. Consultation with NIW is needed to determine how best to serve this facility. Foul sewer within 20 metres of the proposal, consultation with NIW is required to determine how the proposal can be served.

**Case Officer**

**Authorised Officer**



**Application Reference:** P/2014/0891/F

**Date Received:** 28.10.2014

**Proposal:** Information to address condition 07 of planning permission granted under planning reference P/2008/0084/F and modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F (Retrospective application).

**Location:** Shepherds Drive, Carnbane Industrial Estate, Newry

**Site Characteristics & Area Characteristics:**

The site is the existing Regen Ltd facility in Carnbane Industrial Estate, Newry. The main structure of the facility is a building that is divided in two internally with one section used for the processing of Municipal Derived Refuse, and the other section used for the processing of Municipal Solid Waste (this application site). There are a number of ancillary structures erected around the site.

The remainder of the facility lies to the north of the main building and it is largely dedicated to the parking of vehicles. The site is situated adjacent to the Newry Canal on its western side, on the opposite side of the canal is Carnbane Gardens an established residential area. Carnbane Industrial Estate has a number of commercial/ industrial premises near to the site.

By way of a development plan definition, the site is located within an existing area of Economic Development within the settlement limit of Newry.

**Site History:**

P/2003/0049/F - Construction of a Waste Transfer & Materials Recovery Facility for the segregation of commercial and industrial waste and transfer of mixed dry recyclables was approved on 27.02.04.

P/2005/1163/F - Amendments to planning permission P/2003/0049/F to include alterations to building design, alteration of machinery used, and alteration of conditions 3 (to allow loading to rear of building), 4 & 5 in light of additional noise information. Planning permission P/2003/0049/F is for the construction of a Waste Transfer Station and Materials Recovery Facility was approved on 06.11.06.

P/2007/1386/F - Non compliance with condition 8 of planning permission P/2003/0049/F which relates to the permitted operational working hours at the materials recovery facility was approved on 27.03.09.

P/2008/0473/F - Amendments to existing waste transfer/materials recycling facility (approval P/2005/1163/F and P/2003/0049/F) to include extension of building for material storage, processing equipment and staff welfare facilities; revised internal layout including additional processing equipment and storage bays for mixed and segregated dry recyclables; pump house; maintenance workshop; vehicle access canopy; drum storage container; water storage tank; generator; external mobile transfer station; relocation of 2 no diesel tanks; and external storage bays/quarantine area was approved on 17.02.10.

P/2008/0084/F - In-vessel composting plant and change of use of part of existing materials recovery building to receive and screen organic wastes segregated from municipal solid wastes. Permission is also sought for non-compliance with condition 7 of planning permission P/2003/0049/F which relates to the implementation of a landscaping scheme was approved on 21.07.11.

P/2014/0085/f - Variation of condition 06 (installation of odour control/treatment system) of planning permission granted under planning reference P/2008/0084/F (in vessel composting facility) to allow phased installation of the odour control/treatment system within the waste reception building prior to the construction of approved composting building and variation of condition 10 (erection of 3.5m acoustic barrier) to allow erection of 5m high acoustic barrier was approved on 03.02.15.

P/2012/0396/F - Amendments to the existing waste transfer/materials recovery facility to permit the acceptance of baled refuse derived fuels (RDF) at the site; construction of external storage bays; construction of an external sort area for segregating dense hard plastics; construction of a noise barrier from thick steel panelling; interim storage of unprocessed waste in trailers prior to processing on site and interim storage of baled waste prior to processing on site (Amended description and additional information received) remains under consideration.

P/2014/0106/F - Retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure is recommended for approval.

### **Consultations:**

NIEA Industrial and Radiochemical Inspectorate – They have no regulatory role and Waste Management branch of NIEA need to be consulted on 14.11.14.

Newry & Mourne District Council, Environmental Health Office – The noise from the activities carried out would not give rise to a significant impact. Requested that any planning permission granted shall takes account of the need to restrict the operation of vehicles or machinery outside of the building at night. The on-going operational control of the facility shall be a matter for the applicant subject to the licensing regime enforced by NIEA on 25.11.14.

NIEA Waste Management Unit – The details of the proposal appear to be in operation and situ. The supporting statement concludes that the proposal will not have an impact on the environment or amenity of the area surrounding the development. The waste management licence for the site places conditions on the site to ensure there are no unacceptable environmental impacts on 26.11.14.

DAERA Land, Soil and Air – NIEA can confirm that the noise attenuation barrier is still in place as of 24 May 2019.

The application seeks to vary condition 07 of planning approval P/2008/0084/F, this approval was for a waste composting facility on the northern section of the site, the approved site layout plan showed a trommel and shredder within the MSW plant and in order to mitigate noise nuisance, Condition 07 required the installation of acoustic insulation around this plant, the details of which were to be submitted to and agreed in writing by the Department prior to any development commencing, the plant currently on site is more extensive than that shown and retention of this layout is also sought. The current application was requested by the Department following a meeting with the applicant as it was felt that application P/2014/0085/F did not fully reflect the situation on site and that the applicant's obligations under Condition No. 06 of the previous approval had not been discharged.

#### **Objections and representations:**

No objections were received to this application. Two representation (comments) were received on the application and one was a signed petition and one was from a specific address. The petition urged the Planning Service to undertake a full Environmental Impact Assessment in relation to the Regen site. The other comment from the specific address commented on previous meetings with elected officials, the NIEA licence of the site, an unauthorised acoustic barrier, odour house and odour stack, enforcement issues on the site and the need for an Environmental Impact Assessment.

#### **Planning Policies & Material Considerations:**

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Planning Policy Statement 11 – Planning and Waste Management

Planning Policy Statement 3 – Access, Movement and Parking

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The Northern Ireland Waste Management Strategy – Delivering Resource Efficiency

ARC 21 Waste Management Strategy – (For Newry, Mourne & Down District Council)

### **Consideration and Assessment:**

#### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than the retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

With regards to waste management, the SPPS largely reaffirms the policies contained in PPS11, although it does confirm that with regards to policy WM2 of PPS11, the Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process. The proposal fully complies with the SPPS and it must be noted that there is a presumption in favour of treatment facilities where such development is identified through the Waste Management Strategy (WMS) and the relevant Waste Management Plan (WMP). This will be considered further under the PPS11 section of this report.

## **Planning Policy Statement 11 Planning and Waste Management**

Under policy WM1 of PPS 11 Environmental Impact of a Waste Management facility, proposals for the development of a waste facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all the following criteria are met:

- (a) the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;**
- (b) the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;**
- (c) the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;**
- (d) the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;**
- (e) the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;**
- (f) adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;**
- (g) wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;**
- (h) the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.**
- (i) the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;**
- (j) the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;**
- (k) the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;**
- (l) In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site."**



This proposal will not cause demonstrable harm to human health or result in an unacceptable impact on the environment. The proposal seeks to provide information to address condition 07 of planning permission granted under planning reference P/2008/0084/F and modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F and is contained within an existing waste transfer and material recovery facility. The principle of this type of development has already been established under the previous approval. The principle of the use of equipment such as a trommel, shredder and conveyor has also been established through the previous approval.

To explain the process involved, waste arrives by HGV's which reverse into the airlock facility, once inside the exterior door is closed, fans within in the building create a negative pressure which draws air out through the odour control system. Then the internal door open allowing the HGV to enter the MSW and deposit its cargo of waste into a reception area, the HGV then leaves through the airlock after odour laden air has been extracted when it has returned to the airlock, a digger is then used to scoop up the waste and deposit into a bag opener. The agent has described this item of plant as being "a low speed shredder" and is therefore similar in principle to the shredder proposed under the previous approval. Finally, the waste leaves the bag opener and is then taken on conveyor to the separation process. Sorted waste from here is then sent to the baler where it is baled and then wrapped for storage in the facility before it is taken off site.

Condition 7 of the former approval required that no development shall commence until the detailed design and construction details of the acoustic insulation around the trommel and shredder are submitted to and agreed in writing by the Department. The previously approved layout showed a trammel and shredder within the MSW plant with acoustic cladding. The plant now erected on the site includes revised processing equipment from that previously approved. The equipment includes a size reducer, conveyors, magnets picking station, screens, bale conveyor, baler and wrapper. The process through which the waste is processed will not change and the change in equipment is required, as outlined by the planning agent, to improve efficiency and environmental performance of the plant and this modern equipment has a lower noise output from the previously approved equipment and will further decrease the impact outside of the façade of the building. Furthermore, the previously approved plant was on the internal western wall of the building and it has now been moved to the eastern wall further away from the closest residents and thus decreasing any potential impact from the operation.

The alterations proposed will not cause an alteration or a negative environmental impact of the operation and indeed the noise assessment demonstrates that the operation of the plant and equipment within the building will not be discernible outside the building envelope. The noise assessment demonstrates that the noise experienced by the Carnbane residents is 5 db lower than in 2007 and the noise from the waster operations on the site has reduced over time. The noise assessment concludes that overall the noise from the operations in the Regen Plant does not

give rise to an unreasonable impact to the residential properties in Carnbane Gardens. It must also be noted that a noise attenuation barrier has also been erected and approved on the site which further reduces any noise impact. The Environmental Health Office have suggested the need to take account of a restriction on the operation of vehicles or machinery outside the building at night and this will be dealt with via conditions on any planning approval. Waste Management Unit raise no issues and point to their licencing arrangement on the site. There will be no impact on the amenity or living conditions of these residents as a result of this proposal.

It is considered that the proposal is compatible with the character of the surrounding area in that the proposal is contained within an existing waste facility building and within an industrial site. Housing is located to the west of the site, however the proposal will not be incompatible to this adjacent use given its nature and position within the approved waste facility building.

The visual impact of the waste facility is considered acceptable and will not have an unacceptable visual impact on any area designated for its landscape quality. The Newry Canal runs along the western boundary of this site and there is also a Local Landscape Policy Area (NY 114) to the west of the site. The Newry canal is a monument scheduled for protection under the Historic Monuments and Archaeological objects NI order 1995, and therefore policy BH1 (The Preservation of Archaeological Remains of Regional Importance and their Settings) of PPS 6 must be considered. The policy advises that development which would adversely affect sites of regional importance or the integrity of their setting will not be permitted unless there are exceptional circumstances. This proposal will not adversely affect the setting of the canal and complies with PPS 6 as well as the prevailing development plan. The development will be contained internally within the previously approved municipal solid waste facility and policy PPS 6 is not offended and consultation with NIEA Protecting Historic Monuments is not required.

There will be no prejudice to the safety and convenience of road users and no nuisance by way of noise, dirt and dust as confirmed by the relevant consultees.

The public road network can satisfactorily accommodate the traffic generated.

Adequate arrangements are provided on the site for parking, servicing and circulation of vehicles. Overall, the proposal complies with PPS 3 Access Movement and Parking as well as DCAN 15 Vehicular Access Standards.

It is not practicable to consider alternative transport modes.

The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests. The principal use of this site has been established over the history of applications since 2003 and this proposal will not cause unacceptable adverse impact. The proposal also fully complies with PPS 2 Natural Heritage.

The type of waste to be treated and proposed treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures. The consultees have raised no issues with the proposal being considered and suggest conditions to be applied.

The proposed site is not at risk of flooding and the proposal will not cause or exacerbate flooding elsewhere. The site is not situated within a floodplain. The site is within an area of inundation but consultation with Rivers Agency is not necessary as the proposal given its nature, modification of internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F, will not cause or exacerbate flooding elsewhere and the site will not be at risk of flooding. Additionally, Rivers Agency have historically confirmed the site is not at risk of flooding.

The proposal does not result in the permanent loss of the best and most versatile agricultural land.

No landfilling is proposed.

Overall, the proposal fully complies with Policy WM1.

Under policy WM 2, Waste Collection and Treatment Facilities, proposals for waste collection treatment facility will be permitted where they meet four criteria A-D. Criteria B is no longer applicable as the SPPS highlights that the BPEO is no longer a material consideration in the planning process. The principle of this development is established and was accepted under planning reference P/2008/0084/F and as a consequence the proposal complies with Policy WM 2. However, as a matter of completeness, this proposal has been assessed again under Policy WM 2 and Under Criteria A of the policy, there has to be a need for the facility established through the Waste Management Strategy and the Waste Management Plan. At the outset it must be noted that the principle use of the site, a waste transfer and material recovery facility is long established on this site through planning history. This application is for an internal change to plant and there will be no change to the waste accepted at the facility in this part of the building. There is an established need for such a facility as indicated in the WMS and WMP. The Arc 21 Waste Management Plan is the relevant WMP for the Newry, Mourne and Down District Council. This proposal complies with the objectives of this plan, thus demonstrating a need for such a facility. The plan also indicates that there is a responsibility on all government departments to provide leadership in the more sustainable management of waste and across the government estate, a recycling contract was established in 2008 to separately collect waste items and Councils are tasked to encourage businesses to recycle. Furthermore the WMP lists the applicant in this case as a licensed waste management facility. Criteria A of WM 2 is complied with. The proposal complies with Criteria C in that it is located within an existing industrial area (Carnbane Industrial Estate) of a character appropriate to the development. The

proposal complies with Criteria D, it benefits from easy access to transport. The proposal is contained within a purpose built building. The built development is appropriate to the nature of the waste and the hazards of the waste concerned and will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures.

### **Objections/ Representations:**

No objections were received to this application. Two representation (comments) were received on the application and one was a signed petition and one was from a specific address. The petition urged the Planning Service to undertake a full Environmental Impact Assessment in relation to the Regen site. In response to this the Planning Department have completed an EIA screening as part of this application and it has been determined that an Environmental Statement is not required for this application. The other comment from the specific address commented on previous meetings with elected officials, the NIEA licence of the site an unauthorised acoustic barrier, odour house and odour stack, enforcement issues on the site and the need for an Environmental Impact Assessment. In response, the Planning Department are aware that there are enforcement matters on the site which are being addressed through numerous planning applications. EIA matters have already been addressed above. The NIEA Licence is a matter for that Department. The acoustic barrier, odour house and odour stack benefit from planning permission.

### **Recommendation:**

Approval is recommended of the application subject to conditions. The proposal will not cause a detrimental impact on the environment. The proposal fully complies with planning policy. It is also a significant aspect of the consideration of this planning application that the facility will also be subject to a PPC permitting regime which will consider and control the day-to-day operations of the facility.

### **Conditions:**

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

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

2. The permission hereby granted relates solely to condition 7 of planning approval P/2008/0084/F and to the development outlined on the site layout plan dated 6.6.19 and the remainder of the conditions outlined under P/2008/0084/F (unless previously varied by the Planning Department) must be complied with.

Reason: To ensure that all conditions relating to the previous approval are adhered to and to protect the environment and residential amenity.

3. The development hereby approved relates only to land contained within the site area boundary as identified in Drawing No. 1. Any new development outside the identified boundary of this drawings No. 1 shall require separate consent from the Planning Authority.

Reason: To ensure the orderly control of development.

4. There shall be no external storage of waste materials, with the exception of any other previous planning approval on the entire Regen complex at Shepherds Drive for the external storage of waste materials.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

5. There shall be no external operations outside of the main waste transfer and material recovery facility building with the exception of any previous planning permission which has been obtained for such operations.

Reason: In the interests of environmental protection and in the interests of amenity of residents living in the surrounding area.

6. No deliveries shall be taken at or dispatched from the site outside the hours of 0700 to 2000 Monday to Saturday and there shall be no deliveries at any time on Sundays.

Reason: To safeguard the living conditions and amenity of residents living in the adjoining area.

Case Officer

Authorised Officer



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agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0791/F

**Date Received:** 23.05.17

**Proposal:** Erection of private housing development consisting of the demolition of the existing building at No. 12 Jonesborough Village and the erection of 4 No. dwellings (4 semi-detached), road improvement works, landscaping and associated site works.

**Location:** Land to the rear of No.12 Jonesborough Village, Jonesborough

**Site Characteristics & Area Characteristics:**

Site is located on vacant land located to the rear of an existing terrace within the settlement of Jonesborough.

**Site History:**

LA07/2016/1512/F - Proposed gable wall alterations, internal alterations and additional floor space extension to rear and first floor and construction of new roof with integrated dormer windows. No 14 Jonesborough Village, Church Hill. Granted (Adjacent and SW)

P/2008/0094/F - Proposed construction of housing development and associated site work. To the rear of No 24 Jonesborough Village. Granted (SE of site)

P/2005/0651/F - Extension and alterations to existing dwelling. 14 Jonesborough Village, Co. Armagh. Granted (Adjacent and SW)

P/1994/0281 - Erection of dwelling. Rear of No. 20 Jonesborough Village, Newry. Granted

P/1983/0951 – Extension and improvement to dwelling. 12 Jonesborough Village, Newry

**Planning Policies & Material Considerations:**

Note: Application originally received for 5 dwellings the scheme has subsequently been revised and amended for 4 dwellings.

**Banbridge Near and Mourne Area Plan 2015:** Site is within the development limits of Jonesborough on unzoned land

### **PPS3, DCAN 15 and Parking Standards**

Transport NI in their consultation responses dated 25.02.19 and 18.12.18 have raised no objections to proposals. Adequate parking provision is provided in-curtilage, overall proposals meet the provisions of policy.

**PPS6:** HED Buildings and Monument have raised no major objections to proposals.

### **SPPS and PPS2**

The original scheme submitted included the demolition of a building along the main arterial route to leave a gaping hole along the liner street frontage which would have been unacceptable visually. The Planning Authority acknowledges that effort has been made to address this concern through the amended scheme which endeavours to retain the linear frontage of the village, albeit with a wide arched opening for vehicular access but will nevertheless maintain a solid frontage along the roadside and assists in the preserving the character and appearance of the locality of the AONB.

### **SPPS, PSRNI (DES2), PPS7: QD1 and QD2, PPS 7 (Addendum) PPS8 and PPS12 (PCP1, 2), Creating Places and DCAN 8**

#### **Site Context/ Characteristics:**

The existing pattern of development is characterised by an existing roadside terrace development fronting onto a main arterial route through the village. Proposals will involve the demolition of an existing mid-terrace dwelling to facilitate an arched opening for a vehicular access to serve the housing development. The amended scheme will assist in retention of the linear frontage and will overall improve the visual appearance along the roadside. However, the development will nevertheless create fragmentation resulting in a tandem, piecemeal development resulting in back land development which is uncharacteristic to the existing pattern of development at this specific location and will set an unacceptable precedent for development of other undeveloped back lands.

#### **Layout:**

The Planning Authority welcome the revised layout which helps to overcome concerns with regard to the visual impact along the street frontage and avoids a 'gaping hole' left along the road frontage by a road access. The revised layout introduces an arched entrance which assists in maintaining the street frontage, the size of the development has also been cut from 5 dwellings to 4 with reorientation of properties which has helped to increase separation distances between properties and enhance privacy. The changes within the layout has also increased the plot size and private open space provision.

Whilst it is acknowledged that effort has been made to improve the layout and has gone some way to alleviate previous concerns with the scheme. It will nevertheless create a new road access to serve the dwellings to the rear of existing properties. This will introduce activity by both vehicles and pedestrians to the rear of these properties that previously didn't exist with particular adverse impact upon the amenity of No. 10 (road immediately abuts boundary).

### **Archaeology and Built Heritage**

HED Buildings and Monuments have raised no major concerns

### **Public/ Private Open Space/ Landscaping/ Hard Standing**

Private open space in the form of rear gardens has been allocated to each of the dwellings and are within the recommended parameters of garden space provision of Creating Places (para 5.19). The sizes and depths of gardens allow future opportunity for expansion within the plot to facilitate for example a domestic store, garage or extension to the property.

The reorientation, position and separation (which is within recommended guidelines for separation distance see Creating Places) between proposed and existing properties are an improvement from the previous submission and now overcome issues with regard to overlooking and loss of privacy to both future and existing occupants.

The development has implemented larger areas of open space and planting which helps to soften the visual aspect and reduces the hardened aspect from the previous submission.

### **Local Neighbourhood Facilities**

The site is located within the development limits of Jonesborough within walking distance of local neighbourhood facilities

### **Movement/ Parking**

The layout incorporates linkage to the existing footpath encouraging sustainable patterns of movement. Sufficient parking has been provided to accommodate development.

### **Form, Materials and Detailing:**

The external finishes to be used are sympathetic to its location and the arrangement of buildings gives a stepped appearance to the rear of existing properties similar to that displayed at No. 24 Church Hill and has improved from the previous submission in that development no longer towers over existing buildings.



### **Privacy/ Impact to Amenity**

The revised location of the proposed dwellings has improved amenity issues between existing and future occupants. However, this is insufficient to overcome all concerns relating to amenity as the creation of a new access will introduce and generate activity vehicular and pedestrian activity to the rear of existing properties causing noise, general nuisance and disturbance.

Furthermore, Environmental Health in their consultation response 28.10.18 have raised concerns with regard to impact upon the amenity of future occupiers due to its close proximity to a working farm which is also used as a livestock export centre (this property is not associated with the applicant of this application) and will have the potential to cause amenity issues due to odour, flies, noise and general activity.

### **Security from Crime**

Habitual rooms are located to front and rear of proposed dwellings which allows informal surveillance of areas of public access within the scheme. Which will in turn improve personal safety and security against crime.

### **Density**

The number of units on the application site is comparable to other development within the settlement. Overall improvements to the design and layout as well as maintaining the street frontage has gone some way to improving the visual appearance of the development within the locality.

### **PCP3: Sustainable Forms of Development**

Site is located within the defined limits of the settlement of Jonesborough maintaining sustainable form of development.

### **HS4: House Types and Sizes**

All houses within the scheme are the same however due to the small-scale nature of this development it would be difficult to provide such variation.

### **Land Use**

Land use is in keeping with surrounding uses

### **LC1: Protecting Local Character, Environmental Quality and Residential Amenity**

Proposals are not for the redevelopment of existing buildings or the infilling of a vacant site nor has all of the criteria set out in QD1 of PPS 7 been met. The pattern of development is out of keeping at this location which is characterised by roadside development and undeveloped rear domestic gardens.

*Proposals fail to meet the SPPS, PPS7: Policy QD1 a and h, LC1 of PPS7 (Addendum) and DES2 of the PSRNI.*

**Consultations:**

Transport NI (25.02.19) - Considered objection and previous comments apply.

Transport NI (15.01.19) - No objections raised, standard conditions issued.

NIW (19.02.19) - Public water, surface water sewer and foul water sewer within 20m of site and availability at WWTW.

Rivers (15.01.19) - FLD1, 2, 4 and 5 not applicable. FLD3 Drainage Assessment required if hard surfacing exceeds 1000sqm. (Agent confirmed in writing proposal do not exceed this threshold)

Environmental Health (29.10.18) - Site is within 75m of a working farm which is not associated with the applicant of this application. Adjacent site is not only a busy working farm but also a livestock export centre with potential for nuisance to adjacent residents through odour, flies, noise and general activity.

HED (08.01.19):

Buildings - No further comment under policy BH11 (See previous response 15.11.18 - acknowledges the amended and contextual information published 25th and 31st Oct 2018 and on the basis of the revised information reiterates that an argument against the proposal could not be sustained under Policy BH 11 and acknowledges that the amended scheme endeavours to retain the linear frontage of the village, albeit with a wide arched opening for vehicular access to the rear).

Monuments - Content

**Objections & Representations**

15 neighbour notifications

Advertised July 2017, November 2018 and January 2019 (Advertised several times due to changes in site address and/or amended proposals)

Objection email 28.01.19 (previously sent 30.11.18) (email 26.09.17) (email 20.07.17) (email 12.07.17)(4 emails from same person)

Objection letter 20.06.17 (1 letter)

**Issues raised in objection:**

- Careful consideration given to the radius/ curvature of the proposed entrance of the amended application.
- Concerned regarding traffic passing close to front door
- Improvement to property by constructing a front porch similar to No. 8 would no longer be possible

- Impact to structural integrity, gable of No. 10 will be exposed
- No details of finished rear boundary/ height or extent of vegetation planting
- Unable to ascertain if the development included alteration to No. 14
- Impact to linear village.
- Impact of vehicular activity to nos. 10 and 16
- No neighbour notification

### **Consideration of Objection:**

- Objection was forwarded to Transport NI who considered the objection raised with previous comments remaining applicable i.e. no concerns raised and standard conditions apply.
- The existing entrance of No. 10 is over 2m away from the proposed access (approximately a footway length away), Transport NI have also considered this in the objection and have raised no concerns
- The proposed development should not compromise on the construction of a porch at the property which is likely to be set to the rear of the proposed visibility splay and not directly impact upon the development. This is considered without prejudice in the absence of any detailed plans of any proposed porch at the property and will also require planning permission.
- Impact to structural integrity is outside the remit of the planning authority
- Boundary details and species provided on masterplan and landscape layout
- Proposals do not involve alteration of No. 14 within this current scheme and was subject to a separate application which has not yet been implemented (LA07/2016/1512/F) this has been queried with the agent and amended plans sought
- Impact to linear village addressed in revised layout and considered within report
- Proposals will impact upon the residential amenity through the creation of a new vehicular/ pedestrian access to rear which was previously not in existence, this has been considered within the planning report
- Notification sent to 10 Church Hill

**Consideration and Assessment:**

Whilst it is acknowledged that amended proposals have addressed some of the Planning Authority's original concerns in relation to the proposed scheme. The scheme nevertheless fails to meet the Strategic Planning Policy Statement, PPS7: Policy QD1 criteria a and h of QD1, PPS7 (Addendum) Policy LC1 and DES 2 of the PSRNI in that development will result a piecemeal, tandem, back land development setting an unacceptable precedent for future development and out of character with existing built form. The development of land for residential purpose to the rear of existing dwellings will introduce vehicular and pedestrian traffic which previously did not exist and the creation of such will have a direct impact due to noise, general disturbance and overlooking. As well as this the location of the development adjacent to a working farm will also have amenity implications for future occupiers. For these reasons and for the reasons set out in the report above the application is contrary to policy and it is recommended to refuse the application.

**Recommendation:** Refusal**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted:
  - adversely impact on the character of the local environment as a result of tandem development proposed within the back lands; and
  - harm the living conditions of the residents at 8-18 Jonesborough Village by reason of adverse impact to amenity brought about by the introduction of pedestrian and vehicular traffic to the rear of existing dwellings.
2. The overall proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS7: Policy QD1 (Criteria a and h), PPS7 (Addendum) Policy LC1, in that:
  - is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development;
  - uncharacteristic to the existing settlement pattern;
  - it will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking.
3. The proposal is contrary to SPPS paragraph 4.11 and 4.12 in that development would if permitted harm the living conditions of residents at Jonesborough Village due to the level of activity associated with the development by reason of noise and general nuisance and would also harm the living conditions of future occupants due to its location adjacent to a

working farm through odour, flies, noise and general activity.

Case Officer

Authorised Officer

## Planning Ref LA07/2017/1437/F Jonesborough Village

1 - Scheme for 4no. Houses in Jonesborough Village. The **site is within the development limit** as defined by the Planning Authority and does not conflict with any land zoning. It is white land within the limit.

2 - Planners argue the application would represent development uncharacteristic with the existing pattern of development'. However the planners approved a scheme for 4no. Dwellings approx. 35m south of the site under Planning Ref P/2008/0094/F.

- Other developments which ensure the building 'fits' with the pattern of development behind the street frontage are :
  - No. 40 Jonesborough village
  - Parochial Home.
  - Church of the Sacred Heart
  - No 24 & 26 Jonesborough Village
  - Planning Approval LA07/2017/0295/F - approval for a dwelling within settlement limit. Behind frontage.

3 - Key policy test is **PPS 7 QD1- it has 9 criteria (A-I inclusive)**

Planning say we comply with the majority except A & H

We feel their interpretation is subjective and the proposal respects the surrounding context and is not conflicting with the surrounding land use.

4 - It is acknowledged access to the site is via a break in the street frontage, yet Planners accept the proposal retains the linear frontage and overall will improve the visual appearance along the roadside.

5 - Planners has deemed the application 'Tandem' development and as such unsatisfactory. 'Tandem' development as defined in PSRNI Policy DES2 "Townscape" is when one house is immediately behind another and presents difficulties of access to the house at the back and disturbance and lack of privacy suffered by the house to the front.

**This is not the case with this application. DfI Roads are content and approved the access and the applicant owns the land to the rear of both properties fronting the road so there is no loss of privacy.**

**Furthermore the scheme has been re-designed to afford good privacy and inter-visibility between properties to prevent overlooking and loss of privacy.**

6 — Planners say this is 'piecemeal' development resulting in backland development. Backland development is very common throughout NI and indeed Planners issued statutory guidance under Development Control Advice Note 8 'Housing in Existing Urban Areas' where a key requirement is the plot depth of **80m**.

**This site exceeds this requirement as it is 95m**

7 - Planners seem to rely on an Planning Appeals Commission decision ref 2009/A0039 to bolster their argument regards fragmentation of the curtilage and piecemeal development. This application is wholly different in location siting and design. It is for 4no. Dwellings whereas the appeal site was for one dwelling in a tight site to the rear of another dwelling.

8 - The precedent and policy in favour exists to allow this scheme and there are numerous applications in other towns and villages where sites like this have been developed.



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**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 14<sup>th</sup> August 2017. Nearest neighbours were notified on 1<sup>st</sup> September 2017 and again 24<sup>th</sup> 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 12<sup>th</sup> 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 trust 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.'<sup>1</sup> 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 2<sup>nd</sup> 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:** .....

