



August 24th, 2018

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 29th August 2018** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

Agenda

1.0 Apologies

2.0 Declarations of Interest

3.0 Declarations of Interest in relation to Paragraph 19 of Planning Operating Protocol - Members to be present for the entire item

- **Item 6** – LA07/2017/0821/0 – Mr C Kane – Magherahamlet Road, Ballynahinch – Councillor Clarke and Councillor Casey were not in attendance for the first presentation on 7 February 2018
- **Item 15** – LA07/2017/1721/F – Millvale Services – Councillors Larkin and Harte were not in attendance for the first presentation on 9 May 2018
- **Item 16** – LA07/2018/0398/0 – Shea McAnulty – Cons Lane, Newry – Councillors Larkin and Harte were not in attendance for the first presentation on 6 June 2018

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on 1 August 2018. (Attached)

 *Planning Committee Minutes - 1 August 2018.docx*

Page 1

For Discussion/Decision

5.0 Addendum List - Planning applications with no requests for speaking rights / written submissions.

 *Addendum list - 29-08-2018.pdf*


Page 12

Development Management - Planning Applications for determination

6.0 LA07/2017/0821/O - Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneywabane, Ballynahinch. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-0821-O Mr C Kane.pdf*

Page 13

 *Item 6 - submission of support (C Kane).pdf*

Page 24

7.0 LA07/2017/1704/O - Ms Clair Ferris - Proposed 2 no. dwellings on in-fill site under Policy CTY8 - Between 16 & 20 Lough Road, Crossgar. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-1704-O Clair Ferris.pdf* *Page 33*


 *Item 7 - submission of support (C Ferris).pdf* *Page 39*

8.0 LA07/2018/0220/F - Mr & Mrs H Coulter - Proposed 2 no. infill dwellings, detached garages and site works - 50m SE of 7 Old Saintfield Road, Creevyarnon, Crossgar. (Case Officer report attached)

Rec: REFUSAL

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


 *LA07-2018-0220-F Mr and Mrs H Coulter.pdf* *Page 42*

 *Item 8 - submission of support (Mr & Mrs Coulter).pdf* *Page 52*

9.0 LA07/2018/0246/O - Mr Michael McConvey - Proposed dwelling and garage on a farm - Opposite 45 Sheepland Road, Ardglass. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2018-0246-O Michael McConville.pdf* *Page 55*


 *Item 9 - submission of support (M McConvey).pdf* *Page 61*

10.0 LA07/2018/0348/F - Mr Mark McNally - Proposed dwelling and double garage - Site between 66 & 68 The Craig Road, Downpatrick. (Case Officer report attached)

Rec: REFUSAL

- This application has been withdrawn from the planning process by the agent in an

email dated 22 August 2018.

 *LA07-2018-0348-F Mark McNally.pdf*

Page 65

11.0 LA07/2018/0360/O - Forest Park Developments - Infill dwelling - Immediately NW of 4 Sawmill Road, Castlewellan. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2018-0360-O Forest Park Developments.pdf*

Page 74

 *Item 11 - submission of support (Forest Park Developments).pdf*

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12.0 LA07/2018/0401/O - Mr & Mrs Colm Cunningham - Proposed site for infill dwelling and domestic garage (amended address) - 60m South of No. 24 School Road, Ballymartin, Kilkeel. (Case Officer report attached)

Rec: REFUSAL

- Councillor Hanna has requested that this application be removed from the schedule for full presentation at the next Committee Meeting.

 *LA07-2018-0401-O Mr and Mrs Colm Cunningham.pdf*

Page 94

13.0 LA07/2017/0449/F - Mr Tony Cunningham - Proposed 2 No. Dwellings (further amendments since previous letter of 30 April 2018) - Vacant ground between Dromore Heights and Cloughmore View and East of No. 4 Dromore Heights, Upper Dromore Road, Warrenpoint. (Case Officer report attached)

Rec: REFUSAL

- Councillor McAteer has requested that this application be removed from the schedule for full presentation at the next Committee Meeting.