## Speaking Notes – Strategic Roadside Services (LA07/2017/1182/F)

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- Facility will provide 24/7 servicing for 100+ cars, electrical charging, 12 HGVs, large bunker facilities & 3 HGV pumps, 5 islands for 10 cars to refuel simultaneously, 2 caravan parking areas, play area for children, 2 coach drop off points, 5 cafes & drive thru, seating and 209 sq m of retail sales. £6million investment providing 80 construction jobs and 60 retail/service jobs and local contracts for supply companies along with increased rates revenue for the Council and salary incomes for the staff in the local community.
- Key test in policy terms is the application of Policy IC15 of the Planning Strategy for Rural Northern Ireland for Roadside Service Facilities. This policy has **three** key aspects:
- **NEED** – policy defines need as requiring motorists to drive a minimum of 12 miles to the nearest alternative service station. If a proposal is separated from other services by more than 12 miles **there is a policy based need for the proposal.**
- The two alternatives the Case Officer (CO) identifies are BOTH NORTH, being Tesco @ 13MILES and Topaz @ 18 MILES. **BOTH EXAMPLES ARE BEYOND THE DISTANCE OF 12 MILES SET OUT IN POLICY.**
- South of the site the nearest roadside service station is Applegreen @ 22 MILES AWAY (BEYOND DUNDALK). Between Tesco and Applegreen the distance is 35 miles. That is a distance which comfortably satisfies policy IC15 and **there is a policy based need for this proposal.**
- The CO identifies is a 2012 Forkhill Road permission that has not come forward in 7 years. It has not been implemented and it is now time expired. The facility, even if it did open, cannot operate 24 hours due to planning conditions imposed. It cannot benefit from A1 signage as it does not bound the A1 and is inside the urban area and fails to comply with DfI Roads Service Guidelines for Signage for Service Areas on Key Transport Corridors as it does not provide the requisite car, motorhome and bus parking spaces needed under the guidelines and does not provide the required indoor eating facilities.
- None of the alternatives identified by the CO provide the fully range of services set out in policy requiring toilet, catering and picnic services. They do not provide the range of services of the proposal outlined earlier.
- The proposal is a bespoke design to satisfy planning policy for Strategic Roadside Services, and also has been designed to ensure full compliance of the development with DfI Roads criteria for motorway services and ensure that this permission and investment is fully delivered. The need for the proposal is fully satisfied.
- The second issue in policy IC15 is **ACCESS.** It states **“sites adjacent to the main routes but which access on to a minor route may be preferable to sites with direct access ... where**

*direct access is permitted the applicant will normally be required to provide any necessary improvements to the road layout such as deceleration lanes”.*

- 4 points arise:-
  - DFI Roads do not object to this proposal and the A1 is their road;
  - Policy shows it is preferable NOT to take direct access from the main road – the proposal taking access from the off slip road network – fully complies with this policy preference;
  - Deceleration lanes can be necessary – BUT this proposal is designed to benefit from the already provided deceleration lanes of the A1 off slip roads which already acts as deceleration lanes. The proposal site is the optimum location for such a facility from a highway network perspective;
  - The CO misinterprets policy saying the proposal does not fit with the concept of a strategic roadside service station as it does not have direct access to the motorway. This is simply wrong. The policy PREFERS the solution this proposal provides. The access requirements set out in policy are fully satisfied.
- The third issue is **DESIGN** – the proposal complies with rural design policy as it is not unduly prominent, will not result in suburban style build up, sits well below the A1 dual carriageway and is screened by the hill topography and the roads in the area. The Council have not identified any critical views of the site. Policy requires ‘adequate screening by landscaping to be provided’. This is proposed and can be provided.
- The Council have not engaged with the applicant on design issues, but this is a resolvable matter if the Committee accept the principle in the case. Maxol would be happy to discuss and agree conditions with the CO.
- In regards to Reasons for Refusal 1, 2, 3, and 4 the fact that the proposal satisfies policy IC15 means these reasons are not sustainable;
- Reasons for refusal 5 and 6 are design issues that should be viewed having regard to the fact that the principle is accepted in a rural location and IC15 policy requires new landscaping;
- In regard to reason for refusal 7, this is unsustainable as the proposal does not provide access onto the protected route, it provides access onto a slip road that leads to a protected route, and Roads Service have no objection to the proposal. Again the Council misinterpret policy in this respect.
- This is an important investment providing a modern strategic roadside service facility, designed to comply with planning and roads policy, carefully located to be at location where drivers need new services, utilizing the existing strategic highway network and designed to meet the needs of the modern motorway user and using existing land form to screen it. It is an exceptional proposal and one that should be welcomed and we would request the Committee approve this application.



# Strategic Roadside Service Facility



# Strategic Road Side Service Facility

## PROPOSAL

- 24/7 services
- servicing for 100+ cars
- electrical charging
- parking for 12 HGVs
- large bunker facilities & 3 HGV pumps
- 5 islands for 10 cars to refuel simultaneously
- 2 caravan parking areas
- play area for children
- 2 coach drop off points
- 5 cafes & drive thru,
- abundant seating
- 209 sq m of retail sales.

# Strategic Road Side Service Facility

## ECONOMIC BENEFITS

- £6million investment
- 80 construction jobs
- 60 retail/service jobs
- local contracts for supply companies
- increased rates revenue for the Council
- salary incomes for the staff in the local community

# Strategic Road Side Service Facility

## Key Test

- Planning Strategy for Rural Northern Ireland
- Policy IC15 for Roadside Service Facilities

- **NEED**
- **ACCESS**
- **DESIGN**

# Strategic Road Side Service Facility

## NEED

- Separation of 12 miles = policy based need for the proposal
- North Tesco @ 13MILES and Topaz @ 18 MILES.
- BOTH ARE BEYOND THE DISTANCE OF 12 MILES.
- South of the site Applegreen, Dundalk @ 22 MILES AWAY.
- Between Tesco and Applegreen the distance is 35 miles.
- there is a policy based need for this proposal

# Strategic Road Side Service Facility

## NEED

- Forkhill Road, Newry – Not an Alternative
  - 2012 permission = 7 years old
  - not implemented & time expired
  - cannot operate 24 hours
  - cannot benefit from A1 signage
  - Insufficient parking and facilities
  - fails to comply with DfI Roads Service Guidelines

# Strategic Road Side Service Facility

## **NEED CONCLUSION**

- **CLEARLY DEMONSTRATED POLICY BASED NEED FOR THIS PROPOSAL**

# Strategic Road Side Service Facility

**ACCESS** - PSRNI policy IC15 states:

*“sites adjacent to the main routes but which access on to a minor route may be preferable to sites with direct access ...*

*where direct access is permitted the applicant will normally be required to provide any necessary improvements to the road layout such as deceleration lanes”*



# Strategic Road Side Service Facility

## ACCESS

4 points arise:-

- DFI Roads – No Objection
- preferable NOT to take direct access from the main road  
- Proposal Complies with Policy
- Deceleration lanes - proposal is designed to benefit from the already provided deceleration lanes of the A1 off-slips
- CO misinterprets policy - the policy PREFERS the solution this proposal provides

# Strategic Road Side Service Facility

## DESIGN

IC15 states

“adequate screening by landscaping will normally be provided” and

“Design should be of a high standard and landscaping used to screen the development, particularly any large areas of car parking” and

“In a rural area conditions will normally be imposed to secure adequate ... landscaping”

# Strategic Road Side Service Facility

## DESIGN

Proposal complies with rural design policy as:

- it is not unduly prominent
  - will not result in suburban style build up
  - sits well below the A1 dual carriageway
  - is screened by the hill topography and the roads in the area
- 
- Notably, - the Council have not identified any critical views of the site.
  - *'adequate screening by landscaping'* will be provided

# Strategic Road Side Service Facility

## Reasons for Refusal

- 1, 2, 3, & 4 = ALL ADDRESSED AS PROPOSAL SATISFIES POLICY IC15
- 5 & 6 = design issues – context = principle is accepted in a rural location
- integration and visual prominence can be addressed through conditions
- 7 = proposal does not provide access onto the protected route - it provides access onto a roundabout that leads to a slip road onto protected route
- Roads Service have no objection

# Strategic Road Side Service Facility

## Conclusion

- Important investment providing a modern strategic roadside service facility
- designed to comply with planning and roads policy
- carefully located to be at location where drivers need new services
- utilizing the existing strategic highway network
- designed to meet the needs of the modern motorway user
- exceptional proposal
- should be welcomed
- request the Committee approve

# Site Layout Plan

4 Post Bunkering Canopy  
 2No Lance Washes  
 2No Service Bays  
 Drive Thru Car Wash  
 Area 2.29 Hectares  
 (Outlined in Red)

Main Building  
 Convenience Sales  
 5No Franchises  
 (including Drive Thru Facility)  
 Public Toilet Facilities  
 Shared Seating  
 ATM

Gross Area 1037m<sup>2</sup>

Link Road to A28 Roundabout

Link Road to A1

Customer Parking 109 Total  
 (4 Disabled & 4 Permit & Staff)  
 HGV Parking 10 Long Stay  
 Coach Parking 2  
 Caravan Parking 2  
 2 Setdown Areas  
 Cycle Parking 2

NOTES  
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General Plan  
 Scale 1 : 500

Project Title  
 Proposed Development At  
 Lands At Armagh Road  
 Newry Co Down

Rev	Issued For	Rev. No.	Date	By	Scale
5	3240	01-02			1:500

Drawing Title  
 General Site Plan  
 All Information

Status  
 completed design

Date  
 2017

Drawn  
 DC

Checked By  
 JEM

MAXOL  
 CIARMAN



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

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**Application Reference:** LA07/2018/0073/F

**Date Received:** 15.01.2018

**Proposal:** Proposed housing development of 16 no. detached dwellings, landscaping, car parking and all associated site works

**Location:** Lands adjacent to Burren Hill north of No. 2 Carrickview and Nos. 6 and 8 Marie Villas

#### **1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:**

- 1.1.** The site is currently an undulating and elevated agricultural field which is situated towards the crest of Burren Hill.
- 1.2.** The site boundaries consist of intermittent hedgerows.
- 1.3.** The site is opposite a long established housing area to the south of Burren Hill Road, which forms the settlement boundary at this location. There is also a group of housing units to the east of the application site on predominantly lower land. These consist of chalet and bungalow house types.

#### **2.0. Site History:**

- 2.1.** There is no relevant site history on this 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
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS 8- Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- Creating Places
- PPS 21 – Sustainable Development in the Countryside
- PPS 15?

### 4.0. STATUTORY CONSULTATIONS:

4.1. A number of statutory consultations were issued, following receipt of the application, and their responses were as follows :

**Transport NI** : No objection.

Conditions to be included under the Planning Order and 6 coloured plans endorsed under the Private Streets Order to follow in the post.



**DfC Historic Environment Division (HED), Historic Monuments** : Content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**DAERA Natural Heritage and Conservation Areas**

**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 – informatives are provided.

**Water Management Unit** has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to Standing Advice.

**DfC Historic Environment Division HED** : Historic Monuments has assessed the application and on the basis of the information provided and as per our previous comments to LA07/2017/1104/PAD, HED:HM is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**N,M &DDC, Environmental Health** : There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

**NI Water** : No Objections.

Please redirect this consultation as it was sent to the wrong workqueue. It should be sent to NIWMUConsultationsWest@niwater.com

**4.6. DfI Rivers Planning & Advisory Unit (PAU):**

*FLD3 - Development and Surface Water* – The Agents letter states 'it is the client's intention to get costings from NI Water for the laying of the storm pipe from the site to the agreed discharge point'.

DfI Rivers PAU require clarification from the applicant that NIW will proceed with installation of the new pipework from the site to the proposed discharge location, a distance of approximately 350m. Planning Informative to be attached.

## **5.0. OBJECTIONS & REPRESENTATIONS**

- 5.1.** Details of the initial application were advertised in the local press on 30 July 2018, 01 Aug 2018 and 02 Aug 2018. Details of the amended proposal were advertised on 8 October 2018, 10 October 2018 and 11 October 2018. Nearest neighbours were notified about the initial and revised scheme on 1 August 2018, 27 September 2018 and 2 November 2018. It received 10 letters of support and 2 petitions of support from 239 people.

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

- 6.1.** In summary the proposal is for a proposed housing development on land outside the designated settlement limit of Warrenpoint/Burren, as identified in the Banbridge, Newry, Mourne and Down Area Plan (BNAMAP). It is located within the open countryside and is located within the designated AONB as outlined with the area plan maps.
- 6.2.** 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, including the statutory development plan for the area. The Planning Department has considered the information submitted in support of this application as part of its assessment.

### **Banbridge, Newry and Mourne Area Plan 2015. (BNMAP)**

- 6.3.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, 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.
- 6.4.** The statutory function of an Area Plan is to provide a framework for the development of the Plan Area over the statutory lifetime of the plan. The Plan

remains a material consideration beyond its end date and until it is replaced with an up-to-date plan document. It was only adopted, as the statutory plan for the area, following the completion of the statutory plan process, including a public inquiry and is intended to provide certainty for those who live, work and visit our Council area.

- 6.5.** BNMAP identified a statutory settlement limit for Warrenpoint/Burren, the purpose of which is to provide a compact urban form, to protect its natural setting and to provide for the development needs of the settlement over the Plan period. The Area Plan also zoned specific areas for particular uses, e.g. housing, following a detailed assessment of need over the Plan period.
- 6.6.** As part of the assessment of this application and the potential impact of the proposal on the Area Plan policies and proposals and the settlement of Warrenpoint/Burren in particular, comments were sought from Local Development Plan Team (LDP). This team, within the Council, is responsible for the preparation of the new Local Development Plan for Newry & Mourne District Council area. The LDP Team examined the basis for the proposed housing development outside the designated settlement limit and also commented on the implications of approving the current proposal for the Local Development Plan (LDP) process and public confidence in the Council's new LDP. Its full response is provided at Appendix A.
- 6.7.** In summary the LDP Team confirmed the statutory plan status of the application site and the fact that it is located outside the statutory development limit of Burren and within the open countryside. It examined the basis of this planning application, i.e. to provide additional land outside the settlement limit to compensate for the loss of housing land, should a related current planning application (LA07/2018/0094/F) for an extension to an existing playing field into an existing Housing Zoning be approved.
- 6.8.** The LDP Team confirmed that the most recent housing land availability data for the District indicates that there is 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units. The related planning application for the extension of the Playing Field and the

associated loss of 0.99 hectares of zoned housing land could, if approved, reduce the potential overall number of units that could be delivered in Burren to 103. On this basis it considered that there will still be an adequate level of housing land provision within Burren to meet current and future needs and in the absence of the inclusion of any additional land outside the designated settlement limit, as is proposed by this application.

- 6.9.** The LDP Team also confirmed that, following publication of the draft BNMAP 2015 in August 2006, the DOE Planning Service received 30 representations seeking the inclusion of additional lands within the Settlement Limit for Burren. A full assessment of these sites was undertaken by the DOE Planning Service and, of the 30 representation sites assessed, 7 sites were considered to be suitable for development.
- 6.10.** While the application site was not subject to a representation and thus was not considered at the Public Examination, adjoining land immediately to the east was subject to a representation. In the Public Examination Report the Planning Appeals Commission (PAC) stated "*development on this land would appear as a prominent protrusion from the existing urban form into the countryside*" and concluded "*it would be unacceptable for inclusion....*"
- 6.11.** The application site entails lands which rise in a westerly direction and are more elevated than the draft BNMAP representation site. The LDP team consider the aforementioned PAC comments would also apply to the application site. In the absence of an open and transparent review of these lands at a public examination the LDP team consider the subject lands to be unsuitable as an extension to the Burren settlement limit.
- 6.12.** The LDP Team also stated that the 7 representation sites previously considered suitable for development, (subject to need being established), remain undeveloped and these sites will be considered as part of any exercise assessing additional housing land for inclusion within the settlement limit. The LDP Team also confirmed it has received a representation from the owner of one of the 7 sites considered suitable, seeking its inclusion for development as part of the new plan for the area. Approval of the subject lands will undermine the ability of the LDP team to bring forward the most suitable

housing lands and will result in a more poorly defined urban form. Approval would disadvantage a significant number of landowners in the Burren area, and in particular those landowners in possession of sites that the DOE Planning Service and PAC considered to be suitable for development. As a consequence, the LDP process would be undermined in the eyes of the general public.

- 6.13.** For the reasons outlined above the LDP team stated that approval in this instance would establish a precedent that has the potential to undermine the LDP process. The LDP team do not consider that the proposal to develop this site in substitution for housing zoning WB 23 should be given determining weight and the application should therefore be determined in line with the policy provisions of PPS21.
- 6.14.** In the light of the above it is considered that the proposal is contrary to the statutory development plan for the area. It is located outside the designated settlement limit and the area considered suitable for development. The existing development limit is properly identified and the development of the application site for housing would lead to urban sprawl and prominent development in the absence of any demonstrated need. It would blur the distinction between the settlement limit and the rural area.

#### **Prevailing Rural Planning policy.**

- 6.15.** As the proposal lies wholly outside the settlement limit for Burren the relevant planning policy context is contained within Planning Policy Statement 21 (PPS 21): 'Sustainable Development in the Countryside'. Policy CTY 1 of PPS 21 identifies a range of development appropriate in the open countryside, provided they meet all of the other relevant policies in PPS 21. This proposal does not meet any of the criterion for acceptable development within the rural area. Therefore the proposal is contrary to CTY 1.

#### **Ribbon Development**

- 6.16.** Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development. This proposal will create a ribbon of development along Burren Hill Road. The proposal will

result in an additional 4 dwellings located along the road frontage. This will create a ribbon of development within the rural area and would be contrary to CTY 8.

### **Design and Integration**

- 6.17.** CTY13 of PPS 21 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.
- 6.18.** Whilst the site benefits from established boundaries these are not significant or mature enough to provide sufficient degree of enclosure for the scale and massing of development proposed. This is due to the nature of the prevailing topography and the position and location of the application site on this elevated and prominent site. The mass and scale of the buildings individually and when taken cumulatively will be a prominent feature if allowed within the local area and will read as prominent and skyline development when viewed from Carrogs Road and from Bridge Road and Ballydesland Road to the east and the north/north east, in particular. The previous comments by the PAC and the subsequent comments by the LDP Team, as outlined at Paras 6.10 and 6.11 above, are particularly relevant in this context. The application is contrary to CTY 13 of PPS 21.

### **Impact on Rural Character**

- 6.19.** Policy CTY 14 of PPS 21 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 the area. In this case as the proposal fails to comply with Policy CTY 8 and CTY 13 of PPS 21 it would lead to an erosion of rural character within the immediate area. Again, the previous comments by the PAC and the subsequent comments by the LDP Team as outlined at Paras 6.10 and 6.11 above are particularly relevant in this context. The application is contrary to CTY 14 of PPS 21.

- 6.20.** The application site is located within an Area of Outstanding Natural Beauty (AONB). The provisions of Planning Policy 2 (PPS 2) Natural Heritage) apply. It is considered that for the reasons outlined above at Paras 6.18 and 6.19 that the proposal is also contrary to Policy NH 6 of PPS 2 which seeks to achieve appropriate development with AONBs.

**Other Material Considerations.**

- 6.21.** In supporting statements, the applicant has sought to justify the release of these additional housing lands, outside the statutory settlement limit of Burren for housing, on the grounds that their development is required to compensate for a planned future partial loss of lands zoned for housing, (Zoning WB 23). This is due to a planned extension to an existing Playing Field as proposed under a related current planning application LA07/2018/0094/F. The development of the application lands for housing is also required to enable the proposed extension to the Playing Fields to occur.
- 6.22.** It has already been demonstrated that there is sufficient housing provision within the settlement limit of Burren to meet its housing needs over the plan period and until the future Local Development Plan for the area is formally adopted, (and even if a portion of the existing housing zoning is lost to accommodate the planned extension of the Playing Fields). In this context, (notwithstanding the unsuitable nature of the lands for housing development as outlined above), there is no justification, in planning terms for the release of these lands for housing.
- 6.23.** The Planning Department considers that the partial release of the existing housing zoning, WB 23, to accommodate the planned expansion of the Playing Fields, is justified based on the unique circumstances surrounding that planning application and associated community benefits that would result. There is no justification, in planning terms, for the development of these subject lands for housing. It is accepted that the issues raised in support of the application 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 and PPS 21.

#### **7.0. RECOMMENDATION:**

- 7.1. This proposal is contrary to the provisions of the statutory development plan for the area. The material considerations advanced in support of the release of these lands, by the applicant, are insufficient to outweigh the valid planning reasons outlined above against this proposal.
- 7.2. The proposal is not satisfactory in terms of location and siting for the reasons set out above which have been considered in the context of the policy provisions of PPS21 (CTY8, 13 and 14 and Policy NH 6 of PPS 2).
- 7.3. The recommendation is for refusal due to issues raised above and for the reasons stated below.

#### **8.0. REFUSAL REASONS.**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and the current statutory area plan. (BNMAP), in particular Designation WB 01 as the application site falls outside the designated settlement boundary of Warrenpoint/Burren and the area considered suitable for development as designated in the Banbridge, Newry & Mourne Area Plan 2015.
2. The proposal is contrary to 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.
3. 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



Warrenpoint/Burren and the surrounding countryside resulting in urban sprawl.

- 4. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, 'Sustainable Development in the Countryside', in that:
  - the proposal is a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration;
  - the 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.
  
- 5. The proposal is contrary to The Strategic Planning Policy (SPPR) and Policy CTY 14 of Planning Policy Statement 21, 'Sustainable Development in the Countryside', in that:
  - It would be unduly prominent in the landscape; and
  - It would add to ribbon development and result in suburban build-up of development when viewed with existing buildings.
  
- 6. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2 in that the proposed siting of the development is not sensitive to the special character of the AONB, given its prominent and open nature outside the designated settlement limit of Warrenpoint/Burren.
  
- 7. The proposal is unacceptable in that it would prejudice the outcome of the Local Development Plan Process and the ability of the LDP team to bring forward the most suitable housing lands and would result in a more poorly defined urban form.

**Case Officer:** .....

**Authorised Officer:** .....

**APPENDIX A: Local Development Plan Team Consultation Response.**

<b>REF NO:</b>	LA07/2018/0073/F
<b>Location:</b>	Lands adjacent to Burren Hill north of No. 2 Carrickview and Nos. 6 and 8 Marie Villas, Burren
<b>Proposal:</b>	Proposed housing development of 16 no. detached dwellings, landscaping, car parking and all associated site works.
<b>Planning History:</b>	None
<b>Date:</b>	.....

**This response is confined to the provisions of the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015) which are material considerations to be taken into account alongside other material considerations in the determination of the application.**

***BNMAP 2015 Plan Proposals******Designations, Proposals and Zonings***

*The site lies outside the following designation:*

- Designation WB 01 Settlement Limit

**Allocations and Policies**

None

**Consideration**

The proposal lies wholly outside the settlement limit for Burren and falls within the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside.

This response also considers the assessment of additional development lands for Burren at the Public Examination into the draft BNMAP 2015 and the implications of approving the current proposal for the Local Development Plan (LDP) process and public confidence in the Council's new LDP.

### Assessment of Representation Sites for Burren at the Public Examination into draft BNMAP 2015.

Following publication of the draft BNMAP 2015 in August 2006 the DOE Planning Service received 30 representations seeking the inclusion of additional lands within the settlement limit for Burren. A full assessment of these sites was undertaken by the DOE Planning Service and its findings were contained within its Departmental Statement dated the 21<sup>st</sup> October 2009. The application site was not subject to a representation and thus was not considered at the Public Examination.

Out of the 30 representation sites assessed by DOE Planning Service 7 sites were considered to be either most suitable (Category 1) or suitable (Category 2). As stated above no representation was submitted for the application site, its suitability as an extension to the existing urban area has therefore not been considered through a public examination process. How this site compares to those representation sites that were considered at the Public Examination into the draft BNMAP has also not been established.

It should be noted however that adjoining land immediately to the east was subject to a representation (see Appendix 1). In the Public Examination Report the Planning Appeals Commission (PAC) stated "*development on this land would appear as a prominent protrusion from the existing urban form into the countryside*" and concluded "*it would be unacceptable for inclusion in the SDL.*"<sup>1</sup> The application site entails lands which rise in a westerly direction and are more elevated than the draft BNMAP representation site, the LDP team consider the aforementioned PAC comments should also apply to the application site. In the absence of an open and transparent review of these lands at a public examination the LDP team consider the subject lands to be unsuitable as an extension to the Burren settlement limit.

It should also be noted that the 7 representation sites previously considered suitable for development by DOE Planning Service, subject to need being established, remain undeveloped and these sites will be considered as part of any exercise assessing additional housing land for inclusion within the settlement limit. The recent LDP POP consultation saw a representation submitted on behalf of a house builder for a site at Milltown Street in Burren. This site was considered at the Public Examination into the draft BNMAP and was considered to be "*well related to the existing developments*" and would be "*discrete, accessible and developable*". Approval of the subject lands will undermine the ability of the LDP team to bring forward the most suitable housing lands, such as the Milltown Street site, and will result in a more poorly defined urban form.

Given the absence of an assessment of the application site through the public examination issues of equity also arise. All landowners, including those who previously had their sites assessed, should be afforded the opportunity to have their sites assessed for inclusion within the settlement limit, subject to a need being established through the LDP. In this instance the appropriate mechanism for an extension to the settlement development limit is through the LDP process rather than the Development Management system. Approval would disadvantage a significant number of landowners in the Burren area, and in particular those landowners in possession of sites that the DOE Planning Service and PAC considered to be suitable for development. As a consequence the LDP process would be undermined in the eyes of the general public.

### Current Provision of Housing Land in Burren

It should also be noted that the most recent housing land availability data for the District which covers the period up to the 31<sup>st</sup> March 2017, indicates that there is 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units (see Appendix 2 & 3). Planning application LA07/2018/0094/F, currently under consideration,

<sup>1</sup> PAC Report page 332 paragraph 3.5.22. 'SDL' refers to Settlement Development Limit.

seeks the partial development (0.99 hectares) of housing zoning WB 23 for sport and recreational use. The loss of 0.99 hectares of housing land at 25 units per hectare (KSR max) would reduce the potential overall number of units that could be delivered in Burren to 103.

At this stage of the plan process the quantity of housing land to be provided on a settlement by settlement basis has not been finalised. However the LDP POP published in June 2018 recommended an allocation to the village settlement tier of 12%. Housing Paper 16: 'Housing Allocation' indicated that an allocation of 12% of the HGI to each settlement within the village tier would result in an allocation of 95 units to Burren. Taking into account what has been constructed since the start of the RDS period, the current level of housing lands and the current HGI allocation to the District, Burren would appear to have sufficient housing lands to meet its needs to 2030.

While this proposal and application LA07/2018/0094/F (as referenced above) appear to be only been linked by the proposal description in a pre-application notice (LA07/2017/1358/PAN), it is understood that the proposed to develop this site would be in substitution for housing zoning WB23 which is subject of application LA07/2018/0094/F. Should the proposal to develop part of housing zoning WB 23 for sport and recreational use be considered acceptable the LDP team would advise that there will still be an adequate level of housing land provision within Burren to meet current and future needs.

### **Conclusion**

For the reasons outlined above the LDP team consider that approval in this instance would establish a precedent that has the potential to undermine the LDP process. The LDP team do not consider that the proposal to develop this site in substitution for housing zoning WB 23 should be given determining weight and the application should therefore be determined in line with the policy provisions of PPS21.

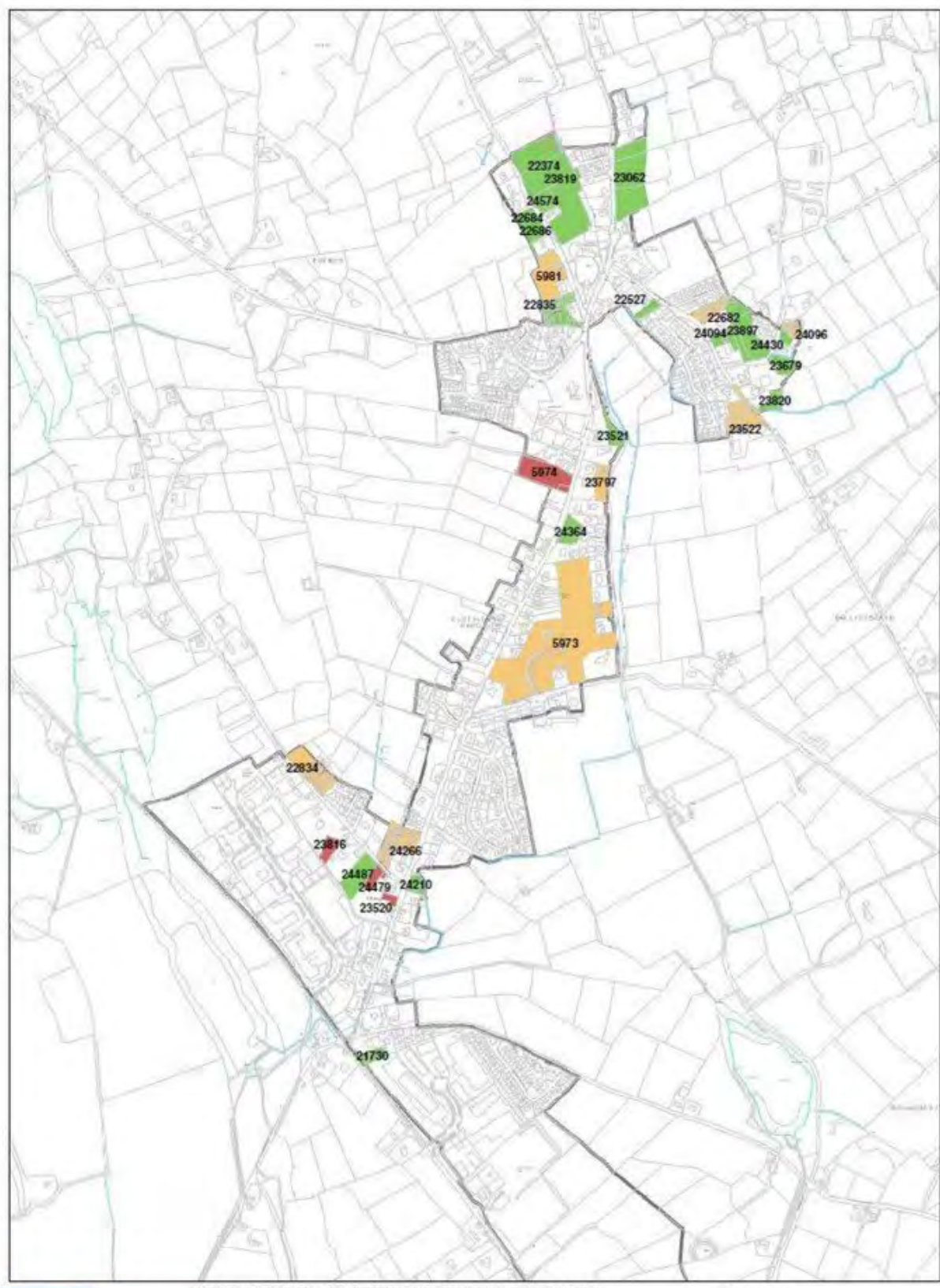
It should be noted, as highlighted above, that this consultation response is confined to the provisions of the BNMAP 2015 and does not address the need for the proposal to comply with all other material considerations.