 *LA07-2017-0449-F Tony Cunningham.pdf*

Page 101

14.0 LA07/2017/0603/O - Christopher Smith - Proposed 2 storey dwelling - Site adjacent to No. 1 John Mitchel Street, Newry. (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2017-0603-O Christopher Smith.pdf*

Page 112

 *Item 14 - submission of support (C Smith).pdf*

Page 120

15.0 LA07/2017/1721/F - Millvale Services - Proposed parking for neighbouring Millvale Service Station - 147m SE of 21 Millvale Road, Bessbrook. (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Jimmy McAdam, agent; Douglas Black (Lisbane Consulting Traffic Engineers) and Puala Morrow-McDermott (applicant) in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor D Taylor in support of the application. **(Submission attached)**.

 *LA07-2017-1721-F Millvale Services.pdf*

Page 121

 *Item 15 - submission of support (Millvale).pdf*

Page 127

 *Item 15 - support from Cllr. Taylor (Millvale).pdf*


Page 138

16.0 LA07/2018/0398/O - Mr Shea McAnulty - Proposed new dwelling and detached garage - Lands between No. 5 and No. 5A Cons Lane, Newry. (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Damian Morris, agent, in support of the application. **(Submission forwarded under separate cover)**.

NB This item is deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business

 *LA07-2018-0398-O Shea McAnulty.pdf*

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17.0 LA07/2018/0536/F - Casey Supermarket Ltd. - Proposed change of use from B4 class units to provide 4 No. 2 bedroom apartments along with ancillary and associated works - 8 Newry Road, Crossmaglen. (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from John Harkiness, Architect, Milligan, Reside, Larkin ; the client or his representative and Brendan Starkey, Planning Consultant. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor T Hearty, in support of the application. **(Submission attached)**.

LA07-2018-0536-F Caseys Supermarket.pdf	Page 146
Item 17 - submission of support (Casey).pdf	Page 157
Item 17 - support from Cllr. Hearty (Casey).pdf	Page 158

18.0 LA07/2018/0693/F - Newry, Mourne & Down Council - New community centre and extended car park - Land approximately 11m NE of 11 Kittys Road, Kilkeel. (Case Officer report attached)

Rec: APPROVAL

- Addendum list

LA07-2018-0693-F NMDDC.pdf	Page 159
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For Noting

19.0 Historic Tracking Sheet. (Attached)

Planning HISTORIC TRACKING SHEET - UPDATED 01.08.2018.docx	Page 165
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20.0 July 2018 Planning Committee Performance Report. (Attached)

JULY 2018 Planning Committee Performance Report.pdf	Page 172
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21.0 Record of Meetings between Planning Officers and Public Representatives. (Attached)

Record of Meetings Report.pdf	Page 177
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22.0 July 2018 Appeals and Decisions. (Attached)

Appeals and Decisions.pdf	Page 178
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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 1 August 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor D McAteer

In attendance:

(Committee Members)

Councillor C Casey
 Councillor W Clarke
 Councillor G Craig
 Councillor L Devlin
 Councillor G Hanna
 Councillor J Macauley (10.00am - 11.55am)
 Councillor M Murnin

(Officials)

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

P/067/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Harte, Loughran and Ruane.

P/068/2018: DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

P/069/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 - MEMBER TO BE PRESENT FOR ENTIRE ITEM

- **Item No. 11 - LA07/2015/1219/F - Malachy Burns - erection of dwelling and garage on a farm - Kilmonaghan Road, Armagh - Councillor Harte was not in attendance for the first presentation on 1 March 2017 and cannot therefore take part in the discussion/decision on this application.**

MINUTES FOR CONFIRMATION

P/070/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 4 JULY 2018

Read: Minutes of Planning Committee Meeting held on Wednesday 4 July 2018. **(Copy circulated)**

AGREED: **On the proposal of Councillor Clarke, seconded by Councillor Murnin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 4 July 2018 as a true and accurate record.**

FOR DISCUSSION/DECISION**P/071/2018: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights - Wednesday 1 August 2018. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Craig it was agreed to approve the Officer recommendation in respect of the following Applications listed on the Addendum List for Wednesday 1 August 2018:-**

- **Item 8 - LA07/2018/0190/RM** - Mrs Josephine Watson - Dwelling and garage on a farm - Adjacent to 57 Tullyree Road, Kilcoo. **REFUSAL**
- **Item 10 - LA07/2018/0841/F** - Newry, Moume and Down Council - Proposed play park - 35m West of No. 4 Old Road, Mayobridge. **APPROVAL**
- **Item 12 - LA07/2017/0501/0** - Ms Jacqueline Magee - Proposed dwelling on a farm - Land adjacent to and East of 15 Commons Hall Road, Newry. **REFUSAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**P/072/2018: PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were determined by the Committee:-

(1) LA07/2017/1261/0 - Mr Thomas Mageean**Location:**

Site abutting 20 Junction Road, Saintfield

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sheila Curtin, Agent, presented in support of the application detailing and expanding upon her written submission that had been circulated to Committee Members.

Ms A McAlarney, Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; an aerial view of the site and photographs from various critical views of the site. She advised that the registered owner of the farm business was Mr B Mageean; the application site was on land owned by the applicant Mr T Mageean and that Mr T Mageean let his land to his brother, the farmer. Their concern was that the applicant's name had now been added to the farm business in order to achieve planning approval.

Discussion took place and it was agreed this was a very unique situation which would require careful consideration in that although the Applicant Mr T Mageean was the owner of the land on which the proposed dwelling was to be built, he had only recently been added as a registered member of the farm business, which previously was in the sole name of his brother Mr B Mageean.

Mr McKay stated that the issue of concern was not land ownership but rather the fact that Mr T Mageean's name had recently been added to the farm business. All other policy requirements remained the same i.e that the dwelling needed to be visually linked to and cluster with buildings on the farm and Mr Thomas Mageean's buildings did not cluster and were not part of the farm complex. Therefore fundamentally the planning issues had not changed.

Ms Coll, when asked for legal advice, said this was a very unusual case and that it would be prudent to take time to consider the legal implications of this application before giving advice.

AGREED: On the proposal of Councillor Clarke, seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/1261/O to allow sufficient time for Ms Coll to explore the legal implications before giving advice to the Committee.

(2) LA07/2017/1625/F - Diane Coulter

Location:

Adjacent to 77 Leestone Road, Kilkeel

Proposal:

Self-Catering accommodation comprising 8 self-catering units, open space and car parking

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Diane Coulter, Agent, in support of the application.

Mr McKay advised that although this application had appeared on the Agenda, Planning officials had decided to withdraw it in order to discuss with the applicant the need for reports to be submitted from various consultees so that full consideration could be given when assessing the application.

AGREED: On the proposal of Councillor Casey seconded by Councillor Murnin it was agreed to remove this Planning Application from the Agenda.

(3) LA07/2017/1558/0 - Mr P McCormack

Location:

275m North of no. 35 Tobercorran Road, Downpatrick

Proposal:

Farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Kieran Gilmore, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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

In response to an enquiry from Councillor Clarke as to whether the Applicant had considered alternative sites that would be more acceptable in planning terms, the Agent replied there was a potential site located beside a number of single dwellings and farm holdings, however, the Applicant did not want to consider this as an option as he would need this site should he decide to further develop the farmyard. They had also considered applying for a replacement dwelling but Planners had said that the old dwelling was a venicular dwelling and could not be knocked down. Any re-design would mean a lot of work and expense for his client.

Councillor Craig proposed and Councillor Hanna seconded to accept the officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/1558/O.

AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2017/1558/0 as per the information and recommendation contained in the Case Officer report presented to Committee and on the basis that the proposed site is across the road from existing buildings and there would be other more suitable sites available.

(Break 11.25am - 11.35am)

(4) LA07/2018/0480/F - Parish of Saul & Ballee

Location:

Adjacent to No. 10 S Patrick's Road, Saul, Downpatrick

Proposal:

Retention of Pastor Centre/Hall

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Michael Bailie, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Speaking rights:

DEA Councillor Gareth Sharvin in support of the application.