Appendix 1: Draft BNMAP Burren Representation Site 1727

Appendix 2: Map of Burren showing status of Housing Monitor Sites in 2017

Appendix 3: Table showing Burren Housing Monitor Sites Status 2017

### Appendix 1 – Map of Burren showing status of Housing Monitor Sites in 2017



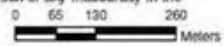
- STATUS**
- COMPLETE
  - DEVELOPMENT ON-GOING
  - NOT STARTED
  - Settlement Development Limit



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### Burren Housing Land Availability Monitor 2017



**Appendix 2 – Table showing Burren Housing Monitor Sites Status in 2017****NORTHERN IRELAND LAND USE DATABASE****HOUSING SITES**

## DEVELOPMENT STATUS OF ALL MONITORABLE SITES IN BURREN

AS OF 1 APRIL 2017

Site Ref	Site Name Development	Date of Survey Completion	Units	Remaining	Area	Area
			Complete Remaining	Potential	Developed Date	
<b>Status</b>						
<b>5972</b> COMPLETE	NORTH & EAST OF THE JUNCTION 01/08/1998  BETWEEN UPPER BURREN ROAD &	01/08/1998	51	0	3.65	0.00
P70001						
<b>5973</b> DEVELOPMENT	MILLTOWN STREET, EAST	01/04/2017	5	23	0.6	2.73
ON-GOING						
P70002						
<b>5974</b> COMPLETE	OPPOSITE AND 60 METRES WEST OF 77 01/04/2016  MILLTOWN STREET	01/04/2016	1	0	0.5	0.00
P70003						
<b>5976</b> COMPLETE	OPPOSITE AND NORTH OF ROSALEEN 01/08/1997  VILLAS	01/08/1997	16	0	0.69	0.00
P70005						
<b>5977</b> COMPLETE	CARRICK CLOSE 01/08/1997	01/08/1997	11	0	0.46	0.00
P70006						
<b>5979</b> COMPLETE	DONAGHAGUÏ CLOSE 01/08/1999	01/08/1999	7	0	0.41	0.00
P70008						

<b>5980</b> COMPLETE	OPPOSITE AND WEST OF 49-55 01/08/2003  BALLYDESLAND RD	01/08/2003	38	0	2.02	0.00
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Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>5981</b> DEVELOPMENT	REAR OF 73 CARROGS ROAD  CARROGS ROAD, ON-GOING	01/04/2017	4	2	0.32	0.16
P70010						
<b>5982</b> COMPLETE	SITE TO THE REAR OF & BETWEEN 69 & 01/08/2003  71 MILLTOWN STREET &	01/08/2003	8	0	0.56	0.00
P7004#						
<b>21080</b> COMPLETE	SITE 70M N/W OF JUNCTION BETWEEN 01/08/2002  MILLTOWN STREET &	01/08/2002	11	0	0.55	0.00
<b>21412</b> COMPLETE	DONAGHAGUY ROAD 01/08/2007	01/08/2007	48	0	1.86	0.00
<b>21421</b> COMPLETE	LAND ADJACENT TO 64 UPPER DROMORE 01/08/2005  ROAD	01/08/2005	1	0	0.08	0.00
<b>21730</b> NOT STARTED	LANDS ADJACENT TO 64 UPPER  DROMORE ROAD	01/04/2017	0	1	0	0.11
<b>22011</b> COMPLETE	LANDS OPPOSITE 3 CLONTAFLEECE ROAD 01/08/2003	01/08/2003	5	0	0.19	0.00
<b>22012</b> COMPLETE	LANDS OPPOSITE 70 CARROGS ROAD 01/08/2004	01/08/2004	1	0	0.15	0.00
<b>22373</b> COMPLETE	SITE NUMBERS 37 TO 41 CARRICKDESLAND 01/08/2003	01/08/2003	7	0	0.52	0.00
<b>22374</b> NOT STARTED	CARROGS ROAD	01/04/2017	0	35	0	1.75



Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>Status</b>						
<b>22527</b> NOT STARTED	LAND ADJACENT TO AND SOUTH EAST OF 58 BALLYDESLAND ROAD	01/04/2017	0	1	0	0.09
<b>22595</b> COMPLETE	330M NORTH WEST OF JUNCTION OF 01/08/2004 CORRAGS ROAD & BRIDGE ROAD	01/08/2004	1	0	0.15	0.00
<b>22681</b> COMPLETE	BALLYDESLAND ROAD 01/08/2006	01/08/2006	15	0	0.48	0.00
<b>22682</b> DEVELOPMENT  ON-GOING	BALLYDESLAND ROAD (SOUTH)	01/04/2017	3	1	0.15	0.05
<b>22683</b> COMPLETE	ADJACENT TO 18 MILLTOWN STREET 01/08/2007	01/08/2007	1	0	0.09	0.00
<b>22684</b> NOT STARTED	240M FROM THE JUNCTION WITH BRIDGE ROAD CORRIGS ROAD	01/04/2017	0	1	0	0.13
<b>22685</b> COMPLETE	270 M FROM THE JUNCTION WITH 01/08/2007 BRIDGE ROAD CORRAGS ROAD	01/08/2007	1	0	0.13	0.00
<b>22686</b> NOT STARTED	210M FROM THE JUNCTION WITH BRIDGE ROAD CORRAGS ROAD	01/04/2017	0	1	0	0.13
<b>22834</b> DEVELOPMENT	40 METRES NORTH WEST MILLTOWN CLOSE, UPPER BURREN ROAD ON-GOING	01/04/2017	8	1	0.38	0.04
<b>22835</b> NOT STARTED	SITE AT 77 CARROGS ROAD	01/04/2017	0	6	0	0.37

Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>22836</b> COMPLETE	IMMEDIATELY WEST AND TO THE REAR 01/08/2007  OF 81 CARROG ROAD	01/08/2007	6	0	0.35	0.00
<b>23062</b> NOT STARTED	OPPOSITE NO'S. 18 BRIDGE ROAD & 1 &  2 CARRICK CLOSE	01/04/2017	0	5	0	0.92
<b>23063</b> COMPLETE	22 UPPER BURREN ROAD 01/08/2008	01/08/2008	1	0	0.14	0.00
<b>23373</b> COMPLETE	200 METRES NORTH OF THE JUNCTION 01/08/1999  OF THE AVENUE AND DONAGHAGUY ROAD	01/08/1999	3	0	0.38	0.00
<b>23374</b> COMPLETE	110 METRES NORTH OF THE JUNCTION 01/08/1997  WITH THE AVENUE, DONAGHAGUY ROAD  (SITE 7)	01/08/1997	1	0	0.13	0.00
<b>23375</b> COMPLETE	AT JUNCTION OF THE AVENUE AND 01/08/1997  DONAGHAGUY ROAD	01/08/1997	1	0	0.41	0.00
<b>23376</b> COMPLETE	SITE 4 THE AVENUE 01/08/2002	01/08/2002	1	0	0.19	0.00
<b>23377</b> COMPLETE	ADJACENT TO 55 MILLTOWN STREET 01/08/2000	01/08/2000	1	0	0.11	0.00
<b>23520</b> COMPLETE	24 MILLTOWN STREET 01/04/2016	01/04/2016	1	0	0.06	0.00
<b>23521</b> NOT STARTED	NORTH OF 81 DONAGHAGUY ROAD	01/04/2017	0	1	0	0.12

Site Ref	Site Name	Date of Survey Completion	Units	Remaining	Area	Area
Development			Complete Remaining	Potential	Developed Date	
<b>23522</b> DEVELOPMENT	46 BALLYDES LAND ROAD	01/04/2017	2	5	0.12	0.29
	ON-GOING					
<b>23679</b> NOT STARTED	ADJACENT TO AND SOUTH OF 3 CLONTAFLEECE ROAD	01/04/2017	0	5	0	0.17
<b>23680</b> COMPLETE	65 METRES WEST OF 16 UPPER BURREN 01/08/2011 ROAD	01/08/2011	1	0	0.22	0.00
<b>23797</b> DEVELOPMENT	TO THE REAR OF 77 TO 79 MILLTOWN STREET ON-GOING	01/04/2017	1	1	0.09	0.10
<b>23816</b> COMPLETE	74 METRES SE OF 18 UPPER BURREN 01/04/2016 ROAD	01/04/2016	1	0	0.13	0.00
<b>23819</b> NOT STARTED	SITE ADJACENT TO 5 CARRICK CLOSE	01/04/2017	0	1	0	0.02
<b>23820</b> NOT STARTED	40 METRES E OF 47 BALLYDES LAND ROAD	01/04/2017	0	1	0	0.13
<b>23897</b> NOT STARTED	90 METRES N.W. OF 3 CLONTAFLEECE ROAD	01/04/2017	0	19	0	0.58
<b>23898</b> COMPLETE	34 MILLTOWN STREET 01/08/2010	01/08/2010	7	0	0.13	0.00
<b>24094</b> NOT STARTED	IMMEDIATELY NORTH AND ADJACENT TO 50 BALLYDES LAND ROAD	01/04/2017	0	1	0	0.14

Site Ref Development	Site Name	Date of Survey Completion	Units Complete Remaining	Remaining Potential	Area Developed Date	Area
<b>Status</b>						
<b>24095</b> COMPLETE	ADJACENT AND SOUTH OF 25 MILLTOWN 01/08/2011 STREET	01/08/2011	1	0	0.11	0.00
<b>24096</b> DEVELOPMENT	7 CLONTIFLEECE ROAD	01/04/2017	1	3	0.03	0.07
ON-GOING						
<b>24210</b> NOT STARTED	27 MILLTOWN STREET	01/04/2017	0	1	0	0.11
<b>24266</b> DEVELOPMENT	3 UPPER BURREN ROAD	01/04/2017	6	2	0.33	0.11
ON-GOING						
<b>24364</b> NOT STARTED	71 MILLTOWN STREET	01/04/2017	0	8	0	0.20
<b>24430</b> NOT STARTED	ADJACENT AND IMMEDIATELY NORTH OF 3 CLONTIFLEECE ROAD	01/04/2017	0	1	0	0.06
<b>24574</b> NOT STARTED	ADJACENT TO AND 12M NW OF 68 CARROGS ROAD	01/04/2017	0	1	0	0.19
<b>SETTLEMENT TOTALS</b>			<b>278</b>	<b>127</b>	<b>16.87</b>	<b>8.77</b>

**Prepared Statement – Planning Committee Meeting of Newry, Mourne & Down District on Wednesday 26<sup>th</sup> June 2019**

Planning Ref: LA07/2018/0073/F (Lands adjacent to Burren Hill north of No. 2 Carrickview and No. 6 and 8 Marie Villas Burren).

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

We wish to address the Planning Committee in respect of the proposal and the following key points:-

- The application proposes a spacious residential development that will deliver new housing for Burren;
- The application is linked with a new playing pitch proposal (ref: LA07/2018/0094/F) for the Club;
- The delivery of the new playing pitch is not viable without the approval of the proposed residential development;
- Whilst the application site is situated outside the settlement limit of Burren, the proposal seeks to reallocate zoned Housing lands (ref: WB 23), and there will be no prejudice to the current or future Area Plans as the re-allocation of the zoned Housing lands is merely on a 'like-for-like' basis;
- There are no objections from any statutory consultees;
- The application is supported by the following: Sinead Ennis MLA; Sinead Bradley MLA; Burren Athletics Club; Burren Pastoral Council; Burren Lourdes Committee; St. Vincent DePaul; Burren Parish Finance Committee; Staff and Parents of Carrick Primary School; Young Farmers; and local residents.

Item 15 - LA07/2018/0073/F

Proposed housing development at Burren

I will be speaking to the following issues.

- 1: Historical attempts by Burren GAC to acquire additional playing field land.
- 2: The facts surrounding the proposition contained within this application.
- 3: The gain for the Burren Community and Council.

Thanks,

Declan McAteer



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

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**Application Reference:** LA07/2018/0094/F.

**Date Received:** 19 January 2018.

**Proposal:** Proposed Training Pitch with Ball Stops and associated fencing including 300m Athletics Circuit and Extension of Existing Running/Walking Perimeter Path.

**Location:** St Mary's GAC, Carrags Road, Burren BT34 3PY.

**1.0. Site Characteristics & Area Characteristics:**

- 1.1. The application site incorporates the existing Burren GAC Playing Field Complex, an additional field and a part of an additional field immediately to the south.
- 1.2. The area that will accommodate the proposed training pitch incorporates the additional land immediately to the south of the existing Playing Fields.
- 1.3. These area fronts onto the Carrags Road and is predominantly flat in agricultural use. The boundaries are predominantly intermittent hedgerow with stone and block built walls. The land generally rises from the eastern boundary of the application site towards the Bridge Road.
- 1.4. There are a number of detached dwellings on its south west boundary point fronting onto Carrags Road.

## 2.0. Site History:

### Playing Fields Complex:

- **P/1974/0675.** Proposed Flood Lighting.
- **P/1997/0100.** Proposed Football Training Pitch.
- **P/1983/0733.** Erection of changing rooms and social club
- **P/1986/0197.** Erection of Pavilion.
- **LA07/2016/1247/F.** Restructuring of existing social club entrance with provision of lift access to first floor, external ramps and steps.
- **LA07/2016/1192/F.** Burren Community Development project.

**Additional Lands:** No relevant site history on this 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 (BNMAP)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS 8- Open Space, Sport and Outdoor Recreation
- PPS 15 – Planning and Flood Risk.
- PPS 21 – Sustainable Development in the Countryside

## 4.0. STATUTORY CONSULTATIONS:

### 4.1. Transport NI : No objections to this proposal.

### 4.2. DfC Historic Environment Division (HED), Historic Monuments :

Content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.



- 4.3. DAERA Natural Heritage and Conservation Areas:** 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 – informatives are provided.
- 4.4. NMDDC, Environmental Health :** Environmental Health has reviewed the information provided by the agent dated 10 April 2018. It is noted that there will be no floodlighting to the training pitch or walkway. Environmental Health would not object to the development as proposed, subject to the following conditions being included in any approval issued. Conditions:
1. The hours of operation of the training pitch shall be 9am to 10pm Monday to Friday and 9am to 6pm Saturday and Sunday.
  2. The hours of operation of the walking/running path shall be 9am to 10pm Monday to Friday and 9am to 9pm Saturday and Sunday.
- 4.5. DfI Rivers Planning & Advisory Unit:** No Objections. Planning Informatives to be attached

## **5.0. OBJECTIONS & REPRESENTATIONS**

- 5.1.** The Planning Department Neighbour Notified 58 properties and received 11 letters of support and 2 petitions of support from 239 people.

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

- 6.1.** The Planning Department has carefully assessed this application against the relevant planning policy documents.

### **Banbridge, Newry and Mourne Area Plan 2015.**

- 6.2.** 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 plans, 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.

- 6.3.** In September 2015, a new Strategic Planning Policy Statement (SPPS) was produced which applies to the whole of N Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not be judged to lessen the weight to be afforded to the retained policy.
- 6.4.** In summary the proposal for a new pitch and running track involves a proposed extension to an existing playing field facility and sports complex. As outlined above, the red line of the application site includes: the current Burren GAC Playing Fields and associated buildings on lands outside the settlement limit of Burren; additional undeveloped lands, also outside the settlement limit; and lands which lie within the designated settlement limit and form part of a larger proposed housing zoning within the BNMAP (Housing Zoning WB 23); The planning assessment must therefore consider the totality of the proposal and in particular, the acceptability of the proposed recreation use on land zoned for housing within the statutory plan, and the acceptability of the proposed recreation use on land outside the settlement limit and within the open countryside.
- 6.5.** The planning consideration included an assessment of the terms of the Banbridge, Newry & Mourne Area Plan (BNMAP), the relevant planning policy statements (PPSs), Planning Policy Statement PPS8: Open Space, Sport and Recreation and PPS21: 'Sustainable Development in the Countryside' and any other material considerations.

**Development of land outside the designated limit of Burren.****BNMAP - Impact on an existing housing zoning, (Zoning WB 23)**

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- 6.6. As part of the assessment of this application and the potential impact of the proposed sport and recreational use within a Housing Zoning WB23, comments were sought from Local Development Plan Team (LDP), the team within the Council responsible for the preparation of the new Local Development Plan for Newry & Mourne District Council area. Its full response is provided at Appendix A.
- 6.7. In summary the LDP Team confirmed the statutory plan status of the application site above and the fact that part of it is zoned for housing as part of the planned housing supply for Burren. It also stated that the related policy in the plan, Policy SMT 2, does allow flexibility on zoned sites in that while the land in question should be primarily composed of the use for which it is zoned, it may be accompanied by a complementary use, e.g. housing may be accompanied by community and cultural uses.
- 6.8. The LDP Team also assessed the impact of any approval of the proposed recreational use on the future housing supply for the settlement of Burren. It concluded that the proposal involved a proposed recreational use on 0.99 hectares of the total 1.76 hectares zoned for housing at this location, (or 56% of the total zoning). As part of its assessment the LDP Team confirmed, based on the most up-to-date housing monitor figures, that there is an existing unused housing supply of 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units. The loss of 0.99 hectares of housing land to an alternative recreation use, at 25 units per hectare, (the anticipated housing yield as stipulated in the Area Plan's Key Site Requirement for this particular zoning) would mean a reduction in the overall housing yield in Burren by 24 units. This would reduce the potential overall number of units that could be delivered in Burren from an anticipated 127 units to 103.
- 6.9. In summary the LDP Team confirmed that while it noted that the proposal would not result in the loss of all housing land zoned under WB 23, the

proposed alternative use would be the major land use which would be contrary to the requirements of Policy SMT 2, as outlined above.

**6.10.** The LDP Team also stated that in view of the number of houses constructed since the start of the Regional Development Strategy period and the amount of housing lands still available for development, Burren would appear to have sufficient housing lands to meet its needs to 2030. In this context, should the proposal to develop part of housing zoning WB 23 for sport and recreational use be considered acceptable the LDP team consider there will still be an adequate level of housing land provision within Burren to meet current and future needs and there is presently no need to consider the identification of further housing lands.

**6.11.** The application has also been considered against Policy ECU 1 of the BNMAP which allows for community and cultural uses within settlement development limits provided all of the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity- DAERA has confirmed no detrimental impact on the natural environment;
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites. The potential remains to provide a satisfactory housing layout with appropriate access arrangements on the remainder of Zoning WB 23;
- The proposals are in keeping with the size and character of the settlements and its surroundings. This formed part of the assessment of this application and is considered acceptable; and
- Necessary additional infrastructure is provided by the developer and there are satisfactory access, parking and sewage arrangements. The proposal will be used in conjunction with an existing facility and the existing and proposed infrastructure arrangements are considered acceptable.

#### **Development of land outside the designated limit of Burren**

**6.12.** The application also involves land outside the existing settlement limit of Burren. The relevant regional planning policy context (PPS), is Planning Policy

Statement 21 (PPS21): 'Sustainable Development in the Countryside' and Planning Policy Statement 8 (PPS 8): 'Open Space, Sport and Recreation'

- 6.13. Policy CTY 1 of PPS 21 states that there are a range of uses that are acceptable in the countryside, including recreational uses in accordance with PPS 8 'Open Space and Recreation'.
- 6.14. Policy OS 3 of PPS 8 allows for a range of outdoor recreational use in the countryside where all the following criteria are met:
- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
  - (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
  - (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;
  - (iv) there is no unacceptable impact on the amenities of people living nearby;
  - (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
  - (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
  - (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
  - (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.
- 6.15. The Planning Department has assessed all supporting information. It has established, in its assessment of this application and in consultation with the

relevant statutory consultees, that: there will be no adverse impact on nature conservation, archaeology or built heritage; the site is suitable for the proposed use in terms of topography; the proposal does not represent a loss of best and most versatile agricultural land; there will be no impact on amenities of adjacent residents or public safety with appropriate planning conditions attached on the time of usage; the proposal is linked to an existing recreational use which provides for the needs of people with disabilities and is accessible; and the proposed access arrangements are acceptable.

- 6.16.** It is considered that the application site provides for the expansion of a previously approved, suitable community use in the countryside which could not be provided within the settlement limit. This aspect of the proposal is considered to be acceptable in planning terms.
- 6.17.** The LDP Team, in its consultation response, also confirmed that that part of the application site which is outside the settlement limit was subject to a representation at the Public Examination into the draft BNMAP. This representation requested that the land be zoned for open space and recreation, however no recommendation was made by the PAC as there was no indication at that time of any interest in the site from St Mary's GAC or any other open space or leisure provider. This position has now changed, given the nature of this application and must also be a relevant material consideration to be considered as part of this application.
- 6.18.** The applicant states that the proposed extension to the current facility will be served by the existing in – curtilage parking at the existing Playing Fields and has not indicated any increase over and above the present level of usage. There are 85 existing parking spaces excluding the social club car park. It is considered that the proposal is for a proposed training pitch to be used in conjunction with an existing Playing Field complex. The existing car parking arrangements will be sufficient to serve the associated training facility.

## **7.0. RECOMMENDATION:**

- 7.1.** It is considered that the proposed extension to the existing playing fields will bring a needed community benefit to the local and wider community. The

application site is strategically placed immediately adjacent to the existing playing fields and may offer the only option to expand an existing and expanding community facility. This must be a material consideration in the assessment of this application. Other existing lands, adjacent to the existing pitches, are not considered suitable due to topography.

7.2. In the light of this and the comments provided by the LDP Team it is considered that the proposal to use part of an existing housing zoning for an alternative use and lands outside the settlement limit, in the context of this particular set of circumstances, may be considered acceptable in principle.

7.3. The recommendation is to approve subject to the following planning conditions;

1. Standard time conditions.

2. The hours of operation of the training pitch shall be 9am to 10pm Monday to Friday and 9am to 6pm Saturday and Sunday.

Reason: To protect residential amenity

3. The hours of operation of the walking/running path shall be 9am to 10pm Monday to Friday and 9am to 9pm Saturday and Sunday.

Reason. To protect residential amenity

4 A detailed Landscaping Scheme to include a detailed planting and management plan to be submitted to the Council for approval prior to the commencement of development.

Reason: In the interests of proper planning

Appropriate Informatives as identified by statutory consultees.

**Case Officer:**

**Date:**

**Authorised Officer:**

**Date:**

**APPENDIX A:****LDP Comments****Application Reference:****LA07/2018/094/F****Location:** St Mary's GAC, Carrogs Road, Burren, BT34 3PY**Proposal:** Proposed training pitch with ball stops and associated fencing including 300m athletic circuit and extension of existing running/walking perimeter path**Planning History:** LA07/2017/1358/PAN - Proposed training pitch with ball stops and associated fencing including 300m athletic circuit and extension of existing running/walking perimeter path (residential lands to be relocated adjacent to Burren Hill, North of no. 2 Carrickview and nos. 6 and 8 Marie Villas, Burren).

LA07/2017/1105/PAN – Description as above.

LA07/2017/1104/PAD – Description as above.

LA07/2016/1192/F - Burren Community Development Project to include: 4 court sports hall, Fitness &amp; Well-being areas, Crèche area, youth club, changing facilities, meeting rooms, gym, stores and associated siteworks. Permission granted 02.03.2017.

LA07/2016/0681/PAN - Description as above.

LA07/2015/1340/PAN – Description as above.

P/2008/1286/F - Erection of covered seated stand with access steps and ramps and associated siteworks to existing south terrace. Permission granted 10.12.2008.

P/1998/0289 - Proposed training pitch, spectators areas and car park. Permission granted 16.06.1998.

P/1997/0100 - Proposed football training pitch, spectator areas and car parking. Permission granted 04.03.1998.

**This response is confined to the provisions of the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015) which are material considerations to be taken into account alongside other material considerations in the determination of the application.**

***BNMAP 2015 Plan Proposals******Designations, Proposals and Zonings***

*The site lies partly inside the following designation:*

- Designation WB 01 Settlement Limit
- Housing Zoning WB 23 – Carrogs Road



## Allocations and Policies

- Policy SMT 2 Development on Zoned Land

### Consideration

The site entails the current Burren GAC playing fields and associated buildings, undeveloped land outside the settlement limit and part of BNMAP Housing Zoning WB 23 within the Burren settlement limit. The proposed development consists of a new pitch and running track on the housing zoning (WB 23) and land outside the settlement limit. As part of the application site is outside the development limit for Burren Planning Policy Statement PPS8: Open Space, Sport and Recreation and PPS21: Sustainable Development in the Countryside are also material considerations. The following comment is made in respect of development on housing zoning WB 23.

#### Sport and Recreational use within a Housing Zoning WB23

Whilst zoning WB 23 is for housing and stipulates a minimum gross density of 20 dwellings per hectare and maximum of 25 dwellings per hectare the overarching strategic policy, Policy SMT 2, does build flexibility into zoned sites. It states "*where land is proposed for a specific use, then proposals should be primarily composed of that use but may be accompanied by a complementary use. For example housing may be accompanied by education, health, community and cultural uses, open space/recreation use.....*" There is thus a degree of complementary use permitted under this current plan policy.

It is noted that the proposal will not result in the loss of all housing land zoned under WB 23, it entails approximately 0.99 hectares out of 1.76 hectares which is 56% of the housing zoning. Consequently the proposed alternative use in this instance would be the major land use with the remaining housing zoning being the complementary use. The LDP team do not therefore consider that the proposal meets the requirements of Policy SMT 2.

#### Current Provision of Housing Land in Burren

The most recent housing land availability data for the District covers the period up to the 31<sup>st</sup> March 2017. This indicates that there is 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units. The loss of 0.99 hectares of housing land at 25 units per hectare (KSR max) would reduce the potential overall number of units that could be delivered in Burren to 103.

At this stage in the LDP process the quantity of housing land to be provided on a settlement by settlement basis has not been finalised. However the LDP POP published in June 2018 recommended an allocation to the village settlement tier of 12%. Housing Paper 16: Housing Allocation indicated that an allocation of 12% of the HGI to each settlement within the village tier would result in an allocation of 95 units to Burren. Taking into account what has been constructed since the start of the RDS period, the current level of housing lands and the current HGI allocation to the District, Burren would appear to have sufficient housing lands to meet its needs to 2030. Should the proposal to develop part of housing zoning WB 23 for sport and recreational use be considered acceptable the LDP team consider there will still be an adequate level of housing land provision within Burren to meet current and future needs and there is presently no need to consider the identification of further housing lands.

#### Development of land outside the Burren Settlement Limit

It should be noted that that part of the application site which is outside the settlement limit was subject to a representation at the Public Examination into the draft BNMAP. This representation requested that the land be zoned for open space and recreation, however no recommendation was made by the PAC as there was no indication at that time of any interest in the site from St Mary's GAC or any other open space or leisure provider. There are no relevant BNMAP policies or designations applicable to this portion of the application site.

### **Conclusion**

The proposal is contrary to Policy SMT 2 of the Banbridge, Newry and Mourne Area Plan 2015 as a portion of the application site is zoned for housing and the proposed sport and recreational use is not considered to represent a complementary use by reason of the extent of the proposed leisure and recreation use on the zoned housing site.

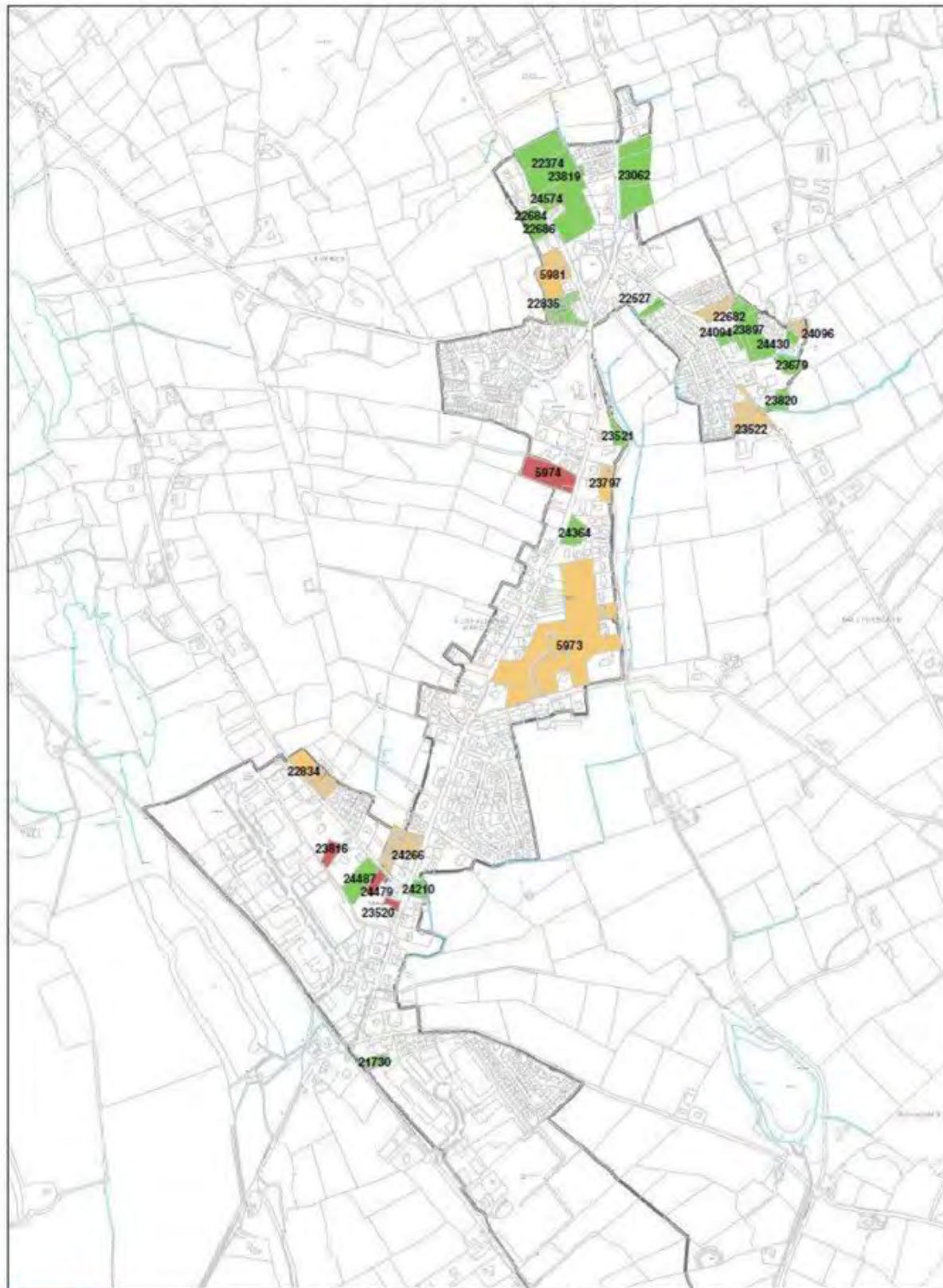
However should the Development Management section consider the proposal to be acceptable in principle, the LDP team would advise that, given the current provision of housing land in Burren, the proposed pitch and running track could be accommodated on housing zoning WB 23 without the need for the displaced housing land to be identified elsewhere.

It should be noted, as highlighted above, that this consultation response is confined to the provisions of the BNMAP 2015 and does not address the need for the proposal to comply with all other material considerations.

Appendix 1: Map of Burren showing status of Housing Monitor Sites in 2017

Appendix 2: Table showing Burren Housing Monitor Sites Status 2017

### Appendix 1 – Map of Burren showing status of Housing Monitor Sites in 2017

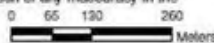


- STATUS**
- COMPLETE
  - DEVELOPMENT ON-GOING
  - NOT STARTED
  - Settlement Development Limit



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### Burren

### Housing Land Availability Monitor 2017

**Appendix 2 – Table showing Burren Housing Monitor Sites Status in 2017****NORTHERN IRELAND LAND USE DATABASE****HOUSING SITES**

## DEVELOPMENT STATUS OF ALL MONITORABLE SITES IN BURREN

AS OF 1 APRIL 2017

Site Ref	Site Name Development	Date of Survey Completion	Units	Remaining	Area	Area
			Complete Remaining	Potential	Developed Date	
<b>Status</b>						
<b>5972</b> COMPLETE	NORTH & EAST OF THE JUNCTION 01/08/1998  BETWEEN UPPER BURREN ROAD &	01/08/1998	51	0	3.65	0.00
P70001						
<b>5973</b> DEVELOPMENT	MILLTOWN STREET, EAST	01/04/2017	5	23	0.6	2.73
ON-GOING						
P70002						
<b>5974</b> COMPLETE	OPPOSITE AND 60 METRES WEST OF 77 01/04/2016  MILLTOWN STREET	01/04/2016	1	0	0.5	0.00
P70003						
<b>5976</b> COMPLETE	OPPOSITE AND NORTH OF ROSALEEN 01/08/1997  VILLAS	01/08/1997	16	0	0.69	0.00
P70005						
<b>5977</b> COMPLETE	CARRICK CLOSE 01/08/1997	01/08/1997	11	0	0.46	0.00
P70006						
<b>5979</b> COMPLETE	DONAGHAGUY CLOSE 01/08/1999	01/08/1999	7	0	0.41	0.00
P70008						

<b>5980</b> COMPLETE	OPPOSITE AND WEST OF 49-55 01/08/2003  BALLYDESLAND RD	01/08/2003	38	0	2.02	0.00
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Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>5981</b> DEVELOPMENT	REAR OF 73 CARROGS ROAD  CARROGS ROAD, ON-GOING	01/04/2017	4	2	0.32	0.16
P70010						
<b>5982</b> COMPLETE	SITE TO THE REAR OF & BETWEEN 69 & 01/08/2003  71 MILLTOWN STREET &	01/08/2003	8	0	0.56	0.00
P7004#						
<b>21080</b> COMPLETE	SITE 70M N/W OF JUNCTION BETWEEN 01/08/2002  MILLTOWN STREET &	01/08/2002	11	0	0.55	0.00
<b>21412</b> COMPLETE	DONAGHAGUY ROAD 01/08/2007	01/08/2007	48	0	1.86	0.00
<b>21421</b> COMPLETE	LAND ADJACENT TO 64 UPPER DROMORE 01/08/2005  ROAD	01/08/2005	1	0	0.08	0.00
<b>21730</b> NOT STARTED	LANDS ADJACENT TO 64 UPPER  DROMORE ROAD	01/04/2017	0	1	0	0.11
<b>22011</b> COMPLETE	LANDS OPPOSITE 3 CLONTAFLEECE ROAD 01/08/2003	01/08/2003	5	0	0.19	0.00
<b>22012</b> COMPLETE	LANDS OPPOSITE 70 CARROGS ROAD 01/08/2004	01/08/2004	1	0	0.15	0.00
<b>22373</b> COMPLETE	SITE NUMBERS 37 TO 41 CARRICKDESLAND 01/08/2003	01/08/2003	7	0	0.52	0.00
<b>22374</b> NOT STARTED	CARROGS ROAD	01/04/2017	0	35	0	1.75

Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>Status</b>						
<b>22527</b> NOT STARTED	LAND ADJACENT TO AND SOUTH EAST OF 58 BALLYDESLAND ROAD	01/04/2017	0	1	0	0.09
<b>22595</b> COMPLETE	330M NORTH WEST OF JUNCTION OF 01/08/2004 CORRAGS ROAD & BRIDGE ROAD	01/08/2004	1	0	0.15	0.00
<b>22681</b> COMPLETE	BALLYDESLAND ROAD 01/08/2006	01/08/2006	15	0	0.48	0.00
<b>22682</b> DEVELOPMENT	BALLYDESLAND ROAD (SOUTH)	01/04/2017	3	1	0.15	0.05
ON-GOING						
<b>22683</b> COMPLETE	ADJACENT TO 18 MILLTOWN STREET 01/08/2007	01/08/2007	1	0	0.09	0.00
<b>22684</b> NOT STARTED	240M FROM THE JUNCTION WITH BRIDGE ROAD CORRIGS ROAD	01/04/2017	0	1	0	0.13
<b>22685</b> COMPLETE	270 M FROM THE JUNCTION WITH 01/08/2007 BRIDGE ROAD CORRAGS ROAD	01/08/2007	1	0	0.13	0.00
<b>22686</b> NOT STARTED	210M FROM THE JUNCTION WITH BRIDGE ROAD CORRAGS ROAD	01/04/2017	0	1	0	0.13
<b>22834</b> DEVELOPMENT	40 METRES NORTH WEST MILLTOWN CLOSE, UPPER BURREN ROAD ON-GOING	01/04/2017	8	1	0.38	0.04
<b>22835</b> NOT STARTED	SITE AT 77 CARROGS ROAD	01/04/2017	0	6	0	0.37

Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>22836</b> COMPLETE	IMMEDIATELY WEST AND TO THE REAR 01/08/2007  OF 81 CARROG ROAD	01/08/2007	6	0	0.35	0.00
<b>23062</b> NOT STARTED	OPPOSITE NO'S. 18 BRIDGE ROAD & 1 &  2 CARRICK CLOSE	01/04/2017	0	5	0	0.92
<b>23063</b> COMPLETE	22 UPPER BURREN ROAD 01/08/2008	01/08/2008	1	0	0.14	0.00
<b>23373</b> COMPLETE	200 METRES NORTH OF THE JUNCTION 01/08/1999  OF THE AVENUE AND DONAGHAGUY ROAD	01/08/1999	3	0	0.38	0.00
<b>23374</b> COMPLETE	110 METRES NORTH OF THE JUNCTION 01/08/1997  WITH THE AVENUE, DONAGHAGUY ROAD  (SITE 7)	01/08/1997	1	0	0.13	0.00
<b>23375</b> COMPLETE	AT JUNCTION OF THE AVENUE AND 01/08/1997  DONAGHAGUY ROAD	01/08/1997	1	0	0.41	0.00
<b>23376</b> COMPLETE	SITE 4 THE AVENUE 01/08/2002	01/08/2002	1	0	0.19	0.00
<b>23377</b> COMPLETE	ADJACENT TO 55 MILLTOWN STREET 01/08/2000	01/08/2000	1	0	0.11	0.00
<b>23520</b> COMPLETE	24 MILLTOWN STREET 01/04/2016	01/04/2016	1	0	0.06	0.00
<b>23521</b> NOT STARTED	NORTH OF 81 DONAGHAGUY ROAD	01/04/2017	0	1	0	0.12



Site Ref	Site Name	Date of Survey Completion	Units	Remaining	Area	Area
Development			Complete Remaining	Potential	Developed Date	
<b>23522</b> DEVELOPMENT	46 BALLYDES LAND ROAD	01/04/2017	2	5	0.12	0.29
	ON-GOING					
<b>23679</b> NOT STARTED	ADJACENT TO AND SOUTH OF 3 CLONTAFLEECE ROAD	01/04/2017	0	5	0	0.17
<b>23680</b> COMPLETE	65 METRES WEST OF 16 UPPER BURREN 01/08/2011 ROAD	01/08/2011	1	0	0.22	0.00
<b>23797</b> DEVELOPMENT	TO THE REAR OF 77 TO 79 MILLTOWN STREET ON-GOING	01/04/2017	1	1	0.09	0.10
<b>23816</b> COMPLETE	74 METRES SE OF 18 UPPER BURREN 01/04/2016 ROAD	01/04/2016	1	0	0.13	0.00
<b>23819</b> NOT STARTED	SITE ADJACENT TO 5 CARRICK CLOSE	01/04/2017	0	1	0	0.02
<b>23820</b> NOT STARTED	40 METRES E OF 47 BALLYDES LAND ROAD	01/04/2017	0	1	0	0.13
<b>23897</b> NOT STARTED	90 METRES N.W. OF 3 CLONTAFLEECE ROAD	01/04/2017	0	19	0	0.58
<b>23898</b> COMPLETE	34 MILLTOWN STREET 01/08/2010	01/08/2010	7	0	0.13	0.00
<b>24094</b> NOT STARTED	IMMEDIATELY NORTH AND ADJACENT TO 50 BALLYDES LAND ROAD	01/04/2017	0	1	0	0.14

Site Ref Development	Site Name	Date of Survey Completion	Units Complete Remaining	Remaining Potential	Area Developed Date	Area
<b>Status</b>						
<b>24095</b> COMPLETE	ADJACENT AND SOUTH OF 25 MILLTOWN 01/08/2011 STREET	01/08/2011	1	0	0.11	0.00
<b>24096</b> DEVELOPMENT	7 CLONTIFLEECE ROAD	01/04/2017	1	3	0.03	0.07
ON-GOING						
<b>24210</b> NOT STARTED	27 MILLTOWN STREET	01/04/2017	0	1	0	0.11
<b>24266</b> DEVELOPMENT	3 UPPER BURREN ROAD	01/04/2017	6	2	0.33	0.11
ON-GOING						
<b>24364</b> NOT STARTED	71 MILLTOWN STREET	01/04/2017	0	8	0	0.20
<b>24430</b> NOT STARTED	ADJACENT AND IMMEDIATELY NORTH OF 3 CLONTIFLEECE ROAD	01/04/2017	0	1	0	0.06
<b>24574</b> NOT STARTED	ADJACENT TO AND 12M NW OF 68 CARROGS ROAD	01/04/2017	0	1	0	0.19
<b>SETTLEMENT TOTALS</b>			<b>278</b>	<b>127</b>	<b>16.87</b>	<b>8.77</b>

### **Prepared Statement – Planning Committee Meeting of Newry, Mourne & Down District on Wednesday 26<sup>th</sup> June 2019**

Planning Ref: LA07/2018/0094/F (St. Mary's GAC, Carrogs Road, Burren)

Proposal: Proposed training pitch with ball stops and associated fencing including 300m athletic circuit and extension of existing running/walking perimeter path.

We wish to address the Planning Committee in respect of the proposal and the following key points:-

- The proposed scheme at the Club is a community-focused development, brought forward by Burren Vision;
- The Club is a focal point for the local community in Burren;
- The Club has been trying to expand for a number of years, and the current opportunity is a once in a lifetime chance to realise this significant community benefit which this scheme will deliver;
- In 2014, Burren Vision was established by the local population to source funding and support for community development initiatives and is centred on the Club;
- The southern portion of the application site is zoned for Housing;
- As a charity organisation, Burren Vision cannot buy zoned residential lands which are estimated to be £350,000 per acre. Typical agricultural land is £25,000 per acre.
- There is no prejudice to the current or future Area Plans;
- A planning application for a new housing development (ref: (ref: LA07/2018/0073/F) on lands at Burren Hill is directly linked to the delivery of the new sporting facilities at the Club; and
- The proposal is not viable without securing permission for the housing development;
- There is widespread community support for the proposals evidenced by letters of support from Chris Hazzard MP for South Down (Sinn Fein); Sinead Ennis MLA (Sinn Fein); Sinead Bradley MLA (SDLP); Carrick Primary School Staff; Carrick Primary School Board of Governors; Burren Community Centre; Burren Athletics Club; Burren Lourdes Committee; Burren Pastoral Council; St. Vincent DePaul; Burren Parish Finance Committee; Young Farmers; and Petition of Support signed by over 100 local residents.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0930/F

**Date Application Received:** 20<sup>th</sup> June 2018

**1.0 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

**2.0 LOCATION:** 41 Belfast Road, Newry, BT34 1QA

**3.0. SITE AND AREA CHARACTERISTICS:**

**3.1.** The site fronts onto Belfast Road and is currently used as a car wash facility, with a storage container and other related equipment present on site. It is linear and relatively flat, with the landform gently sloping from the Belfast Road to the west. There is an existing stone embankment to the rear of the site, with the land rising steeply beyond this point, with two residential blocks (known as Ashgrove Hall) sited rear of the sight in an elevated position overlooking the site. Existing surrounding development is primarily residential, with some public buildings; including No's 1-8 Millview Terrace to the south (with No.8 in commercial use) and Kingdom Hall religious building to the north of the site.

**3.2** In terms of the residential character along this stretch of Belfast Road, the properties to the south of the application site comprise higher density two storey terrace units (Millview Terrace,) with two and three storey apartments located to the rear and south-east of the site (Ashgrove Hall and Millview Court.) The development beyond these apartment units and further east along Ashgrove Road, comprises lower density detached dwellings. Existing development along the western side of Belfast Road is characterised by detached and semi-detached dwellings, although noted there is a recent and extant permission for the development of 16 units on the site of No.42 Belfast Road, comprising a mix of dwellings including apartments and townhouses.

**3.3.** The site is located within the settlement limits of Newry City, as designated in the Banbridge, Newry & Mourne Area plan 2015 (BNMAP) and not zoned for

any specific purpose. The A1 Belfast Road is also an identified Protected Route as set out in Annex A of Planning Policy Statement 3.

#### 4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

NI Regional Development Strategy 2035 (RDS)

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

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI) (Policies DES2 & SP18)

#### Planning Policy Statements / Development Control Advice Notes

PPS 3- Access, Movement and Parking

PPS 7- Quality Residential Environments

PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas

PPS 8 – Open Space, Sport and Outdoor Recreation

PPS12 - Housing in Settlements

PPS15 – Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 11 – Access for People with Disabilities

DCAN 15 – Vehicular Access Standards

#### Further Guidance

Creating Places, Living Places Urban Stewardship and Design Guide.

DOE Parking Standards, 2005

#### 5.0. RELEVANT SITE HISTORY:

**LA07/2018/0182/F:** Temporary planning permission for change of use from filling station and solid fuel sales under P/2013/0034/F to carwash and solid fuel sales including improvements to site drainage - **PERMISSION GRANTED 15/06/2018**

**P/2014/0271/A:** Hoarding and Totem - **PERMISSION REFUSED 05/12/2014** – Note: Enforcement investigation ongoing (P/2014/0177/CA) in respect of unauthorised hoarding and totem

**P/2013/0034/F:** Retention of filling station and solid fuel sales, relocation of car wash and provision of second fuel pump and electrical charging point - **PERMISSION GRANTED 20/08/2013**

**P/2010/1215/F:** Retrospective change of use of first floor flat and ground floor retail unit, with alterations, to form tanning studio /

fitness suite, with associated car parking facilities (7/8 Millview Terrace) - **PERMISSION GRANTED 05/08/2011**

**P/2008/0730/F:** Erection of 5 storey office development with associated site works including retaining structures, road works and park – **PERMISSION GRANTED 27/11/2008**

#### 5.1 RELEVANT SURROUNDING HISTORY:

**LA07/2017/0661/F** No. 42 Belfast Road, Newry - Demolition of existing dwelling and pool house and erection of residential development consisting of 16 No. dwellings: 4 No. apartments, 6 No. townhouses and 6 No. semi-detached with associated road access, landscaping and associated site works) – **PERMISSION GRANTED 05/03/2019**

#### 6.0. CONSULTATIONS:

**NI Water** (04/07/2018) – Conditions, informatives attached

**NI Housing Executive (NIHE)** (21/05/2019) - Any completed social housing units must be transferred to a Housing Association and designed to DfC design guide standards

**NMDDC Environmental Health** (30/11/2018) – Condition attached

**DAERA** (16/11/2018) - Water Management Unit and Regulation Unit Land and Groundwater Team – conditions and informatives attached

**DfI Rivers Agency** (25/02/2019) - Revised DA addressed FLD3 concerns, informatives attached

**DfI Roads** (08/03/2019) – Proposal is contrary to Policies AMP2, DCAN15, AMP3 and AMP7 (refusal reasons below)

#### 7.0. OBJECTIONS & REPRESENTATIONS:

**7.1.** 16 Neighbours were notified, and the application was advertised in July 2018 and re-advertised in November 2018 and February 2019 as the proposal and description have been amended. The statutory neighbour consultation date expired on 19<sup>th</sup> February 2019 and the statutory advertising date expired on 6<sup>th</sup> March 2019. Note this proposal was originally submitted for a total of 31 units and has subsequently been reduced to 26, on which the assessment is made.

**7.2.** 4 Objections have been received to date (10/06/2019) from two differing addresses (including No.40 Belfast Road, Newry and No.16 Millview Court,

Newry.) The objectors raise a number of concerns which are summarised as follows:

- Overdevelopment of the site;
- The design is out of character and would have an adverse visual impact on the area's character;
- Impact on amenity;
- Car parking provision is insufficient;
- Road safety concerns – this includes access / egress of the site (width of access / existing cars parked along Millview Terrace) and wider concerns around the impact on road safety including the impact on the existing residential access opposite this site.

7.3. The issues raised are considered as part of the planning assessment and consideration below

## 8.0. PLANNING ASSESSMENT & CONSIDERATION:

8.1. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Paragraph 3.3.

8.2. The proposal in principle, does not conflict with the current local development plan, BNMAP 2015 and is considered further against operational planning policy and guidance including; SPPS, PPS3, PPS7 (QD1), PPS7 Addendum, PPS8 (OS2,) PPS12 (PCP1, PCP2 PCP3, HS2, HS4), PPS15, PSRNI (SP18, DES 4), Creating Places, DCAN 8, DCAN 11, DCAN15 and DOE Parking Standards;

8.3. The SPPS sets out five core planning principles (Para 4.2) and the need to balance social, economic and environmental matters in decision-taking, to achieve sustainable development. Particularly relevant to this application are the SPPS aims of facilitating sustainable housing growth in response to changing housing need, through the promotion of good design and positive place making, whilst at the same time preserving and improving the built and natural environment. This proposal is considered contrary to the principles set out in the SPPS for reasons set out below:

## 8.4 PPS 12- Housing in Settlements

### 8.4.1 Planning Control Principle 1 (PCP1) – Increased Housing Density without Town Cramming

The proposal is for 26 apartments on a site which measures 0.15 hectares. This equates to a housing density of 173 dwelling units per hectare on an urban site within an Established Residential Area (ERA.) The proposed density, together with form, massing, scale and layout of this development are not considered to respect the existing character. These matters are considered in further detail under PPS7 below.

**8.4.2 Planning Control Principle 2 (PCP2) - Good design**

The design, layout and landscaping of the scheme is not considered to successfully respect the overall character, quality and sustainability of the area. These matters are considered in further detail under PPS7 below.

**8.4.3 Planning Control Principle 3 (PCP3) - Sustainable forms of development.**

While the site is within existing urban limits, the development would harm the character of the immediate residential area, therefore it is not considered a sustainable form of development. There is further consideration of these issues below under PPS7.

**8.4.4 HS2 – Social Housing**

The proposal seeks to provide 26 social housing units. This is supported by Northern Ireland Housing Executive and Ulster Housing Association, provided required standards are met. The proposal however remains unacceptable on further grounds, as set out below.

**8.4.5 HS4 – House Types and Size**

HS4 only permits the approval of planning permission for new residential development of 25 or more units where a mix of house types and sizes are provided. Whilst the development of 26 apartments (positioned in one large block) is considered unacceptable on this site, in terms of house types and size, 13 no.3P2B, 12 no.2P1B and 1 no.2P1B wheelchair units are proposed. The proposal does not merit a refusal reason on the basis of HS4 in this regard.

**8.5 SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1****8.5.1** Policy QD1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

It is considered that the proposal fails to comply with SPPS, Policy QD1 of PPS 7 and Policies SP18 and DES2 of PSRNI in that it does not create a quality and sustainable residential environment. It is also considered that this proposal would jeopardise the integrity of the streetscape aesthetically and would result in an unacceptable adverse impact on the local character and environmental quality of the ERA. In particular, the proposal is considered contrary to criteria A, F, G and H of Policy QD1 for reasons detailed below:

**8.5.2 PPS7 Policy QDI, A – Nature and Context of the Proposed Development.**

The existing character and appearance of this stretch of Belfast Road includes Kingdom Hall building and associated grounds to the northern side of the site and two storey terraced developments of Milltown Terrace and Milltown Court apartments to the south / south-east. The lands to the rear of the site also include two and three storey apartments which occupy elevated sites. The existing character to the far side of Belfast Road comprises lower density detached, and semi-detached dwellings located on larger sites, although noted



there is recent permission for residential development at No.42 Belfast Road, as outlined above.

- 8.5.3** The application site comprises a roadside plot which fronts and opens onto Belfast Road and is readily visible for a stretch of this road. Whilst it is acknowledged the character of this stretch of road varies in terms of house types, sizes, densities and there can be no objection to the principle of apartments on this site, the current proposal is considered unacceptable.
- 8.5.4** The proposed development includes the construction of a sizeable three storey apartment block and a basement level for car parking and service provision. It seeks to develop 26 units on a site of 0.15ha. This proposed density equates to 173 units per hectare and is much higher than surrounding development pattern. Existing development, to either side of the application site, is lower density and the proposal, if approved, would have a detrimental impact upon the character and amenity of surrounding development.
- 8.5.5** The previous application for office block on this site (P/2008/0730/F) and associated references are noted. This application was approved in 2008 by the former planning authority and as this proposal was considered against different policy provisions and has since expired, it is not comparable to the current proposal or material to this determination.
- 8.5.6** Externally, the proposed three storey apartment block occupies a large portion of the overall site area; measuring 47.8m in length x 19.6m width (to the maximum,) with a height of 10.25m from finished floor level to ridge level, in addition to under-build of 3m for the creation of a basement level. The incorporating basement level carparking requires the raising of existing ground levels, resulting in the ground floor level of the proposed apartments positioned some 2.75m above the existing ground floor level of adjacent Millview Terrace, which is not considered to be in keeping with the existing character of this area.
- 8.5.7** The proposed raised apartment building block would be set back approximately 3m from the closest point of the front elevation to the pedestrian footway along Belfast Road, with a retaining boundary wall with railings over running along the site frontage, which would dominate the existing streetscape and have a detrimental visual impact when viewed from and along Belfast Road.
- 8.5.8** As a result of the above, the overall development would not respect the surrounding context and would be inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing, design / appearance of buildings, and overall form including structures and landscaped and hard surfaced areas. The proposal would be dominant, overbearing and out of keeping with the streetscape, when considered in the context of existing and established residential dwellings found within the area. The proposed scale and massing of this development would accentuate the existing inappropriate three storey dwelling block east of the site and further erode the character of the ERA. The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (a), PPS 12 (PCP1-3 and DCAN8 in this regard).

### **8.5.9 PPS7 Policy QDI, C – Provision of Open Space & PPS8 Policy OS2 Public Open Space in New Residential Development**

Under Policy OS2, proposals for 25 or more units will only be permitted where public open space is provided as part of the development. An exception applies in the case of apartment developments where a reasonable level of private communal open space is provided. On a small urban infill site such as this, 'Creating Places' requires private communal open space in the form of landscaped areas, courtyards, or roof gardens ranging from 10sqm – 30sqm per unit, with the appropriate level determined by having regard to the particular context of development and overall design concept.

**8.5.10** This development of 26 units includes 13 no. 2 bedroom and 13 no. 1 bedroom apartments. The site is also located approximately 1.5 miles from the city centre. The layout provided indicates the proposed block occupies a large portion of the site and will extend to the adjacent rock face to the rear. The Site Layout Plan includes references to areas of amenity space; however it is considered the strip to the front of the building overlooking the street and the steep embankment / rockface to the rear are not considered usable or appropriate. As such, it is considered only small pockets to the rear and roof terrace are the only areas that can be considered towards providing communal areas of amenity space. While it is considered that communal open space provision is on the lower end of the recommended standards, on balance it is considered sufficient provision has been made for amenity space to serve the proposed units.

### **8.5.11 PPS7 Policy QDI, E – Movement Pattern.**

The proposed layout includes a 2m wide footway along the site frontage leading to the basement level entrance of the proposed building. A crossing point is identified across the 5.5m wide access road leading to a further footway along the frontage of Millview Terrace, including from the side entrance to No.8 Millview Terrace. DfI Roads had raised earlier concerns regarding pedestrian movement patterns in and around the site. These matters are considered in further detail below against the PPS3 assessment.

**8.5.12** Regard has been given to the design and layout of the building to facilitate those whose mobility is impaired, with one wheelchair user unit included as part of the overall scheme, positioned at ground floor level. An internal lift is proposed to allow ease of access to open space etc. It is recognised that the amended layout as proposed in Drawing 09REV2 addresses initial concerns in terms of bin location, which relied on the accessible parking bays for access. Proposed bicycle parking remains positioned rear of the accessible parking spaces however, this is considered acceptable given their nature and use.

### **8.5.13 PPS7 Policy QD1, F – Parking and PPS3 Policy AMP7, DOE Parking Standards**

DOE Parking Standards dictates that 36 (35.75) communal parking spaces are required to serve this development. The proposed parking of 19 spaces (including 4 wheelchair accessible) is significantly below the required figure, and seeks a reduction of 17 spaces. Furthermore, of the 19 spaces provided, 9 of these are below minimum width requirements: This includes spaces 1,4,5,6 which should be 2.4m wide and the wheelchair accessible spaces 7-10 which

when using a paired layout as proposed, should have a minimum width of 10.9m. There is provision under Policy AMP7 to consider a reduced parking capacity. A Transport Assessment has been provided (based on the original proposal for 31 units) and the site is located on a public transport route. Whilst this is recognised, given the significant reduction in parking that is sought, together with the substandard proposed spaces, it is not considered that there is enough justifiable merit in a significant reduction of 17 spaces, which is well below the minimum requirements of one space per unit.

- 8.5.14** Policy AMP7 also requires appropriate servicing arrangements to prevent new development from prejudicing road safety or significantly inconvenience traffic flows. The Site Layout presents issues in terms of servicing the site. DfI Roads advise that the scheme is contrary to Policy AMP7 as adequate provision cannot be made clear of the highway for the parking, turning and loading / unloading of vehicles which would be attracted to the site. The proposed parking provision and servicing provision is inadequate and inappropriate and fails to meet the requirements of the SPPS, PPS7, QD1 (f), PPS3 AMP7 DOE Parking Standards, DCAN8 and DCAN11.

**8.5.15 PPS7 Policy QD1, G – Proposed Design compared to local Form, Materials and Detailing.**

The ERA along Belfast Road is characterised primarily by low rise development one to two storeys, with a couple of identified exceptions at three storeys behind. It is considered the proposed development will appear overbearing and dominant when viewed from the Belfast Road. The dominant trend in the immediate area is for dual finish of painted render / red brick external finishes. The proposal incorporates a singular red brick finish, which is not considered appropriate for the scale of block proposed and would detract from the traditional red brick finish of Millview Terrace in particular.

- 8.5.16** The design would appear to draw on the form and detailing of the development at Ashgrove Hall, which is not particularly sympathetic to the prevalent urban form or character of the ERA. The proposed building is of a much greater scale and higher density with a design which is not reflective of the prevalent built form, detailing and materials displayed within the immediate area. The overall finish would exacerbate development which is not in keeping with the character of the ERA or prevalent form. The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (g) and DCAN8.