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

Councillor Sharvin stated that the photographs presented by the Senior Planning Officer should not be considered as they were taken from the side of the Church as opposed to the front and were therefore not a true reflection of the visual impact the pastoral centre / hall had on the listed building Church. He said that to remove the pastoral centre would have a detrimental effect to parishioners.

Councillor Devlin asked if the Historic Environment Division, Historic Buildings (HED:HB) had been opposed to the retention of the hall. Ms McAlarney replied that the HED:HB had advised that should the Council be minded to permit the retention of the hall, HED:HB would request that the condition of a two year time limit was repeated in order that a more appropriate long term solution could be considered.

Councillor Craig said whilst he understood the valuable asset the pastoral centre was to the area, policy must be adhered to and he would want to see a long term solution put in place. Councillor Clarke agreed with this.

Councillor Clarke proposed and Councillor Murnin seconded to grant a two year extension as outlined in the HED:HB report, but they stipulated that discussions should take place as soon as possible between Planning officials, HED:HB and the Applicant to ensure a more appropriate long term solution was agreed.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0480/F on the following conditions:

- **A two year time limit be imposed and discussions take place as soon as possible between Planning officials, HED:HB and the Applicant to agree a long term solution.**
- **It was also agreed Planning Officers be granted authority to delegate any relevant conditions.**

(5) LA07/2015/1219/F - Malachy Burns**Location:**

Lands adjacent and 40m SE of No. 39 Kilmonaghan Road, Armagh

Proposal:

Erection of dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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

Councillor Craig asked for clarification on Refusal Reason No.1 and said if the Applicant had provided evidence that no sites or development opportunities had been sold off from the farm holding within ten years of the date of the application, then this part of Policy CTY10 had been met, Mr Davidson agreed the Applicant had met this part of the policy and this therefore was not a reason for refusal.

Mr Davidson said DAERA had confirmed that the farm business had been set up in 2015 and that regardless of receipts and con acre agreements submitted by the Applicant for dates prior to July 2015, the application failed Part A of Policy CTY10 in that the farm had not been active and established for the requisite six years.

Mr Hughes said the farm business had been active prior to 2015 and that the policy only required the business must be active, it did not stipulate that a business ID number must be provided.

Councillor Larkin asked Ms Coll for legal advice on this. Ms Coll replied that legal opinion stated that a business ID number was required and evidence that the farm business had been established and active for six years.

Councillor Macauley proposed and Councillor Craig seconded to accept the officer's recommendation to issue a refusal in respect of Planning Application LA07/2015/1219/F

AGREED: On the proposal of Councillor Macauley seconded by Councillor Craig it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2015/1219/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(11.55 pm - Councillor Macauley left the meeting)

(6) LA07/2017/0699/0 - Brian & Laura Fealy

Location:

130m West of No. 21 Kilkeel Road, Hilltown

Proposal:

Proposed dwelling and detached garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Karl Sherry, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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

Councillor Casey referred to the only building on the holding, and asked when it had been built. Ms McParland replied that she could not provide an exact date, however she said it was not visible in overheads in 2008/9 but it was visible in 2014. She continued saying that the building did not appear to have planning approval and it would not qualify under permitted development as this would require it to be located within 75m of another building on the farm which was not the case.

Ms McParland said the documentary evidence submitted to prove active farming over the required six years was unacceptable in that there were only complete records for 2016/17 and that although there was evidence there was a farm business ID for the required six years, both of these elements would have to be in place to satisfy the Policy.

Mr Sherry said he had provided all the information that had been requested of him and he could provide any additional information as required.

Councillor Murnin asked if the building on the holding would be regarded as one or two buildings, given it was subdivided into two separate areas.

Ms McParland replied that a single subdivided building would be regarded as one unit.

Councillor Murnin proposed and Councillor Hanna seconded to accept the officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/0699/O on the basis that there was only one building on the holding and this was contrary to planning policy.