**8.5.17 PPS7 Policy QD1, H - Conflict with adjacent Land uses.**

As previously stated, the proposed block occupies a large portion of the site. The rear boundary is irregular in shape whereby separation distances vary between the proposed block and this boundary. Having acknowledged the information submitted including cross sections, it is considered the development will not result in any unacceptable degree of overlooking or loss of amenity on any existing development to the rear due to the levels, existing boundary treatments and separation distances between the blocks / developments. As such, it is considered that the proposed development would not result in any significant loss of amenity to existing properties.

**8.5.18** The residential amenity of future occupants of the proposed property must also be considered. The separation distance of the proposed block is minimal to the retaining rear embankment (1.8m minimum.) This arrangement would be considered to result in significant loss of light to potential occupiers, in particular to those units located in the rear area of the block, given the lower levels and minimal separation distance to the embankment, with no outlook, which would also be further exacerbated by the planting of mature landscaping as proposed.

**8.5.19** In addition, the proposed development would be directly overlooked by Ashgrove Hall, which is positioned at a much higher level, with the ridge level of No's 1-6 Ashgrove Hall positioned some 7m higher than the ridge level of the proposed building. This relationship is considered unacceptable and would result in a degree of unacceptable adverse impact on the amenity of the residents of the proposed development by way of overlooking (from Ashgrove Hall) and loss of privacy, the proposed layout does not represent a quality residential environment and for these reasons, fails to meet the SPPS, PPS7 QD1 (h) and DCAN8.

**8.6 PSRNI – Policies SP18 and DES2**

Whilst there is no objection in principle to a residential land use on this site, the proposal is not considered to relate satisfactorily to the existing townscape setting and it is the totality of the scheme in terms of design, layout, scale, form, adverse impact on residential amenity and impact on the local character and that deems the proposal to be unacceptable. For these reasons, the proposal fails to comply with policies SP18 and DES2 of PSRNI.

**8.7 Planning Policy Statement 3 – Access, Movement and Parking Policies AMP2, AMP3 and AMP7 and DCAN11, DCAN 15 – Vehicular Access Standards.**

There are two existing access points to this site directly off Belfast Road, which is a Protected Route. The proposed development seeks to utilise an existing access point off Belfast Road to serve as the primary access / egress point to the site. This access currently serves the rear of buildings Millview Terrace and is not used in connection with the proposal site. Policy AMP2 dictates the requirements for access to public roads. The proposed drawings seek to achieve the required 2.4 x 90m visibility splays as set out by DCAN15. In reality however, the proposal cannot achieve the required 10m radii or visibility splays at this access point and in addition the area required for such purposes to the south would appear to be out-with the applicant's control and is frequently obscured by parked cars relating to Millview Terrace.

**8.7.1** The site is currently in use as a car wash. Figures provided in the Transport Assessment indicate 4 car journeys per unit per day to the site – 104 car journeys plus taxis, HGVs / services vehicles. The agent has made an attempt to address matters raised by Roads Service in January 2019 via a written response from Lisbane Consultants dated 28<sup>th</sup> January 2019. These comments have been considered however given the above matters remain to be overcome and given Roads Service further comments dated 8<sup>th</sup> March 2019, the scheme is considered to result in an intensification of use of the site from its present form (since the proposed access does not currently serve this site) in terms of

vehicle movements and as such fail against the merits of the SPPS, PPS3 policies AMP2 and AMP3 in addition to DCAN15.

- 8.7.2 Policy AMP7 has been discussed above under PPS7 QD1(F). Given the insufficient parking availability to serve the proposal, there is risk that cars will park along the site frontage and for reasons outlined, the proposal fails to meet the requirements of SPPS, PPS3 Policy AMP7 and DOE Parking Standards.

**8.8 Planning Policy Statement 15– Planning and Flood Risk Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains.**

The proposed development seeks to connect to mains water supply and mains sewage infrastructure. NIW advise that separate consents including an Article 161 Agreement are required with capacity available to serve the proposal. In the event of an approval, these matters would require a negative condition. DAERA Water Management Unit also would require the provision of a detailed Construction Method Statement should be submitted to Water Management Unit at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment, in addition to the standard conditions surrounding multiple dwellings.

- 8.8.1 The revised Drainage Assessment includes the required Schedule 6 agreement from Rivers Agency. Rivers Agency are content the requirements of FLD3 are met through the revised information. In the event of an approval, standard informatives would be required.

**8.9 Land Contamination**

The history of the site as a former petrol filling station with underground tank lends it open to issues of land contamination. Both DAERA Regulation Unit Land and Groundwater Team and the Council's Environmental Health Department have considered the contents of the Closure Report for Rockfoot Service Station and are content with the proposal in this regard, subject to attached negative conditions being met in respect of any potential new contamination risks encountered during development works.

**9.0 CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

- 9.1 The material issues when considered in full against prevailing planning policy have been addressed as follows:

- Overdevelopment – Following a full assessment of the proposal the planning department consider the density of the proposal to be unacceptable on this site;
- Design - The proposed design is unsympathetic to the Established Residential Area (ERA) and would create an adverse visual impact on the area's character;
- Residential Amenity – The proposal would result in an unacceptable level of residential amenity to the future occupants of the proposed residential

development by way of loss of natural light, dominance and privacy issues;

- Carparking – The proposed level of car parking (including standards) is insufficient in this site-specific context and to support this proposal;
- Road Safety – The proposal would prejudice the safety and convenience of road users as the radius / visibility of the existing access renders it unacceptable for intensification of use, adequate provision cannot be made clear of the highway for the parking, turning and unloading / loading of vehicles which would be attracted to this site and the proposal would result in the intensification of use of an existing substandard access onto a Protected Route thereby prejudicing the free flow this includes access / egress of the site (width of access / existing cars parked along Millview Terrace) and wider concerns around the impact on road safety including the impact on the existing access at 40 Belfast Road opposite this site.

## 10.0 RECOMMENDATION: Refusal

Whilst the principle of residential development (including social housing) on this site is supported, this application is recommended for Refusal for the following reasons:

### 10.1 REASONS FOR REFUSAL

1. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria A of Planning Policy Statement 7 (PPS7): Quality Residential Environments and DCAN8 as the development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, scale, massing, proportions and appearance of buildings and landscaped and hard surfaced areas;
2. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria F of Planning Policy Statement 7 (PPS7): Quality Residential Environments, DCAN8 and DCAN11 as adequate and appropriate provision has not been made for parking;
3. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria G of Planning Policy Statement 7 (PPS7): Quality Residential Environments and DCAN8 as the design of the development does not draw upon the best local traditions of form, materials and detailing;
4. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 Criteria H of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and DCAN8 in that the proposed building will be directly overlooked by existing development at Ashgrove Hall and the occupants of the proposed building will be subjected to a poor outlook by way of loss of privacy and would result in an unacceptable degree of adverse amenity to future occupants;

5. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 Criteria H of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and DCAN8 in that the proposed siting would result in significant loss of light to occupants of the proposed building and would result in an unacceptable degree of adverse amenity to future occupants;
6. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 1 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing density represents overdevelopment of this site and would result in town cramming;
7. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing development does not demonstrate a high quality of design, layout and landscaping;
8. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing development is not considered a sustainable form of development;
9. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies SP18 and DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring developments, scale, layout, design and materials which are out of character of the area as well as its relationship to adjoining buildings and views;
10. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy AMP2, of Planning Policy Statement 3: Access, Movement and Parking and Development Control Advice Note 15 (DCAN15), in that it would, if permitted, prejudice the safety and convenience of road users since the radius/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
11. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) and Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

12. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy AMP7, of Planning Policy Statement 3: Access, Movement and Parking and Development Control Advice Note 11 (DCAN11) Access for People with Disabilities, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

**Case Officer**

**Authorised Officer**



**SITE PHOTOGRAPHS**  
(Taken April 2019)



Views of the site along Belfast Road



Views on and around the site, Ashgrove Hall behind



Millview terrace to the south of the site

Description of the application -

Proposed New-build residential development of 1 No. apartment building consisting of 13 No. 3P2B apartments, 12 No. 2P1B apartments and 1 No. 2P1B wheelchair apartment (26 dwellings total) with 19 No. basement parking spaces including disabled parking plus bicycle parking (Amended Proposal)

**THE PROPOSED SOCIAL HOUSING SCHEME HAS THE FULL SUPPORT OF NIHE AND SOUTH ULSTER HOUSING ASSOCIATION WITH FUNDING IN PLACE TO START IMMEDIATELY UPON RECEIPT OF PLANNING PERMISSION.**

Valid and credible planning reasons why this application should be Approved:

At the Newry social housing conference on Tuesday 25th February 2019 the social housing crisis was highlighted by the fact that 2000 housing units are required within Newry city.

This high quality residential development occupies white zoned lands and is intended to make a significant contribution towards alleviating the severe social housing shortage in Newry. It has been designed as per current Planning Policy, NIHE Guidelines as well as Living Places and Creating Places and will make a significant contribution to housing stock in the City.

1. QUALITY **PPS7 – Quality Residential Environments**

**Policy QD1;** Proposal carefully designed to comply with all 13 sections of **Policy QD1**.

As a developing City it is strategically important for Newry that gateway sites are developed as is the case in nearby Lisburn. In its current form the site resembles an open quarry with a sheer and unsightly rock face to its rear. This does not currently create a visually appealing impact when arriving into Newry City along its principal arterial route from Belfast City. In contrast the proposed scheme will infill the site, align the streetscape, eliminate an eyesore site and also eradicate the existing non desirable uses of fuel sale and car wash.

**Policy LC1;** In accordance with **LC1** a 'Design led' approach has been taken during the design stage of this scheme to ensure the building is appropriate to this location. It will add significantly to the visual quality of the local built environment. It is also important to note the contribution that will be made by this building to the infilling and strengthening of the streetscape at this prominent location.

2. PARKING South Ulster Housing have requested that 19 car spaces are sufficient based on their experience since 1978. In similar schemes operated by South Ulster Housing Association, South Ulster encourage tenants to use public transport and chose this site partly because of its excellent location along a well serviced Bus Route.

Newry, Mourne and Down Local Development Plan 2030 Preferred Options Paper Infrastructure: "2.31 With nearly one in five households in the district not owning a private vehicle, the availability of public transport is a key consideration particularly for those who are elderly, or economically or socially disadvantaged."

South Ulster Housing Association previously received planning approval for 15 houses and apartments on Canal Street P/201010187/F approved with 7 carparking spaces. (Ratio = 0.47 spaces per unit)

It is our assessment that a reduced standard of parking of 19 spaces (Ratio = 0.73 spaces per unit) is consistent with the average parking uptake in similar schemes operated by Housing Associations elsewhere in similarly regional towns and cities and would be more than sufficient in this case.

3. DESIGN **DCAN 8;** Sustainable, design led approach to design, fully complies with **DCAN 8 – Housing in Existing Urban Areas**. The scheme is located along the Belfast Road, which rises gently from south to north. The scheme is designed to sensitively integrate the scheme into its surroundings and provide undercroft parking hidden from view. This avoids having a large area of exposed hard surface car parking in this residential area. The scheme is entered from ground level at both sides. The elevation adjacent to Millview Terrace has been reduced in height to respond to this existing context. The scheme is within the limits of Newry City. It is of a similar overall density to other urban infill schemes in City locations.

4. OVERLOOKING Due to the c.7m (23ft) change in level between the proposed site and higher existing dwellings at Ashgrove Hall to the rear, the proposal will have minimal visual impact on existing dwellings. Site Context drawing SK14 was prepared and submitted to illustrate how the proposed scheme will sit comfortably within its immediate built environment. It is located at the base of a rising slope and therefore doesn't impact on existing views or affect existing residential amenity as per **Policy LC1**

5. LIGHT / VIEWS Living spaces within apartments to the rear of the site have all been designed to face south and north, to avoid any loss of light and increase the quality of the space.

6. **DENSITY** Our scheme has been reduced in scale twice at the request of the planners and is c. 50% lower than the DPP office block approved for the site. Our scheme will blend harmoniously into the site, will be professionally landscaped and will represent a visually attractive addition to the traditional architectural style of the area. It is key for us to measure our scheme against that which was previously approved by the planners in 2008; i.e. 5 storey office block for the DPP with undercroft less car parking and 13 objections. In addition and separately another scheme was approved at 7 & 8 Millview Terrace for demolition of the end terrace houses and erection of a 3 storey block with retail on ground and 2 floors of apartments above. This scheme was higher than that which we are proposing.

7. **RESIDENTIAL AMENITY** **PPS8 – Open Space, Sport and Outdoor Recreation**

**Policy OS 2** states that Open Space of at least **10%** is required for residential schemes of 25 units or more – this scheme provides Open Space of c.**30%**. This is a 200% over provision of open space.

8. **SUSTAINABILITY** The proposed scheme has the full support of NIHE and has been designed to meet a specific and actual need. The scheme has been designed in full compliance with Lifetime Homes Standards to ensure sustainability of use for people of varied ages and abilities. There are 2,000 people on an urgent waiting list for social housing in the Newry City area. There is an urgent need for residential units of this type.

9. **LOCAL CHARACTER** The proposed elevational treatment of the building has been amended in order to ensure the building sits comfortably within its setting. Design cues have been referenced from the immediate local environment which has resulted in a traditional hipped roof proposal with dormer windows. A simple palette of high quality materials has been selected for this building. This will result in the creation of a building which is attractive and has a durable, high quality finish.

The building has been amended significantly from the initial proposal, at the request of the Planning Authority:- It has been changed from a modern 4 storey building, to a traditional 3 ½ storey building and is now a traditional 2 ½ storey building (with the loss of 5 units). Its appearance makes reference to neighbouring residential buildings at the request of the Planning Authority, so that it is in keeping with the surrounding area. Our scheme represents a continuation of the terrace both in terms of style and indeed due to the fact that we have introduced 6 front doors on the building so as to reflect the adjoining townhouse terrace.

10. **ROADS** **NO INTENSIFICATION OF USE** - In accordance with **Policy AMP3** the scheme is intended to provide development of the site “without compromising standards of road safety or resulting in an unacceptable proliferation of access points.” This proposal rationalises the existing site access from 3 separate accesses into 1 combined access point with an associated significant reduction in potential conflicts.

Excellent Visibility Splays of 2.4m x 90m are provided at either side of the access point, on the ideal outer side of the road bend, in accordance with **Policy DCAN15 Paragraph 2.1 & Fig.1.**

**Policy DCAN15 Paragraph 9.2** states that “within development limits, lowering of kerbs will normally be acceptable where there is a frontage footway”. As the scheme consists of 26 residential units with an estimated 39 vehicular movements per day, the proposed junction design solution is in accordance with **Policy DCAN15.**

11. **ACCESS JUNCTION** **NO INTENSIFICATION OF USE**

**AMP2** - A major reduction in traffic movements, means that this scheme “will not unduly interfere with the movement of traffic”, in accordance with **Policy AMP2 Section 5.12.**

Traffic movements generated by **existing** car wash use = 1,000/500 trips per day

Traffic movements generated by **proposed** site use = 39 trips per day

12. **LOADING / UNLOADING** Minimal flow impact on Belfast Road. Cars attracted to the site will enter the car park. The vehicles within the car park have adequate room to reverse out of the spaces manoeuvre and leave in forward gear. The scheme has been designed in full compliance with Lifetime Homes Standards to ensure safety and ease of use for people of varied ages and abilities.

The site will be serviced from the Belfast Road in the same manner as the other adjacent apartments are. The bin lorry will stop on the Belfast Road, empty the bins and continue its route. The bin store to the front of the site means that the bins are easily collected., emptied and returned without interfering with the public footway.

**THIS VITALLY IMPORTANT AND MUCH NEEDED SOCIAL HOUSING SCHEME HAS THE FULL SUPPORT OF NIHE AND IS IN LINE WITH ALL STATUTORY POLICIES AND THEREFORE SHOULD BE GRANTED FULL PLANNING CONSENT.**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0024/DCA

**Date Received:** 20<sup>th</sup> December 2018

**Proposal:** Complete removal of existing office to create unobstructed access to warehouse at the rear

**Location:** 40 Greencastle Street, Kilkeel, Co Down

**Site Characteristics & Area Characteristics:**

A 2 ½ storey building occupies the site which is adjoined onto other lower 2 storey buildings facing onto Greencastle Street in Kilkeel town centre (as defined in the statutory Banbridge Newry and Mourne Area Plan 2015 BNMAP). An opening to the



South western end of the building leads to a builders' yard at the rear and next to this is an attractive 2 storey bank building. As it is located within the town centre boundaries, Greencastle Street does contain a mixture of use classes including retail premises, restaurants, hotel, banks, office buildings (including the building proposed for demolition which is a building contractor's premises). The building has a smooth f painted plastered f façade with white uPVC windows, black slate roof.

The site is located within an Area of Townscape Character (ATC) as designated in the current statutory plan BNMAP 2015 and contains a number of impressive buildings which collectively add to the quality of this streetscape and outlook thus the reason for the ATC designation.

**Site History:**

P/1984/1085 – timber store – approved

P/1984/0645 – signage approved

P/1984/0646 – change of use to building society offices – approved

P/1984/0676 – illuminated projecting sign – approved

P/2009/0848/F – Roads, footpaths improvement scheme

**Consultations:**

HED – no objections

**Planning Policies & Material Considerations:**

SPPS

PPS 6 - Planning Archaeology and Built Heritage Addendum – Areas of Townscape Character.

BNMAP 2015

**Consideration:**

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies within the development limits of Kilkeel and also within the confines of the town centre zone. It is also located within an Area of Townscape Character (KL 29) and area of Archaeological Potential as designated by this statutory plan.

The SPPS for NI was issued September 2015 however as per para 1.12 of this statement, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. This approach will therefore be applied through the assessment of this proposal.

The current Development Plan states the key features of the area, which will be taken into account when assessing development proposals and refers to the commercial core of Kilkeel being along Greencastle Street, containing mainly 2 and 3 storeys 19<sup>th</sup> century buildings with shops mainly on ground floor and some with residential accommodation over. The plan also refers to specific landmark buildings on

Greencastle Street including Mourne Presbyterian Church, the First Trust Bank and Kilmorey Arms Hotel.



**Policy ATC1 of the Addendum to PPS6** states there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Council will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. In terms of this site, the existing building on site is a commanding 2 ½ storey building which although not as grand as the likes of the Danske Bank building next door, or the First Trust Bank or Kilmorey Arms Hotel, it never the less makes an important contribution to Greencastle Street and this ATC. The building is to be demolished to make way not for a new development, but to create an unobstructed access to the warehouses at the rear. Paragraph 2.2 of PPS 6 states that:

*demolition can be particularly damaging in cases where it is proposed in isolation, that is, where there is no proposal for the redevelopment of the site.*

The SPPS at paragraph 6.22 states

*demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.*



The removal of this building, to create a large gap 15.6m wide for better access is totally unacceptable and would detrimentally harm the qualities of this ATC.

**ATC 2 – New Development in an Area of Townscape Character**

This policy will only permit proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area. There will be a presumption against development that would detract from or fail to maintain the character of the distinct townscape displayed within an ATC. As stated above, there is no proposal to redevelop the site but to create an unobstructed access to the rear of the site which would involve leaving a gap over 15m wide this streetscape and ATC. This is wholly inappropriate as it would adversely impact on the ATCs character and qualities and is therefore contrary to policy.

**PPS 6 – BH 2 – The Protection of Archaeological Remains of Local Importance and their Settings**

HED Historic Monuments were consulted and 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.

**Recommendation:**

Refusal

**Refusal Reasons/ Conditions:**

- 1) The proposal is contrary to the Strategic Planning Policy Statement (SPPS) for Northern Ireland and Policy ATC 1 (Demolition Control in an Area of Townscape Character) of the Addendum (Areas of Townscape Character) to Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the building makes a material contribution to the character and appearance of the Kilkeel Area of Townscape Character and no exceptional reason has been demonstrated which, in the judgement of The Planning Authority, justifies its demolition.

Case Officer Signature:
Date:
Authorised Officer Signature:
Date:



ADAM ANNETT &amp; SON

209

Planning Committee  
Newry Mourne & Down District Council  
Monaghan Row  
NEWRY

20<sup>th</sup> June, 2019

Dear Sirs,

**Re: PLANNING APPLICATION LA07/2019/0024/DCA**

In relation to the above application we wish to address the Committee on the following matters:

1. Health and Safety issues surrounding the access to the rear warehouse at 40 Greencastle Street, Kilkeel and visibility issues for vehicles entering and leaving the property.
2. The risk posed to pedestrians crossing the current access which is blind and which can only be improved by the removal of the building to create a safer means of entering and leaving the property.
3. The road safety issues caused by commercial vehicles having to carry out manoeuvres on Greencastle Street to allow them to reverse into the yard where a new access would allow these movements to take place within the curtilage of the property. To this end discussions have been ongoing in relation to the potential of the site as a new bus depot which would require a new access to allow buses and associated traffic to turn off the main road and carry out their manoeuvres within the curtilage of the property. This argument pertains whether the present occupier and use continues or such a new use is introduced.

Yours faithfully,

DAVID ANNETT  
david@adamannett.co.uk

ESTATE AGENTS · AUCTIONEERS · PROPERTY CONSULTANTS

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

**Application Reference:** LA07/2019/0061/F

**Date Received:** 04.01.2018

**Proposal:** Replacement dwelling and domestic garage (in place of LA07/2015/0972/O)

**Location:** 90m SW of No. 368 Newry Road Kilkeel, BT34 4SF

**Site Characteristics & Area Characteristics:**

The site is in a rural location accessed from a concrete lane, off the Newry Road. The application seeks a replacement dwelling on an alternative site, also accessed off the existing lane. The dwelling to be replaced is substantially intact, single storey with an attached two storey outbuilding. The boundary to the rear is comprised of hedging and trees. The proposed site for the replacement dwelling is located to the north east of the existing dwelling and is currently an agricultural field bounded by a low stone wall, hedges and trees. The site is more elevated than the site of the original dwelling.

**Site History:**

LA07/2015/0972/O, Replacement dwelling, Permission granted 29.04.2016

**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) 21 – Sustainable Development in the Countryside

Building on Tradition – Design Guide for Rural Northern Ireland

Planning Policy Statement (PPS) 6 - Planning, Archaeology and The Built Heritage

**Consultations:**

Transport NI – no objections subject to conditions

NI Water – no objections

HED – no objection

**Objections & Representations**

5 neighbour notifications were issued on 21 January 2019. The application was advertised in local papers on 30.01.2019. No objections or representations have been received.

**Consideration and Assessment:**

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside of settlement development limits and within the Mourne Area of Outstanding Natural Beauty as set out in BNMAP 2015. The site is also located in close proximity to an archaeological site. 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. The impact of the AONB will be considered under PPS 2 and the impact on archaeological heritage will be assessed under PPS 6.

The proposal is for an offsite replacement dwelling located to the north of the existing site. The proposed site is part of an agricultural field and has natural boundaries to three sides. A new boundary is proposed to the east of the site. A two-storey double garage is proposed as well as a 1.5 storey L-shaped dwelling with a ridge height of

6.2 metres. There are limited views of the site. The existing dwelling is visible from the existing laneway and from parts of the Kilfeghan Road.

The SPSS and Policy CTY 3 allow for a replacement dwelling where certain criteria are met. I am satisfied that the proposal meets the criteria set out in the SPPS and PPS 21 in that:

- the existing dwelling on the site clearly exhibits the characteristics of a dwelling with walls, windows/doors and the roof all intact;
- Policy CTY 3 requires the replacement dwelling to be sited within the established curtilage unless either the curtilage is too restricted, or it can be shown that an alternative position nearby would result in demonstrable landscape, access or amenity benefits. The proposed site will be less visible from Kilfeghan Road than the site of the existing dwelling and has better natural boundaries than the existing site which will help integrate the proposal into the countryside. Following group discussions, it is the corporate opinion of the planning department that the off-site location is acceptable in this instance.
- The visual impact of the proposal is not considered to be significantly greater than the original dwelling. Although the size scale and massing of the proposal are greater than the original dwelling, given the limited views of the site and natural screenings I do not consider that the impact will be greater than the original dwelling house.
- I consider that the proposal will integrate into its setting, respect rural character, and is appropriately designed. Materials used and the design reflect traditional rural design.
- The existing lane leads to a protected route - Transport NI has no objections to the proposal.
- Services are accessible from this site. A condition can be attached to any approval requiring consent to discharge is sought.

For the reasons outlined above I consider that the proposal meets the criteria set out in policies CTY 13 and 14 of PPS 21 in terms of visual integration and it is not considered that it would cause a detrimental change to or further erode the character of the area.

Given separation distances to other properties no unacceptable loss of residential amenity is anticipated.

HED have been consulted and has no objections.

It is not considered that the proposal will have any significant impact on the AONB.

As outline approval ( LA07/2015/0972/O) for replacement of this dwelling has already been granted, on a different site to this proposal. This approval will have to

be revoked before permission can be granted for the new approval to ensure only one replacement dwelling is built.

**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. Construction of the dwelling hereby permitted shall not commence until the existing building, coloured green on the approved plan date stamped 28 July 2017 is demolished, all rubble and foundations have been removed (and the site restored in accordance with the details on the approved plans.)

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

- 3. Prior to commencement of development the applicant shall submit a copy of Consent to Discharge of Effluent for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with policy CTY 16.

- 4. All hard and soft landscape works shall be carried out in accordance with stamped approved drawing 02, date stamped 28 July 2017 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Case officer:  7/6/19

Authorised officer:  07/06/19



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0305/F

**Date Received:** 14/02/2019

**Proposal:** Proposed site access road widening with footpath for public vehicular access and disabled accessibility purposes to cemetery

**Location:** Warrenpoint Municipal Cemetery, Upper Dromore Road, Warrenpoint, BT34 3PN

**Site Characteristics & Area Characteristics:**

The site is located approximately 1 mile north-west of Warrenpoint in an area within and close to the settlement development limit boundary of Warrenpoint / Burren. The site is surrounded by primarily residential uses, including a nursing home to the north and housing to the south. The site comprises an established cemetery on a linear plot with the landform steeply rising from east to west, with a graded vehicular access road off Upper Dromore Road. The western portion of the site levels off and is predominantly grassland, with this area lending to a wider field area to the west.

**Site history / relevant surrounding history:**

P/1993/0113: Proposed Municipal Cemetery & Car Park including store canteen and toilet facilities, permission granted 05/07/1993  
P/1990/0844: Site for Municipal Cemetery and Car Park, permission granted 14/11/1990  
P/1989/6049: Cemetery Warrenpoint, permission granted 14/03/1990

**Planning Policies & Material Considerations:**

- The Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement & Parking
- PPS6 – Planning, Archaeology and the Built Environment
- PPS8 - Open Space, Sport and Outdoor Recreation
- PPS15 – Planning and Flood Risk.
- DCAN11 – Access for People with Disabilities
- DCAN15 - Vehicular Access Standards

**Consultations:**

DfI Roads (18/04/2018): No objections, subject to conditions  
 NMDDC Environmental Health (30/04/2019): No objections  
 DAERA Water Management Unit (09/04/2019): Informatives attached

**Objections & Representations**

- 13 neighbouring properties were notified on 5<sup>th</sup> April 2019 and at the time of writing, no objections or representations have been received. The statutory notification period expired on 19/04//2019.
- The Application was advertised in 3 local newspapers on 4<sup>th</sup> and 6<sup>th</sup> March 2019 and the statutory publication period expired on 20<sup>th</sup> March 2019.

**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. In addition, Para 3.8 of the SPPS requires that proposed development which accords with the Plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise. The site is located within the settlement limits of Warrenpoint / Burren (WB01,) and is within the designated Mourne AONB (AONB2) as identified by the BNMAP. Annex A of PPS8 identifies cemeteries as an example of open space which provides public value and for the purposes of this assessment. There are no specific policies in BNMAP relevant to the determination of the application, directing to the operational policies of the SPPS and the retained PPS8 in terms of development principle, in addition to the material planning considerations listed above.

The SPPS (paragraph 6.199) identifies the value of open space for society now and in the future, supporting many cultural, social, economic, health and environmental benefits. There are a number of regional objections for open space including ensuring new open space areas are convenient and accessible for all, particularly children, the elderly and those with disabilities.

**Principle of Development**

The proposal seeks full permission for providing a wider access road with footpath, parking lay-by, passing point and turning head within the existing cemetery site, to enable safe vehicular access to and from the cemetery. Whilst the proposal does not neatly fit within the categories identified by Policies OS1 – OD7, in principle, the it is in keeping with both the above regional aims for public open space and the Policy Objections as set out in Paragraph 3.1 of PPS8. In addition, the proposal is in keeping with the statutory responsibilities of local councils to secure the provision of adequate facilities for recreational, social, physical and cultural activities, as set out by the Local Government Order 1972 and the Recreation and Youth Service (NI) Order 1986 summarised in Annex C of PPS8.

**Access, Movement and Parking**

In addition to access road widening (from 3.8m to 5.3m,) there are 8 parking spaces proposed, passing point / lay-by and a disabled parking bay. DfI Roads are supportive of the proposed works in terms of PPS3 and DCAN15 requirements. There are no changes proposed to the existing access point off Upper Dromore Road. The proposal is in conformity with DCAN11 Access for People with Disabilities by providing betterment in terms of accessibility, including provision of disabled parking and turning



bay and improving the use of the site for its function (i.e. enabling cars and funeral procession to turn within the site and exit safely.)

PPS2 - Natural Heritage

PPS2 policy NH6 relates to AONBs and stipulates three criteria which must be met in all proposals within an AONB. The proposed access road is to be finished in bitmac with concrete kerbing. The proposed works would not have a detrimental impact upon the character of the AONB and does not offend criteria a) to c) in this regard.

Residential Amenity

Environmental Health has no objections in terms of public health. The proposed works are not expected to create any adverse impact to surrounding residential properties. No objections or representations have been made in this regard.

Planning, Archaeology and the Built Environment.

The proposal does not include any works to the cemetery ground itself. A storage building is included for the spoil from graves (17m length x 3.2m x 2.1m height.) There are no archaeological concerns with the proposed works in terms of PPS6 requirements.

Drainage / Flood Risk

There is no flood risk presented on the site. New gullies are proposed (piped into the existing manhole serving the main storm drainage system) to deal with surface water disposal. Water Management Unit are content with the proposal subject to attached informatives.

**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.

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0321/F

**Date Received:** 18<sup>th</sup> February 2019

**Proposal:** Variation of condition No 6 of planning permission LA07/2016/1092/F Condition 6 of the permission stated: *'Mineral extraction shall not commence in the extended area to the west of the current site until earth banks have been constructed using the overburden from the site as indicated on the approved drawing Nos. 04 REV 1 and 11 REV 1 date stamped 8 December 2017'*. It is proposed to vary this condition to read: *'To allow commencement of mineral extractions as approved in Phase 1 Extractions to coincide with the construction of the earth banks prior to the commencement of the approved extraction in Phase 2'*.

**Location:** Lands to the north and west of and the existing Leode Quarry, Leode Road, Hilltown, Newry, Co Down, BT34 5TJ

**Site Characteristics & Area Characteristics:**

The site is located in a rural area approximately 2 miles west of Hilltown along Leode Road. This area is also within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB.) It is no longer an Area of Constraint on Mineral Development. The surrounding development pattern consists mainly of clustered farm groups with occasional single dwellings. There is also an existing wind turbine just to the north of the quarry.

The site itself is positioned in an outcrop of elevated land at the NW edge of the Mourne Mountains at over 200m above sea level. It comprises an existing operational hard rock quarry and associated plant. The topography of the area is such that the main public views into the site are from the north and NE, the closest being from Tamary Road around 0.3 miles away, and from as far as Rathfriland which is 3 miles away. The main existing quarry face is visible from both these locations and a number of intervening points. Tamary Road continues around the western side of the quarry. There are a number of single swellings located in the wider vicinity both along Leode Road and Tamary Road. Approval was granted on 3<sup>rd</sup> May 2018 to extend the quarry by virtue of application reference LA07/2016/1092/F. A number of dwellings along

Tamary Road overlook this approved extended area, demarked by the orange outline below:



**Site History:**

Quarrying has been established on this site since 1955. There have been a series of planning approvals as outlined in the table further below. Most recently, permission has been granted for 'lateral extension in a predominantly westerly direction to the existing quarry, the construction of a screening landform, followed by the deepening of the enlarged quarry floor and the provision of a holistic restoration concept for the entire mineral development site,' as approved on 3<sup>rd</sup> May 2018 through LA07/2016/1092/F.

Since this approval, there have been four applications to discharge conditions attached to LA07/2016/1092/F, as outlined:

- **LA07/2018/1246/DC** Discharge of condition No. 23 of planning approval LA07/2016/1092/, condition discharged 07/09/2018
- **LA07/2018/1222/DC** Discharge of conditions No. 05, 19 and 24 of LA07/2016/1092/F, condition discharged 18/12/2018
- **LA07/2018/1873/DC** Discharge of condition No. 3 of planning approval Ref. LA07/2016/1092/F, condition discharged 28/01/2019
- **LA07/2018/1707/DC** Discharge of condition No. 18 of planning approval LA07/2016/1092/F, condition discharged 24/05/2019

Reference	Location	Proposal	Decision	Decision Date
P/1979/1398	LEODE, HILLTOWN	Proposed Extension to Existing Quarry	PERMISSION GRANTED	05/08/1980
P/1981/0711	LEODE ROAD, HILLTOWN	Proposed extension to quarry and installation of machinery	PERMISSION GRANTED	06/01/1982

P/1988/0890	LEODE QUARRIES NO 26 LEODE ROAD HILLTOWN	New access to quarry	PERMISSION GRANTED	27/09/1988
P/1989/1407	LEODE QUARRIES LEODE ROAD HILLTOWN	Extension to quarry	PERMISSION GRANTED	19/05/1990
P/1990/0740	LEODE QUARRY LEODE ROAD HILLTOWN	Erection of office building	PERMISSION GRANTED	07/02/1991
P/1993/0185	LEODE QUARRIES, LEODE ROAD HILLTOWN	Erection of asphalt processing plant and retention of existing vehicle storage shed	PERMISSION GRANTED	14/04/1995
P/1996/0415	LEODE QUARRIES LEODE ROAD HILLTOWN	Extension to quarry & erection of additional plant	PERMISSION GRANTED	06/03/1998
P/1997/1474	70 METRES SOUTH WEST OF NO 15 LEODE ROAD HILLTOWN	Extension to Stone Quarry	PERMISSION GRANTED	16/12/1999
P/1997/1476	200 METRES SOUTH EAST OF NO 21 LEODE ROAD HILLTOWN	Extension to Stone Quarry	PERMISSION GRANTED	16/12/1999
P/2001/2157/F	Lead Quarry, Leode Road, Rathfriland BT34 5TJ	Proposed alteration to plant	PERMISSION GRANTED	29/08/2002
P/2003/0790/F	Lead Quarry, Leode Road, Hilltown.	Proposed extension to Quarry	PERMISSION GRANTED	30/01/2006
P/2005/1980/F	Leode Quarry, Leode Road, Hilltown, Newry	Variation of planning condition No 2 of planning permission P/1997/1476 to allow for deepening of quarry floor	PERMISSION GRANTED	30/01/2006
P/2006/2204/F	Leode Quarry, Leode Road, Hilltown, Newry	Demolition of existing coated roadstone plant and erection of replacement coated roadstone plant at a lower level. Erection of associated ancillary aggregate storage sheds.	PERMISSION GRANTED	17/07/2007
LA07/2015/1120 /PAN	Lands to the north and west of and the existing Leode Quarry, Leode Road, Hilltown, Newry, Co Down, BT34 5TJ,	A lateral extension in a predominantly westerly direction to the existing quarry with subsequent deepening of the enlarged quarry floor, the construction of screening banks and the provision of a holistic restoration concept for the entire mineral development site.	PROPOSAL OF APPLICATION NOTICE IS ACCEPTABLE	20/11/2015

### **Planning Policies & Material Considerations:**

- The Planning Act (Northern Ireland) 2011
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 (EIA Regulations)
- The Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry & Mourne Area Plan 2015 (BNMAP)
- PPS 2 – Natural Heritage
- A Planning Strategy for Rural Northern Ireland (PSRNI)

### **Consultations:**

Article 14 of the GDPO states that before determining a Section 54 application, the Planning Authority must consult the statutory consultees in Schedule 3 as the planning authority considers appropriate. As this application solely relates to the variation of a condition in respect of visual impact, the Planning Authority consider there are no statutory consultees in this regard.

### **Objections & Representations**

In line with the requirements of the Planning Act 2011 and The Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO), the application was advertised initially in three local newspapers in March and was re-advertised in three local newspapers on 27<sup>th</sup> and 29<sup>th</sup> May 2019 due to an amended description. The statutory publication period expired on 12<sup>th</sup> June 2019.

12 identified occupiers on neighbouring lands were notified of the application on 24<sup>th</sup> May 2019 (for clarification this relates to land which directly adjoins the application site (or would adjoin it but for an entry / road less than 20m in width) within a 90metre radius of the boundary of the application site.) The statutory neighbour notification period expired on 7<sup>th</sup> June 2019. The initial notification was carried out in respect of the amended description, therefore secondary notification was not required. The Planning Department has received a query from an occupant along Tamary Road in respect of neighbour notification, however notification was not required in accordance with Article 8 (2) of the GDPO.

At the time of writing this report (12<sup>th</sup> June 2019) 1 written objection has been received from No. 21 Tamary Road, Mayobridge. This submission raises concerns that any variation to the planning condition will remove protection for residents and undermines the original planning determination. In addition, it raises concerns in respect of the associated conditions to the original approval in respect of planting. These matters are considered further below.

### **Consideration and Assessment:**

Section 54 of the Planning Act (Northern Ireland) 2011 provides a mechanism for applications to vary conditions on previous planning approvals provided it does not propose a change that could not have been considered under the previous planning permission. The planning authority must consider only the **question of the conditions** subject to which planning permission should be granted (Section 54(3.)) **In considering such an application, the planning authority must avoid any variation to conditions or new conditions which would fundamentally alter the**

### **nature of a planning permission.**

Section 6 (4) of the Planning Act (NI) 2011 requires that 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 indicated otherwise. Section 45(1) also goes on to state that where an application is made for planning permission, the council must have regard to the local development plan so far as material to the application, and to any other material considerations.

The site is located in a rural area and is designated by Mourne and Slieve Croob AONB, as identified by BNMAP 2015, the current local plan. As there are no specific policies in BNMAP relevant to this determination, the application will be assessed against the regional policy of the SPPS.

Condition 6 of LA07//2016/1092/F reads:

***“Mineral extraction shall not commence in the extended area to the west of the current site until earth banks have been constructed using the overburden from the site as indicated on the approved drawings No's 04REV1 and 11REV1 date stamped 8 December 2017.*”**

***Reason: In the interests of visual amenity.”***

The above condition restricts mineral operations until the overburdens have been put in place through the winning of the approved mineral, in accordance with the approved drawings.

**This application seeks to vary the above condition to allow the commencement of mineral extraction as approved for phase 1 with the extraction to coincide with the construction of earth banks prior to the commencement of the approved extraction in phase 2. In summary, the proposal seeks to commence development by stripping the topsoil and overburden as detailed in the approved consent below, create temporary earth berms, work the mineral in phase 1 whilst creating the approved earth berms to their consented extent, prior to commencement of phase 2 mineral extraction. The application seeks to address matters of timing and sustaining business requirements which the applicant feels were not considered in the attachment of condition 6 above. The proposed amendment does not remove the requirement by the applicant to provide the new earth landforms as approved but is seeking to provide a suitable construction period for realising the same, without jeopardising the commercial sustainability of the business / project.**

Under Regulation 13 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, subject to a subsequent planning application where environmental information was previously required, the Council is required to determine whether environmental information previously submitted in relation to the original application is adequate to assess the significant effects of the development on the environment. The applicant has provided supporting information in line with Regulation 21 to demonstrate that the information previously supplied to the Council is adequate to determine the planning application hereby submitted. A contemporary report regarding noise and the suitability of the proposed temporary bund to be constructed and retained throughout phase 1 of the development has been submitted in support of the project. The Environmental Statement (ES) provided in LA07/2016/1092/F remains material to this application. The following update to this ES are provided:

- Section 4 of the ES – to reflect the proposed development and minor variation to the phasing of the implementation / construction programme of the earth bunds;
- Noise impact assessment – to substantiate the previously approved assessment that there will be no detrimental impact to amenity from the proposed variation;

In terms of residential amenity, provided the approved bund is constructed and landscaped prior to any blasting taking place in the extended area, the proposed timing changes are not considered to alter the impact to residential amenity as assessed under Policy MIN6 of the PSRNI under application LA07/2016/1092/F. The proposed changes do not undermine the associated conditions imposed by Environmental Health nor condition 7 in terms of landscaping on the associated approval LA07/2016/1092/F and relate solely to the terms set out by condition 6.

#### PPS2 NH6

The visual impact of the proposed re-wording of condition 6 on the landscape must be assessed against policy NH6 of PPS2. In the previous visual impact assessment, it is acknowledged that the commissioning phase will undoubtedly result in some loss and disruption to local landscape character from short and medium range views, though this is considered to be of relatively short duration in the context of the predicted 30 year operation and once the bund is established and planted, it will effectively screen the most significant public views into the quarry and also a number of views from private properties to the west as shown by line-of-sight cross sections. It has been noted in this assessment that once the first two phases are complete and the existing western face is moved back to meet the bund (by the 10-year point), the majority of the development which involves deepening of the existing quarry floor can proceed with negligible visual impact from the surrounding landscape. The proposed amendment to condition 6 does not materially alter the duration of operations as approved. Provided the site is subsequently restored, any negative impacts on visual amenity and the special character and landscape quality of the AONB would be short term, limited and therefore greatly outweighed by the need for the mineral resource which is easily workable at this location.

**Recommendation:** Approval

**Summary recommendation:**

Section 54 application deemed acceptable for the following reasons:

- Provided the approved bund is constructed and landscaped prior to any blasting taking place in the extended area, the proposed timing changes are not considered to alter the impact to residential amenity;
- Provided the site is subsequently restored, any negative impacts on visual amenity and the special character and landscape quality of the AONB would be short term, limited and therefore greatly outweighed by the need for the mineral resource which is easily workable at this location.

When issuing a fresh planning permission granted under Section 54, all the conditions of the previous (original) planning permission to which the new planning permission is to be subject should be restated in the new permission, unless they have already been discharged. As outlined above, conditions 3, 5, 18, 19, 23 and 24 of approval LA07/2016/1092/F have been discharged, therefore conditions 1, 2, 4,7,8,9,10,11,12,12,14,15,16,17,20,21,22,25 remain. Through this application, condition 6 of approval LA07/2016/1092/F has been amended as follows:

**Conditions:**

6. The commencement of phase 1 mineral extraction operations hereby approved shall coincide with the construction of the earth banks using the overburden from the site, as indicated on the approved drawing Nos. 04 REV 1 and 11 REV 1 date stamped 8 December 2017 prior to the commencement of the approved phase 2 mineral extraction.

Reason: In the interests of visual amenity.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**





**PLANNING APPLICATION LA07/2019/0321/F  
APPLICATION SUBMITTED BY QUARRYPLAN ON BEHALF OF FITZPATRICK SSAS (PETER FITZPATRICK LTD)**

**SPEAKERS: MR PAUL FITZPATRICK (COMPANY DIRECTOR)  
MR GARETH McCALLION (QUARRYPLAN – PLANNING CONSULTANT)**

- Planning permission LA07/2016/1092/F was granted in May 2018 for a lateral extension and deepening consent to the existing quarry at Leode Road, Hilltown.
- Planning condition No. 06 which read “*mineral extraction shall not commence in the extended area to the west of the current site until earth banks have been constructed using overburden from the site as indicated on the approved drawings Nos. 04REV1 and 11REV1 date stamped 08 December 2017*”.
- The plans, referred to in condition No. 06, relate to two plans submitted in December 2017 which denote an increase in height to the originally proposed earth banks. This height increase was circa 2metres above the height of the original proposed earth banks.
- Throughout discussions with Senior Planning Officials, the Applicant delineated that whilst the increase in height was, in principle, acceptable; the original earth banks had been designed utilising **all** overburden materials as calculated through **site investigation works**. Therefore, the increase in height could only be achieved using materials not normally considered to be ‘overburden or topsoil’ stripped through the ‘winning’ process.
- In this case, the source of the additional material would come from indigenous rock or mineral by-product from processing the approved rock (*in situ* extension), following the winning and working (extraction) stage.
- Therefore, the condition which prohibits any extraction until the earth banks are completed was considered arbitrary, given that some element of extraction would be required to obtain the necessary materials to deliver the increased bund height and finished construction dimensions.
- Workable reserves within the site are at a critical level and mineral is required to be worked within the extension area to sustain the business model and employment.
- The planning application (LA07/2019/0321/F) before the Council provides a remedy. The proposal seeks to:
  - A) provide a temporary screening bund for (proactive) mitigation purposes (amenity) – as attested to within the Regulation 21 EIA Assessment in particular ‘Noise Assessment’;**
  - B) Win and work minerals in phase 1 of the approved mineral consent;**
  - C) Develop the permanent earth banks during phase 1 mineral extraction and in advance of any extraction within phase 2- thereby delivering the earth banks, sustaining development and employment and ensuring that there are no significant environmental impacts as per the original consent.**
- The Company has discharged all negative conditions attached to the previous grant of planning permission; with condition No. 06 remaining the last condition requiring the Planning Authority and the Council’s attention.
- The proposed development, physically, remains the same as that submitted and permitted in 2016 and 2018 respectively. The bunds are required for noise attenuation and visual mitigation only. Blasting is restricted by codes of best practice - namely 100m stand off from occupied properties.

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	26 June 2019
<b>Subject:</b>	Request for delegated powers under The Planning Act (NI) 2011 & The Planning (Development Management) Regulations (NI) 2015
<b>Reporting Officer (Including Job Title):</b>	Marie Ward – Director of Enterprise, Regeneration and Tourism
<b>Contact Officer (Including Job Title):</b>	Anthony McKay – Chief Planner

<b>1.0</b>	<b>Purpose and Background:</b>
1.1	<p><b>1.1.</b> The Council's Planning Department has received email correspondence, dated 17 May 2019, from Gravis Planning in connection with a current planning application to vary 2 planning conditions attached to a previous planning approval for a food store and industrial/business park at Carnbane Way/Sheppards way, Newry. (see Attachment No 1)</p> <p><b>1.2.</b> The application had been submitted to the Department for Infrastructure (Dfi) Planning, as the previous approval for the food store and industrial/business park had been handled by the relevant Department as it had been classed as a regional significant project.</p> <p><b>1.3.</b> Gravis Planning, in its correspondence, has outlined the background to the application for the variation of condition application which, it states, Dfi seem to be content with.</p>
<b>2.0</b>	<b>Key issues:</b>
2.1	<p><b>2.1.</b> The original approval, P/2009/0163/F had a number of planning conditions attached. Conditions 24 &amp; 25 required the submission of retaining wall details and implementation of earth retention structure and retaining walls prior to development commencing on the site. These works will be carried out before developing the wider</p>

site, but the variation of condition application seeks permission to build a small element of the overall approval, a small gatehouse, first in order to commence the development prior to the planning permission becoming time expired this August.

- 2.2.** Gravis Planning has stated that the proposed gatehouse is in a central, and flat, part of the site and as such it is not necessary to have the retaining walls details and earth retention works approved or in place prior to its construction, these works relate to an entirely different part of the site.
- 2.3.** Given the Article 31 (now Sec. 26) status of the parent permission the condition variation also falls within the umbrella of a regionally significant application and as such DfI will need to consult the Council with a Notice of Opinion (NOP) asking the Council to respond, within the statutory 28 days, stating whether it accepts the Notice of Opinion or seeks a hearing before the PAC. Gravis Planning has confirmed that there are no objections to the variation of condition application.
- 2.4.** The expiry date of the parent permission is 19<sup>th</sup> August 2019. Given the decision-making process for this application i.e. the need to go through the NOP route, the timescales for a decision are challenging. Gravis Planning anticipates the NOP will reach the Council towards the end of June/early July.
- 2.5.** Gravis Planning, in its email correspondence dated 17 May 2019, has asked Anthony McKay, Chief Planner, to seek permission from the Planning Committee at the next available Planning Committee Meeting for delegated powers on this matter, so that when the NOP is received by the Council a response can issue directly from your office as soon as possible, and prevent the need to have to take the matter to the planning committee at that late stage.

	<p><b>2.6.</b> Given that the nature of the proposal, which is broadly acceptable in planning terms, this report seeks delegated powers for the Chief Planner to respond to the Notice of Opinion stating that Newry, Mourne &amp; Down District Council will not be seeking a hearing before the Planning Appeals Commission, if the Opinion is for Approval.</p>
<b>3.0</b>	<b>Recommendations:</b>
3.1	<p><b>3.1.</b> That Members note the content of this report and recommend that the Council confers delegated powers to the Head of Planning to respond to the forthcoming Notice of Opinion on the current planning application to vary 2 planning conditions attached to a previous planning approval for a food store and industrial/business park at Carnbane Way/Sheppards Way, Newry.</p>
<b>4.0</b>	<b>Resource implications</b>
4.1	None
<b>5.0</b>	<b>Equality and good relations implications:</b>
<b>6.0</b>	<b>Appendices</b>

FW: C04092 - Carnbane Way / Sheppards Way Newry - LA07/2018/1627/F - Variation of Conditions on Planning Permission P/2009/0163/F for food store and Industrial/business park

**From:** Ryan McBirney

**Sent:** 17 May 2019 15:13

**To:** [anthony.mckay@nmandd.org](mailto:anthony.mckay@nmandd.org)

**Cc:** [pat.rooney@nmandd.org](mailto:pat.rooney@nmandd.org)

**Subject:** C04092 - Carnbane Way / Sheppards Way Newry - LA07/2018/1627/F - Variation of Conditions on Planning Permission P/2009/0163/F for food store and Industrial/business park

**Re: LA07/2018/1627/F - Current planning application to vary conditions 24 & 25 of that approval to allow the developer to start building the small approved gatehouse building prior to the expiry of the planning permission on 19th August 2019.**

I am emailing in relation to the above application which is currently under consideration by DfI Planning. It is a variation of condition on what was then an Article 31 decision, hence DfI's involvement. We are now acting as agent on this application having taken it over relatively recently.

It is a reasonably straight forward variation of condition application which DfI seem to be content with.

Conditions 24 & 25 required the submission of retaining wall details and implementation of earth retention structure and retaining walls prior to development commencing on the site. These works will be carried out before developing the wider site, but the variation of condition application seeks permission to build the small gatehouse element first in order to commence the development prior to the planning permission becoming time expired this August.

The proposed gatehouse is in a central, and flat, part of the site and as such it is not necessary to have the retaining walls details and earth retention works approved or in place prior to its construction, these works relate to an entirely different part of the site.

Given the Article 31 (now Sec. 26) status of the parent permission the condition variation also falls within the umbrella of a regionally significant application and as such DfI will need to consult the Council with a Notice of Opinion asking the Council to respond, within the statutory 28 days, stating whether it accepts the Notice of Opinion or seeks a hearing before the PAC. Hopefully this will be quite a straight forward consideration for the council as there are no objections to the variation of condition application.

The expiry date of the parent permission is 19<sup>th</sup> August 2019. Given the decision making process for this application i.e. the need to go through the NOP route, the timescales for a decision are challenging. We anticipate the NOP will reach the Council towards the end of June/early July.

The main reason for emailing is to ask you, as Head of Planning, to seek permission from the Planning Committee at the next available Planning Committee Meeting for delegated powers on this matter, so that when the NOP is received by the Council a response can issue directly from your office as soon as possible, and prevent the need to have to take the matter to the planning committee at that late stage. We have recently had cause to ask Belfast City Council and Ards and North Down Borough Council to take a similar approach on an unrelated Sec. 26 NOP which they helpfully did so I trust this is an acceptable request.

I hope the above provides sufficient information for you at this stage but I am happy to discuss this with you or Pat directly and meet if necessary.

I would be grateful if you could let me know your thoughts and look forward to your response.

Kind regards,



**RYAN MCBIRNEY**

Director, Planning

T: +44 (0)28 9042 5222 | M: +44 (0)7841469312

E: [rmcBirney@gravisplanning.com](mailto:rmcBirney@gravisplanning.com) | W: [www.gravisplanning.com](http://www.gravisplanning.com)

A: **Belfast:**

**Dublin:**

1 Pavilions Office Park, Kinnegar Drive, Denshaw House, 121 Baggot Street  
Holywood, Northern Ireland, BT18 9JQ Lower, Dublin 2, Ireland, D02 FD45

<b>Report to:</b>	Planning Committee
<b>Date of Meeting:</b>	26 June 2019
<b>Subject:</b>	Regional Property Certificates
<b>Reporting Officer (Including Job Title):</b>	Marie Ward – Director of Enterprise, Regeneration and Tourism
<b>Contact Officer (Including Job Title):</b>	Anthony McKay – Chief Planner

<b>1.0</b>	<b>Purpose and Background:</b>												
1.1	The Regional Property Certificate Unit (RPCU), which serviced Northern Ireland from a centre in Enniskillen, was one of the core functions which transferred to the new Councils on 1 April 2015. It was agreed to retain this regional service as a shared service arrangement with Fermanagh and Omagh District Council.												
<b>2.0</b>	<b>Key issues:</b>												
2.1	<p>Following a review by HM Revenue and Customs (HMRC) on the VAT treatment of Property Certificate fee income, HMRC has decided that the fee income is liable to VAT as a business activity from 01 July 2019.</p> <p>It is therefore proposed to increase the single property enquiry fee from £42.50 to £60 (including VAT), which is in line with the Property Certificate fee administered by the Building Control departments in all local Councils.</p> <p>Council receives the Fee income from the Regional Property Certificate Unit after the deduction of administrative costs.</p>												
<b>3.0</b>	<b>Recommendations:</b>												
3.1	<p>The increase in Property Certificate Fees is approved as detailed below at paragraph 4.1.</p> <p>Subject to approval of the revised fees it will be necessary to update the Service Level Agreement between the RPCU and Council.</p>												
<b>4.0</b>	<b>Resource implications</b>												
4.1	<p>The revised fee takes account of an inflationary increase for the period April 2014 – March 2019; an additional administration cost regarding VAT and VAT at 20%.</p> <p>The proposed fee is made up as follows: -</p> <p>(a) Standard Fee</p> <table border="0"> <tr> <td>Fee transferred from Central Government</td> <td>£42.50</td> </tr> <tr> <td>Inflation (April 2014 – March 2019)</td> <td>£ 4.06</td> </tr> <tr> <td>Increase – additional administration re VAT</td> <td><u>£ 3.44</u></td> </tr> <tr> <td>Total proposed fee (excluding VAT)</td> <td>£50.00</td> </tr> <tr> <td>VAT @ 20%</td> <td><u>£10.00</u></td> </tr> <tr> <td><b>Total proposed fee</b></td> <td><b>£60.00</b></td> </tr> </table>	Fee transferred from Central Government	£42.50	Inflation (April 2014 – March 2019)	£ 4.06	Increase – additional administration re VAT	<u>£ 3.44</u>	Total proposed fee (excluding VAT)	£50.00	VAT @ 20%	<u>£10.00</u>	<b>Total proposed fee</b>	<b>£60.00</b>
Fee transferred from Central Government	£42.50												
Inflation (April 2014 – March 2019)	£ 4.06												
Increase – additional administration re VAT	<u>£ 3.44</u>												
Total proposed fee (excluding VAT)	£50.00												
VAT @ 20%	<u>£10.00</u>												
<b>Total proposed fee</b>	<b>£60.00</b>												

	(b) More than one property / site / parcel of land - <b>additional £7</b> (including VAT) for each additional enquiry  (c) Maximum fee - <b>£265</b> (including VAT).
<b>5.0</b>	<b>Equality and good relations implications:</b>
5.1	
<b>6.0</b>	<b>Appendices</b>



**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
		<b>PLANNING MEETING - 09 MAY 2018</b>			
LA07/2017/1326 /F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	<b>Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted</b>	Annette McAlarney	<b>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</b>	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	<b>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.</b>	Pat Rooney	<b>processed.</b>  <b>21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18.</b>  <b>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</b>	N
		<b>PLANNING MEETING - 6 JUNE 2018</b>			
LA07/2018/0398 /0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between	<b>Application removed from the schedule for further consideration by Planners</b>	Andrew Davidson	<b>Application deferred at Pl. Meeting on 29-08- 2018 to allow for</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	No. 5 and 5a Cons Lane, Newry			further discussions between applicant/agent and planning officers re: potential for other in-fill or agricultural 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.	
<b>PLANNING MEETING - 1 AUGUST 2018</b>					
LA07/2017/1261 /0	Thomas Mageean - proposed dwelling and garage - site abutting 20 Junction Road, Saintfield	<b>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</b>	Annette McAlarney	<b>Await legal advice.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		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			
<b>PLANNING MEETING - 29 AUGUST 2018</b>					
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Money nabane, Ballynahinch.	<b>Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting</b>	Annette McAlarney	<b>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</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened. Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.</p> <p>No application submitted to date 04/06/2019</p>	
		<b>PLANNING MEETING - 24 OCTOBER 2018</b>			
LA07/2018/0894	Dundrum Cross	<b>Removed from the addendum</b>	Annette	<b>Requires further</b>	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
/F	Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-9 Manse Road, Dundrum.	<b>list at the request of Councillor Murnin to allow objectors to make representations</b>	McAlarney	<p><b>consideration on foot of additional information submitted prior to Oct 2018 Committee</b></p> <p><b>Application will be decided under delegated authority as enforcement on site. Likely temporary approval for 2 years.</b></p> <p><b>Permission granted under delegated authority</b></p>	
		<b>PLANNING MEETING - 16 JANUARY 2019</b>			
		<b>PLANNING MEETING - 13 FEBRUARY 2019</b>			
LA07/2015/0149 /F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk	<b>Withdrawn by the Planning Department to allow further consultation to be completed</b>	A Davidson		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	fuel tank in yard - site between 54 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	<b>Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.</b>	A McAlarney	<b>Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee - DEFER</b>	N
		<b>PLANNING MEETING - 13 MARCH 2019</b>			
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	<b>Defer to consider new information submitted by applicant</b>	A McAlarney	<b>Deferred and Planning office consulting on late info submitted.</b>  <b>Additional info submitted 23 May 2019 and out to consultees</b>	N
LA07/2018/0753	Proposed new "Sure Start"	<b>Defer to allow further</b>	P Rooney		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
/F	nursery building, with additional 3 No. parking spaces provided by extension of existing car park - lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook	<b>discussion regarding access and parking to take place with Planning Officials; Dfi Road and the applicant</b>			
		<b>PLANNING MEETING - 10 APRIL 2019</b>			
LA07/2016/1606 /F	Proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off main street for 2 dwellings - Cumran Park, Clough, Downpatrick	<b>Removed from the addendum list to be presented at the next available Planning Committee Meeting</b>	A McAlarney	<b>June 2019 Committee</b>	N
LA07/2017/0078 /F	Erection of 3 light industrial units on lands 20m east of 223a Newcastle Road, Seaforde	<b>Defer for a site visit</b>	A McAlarney	<b>May 2019 Committee - DEFER for a site visit (scheduled for 14-06-2019)</b>	N
		<b>PLANNING MEETING - 29 MAY 2019</b>			
LA07/2018/1807 /F	Replacement dwelling - 55 Ballymaginaghy Road, Castlewellan	<b>Defer for a revised design to be considered and conditions to be delegated to Officers</b>	A McAlarney		N



## Newry, Mourne & Down District Council – May 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

### 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	<b>1,173</b>
May	718	212	81	61	124	<b>1,196</b>

### 3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79

### 4. Decisions issued per month

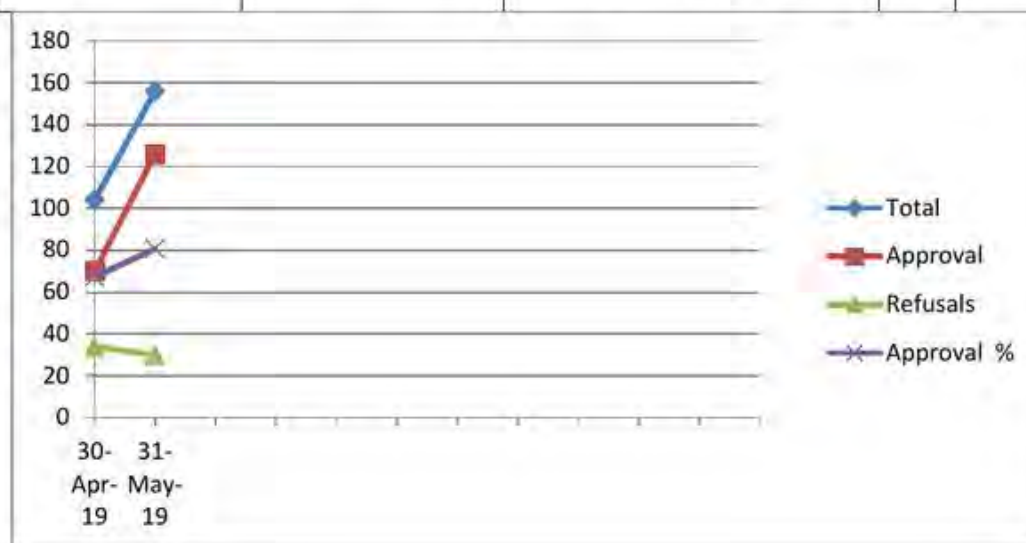
Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152

## Newry, Mourne &amp; Down District Council – May 2019

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## 5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
April	104	Approvals (70)	67%
		Refusals (34)	33%
May	260	Approvals (196)	%
		Refusals (64)	%



## 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

## 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
<b>Totals</b>	<b>32</b>	<b>23</b>	<b>9</b>

## Newry, Mourne & Down District Council – May 2019

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### 8. Appeals

#### Planning Appeal Commission Decisions issued during May 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	22	4	2	2	0
Down	26	0	0	0	0
<b>TOTAL</b>	<b>48</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>

## Newry, Mourne &amp; Down District Council – May 2019

Statutory targets monthly update – April 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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	3	1	51.8	0.0%	162	81	22.0	22.2%	29	66	192.0	30.3%
May	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
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%
<b>Year to date</b>	<b>3</b>	<b>1</b>	<b>51.8</b>	<b>0.0%</b>	<b>162</b>	<b>81</b>	<b>22.0</b>	<b>22.2%</b>	<b>29</b>	<b>66</b>	<b>192.0</b>	<b>30.3%</b>

Source: NI Planning Portal

## Newry, Mourne & Down District Council – May 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	Cllr Curran
22/05/2019	A McAlarney	Cllr Curran

## Current Appeals

246

**AUTHORITY** Newry, Mourne and Down

**ITEM NO** 1  
**Planning Ref:** LA07/2017/0687/ **PAC Ref:** 2017/A0168  
**APPELLANT** Steven And Diane Campbell **DEA** The Mournes  
**LOCATION** 30m North Of 94 Greencastle Road  
 Kilkeel  
 RT34 4DF  
**PROPOSAL** Infill site for new dwelling and garage in existing cluster (amended plans)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Written Reps with Site Visit **Date Appeal Lodged**  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

**ITEM NO** 2  
**Planning Ref:** LA07/2016/0952/ **PAC Ref:** 2017/A0213  
**APPELLANT** D & M Downey **DEA** Newry  
**LOCATION** 113-117 Dublin Road  
 Newry  
 RT35 80P  
**PROPOSAL** Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area  
**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** Informal Hearing **Date Appeal Lodged** 18/01/2018  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

247

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2016/1407/	<b>PAC Ref:</b>	2018/A0027
<b>APPELLANT</b>	Richard Newell	<b>DEA</b>	The Mournes
<b>LOCATION</b>	75A Glassdrumman Road Annalong		
<b>PROPOSAL</b>	<sup>Co Down</sup> Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2017/0969/	<b>PAC Ref:</b>	2018/A0046
<b>APPELLANT</b>	Mr Peter Clerkin	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	160m South Of 106 Leitrim Road Hilltown		
<b>PROPOSAL</b>	Proposed retention and extension of farm shed (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	11/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

248

<b>ITEM NO</b>	<b>5</b>	<b>PAC Ref:</b>	2018/A0079
<b>Planning Ref:</b>	LA07/2018/0747/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Joan Henderson		
<b>LOCATION</b>	200m South East 21 Levallyreagh Road Rostrevor		
<b>PROPOSAL</b>	<sup>Newrv</sup> Proposed replacement dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	05/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>	<b>PAC Ref:</b>	2018/A0123
<b>Planning Ref:</b>	LA07/2018/0554/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr Craig Baxter		
<b>LOCATION</b>	No. 5 Ringbane Road Ringbane		
<b>PROPOSAL</b>	<sup>Newrv</sup> Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	25/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

249

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	LA07/2018/0457/	<b>PAC Ref:</b>	2018/A0143
<b>APPELLANT</b>	D Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road		
<b>PROPOSAL</b>	Newry Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	15/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2018/1261/	<b>PAC Ref:</b>	2018/A0151
<b>APPELLANT</b>	Ebony Hughes	<b>DEA</b>	Newry
<b>LOCATION</b>	Premises At Corner Of Upper Edward Street Railway Avenue		
<b>PROPOSAL</b>	Newry Retention of mechanics garage, office store and boundary fencing		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	26/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

250

<b>ITEM NO</b>	<b>9</b>	<b>PAC Ref:</b>	2018/A0168
<b>Planning Ref:</b>	LA07/2018/0903/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Mr Glyn Mitchell 19 The Square Kilkeel		
<b>PROPOSAL</b>	Change of use from a travel agency to professional services office and new external finishes		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	21/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>	<b>PAC Ref:</b>	2018/A0171
<b>Planning Ref:</b>	LA07/2018/0709/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Mr Michael Mariner 111 Loughinisland Road Annacloy Downpatrick		
<b>PROPOSAL</b>	Demolition of portion of existing vehicle repair building and construction of new extension(Retrospective)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	03/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

251

<b>ITEM NO</b>	<b>11</b>	<b>PAC Ref:</b>	2018/A0191
<b>Planning Ref:</b>	LA07/2018/0862/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr And Mrs McIlwrath		
<b>LOCATION</b>	North And Adjacent To 41 Old Park Road Tievendarragh Drimaness		
<b>PROPOSAL</b>	Erection of a dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>	<b>PAC Ref:</b>	2018/A0198
<b>Planning Ref:</b>	LA07/2018/0403/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Joseph Walls		
<b>LOCATION</b>	Existing Farm Buildings Located 140m South East Of 26 Sandbank Road Hilltown		
<b>PROPOSAL</b>	2 No. farm buildings (Retrospective)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	28/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

252

<b>ITEM NO</b>	<b>13</b>	<b>PAC Ref:</b>	2018/A0201
<b>Planning Ref:</b>	LA07/2018/0410/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr And Mrs Stevenson		
<b>LOCATION</b>	80m South East Of 2 School Road Saintfield		
<b>PROPOSAL</b>	RT24 7.IH Proposed dwelling and garage (Change of design from that previously approved under R/2015/0060/F)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>	<b>PAC Ref:</b>	2018/A0209
<b>Planning Ref:</b>	LA07/2018/1393/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	John Rush		
<b>LOCATION</b>	Lands Adjacent To And 29m East Of 15 Altnadua Road Castlewellan		
<b>PROPOSAL</b>	Construction of 1no dwelling house on a gap infill site		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

253

<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2018/A0222
<b>Planning Ref:</b>	LA07/2018/1207/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr And Mrs Byrne		
<b>LOCATION</b>	Lands Adjoining Farm Buildings At 28 Ballyclander Road Downpatrick BT30 7DZ		
<b>PROPOSAL</b>	Farm dwelling and garage/farm outbuilding		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2018/A0223
<b>Planning Ref:</b>	LA07/2017/1252/	<b>DEA</b>	Newry
<b>APPELLANT</b>	Ms Naiomh Morgan		
<b>LOCATION</b>	Adjacent To And Immediately West Of 13 Crieve Road Newry BT34 2JT		
<b>PROPOSAL</b>	Dwelling house (amended address)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

254

<b>ITEM NO</b>	<b>17</b>	<b>PAC Ref:</b>	2018/A0231
<b>Planning Ref:</b>	LA07/2018/0270/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Conquer Fitness Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	DC - Conditions of Approval	<b>Date Appeal Lodged</b>	05/03/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>18</b>	<b>PAC Ref:</b>	2018/A0233
<b>Planning Ref:</b>	LA07/2018/1215/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Jacqueline Ross Adjacent And Immediately East Of 16a Killybawn Road Saintfield		
<b>PROPOSAL</b>	Go Down Part demolition of existing shed to accommodate site for proposed new dwelling.		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	07/03/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

255

<b>ITEM NO</b>	<b>19</b>	<b>PAC Ref:</b>	2018/A0238
<b>Planning Ref:</b>	LA07/2018/0963/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Miss L Patterson		
<b>LOCATION</b>	Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
<b>PROPOSAL</b>	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2018/A0239
<b>Planning Ref:</b>	LA07/2018/0532/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ryan Rogan		
<b>LOCATION</b>	Between 11 And 13 Seavaghan Road Ballynahinch		
<b>PROPOSAL</b>	Proposed dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

256

**ITEM NO** 21  
**Planning Ref:** LA07/2017/1485/ **PAC Ref:** 2018/A0243  
**APPELLANT** Mr J McCabe **DEA** Downpatrick  
**LOCATION** Site Approx. 250m South East Of No 60 Killyleagh Road  
 Downpatrick  
**PROPOSAL** ~~On Down~~  
 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** 22  
**Planning Ref:** LA07/2018/0015/ **PAC Ref:** 2018/A0251  
**APPELLANT** Gordon Graham **DEA** The Mournes  
**LOCATION** Between 20 And 22 Ulster Avenue  
 Annalong  
**PROPOSAL** ~~On Down~~  
 Proposed change of house type and integrated domestic garage  
 (Amended scheme)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Written Reps with Site Visit** **Date Appeal Lodged** 29/03/2019  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

## Current Appeals

257

<b>ITEM NO</b>	<b>23</b>	<b>PAC Ref:</b>	2018/E0054
<b>Planning Ref:</b>	LA07/2018/1558/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Glyn Mitchell 19 The Square Kilkeel		
<b>PROPOSAL</b>	RT34 4AA Removing existing timber cladding and painting the ground floor façade of the building with a timber effect finish		
<b>APPEAL TYPE</b>	DC - Non Determination of a Planning Application		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	20/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>	<b>PAC Ref:</b>	2018/E0060
<b>Planning Ref:</b>	LA07/2018/1844/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Forest Park Developments Immediately North West Of 4 Sawmill Road Castlewellan		
<b>PROPOSAL</b>	Retention of builders storage yard		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

258

<b>ITEM NO</b>	<b>25</b>	<b>PAC Ref:</b>	2019/A0007
<b>Planning Ref:</b>	LA07/2018/1756/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs Wilson		
<b>LOCATION</b>	150m SE Of 59A Drumsnade Road Ballynahinch		
<b>PROPOSAL</b>	Proposed off site replacement dwelling with retention of existing for ancillary use of dwelling at no.59		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>	<b>PAC Ref:</b>	2019/A0008
<b>Planning Ref:</b>	LA07/2018/0340/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr Rea		
<b>LOCATION</b>	100m SE Of 71 Killyleagh Road Downpatrick BT30 9RN		
<b>PROPOSAL</b>	Farm dwelling with associated hard and soft landscaping and alterations to existing vehicular access onto public road		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

259

<b>ITEM NO</b>	<b>27</b>	<b>PAC Ref:</b>	2019/A0009
<b>Planning Ref:</b>	P/2014/0107/F	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Paul McAlinden		
<b>LOCATION</b>	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**

<b>ITEM NO</b>	<b>28</b>	<b>PAC Ref:</b>	2019/A0011
<b>Planning Ref:</b>	LA07/2018/1417/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ellen Brennan		
<b>LOCATION</b>	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

260

<b>ITEM NO</b>	<b>29</b>	<b>PAC Ref:</b>	2019/A0014
<b>Planning Ref:</b>	LA07/2018/1412/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Christopher Brown		
<b>LOCATION</b>	Adjacent To And West Of No.40 Ballygorian Road Ballygorian		
<b>PROPOSAL</b>	Hilltown Proposed replacement dwelling and detached garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>	<b>PAC Ref:</b>	2019/A0016
<b>Planning Ref:</b>	LA07/2018/0185/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Michael Doran		
<b>LOCATION</b>	Opposite 37 Carricknab Road Downpatrick		
<b>PROPOSAL</b>	Proposed new dwelling on a farm		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

261

<b>ITEM NO</b>	<b>31</b>	<b>PAC Ref:</b>	2019/A0017
<b>Planning Ref:</b>	LA07/2018/1635/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	James Morgan		
<b>LOCATION</b>	87 Head Road Ballymartin		
<b>PROPOSAL</b>	RT34 APII Alterations and extension to dwelling in substitution to approval LA07/2016/0646/F		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>	<b>PAC Ref:</b>	2019/A0020
<b>Planning Ref:</b>	LA07/2018/0085/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	William Lindsay		
<b>LOCATION</b>	Land Opposite And To The South Of 18 Ringdufferin Road Rathcuuvingham		
<b>PROPOSAL</b>	T <sup>0</sup> VA Single dwelling under CTY 6		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

262

<b>ITEM NO</b>	<b>33</b>	<b>PAC Ref:</b>	2019/A0023
<b>Planning Ref:</b>	LA07/2018/0264/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Steven Skelly 36 Demense Heights Downpatrick		
<b>PROPOSAL</b>	Extension to dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	07/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>34</b>	<b>PAC Ref:</b>	2019/A0025
<b>Planning Ref:</b>	LA07/2017/0707/	<b>DEA</b>	Crotlieve
<b>APPELLANT LOCATION</b>	Mr John Annett 75m North East Of 29 Rath Road Warrenpoint		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

263

<b>ITEM NO</b>	<b>35</b>	<b>PAC Ref:</b>	2019/A0027
<b>Planning Ref:</b>	LA07/2018/1663/	<b>DEA</b>	Downpatrick
<b>APPELLANT LOCATION</b>	Mr & Mrs Cyril Hamilton Between 153 & 157 Strangford Road Downpatrick		
<b>PROPOSAL</b>	Dwelling (infill Site)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>36</b>	<b>PAC Ref:</b>	2019/A0028
<b>Planning Ref:</b>	LA07/2017/1849/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Mr N Graham 6-10 Fairview Saintfield Parks Saintfield		
<b>PROPOSAL</b>	Erection of 9 no domestic dwellings (Townhouses)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

264

<b>ITEM NO</b>	<b>37</b>	<b>PAC Ref:</b>	2019/A0031
<b>Planning Ref:</b>	LA07/2018/0128/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Paul Scott		
<b>LOCATION</b>	Lands 195m SSE Of 95 Cahard Road Cahard		
<b>PROPOSAL</b>	Rallvnahinch New private access to dwelling previously approved under LA07/2017/1210/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>38</b>	<b>PAC Ref:</b>	2019/A0032
<b>Planning Ref:</b>	LA07/2018/0672/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Marc Morgan		
<b>LOCATION</b>	Approx 50m North West West Of 53 Tullyree Road		
<b>PROPOSAL</b>	Kilron Infill dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

265

<b>ITEM NO</b>	<b>39</b>	<b>PAC Ref:</b>	2019/A0035
<b>Planning Ref:</b>	LA07/2018/1266/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr S O'Hare		
<b>LOCATION</b>	Lands Approx. 200m SW Of 59 Demesne Road Seaforde Ballynahinch		
<b>PROPOSAL</b>	Proposed farm building and animal handling facility (amended plans)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>40</b>	<b>PAC Ref:</b>	2019/A0037
<b>Planning Ref:</b>	LA07/2018/1371/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr Christopher Rea		
<b>LOCATION</b>	Between 52 & 52A Magheralone Road Ballynahinch		
<b>PROPOSAL</b>	Single dwelling house and garage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

266

<b>ITEM NO</b>	<b>41</b>	<b>PAC Ref:</b>	2019/A0038
<b>Planning Ref:</b>	LA07/2018/0787/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Maria Morgan		
<b>LOCATION</b>	Approximately 30 Metres North East Of 75 Benagh Road Newry		
<b>PROPOSAL</b>	RT34 2IF Erection of dwelling and garage (gap site)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>42</b>	<b>PAC Ref:</b>	2019/A0041
<b>Planning Ref:</b>	LA07/2017/1799/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	H Lynch & E Ferguson		
<b>LOCATION</b>	Land East Of 2 Castle Place Newcastle		
<b>PROPOSAL</b>	RT33 0AA 2 No Apartments with associated parking and amenity		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	24/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

267

<b>ITEM NO</b>	<b>43</b>	<b>PAC Ref:</b>	2019/A0050
<b>Planning Ref:</b>	LA07/2019/0164/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs N Crean		
<b>LOCATION</b>	38 Lighthouse Road Ballyward Castlewellan		
<b>PROPOSAL</b>	Replacement dwelling with retention of old dwelling as agricultural storage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	29/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>44</b>	<b>PAC Ref:</b>	2019/E0001
<b>Planning Ref:</b>	LA07/2019/0210/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Chris Kennedy		
<b>LOCATION</b>	9a Moneymore Road Newry		
<b>PROPOSAL</b>	Private Dwelling and Garage		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

268

<b>ITEM NO</b>	<b>45</b>		
<b>Planning Ref:</b>	LA07/2018/1792/	<b>PAC Ref:</b>	2019/E0002
<b>APPELLANT</b>	Mr William McDonnell	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Aughnagon Road Opposite To 60 Derryleckagh Road Mayohridge		
<b>PROPOSAL</b>	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.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	16/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>46</b>		
<b>Planning Ref:</b>	LA07/2018/1381/	<b>PAC Ref:</b>	2019/E0004
<b>APPELLANT</b>	Copart Uk LTD	<b>DEA</b>	Rowallane
<b>LOCATION</b>	39 Junction Road Saintfield Co Down		
<b>PROPOSAL</b>	Vehicle storage, dismantling and sales operation		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

269

<b>ITEM NO</b>	<b>47</b>	<b>PAC Ref:</b>	2019/E0010
<b>Planning Ref:</b>	LA07/2019/0277/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Mr Kieran Campbel 1a And 1b Greenhill Park Newcastle		
<b>PROPOSAL</b>	Use of building as 2 separate residential properties comprising 1A and 1B Greenhill Park		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	29/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>48</b>	<b>PAC Ref:</b>	A07/2018/0128/F
<b>Planning Ref:</b>	LA07/2018/0128/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Paul Scott Lands 195m SSE Of 95 Cahard Road Cahard		
<b>PROPOSAL</b>	Rallvnahinch New private access to dwelling previously approved under LA07/2017/1210/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

Park House  
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BELFAST  
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<b>Appeal Reference:</b>	2018/A0046
<b>Appeal by:</b>	Mr Peter Clerkin
<b>Appeal against:</b>	The refusal of full planning permission.
<b>Proposed Development:</b>	Retention and extension of a farm shed.
<b>Location:</b>	Land south of 106 Leitrim Road, Hilltown.
<b>Planning Authority:</b>	Comhairle Ceantair an Iúir, Mhúrn agus an Dúin. Newry, Mourne and Down District Council.
<b>Application Reference:</b>	2018/A0046.
<b>Procedure:</b>	Written representations and accompanied site visit on 26 <sup>th</sup> October 2018.
<b>Decision by:</b>	Commissioner Damien Hannon, dated 8th May 2019.

## Decision

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

## Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle and its impact on visual amenity and rural character.
3. The appeal site is located in the countryside as designated in the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). The BNMAP, which operates as the statutory Local Development Plan relevant to the appeal site, contains no provisions specific to the appeal proposal. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development - September 2015 (SPPS) and any retained policies regarding issues raised by this appeal. Consequently the relevant policy context is provided by the retained Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21).
4. Policy CTY 1 of PPS 21 sets out a range of types of development, which in principle are considered acceptable in the countryside. The appellant argued that the proposal was acceptable as agricultural development in accordance with Policy CTY 12 of PPS 21. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of stated environmental and planning criteria are met.

5. The planning authority did not dispute the appellant's assertion that the appeal site formed part of an active and established farm. This farm, registered as business ref. 653136 at 107a Kilbroney Road Rostrevor, comprises seven fields with a total area of 7.33ha. Six of these fields are located adjacent to the Sandbank Road near the appeal site while the seventh is located some 7.2 miles away at Kilbroney Road.
6. It is proposed to retain an existing single storey flat roofed building, constructed of dark green metal sheeting, measuring 8.5 m in length, 5.2m in width and 3.5m in height and construct an identical building adjoining its western elevation. The proposal would be located in an open field at a point some 115m to the west of Sandbank Road and used to provide shelter to sheep as well as facilitating any required veterinary attention.
7. The Council argued that the proposal failed to meet criteria (a), (b) and (c) of Policy CTY 12 as the appellant had not demonstrated how it is necessary for the efficient use of the agricultural holding, would be appropriate to its location in terms of character and scale and would be visually integrated into the local landscape.
8. The six fields adjacent to Sandbank Road lie within a particularly open and exposed upland landscape and I consider a building providing the sheep grazing these fields, and other nearby communally accessible land, with shelter from adverse weather conditions, a well-drained lying area and a space to facilitate any required veterinary services, to be necessary for the efficient use of the agricultural holding. In these circumstances, I consider that criterion (a) would be met.
9. Given the paucity of intervening vegetation, the proposed building would be visible from a considerable stretch of Sandbank Road. However, some degree of visibility is to be expected with buildings in this area given the exposed nature of the landscape. Furthermore, the building, at its closest, would be 115m from Sandbank Road and the undulating terrain would limit views from the road, in the main, to its upper section. Furthermore, the modest building of low elevation, finished in green would present against a landform backdrop. Given these factors and its distance from public viewpoints, I conclude that the building would appear appropriately integrated onto this particular surrounding landscape and would not appear as unacceptably prominent. In these circumstances, I consider criteria (b) and (c) to be met and the Council's second reason for refusal, based on Policy CTY 12 is not sustained.
10. Policy CTY 12 also contains additional criteria, relating to new buildings. The Council argued that two of these criteria would be offended as the appellant did not provide sufficient information to confirm that there were no suitable existing buildings on the holding that can be used or that the proposal would be sited beside existing farm buildings.
11. Policy CTY 12 is worded in such a way as to place the onus on the appellant to provide sufficient information to confirm that the relevant criteria are met. The appellant has consistently stated that there are no other buildings on the farm. Department of Agriculture, Enterprise and Rural Affairs (DAERA) aerial photographs support this assertion. Furthermore, the Council have not identified any such buildings and in this evidential context, I conclude the two above



mentioned additional criteria to be met. The Council's objection in this respect and its third reason for refusal relating to Policy CTY 12, is not therefore sustained.

12. Policy CTY 12 also states that exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business. The Council objected on the grounds that the appellant failed to demonstrate that these exceptional circumstances were engaged. However, as I have already concluded that the proposal is essential for the efficient functioning of the business and that there is no other group of buildings on the farm, I further conclude these exceptional circumstances to be met. The Council's fourth reason for refusal relating to Policy CTY 12 is not therefore sustained.
13. I conclude that the appellant has provided sufficient evidence to establish that the proposal constitutes acceptable agricultural development in accordance with Policy CTY 12 of PPS 21 and the Council's first reason for refusal is not sustained.
14. I have found all 4 of the Council's reasons for refusal not to be sustained and in the absence of any valid objection, permission is granted.

#### **Conditions**

- (1) The extension of the shed shall be begun before the expiration of five years from the date of this permission.

This decision approves the 1:2500, 1:500, 1:100 scale Location Plan, Site Plan, Floor Plan and Elevations received by the Council on 16<sup>th</sup> June 2017 and numbered 01 by them

**COMMISSIONER DAMIEN HANNON**

**List of Appearances**

Planning Authority:-

Mr Gareth Murtagh.

Appellant:-

Mr Aiden Cole (Cole Partnership)  
Mr Frank Clerkin**List of Documents**

Planning Authority:-

COU 1 Statement of Case

Appellant:-

APP 1 Statement of Case  
APP 2 Comments



# Appeal Decision

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<b>Appeal Reference:</b>	2018/A0183
<b>Appeal by:</b>	Adrian Carvill
<b>Appeal against:</b>	Outline Planning Permission
<b>Proposed Development:</b>	Infill site within an existing cluster
<b>Location:</b>	Directly opposite and east of 73 Leitrim Road , Hilltown
<b>Planning Authority:</b>	Newry Mourne and Down District Council
<b>Application Reference:</b>	LA07/2017/1497/O
<b>Procedure:</b>	Written representations with Commissioner's site visit on 2 <sup>nd</sup> May 2019
<b>Decision by:</b>	Commissioner Helen Fitzsimons 13 <sup>th</sup> May 2019

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## Decision

1. The appeal is allowed subject to conditions.

## 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 outwith any settlement or designation as defined by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP). There are no plans or policies in the plan relevant to the appeal proposal within BNMAP. The appeal site also lies within the Mourne Area of Outstanding beauty (AONB). Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) provides the relevant policy context for the appeal proposal.
4. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling in accordance with Policy CTY 8 'Ribbon Development'. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, it also includes the exception that 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 will be permitted. For the purposes of this policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

5. The term road frontage must mean that buildings have direct frontage to the road with no features in between. The appellant is relying on the dwelling at 66 Leitrim Road, a car repair centre and three agricultural sheds all with frontage onto Leitrim Road. The appeal site forms part of a field between two of the agricultural buildings. To the front of one of the agricultural buildings is a mound of earth which appears to be associated with excavation for the construction of the newly erected agricultural shed. I do not consider this a permanent feature. The Council referred me to a recently granted Certificate for Lawful Development (LDC) in respect of the recently constructed shed. However, with the exception of the shed none of the other features have been laid out and I must assess what I see on the ground at the time of my site visit. The shed has frontage to the road and there is a substantial and continuous built up frontage within which the appeal site lies. It constitutes a small gap for the purposes of policy and is therefore an exception under Policy CTY 8 of PPS 21 and is acceptable in principle in the countryside. The Council has not sustained its two reasons for refusal based on Policies CTY 1 and CTY 8 of PPS 21.
6. Land within the appeal site rises to a ridge in the east and a siting condition is necessary to ensure that a new dwelling is not a prominent feature in the landscape. A ridge height restriction is also necessary to ensure the same. The dwelling should be designed in accordance with the guidance set out in the Department's document 'Building on Tradition – A sustainable Design Guide for the Northern Ireland Countryside to reflect and respect its AONB location. Landscaping would allow the new dwelling to better integrate into the surrounding landscape and this would assist with protecting the visual amenities of the countryside. Visibility splays are necessary in the interests of road safety.

### Conditions

- (1) Except as expressly provided for by Condition 2,3,4,and 5 the following reserved matter shall be as approved by the planning authority – the means of access thereto
- (2) The dwelling shall be sited within the area hatched in red on the attached plan annotated PAC1. The ridge height of dwelling shall not exceed 6.45m from the lowest ground level within its footprint.
- (3) The design and materials of the dwelling shall be in accordance with Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside
- (4) Before building works commence visibility splays of 2m x with a set back across the full frontage of the appeal site shall be laid out and thereafter permanently retained.
- (5) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing native species planting on the north, south and eastern boundaries and behind the visibility splays on the western boundary of the appeal site. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with

others of a similar size and species unless the planning authority gives written consent to any variation.

- (6) Application for approval of the reserved matters shall be made to the planning authority before the expiration of three years from the date of this decision.
- (7) 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 1:2500 scale site location plan.

**COMMISSIONER HELEN FITZSIMONS**

**2018/A0183****List of Documents**

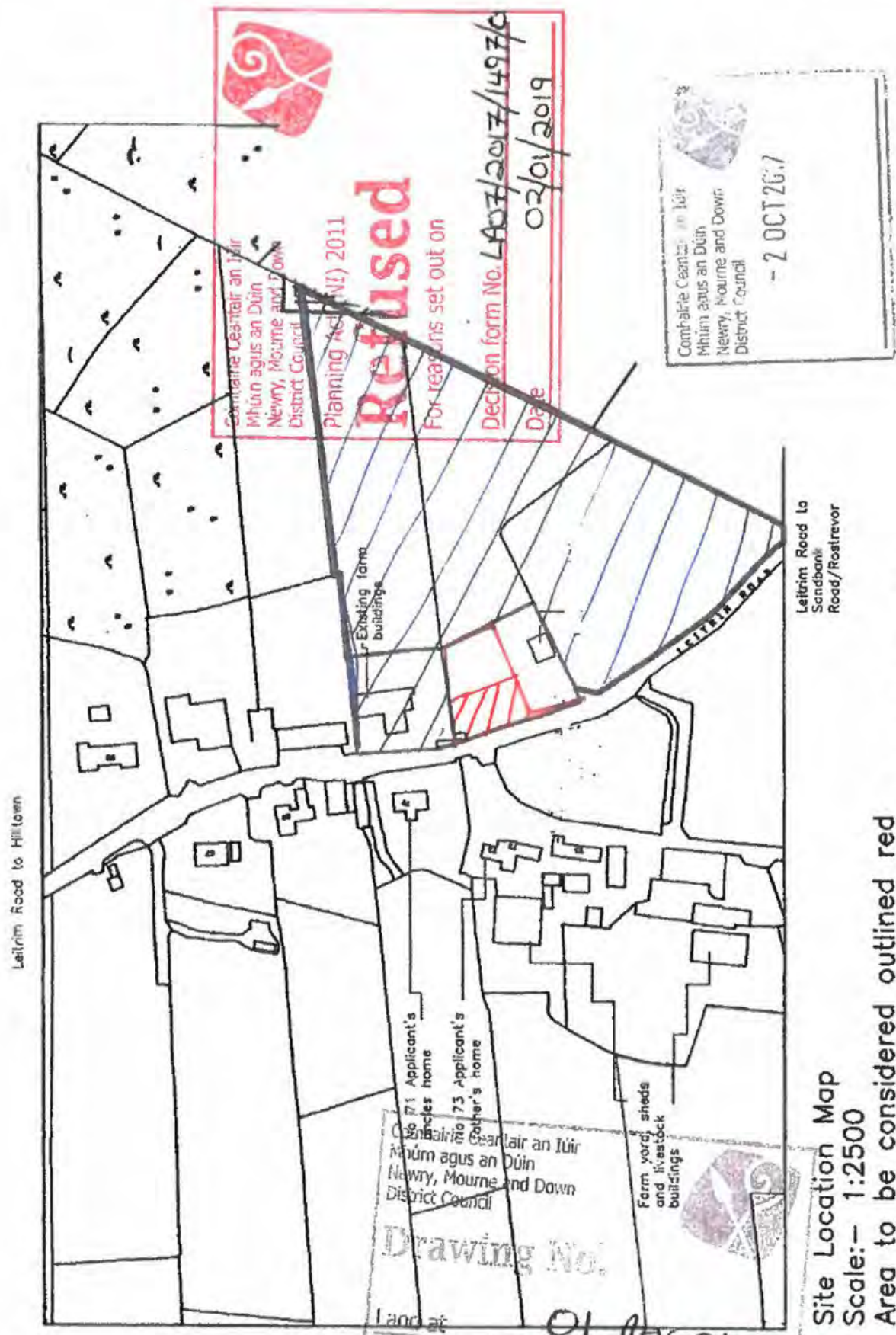
Planning Authority: - PA1 Written Statement and Appendices

Appellant: - A 1 Written Statement and Appendices  
A2 Comments

**Attendances**

Planning Authority: - Mr Gareth Murtagh

Appellant: - Mr Karl Sherry  
Mr Adrian Carvill  
Mr Carvill (Jnr)



Site Location Map

Scale:- 1:2500

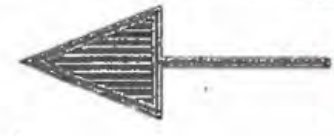
Area to be considered outlined red

Additional land in applicant's ownership outlined blue

Location:- Leitrim Road, Hilltown

OS Ref:- 267/08/NE & SE

PAE 1



NORTH

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

Drawing No. 01

Land at /2017/1497





# Appeal Decision

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<b>Appeal Reference:</b>	2018/A0142
<b>Appeal by:</b>	EDB Construction Ltd
<b>Appeal against:</b>	The non-determination of an application for full planning permission
<b>Proposed Development:</b>	Housing development comprising 2 No. 4-bedroom houses and 24 No. 2-bedroom apartments (Amended proposal)
<b>Location:</b>	Lands opposite No.1 Ashgrove Avenue, Newry
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	LA07/2018/1074/F
<b>Procedure:</b>	Written representations and Commissioner's site visit on 11 April 2019
<b>Decision by:</b>	Commissioner Brigid McGlinchey, dated 13 May 2019

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development as noted on an amended P1 form and as advertised by the Council was for "Housing development comprising 2 No. 4 bedroom Houses and 26 No. 2 bedroom Apartments (amended proposal)". The revised drawings most recently submitted to the Council and the subject of this appeal however show that the proposal entails a housing development comprising 2 No. 4 bedroom houses and 24 No. 2 bedroom apartments. As this is a non-determination appeal, jurisdiction passes to the Planning Appeals Commission. Under Article 8 (3) of the Planning (General Development Procedure) Order (NI) 2015, responsibility for the advertisement of the appeal falls to the Commission. The appeal was advertised on 30 January 2019 using an amended description of development reflective of that shown in the latest drawings. There is therefore a valid appeal.
3. The appellant with his rebuttal submitted amended drawings for consideration which indicate alterations to the two most recently submitted site plans (Drawings 07Rev2 and 06Rev2) and Drawing 05Rev1 showing the elevations for House Type C. These amendments relate to the Council's indication in its statement of case that there was inconsistency between the cross-section AA in the site plans which showed an external stairwell on the side of the apartment block containing units 21-24 leading from the ground floor to the lower ground floor level; this stairwell was not shown on the site layout in each drawing which instead indicates a sharp drop between the front and the rear of the block. The appellant stated that the inconsistencies were the result of a drafting error. The cross-section as shown in the amended site plans (Drawing Nos. 04 & 05) and the amended elevations drawing for House Type C (Drawing No. 08) indicate the removal of the stairwell. Given the minor nature of these revisions, I am satisfied that there would be no prejudice to any party if I was to consider their



introduction. The appeal will therefore be considered on the basis of the revisions indicated in the amended drawings.

4. I note however that an external stairwell leading from the ground floor to the first floor apartment on House Type C as shown on the elevation Drawing 08 is not shown on the corresponding amended site plans. I also note an additional inaccuracy in Drawing 08 regarding the central window on the rear elevation of the first floor apartment of House Type C which is illustrated as a 0.5 wide opening but is shown as being 0.9m wide on the corresponding floor plan. These inconsistencies were also in the drawings considered by the Council. Given that this is an appeal for full planning permission, inaccuracies in drawings are unacceptable. Nonetheless, as these inaccuracies are minor in nature and do not go to the heart of the proposal, it does not prevent my consideration of the substantive matters in this appeal.

### Reasons

5. The main issues in this appeal are:
  - whether the proposal would create a quality residential development;
  - whether the proposed density and pattern of development would be in keeping with overall character and environmental quality of the area;
  - the adequacy of the proposed provision of public open space.
6. Section 6 (4) of the Planning Act (Northern Ireland) 2011 states that, 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. The local plan in this case is the Banbridge, Newry & Mourne Plan 2015 and in it the appeal site lies within the development limits of Newry. The site is identified as white land and is located adjacent to a site zoned for housing (Zoning NY50). There is no specific policy in the plan relating to white land or to the proposal.
7. The Strategic Planning Policy Statement for Northern Ireland (SPPS) indicates that until such times as a Plan Strategy for the whole of the council area has been adopted planning authorities will apply existing policy within specified retained Planning Policy Statements. In respect of the appeal development there is no conflict or change in policy direction between the SPPS and those of Planning Policy Statement 7: Quality Residential Environments (PPS7), Addendum to PPS7: Safeguarding the Character of Established Residential Areas (APPS7) and Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation all identified as being retained under the SPPS. Planning guidance set out in *Creating Places: Achieving quality in residential developments* is also a material consideration.
8. The appeal site extends to 0.83ha and is located adjacent to the Newry High School situated to the west. Housing Zoning NY50 lies immediately to the east with the Sacred Heart Grammar School beyond. The appeal site is steeply sloping from its western boundary with a 13m difference in level in a west east axis across the site as shown on the cross-section drawing. The southwestern corner of the site lies below the level of the road. From the frontage that is level with the road, the site rises and continues upward to a steep incline towards a crest at the rear of the site. The western boundary of the site is defined by a fence on top of an existing retaining wall next to Newry High School with some intermitted trees and vegetation. A fence partially defines the northern boundary; there is no existing hedge on this boundary contrary to that shown on the site plans. The roadside and the eastern boundaries are undefined.

9. The appeal site was encapsulated as part the site boundary for a housing development scheme on Zoning NY50 (P/2011/1067/F) approved in November 2012 and was entitled 'plantation'. Irrespective of whether the site formed part of this historic approval for open space provision within a wider housing development scheme, that approval has since expired and, as no housing development was approved on the actual appeal site, limited weight can be given to the planning history. There is no evidence that any of the former trees on the site were subject to a protection order and no one has sought to argue that the subsequent removal of the trees represented a breach of planning control.
10. An area of fill predominantly rubble is present on the lowest corner of the site. The Council stated that this is unauthorised and is the subject of an enforcement investigation. The appellant stated that this is temporarily stockpiled for use in the development for two detached drawings on a roadside portion of Zoning NY50 approved in July 2018 (LA07/2018/0745/F) and is not related to the appeal proposal. The fill on the site does not rule out my consideration of the appeal proposal in its own right. With regard to the original levels of the appeal site, I have referred to those indicated in the site layout plan that was submitted for P/2011/1067/F which included the appeal site.
11. Policy QD1 of PPS7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It says that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity. Ashgrove Avenue and adjacent streets comprise an established residential area that is characterised by medium density housing comprising detached bungalows on the other side of the avenue, detached and semi-detached dwellings in Chestnut Grove further to the south and by a residential area of 1½ storey detached dwellings in Cloverdale located to the north of the appeal site. Policy QD1 sets out nine criteria to which all proposals for residential development are expected to conform. The Council raised concerns about criteria (a), (c), (f), (g) and (h).
12. Policy QD1 indicates that residential development should draw upon positive aspects of the character and appearance of the surrounding area. Paragraph 4.6 in the amplification text of Policy QD1 refers to the need to have regard in particular to landform and the townscape or landscape setting. Paragraph 4.13 states that the use of prominent retaining walls within and at the margins of sloping sites will be unacceptable, and that in such cases only low-density development entailing minimal works of excavation is likely to be accepted. The acceptability of any scheme is dependent on its design and details as well as site-specific features such as ground levels and the vegetation along adjacent site boundaries. Care is advocated to ensure that unacceptable harm does not occur to local character, environmental quality or amenity.
13. Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. Criterion (g) necessitates that the design and layout of the appeal development draws upon the best traditions in terms of form within other existing residential developments in the surrounding area. The proposal is for two detached dwellings on the lower roadside part of the slope with seven split level apartment blocks positioned in a linear arrangement either side of a straight central road running up to the rear of the site. On the east side, four apartment buildings (House Type B - HTB) with 8-9m separation in between would be located above the

- road while three apartment buildings (House Type C - HTC) with 7.5m separation in between would be positioned below and to west of the road. It is proposed to build retaining structures throughout the site including 2.5m high walls in between each block and at the side of three of the end blocks parallel to the alignment of the proposed road. It is also proposed to build a retaining wall along the eastern site boundary (245m in length) that would then continue along part of the northern boundary. The length of that wall adjoining the proposed detached dwelling on Site 2 would be 2.5m high with the majority of it being 1.5m in height. A 1.5m high retaining wall (100m in length) set back approximately 15m from much of the western boundary is also proposed. Although it is proposed that these walls would be of Grassed Webwall Geocell construction, their frequency, positioning, height and extent within and at the margins of the site would mean that those sited above the road would be prominent features and would be visually incongruous.
14. Though split level buildings are proposed and the apartment blocks HTC would be three-storey to the rear, these features would not render the proposal unacceptable in the context of the height of buildings on the adjacent school site and in the light of a three storey split level building design previously considered appropriate by the Council in granting approval for a development scheme for 14 houses on the other side of Ashgrove Avenue (LA07/2016/1441/F). However, whilst retaining structures are part of the approved housing scheme on Ashgrove Avenue, I note that they run perpendicular from the road and are not comparable in extent or visibility to the retaining walls proposed in the appeal scheme. Split level buildings along with retaining walls are appropriate on a sloping site as they reduce the need for cut and fill. I consider however that the extent of excavation, infilling and regrading required on the appeal site to accommodate the proposed layout would not respect the topography or gradient of the appeal site and the predominance of retaining walls in the proposed development would be at odds with the established development pattern. The design and layout of the appeal development does not draw upon the best traditions in terms of form within other existing residential developments in the surrounding area and would be contrary to criterion (g).
  15. The proposed parking is in the form of sloping perpendicular parking spaces laid out either side of the straight central roadway rising up the hill with the spaces inclining upwards towards blocks HTB and downwards towards Blocks HTC. Given the disposition of the parking layout and the road relative to proposed buildings, I consider the hard surfaces would visually dominate the development even if the parking spaces were broken up with intermittent planting. The proposed layout would not be comparable to the Riverside View development in Belfast referred to by the appellant which appears to be on a flat site and along a curving road. The layout and form of the appeal proposal would be out of character in the surrounding context which is largely based on parking provision within residential curtilages at road level. I consider that the overall design concept would be harmful to the character of the surrounding area. Consequently criterion (a) is not met.
  16. Criterion (c) necessitates adequate provision be made for private and public open space and landscaped areas as an integral part of the development. Creating Places recommends that back garden provision for family dwellings should be around 70sqm. The private open space provision to the rear of two four-bedroomed houses at the front of the development scheme exceeds this standard. Notwithstanding that a 1m retaining wall cuts across the rear garden of Site 1 creating two levels, steps are to be provided allowing all the rear open space to be accessible to the occupants of the proposed dwelling.

17. Paragraph 4.31 of the amplification of the Policy QD1 indicates that for apartment developments, private open space may be provided in the form of communal gardens. Paragraph 5.20 of Creating Places indicates that private communal open space for such developments will be acceptable in the form of landscaped areas ranging from a minimum of 10sqm per unit to around 30sqm per unit. It goes on to say the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.
18. The proposed site layout indicates open space provision to the rear each of the seven apartment buildings. Though this would be sloping, I do not consider that the degree of incline is such to reduce its utility as amenity space provided appropriate access was provided to it. Steps leading to either side of the four HTB apartment blocks on the eastern part of the site would provide access to the private communal space to the rear and thus would meet the recommended standard of provision set out in Creating Places. Though the appellant stated that steps are provided between the three HTC apartment blocks to allow access to the private amenity area to the rear, this is not indicated on the site plans which show a continuous 2.5m retaining wall in between each block. Only the northernmost block has steps indicated on its north side allowing access to the rear. The site plan shows that the rear amenity spaces for the other two blocks are enclosed by landscaping with the only means of access being via a door from the lower ground floor apartments in each block thus precluding access for the other apartments. Consequently the occupants of the six apartments on the other two levels would rely on the narrow strip of open space to the front of the two blocks which would not be private and its extent would fall below even the minimum standard advocated in Creating Places. Other proposed communal open space elsewhere in the development are small areas at the rear of the appeal site, fragmented planting in between car parking or the landscaped verges behind the sight lines which reduce their utility as private open space.
19. With respect to the public open space, Policy OS2 of PPS8 is relevant. Policy OS2 only permits proposals for new residential development of 25 or more units where public open space is provided as an integral part of the development. The public open space in the appeal development accounts for less than the cited normal expectation of 10% of the total site area. The policy however goes on to state that an exception to the requirement will be permitted in the case of apartment developments where a reasonable level of private communal open space is being provided. As I have already found that the proposed provision of private open space for the apartments is deficient for the reasons set out above, I conclude that the appeal proposal does not meet this exception. Consequently Policy OS2 is not met and the Council has therefore sustained its third draft reason for refusal. The appeal scheme also fails to meet criterion (c) of Policy QD1 in terms of both private and public open space provision.
20. Criterion (f) requires adequate and appropriate provision to be made for parking. There is no dispute regarding the parking provision for the two proposed dwellings. With regard to the adequacy of parking for the twenty-four two-bedroom apartments, 41 spaces are proposed. This level of provision surpasses the standard of 1.5 spaces per unit laid down in Creating Places. With regard to the appropriateness of the proposed parking, though the spaces are to be unassigned, there would be 5-6 spaces to the front of each apartment block and I therefore do not accept that the parking would be remote. However, as I consider as set out above that the hard surfaces would visually dominate the development and the layout would be out of character in the surrounding context, I consider that the proposed parking layout would not be appropriate and thus would fail to satisfy criterion (f).

21. Criterion (h) considers conflict with adjacent land uses and requires there be no unacceptable adverse effect on existing or proposed properties in terms of inter alia overlooking. The proposed HTB apartment blocks would be 6m from the adjoining site boundary with Zoning NY50 which may place restrictions on the future layout of housing on that zoned site. I note however that the appeal site lies below the level of the zoned site with the finished floor levels of the HTB apartment blocks lying between 5.0-7.3m below the indicative levels of the zoned site. I am therefore not persuaded that any potential overlooking from future housing development on this zoned site towards the appeal proposal could not be addressed with an appropriate layout. The HTC apartments would lie between 4-10m from the adjoining boundary with the Newry High School and their finished floor levels would be 3-4m above the indicative levels of the site boundary along which new deciduous planting is proposed. Nonetheless, given the proximity of the apartment blocks containing Units 17-20 and Units 25-28, I consider that there would be the potential for overlooking at quite close quarters from the living/dining and bedrooms of the lower ground floor and upper ground floor apartments onto the school playing fields. I note however that the playing fields are already open and visible from pedestrians and drivers on the Ashgrove Road and the 'Secured by Design' document referred to in the amplification of Policy QD1 countenances natural surveillance of education establishments. I also note that the school has not have objected. Whilst there would be some visual intrusion, I consider that the privacy of the school would not be unacceptably affected. The Council's objection under criterion (h) is not sustained.
22. I find that the appeal development fails to satisfy four of the cited of Policy QD1 and that the proposal does not draw upon the positive aspects of the prevailing character and appearance of the area. The proposed layout on this sloping site would result in unacceptable damage to the local character and environmental amenity of the area. It would therefore not create a quality and sustainable residential environment. To this extent, the Council's first draft reason for refusal is sustained.
23. Ashgrove Avenue is not a designated arterial route or a key and link transport corridor as defined by the Reginal Strategic Transport Network of major inter-urban roads in the Regional Development Strategy. Whilst the appeal site is situated between education facilities and not amongst existing housing, it is a vacant site which lies within a suburban residential neighbourhood dominated by medium-density housing. It therefore falls within the definition of an established residential area (ERA) given in Annex E to APPS7. In consequence, the document is a material consideration in this appeal. Paragraph 2.3 of APPS7 indicates that its Policy LC1 is an amplification of Policy QD1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. Policy LC1 sets out additional criteria to be met in ERAs. Criterion (a) requires that the proposed density is not significantly higher than that found in the ERA whilst criterion (b) requires that the pattern of development is in keeping with the character and environmental quality of the ERA.
24. The undisputed densities of the Chestnut Grove development to the south side of Ashgrove Road is 15 per hectare whilst that for Cloverdale located to the north is 14 per hectare. The appeal site extends to 0.83ha and the proposed number of units of 26 would give rise to a density is 31 per hectare which is significantly higher than that found in the surrounding area. When this is factored with the proposed layout which would fail to respect the surrounding context for reasons previously discussed, I regard the increase in density to be significant and symptomatic of overdevelopment. Whilst I note that the recently approved development for 14 houses on Ashgrove Avenue (LA07/2016/1441/F) translates into a density of 29 per hectare, I find that in

the round, the density of the appeal proposal would be considerably higher than that found in general in the surrounding area. Criterion (a) of Policy LC1 is therefore not et.

25. Criterion (b) of Policy LC1 requires the pattern of development to be in keeping with the overall character and environmental quality of the existing residential neighbourhood. This is similar to the requirement in Criterion (a) of Policy QD1 of PPS7 that the development respects the surrounding context. As I have already found that that requirement is not satisfied, the second criterion of Policy LC1 is not met. The Council's second draft reason for refusal is sustained.
26. The appellant sought that consideration be given to the acceptance in principle of residential development on the site and requested that outline consent be granted for this use. Policy QD1 however requires that the design and layout of residential development be based on an overall design concept. In this case, I have found the concept before me unacceptable for the reasons stated. Given the challenges presented by the steep gradients on the site it would be necessary to demonstrate how the site could be developed. In the absence of having a satisfactory layout, it would not be appropriate to grant outline consent for residential development. The characteristics of the appeal site are not commensurable to the cited appeal regarding a previous developed site which did not share the same physical challenges and where the Commissioner in that case found the site to be satisfactory for residential development.
27. As all the three draft reasons for refusal have been sustained, the appeal must fail.

This decision is based on the following drawings submitted to the Council:-

Drawing No	Scale	Title	Stamped received
01	1:2500	Location map	10/7/18
02 Rev 1	1:100	Floor plans & elevations House Type A Site 1	24/9/18
03 Rev1	1:100	Floor plans & elevations House Type A Site 2	24/9/18
04 Rev1	1:100	Floor plans & elevations House Type B Sites 3-14	24/9/18
08 Rev 2	1:500	PSD Site plan	1/11/18
09	1:500	PSD Site plan	10/7/18

And the following amended drawings submitted with the appellant's rebuttal:

Drawing No	Amendments to original drawings	Scale	Title
04	05 Rev1	1:100	Floor plans & elevations House Type C Sites 15-29
05	06Rev2	1:100	Landscape site plan
08	07Rev1	1:500	Drainage site plan

**COMMISSIONER BRIGID McGLINCHEY**

**List of Documents**

Planning Authority:-

- C1 Statement of case + Appendices
- C2 Rebuttal

Appellant:-

- A1 Statement of case + Appendices
- A2 Rebuttal + Appendices



# Appeal Decision

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<b>Appeal Reference:</b>	2018/A0130
<b>Appeal by:</b>	Mr Niall Black
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Farm dwelling and garage
<b>Location:</b>	Approximately 150m SE of No.28 Ferryhill Road, Killean
<b>Planning Authority:</b>	Newry, Mourne & Down District Council
<b>Application Reference:</b>	P/2015/0200/F
<b>Procedure:</b>	Written representations and accompanied site visit on 21 March 2019
<b>Decision by:</b>	Commissioner Brigid McGlinchey, dated 8 May 2019

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Notwithstanding the appellant's evidence that the subject planning application had historically been presented to the Council in March 2016 with a recommendation to approve, the decision notice to refuse represents the Council's final position. Whilst I note the appellant's concerns regarding the progress of the planning application through operational protocols of the Council's Planning Committee, this is matter between the parties and does not fall to be addressed in this appeal.

## Reasons

3. The key issues in determining this appeal is whether the proposed development:
  - is acceptable in principle in the countryside;
  - would create ribbon development;
  - would be able to integrate into the surrounding landscape;
  - would result in a detrimental change to the rural character.
4. Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. BNMAP identifies the site as being located within the Ring of Gullion Area of Outstanding Natural Beauty. The plan however identifies this designation for information purposes only. The site is located outside any settlement development limit and within the countryside in BNMAP. The plan however has no material policies for dealing with dwellings in the countryside.
5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and appeals. It retains policy for the



countryside within existing planning policy documents until a new plan strategy for the Council area has been adopted. Paragraph 3.8 of the SPPS 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 other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Accordingly, the operational requirements of the policies contained in PPS21 are material to the assessment of this appeal.

6. 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. One of these is a dwelling on a farm in accordance with Policy CTY10 which permits a dwelling house on a farm where all of three specified criteria can be met. The Council considers that the first two of these criteria, (a) and (b), are satisfied. Its concern relates to criterion (c) which requires that the new building be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The Council also argued that the proposal would be contrary to Policies CTY8, CTY13 and CTY14 of PPS21.
7. The appeal site encapsulates a number of fields including one that abuts the Ferryhill Road. These fields form part of the farm holding and business registered in the name of Eugene and Leo Black with an address at No.28 Ferryhill Road. The evidence points that Eugene Black is the father of the appellant. The assessment under criterion (c) is made on the basis of the farm business and there is no requirement for the appellant to be involved in it. The appeal site is located on the opposite side of the road from where the farm business is registered. The proposed buildings are to be positioned in the roadside field within which there are two buildings. Notwithstanding that the larger building is excluded on the farm map, it falls within the field as demarcated on the ground, it is used for housing animals and I am satisfied that it forms part of the farm business.
8. Neither of the buildings have been constructed with the benefit of planning permission. However, there was no dispute between the parties that the large shed set back from the road was immune from enforcement action. In this evidential context, I shall proceed on this basis. The smaller building closest to the road is currently the subject of an undetermined planning application (LA07/2018/1284/F) for 'Retention of replacement agricultural building'. Albeit that the building is 75m away from neighbouring dwellings not on the holding, this does not infer that the building is lawful. The appellant stated that the shed was a replacement for a former stone building that was positioned in an approximate similar location as indicated on the submitted historic photograph. He also stated that it has a larger footprint and a higher ridge height than the original building. Notwithstanding the obvious delay on the part of the Council in processing the subject planning application which was submitted on 22 August 2018, I note that that it was submitted almost two months after the planning application subject of this current appeal was refused on 27 June 2018. Mindful that the appeal application was originally submitted to the planning authority in March 2015, I consider that the appellant has had ample time to regularise the development of the smaller shed on the site. Given its current unauthorised status, it is not established and therefore I cannot take it into account in my assessment.
9. Criterion (c) operates with a presumption that a proposed dwelling is sited with a group of buildings and not a building (*my emphasis*). In the evidential context of this

- case, there is only one such building within the appeal site that the proposed dwelling could visually link and cluster with. This would not satisfy the requirements of criterion (c).
10. The appellant referred to the other buildings on the holding located at the registered address of No.28 Ferryhill Road. These consist of the farm dwelling and attached farm building set back approximately 65m from the other side of Ferryhill Road and accessed by a laneway. He argues that the farm grouping at this location spans across the Ferryhill Road and the proposed buildings would thus cluster with this existing group of buildings on the farm holding. Whilst this physical arrangement may be representative of scattered farmyards depicted in the 'Design Guide for Rural NI', this document does not formulate policy for new farm dwellings in the countryside. Paragraph 5.41 of the amplification of the relevant Policy CTY10 of PPS21 advises that a proposed new dwelling on a farm 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. Given the detached arrangement either side of the Ferryhill Road, the visual separation between a dwelling on the appeal site and the farm buildings on the opposite side would be readily apparent when travelling in either direction along the road. The proposed dwelling would not read as an integral part of the established buildings at 28 Ferryhill Road but rather as a separate entity on the other side of the road.
  11. Policy CTY10 permits alternative sites away from the farm grouping 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. The farm maps shows that there are potential sites at the established group of buildings at the registered address of the holding. As neither of the two noted circumstances for alternative sites away from the farm grouping under the policy was advanced, the exception clause does not apply. I find that the proposal fails to comply with the requirements of criterion (c) and thus does not represent a development that is acceptable in principle in the countryside under Policy CTY10. Albeit that the existing farm dwelling and outbuilding are located above the level of the road, I am not persuaded that the appeal site represents the most appropriate location for the new dwelling on the farm. There is no evidence to suggest that the proposal falls into any of the other types of development that are listed as acceptable in principle in the countryside in Policy CTY1 of PPS21. There are no other overriding policy or material considerations that would outweigh the policy provisions of CTY1. I conclude that the planning authority's first reason for refusal under Policies CTY1 and CTY10 has been sustained.
  12. Policy CTY8 of PPS21 says that planning permission will be refused for a building which creates or adds to a ribbon. Paragraph 5.33 of the amplification test of PPS8 states that a 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. Two dwellings are located to the northeast of the appeal site. The proposed dwelling on the appeal site would have a strong visual connection with the nearest dwelling when approaching the site from the southwest. Travelling in either direction along the Ferryhill Road, there would be a transient awareness of the proposed buildings on the appeal site with this and the other dwelling to the northeast. This would create a ribbon of development, which would be detrimental to the countryside's character, appearance and amenity. The Council has sustained its second reason for refusal.

13. The Council considered that the proposal would not satisfy the requirements of criteria (a), (b), (c) and (g) of Policy CTY13 of PPS 21. Though the appeal site extends back and encapsulates a number of fields, the proposed buildings are confined to the roadside field. A low stone wall with post and wire fence defines the roadside boundary of the field whilst an intermittent post and wire fence demarcates the southern and eastern boundaries. The other boundary is undefined. Whilst the development site slopes gently from the road and the rising landform in the distance would provide some backdrop, the site could not provide a sufficient degree of enclosure for the proposed dwelling and garage. Though the proposed planting would define the curtilage of the buildings, this would take time to establish and mature in order to provide any suitable degree of enclosure or screening. From the south-western extent of the Council's critical view established on the day of the site visit, the buildings would be poorly integrated and prominent due to the lack of enclosure. The proposal would not blend sympathetically with the landscape and would have a detrimental impact on the visual amenity of the area. The proposed buildings would also fail to read with an established group of buildings on a farm as set out above. Albeit that the existing farm dwelling and outbuilding are located above the level of the road, I am not persuaded that the proposal on the appeal site would have less impact on the landscape than a dwelling sited closer to those farm buildings.
14. The appellant referred to four other dwellings in the immediate vicinity which he considered to have site specific circumstances to the appeal in terms of integration. However, the full details of the planning history of these dwellings are not before me and each case has to be assessed on its own merits and within its own context in order that it complies with the policy requirements. In this case, I find that the appeal site lacks the necessary attributes to satisfy the integration requirements of Policy CTY13 and accordingly, the Council has sustained its third reason for refusal.
15. With regard to Policy CTY14 of PPS 21, the Council considered the proposal to be at odds with criteria (a), (b) and (d). For reasons already set out, the proposed buildings would be prominent in the landscape and would create a ribbon of development contrary to criteria (a) and (d). The area is characterised by roadside dwellings and farm houses and outbuildings up laneways. Despite the number of buildings the area remains predominantly rural in character. Seen in the cumulative context of the other existing development, a dwelling on the appeal site would add to the awareness of build up in the area and extend the built form to the southeast. It would result in a suburban style of build-up and erode the area's rural character contrary to criterion (b). The Council has sustained its fourth reason for refusal.
17. All four of the Council's reasons for refusal are sustained and the appeal therefore fails.

This decision is based on the following drawings:-

- 01Rev3 1:2500 scale Site location map & 1:500 scale Proposed site layout;
- 02Rev1 1:100 scale Floor plans and elevations

**COMMISSIONER BRIGID McGLINCHEY**

**List of Appearances**

Planning Authority:-	G Murtagh
Appellant:-	S Hughes, ERES Ltd N Black

**List of Documents**

Planning Authority:-	C1	Statement of case + Appendix
Appellant:-	A1	Statement of case + Appendices
	A2	Rebuttal + Appendices