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

For: 7
Against: 1
Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning

Application LA07/2017/0699/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(7) LA07/2017/1198/0 - Terence Murphy

Location:

Opposite & immediately South of No. 40 Hall Road, Lislea, Newry

Proposal:

Farm domestic dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Terence Murphy, Applicant and John Young, Collins & Collins, Agents, presented in support of the application detailing and expanding upon the written submission that had been circulated to Committee Members.

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

Mr Young, Agent said the only reason Planning officials had given for refusal was that it had not been demonstrated the farm business was currently active, however he continued, saying it was a long established farm currently with 41 sheep, although lambing yields in previous years had not been very productive.

When asked if he could provide an up to date farm map, Mr Young replied that the applicant was not eligible to claim the Single Farm Supplement payment as the extent of his farm was .39 of one hectare short of the required size to be in receipt of the Single Farm supplement and consequently he was not in possession of an up to date farm map.

Mr Davidson said on a recent site visit to the farm, there were no visible signs of active farming. Mr Young advised that the Applicant has mountain grazing rights and therefore this would have been a plausible reason for Mr Davidson to assume there was no farm activity.

Discussion took place regarding the evidence that had been submitted. Mr McKay said the recommendation for refusal had been based on the evidence that had been submitted and the late information that had been received by Democratic Services within the last week had not been considered. He did, however, recognise that the level of farming activity could fluctuate from year to year.

In reference to obtaining evidence of accounts from a farm shop that the Applicant had previously been in possession of, Mr Young replied that it might be difficult to get suitable invoices as proof of farming activity.

Mr Davidson referred to two buildings on the site that did not appear to have any planning permission and said clarification would need to be sought as to the ownership of these buildings.

Councillor Hanna proposed and Councillor Craig seconded to accept the officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/1198/O.

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

For: 7
Against: 1
Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to issue a refusal in respect of Planning Application LA07/2017/1198/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(8) LA07/2017/1326/F - P Morgan

Location:

30m South of 28 Bog Road, Kilcoo, Newry

Proposal:

Dwelling and garage on a farm

Conclusion:

Refusal

Speaking rights:

Ewart Davis, Agent and Ryan Morgan, Applicant's son presented in support of the application detailing and expanding upon the written submission that had been circulated to Committee Members.

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

Councillor Larkin referred to the late information regarding the proposed re-siting of the dwelling and garage and said that as Planning officials had not had time to consider this information he suggested that Planning Application LA07/2017/1326/F be deferred to allow Planning officials time to consider the revised information.

Councillor Hanna stated that consistency was important for all applications and that the deadline for receipt of all information was three weeks and as a Committee this deadline should be adhered to for all applications.

Mr McKay agreed with Councillor Hanna that consistency was needed and that planning protocol should be fully understood by all parties.

Councillor Clarke said he believed there was consistency and in this instance there was a misunderstanding in that the Agent believed the appropriate information had been submitted.

Councillor Larkin proposed and Councillor Clarke seconded to defer Planning Application LA07/2017/1326/F to allow time for the Planning officials to consider the late information that detailed the proposed re-siting and design of the dwelling and garage.

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

For: 6
Against: 2
Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2017/1326/F to allow time for Planning officials to consider the late information that detailed the proposed re-siting and design of the dwelling and garage.

(9) LA07/2017/1494/0 - John Murnion

Location:

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

Proposal:

Proposed one and a half storey dwelling and detached domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Cormac McKay, Agent, and Teresa Murnion, applicant's mother, presented in support of the application detailing and expanding upon the written submission that had been circulated to Committee Members, outlining why they believed the proposed site was the only suitable one on their land and stating that they did not own the land necessary to provide proper sight lines at the home farm at 72 Kilkeel Road, Hilltown.

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

Councillor Devlin asked if the access issues at 72 Kilkeel Road, Hilltown as outlined in the report had been considered. Ms McAlarney replied that 72 Kilkeel Road was not the subject of the application, and Transport NI had not therefore been consulted on it. She confirmed that Planners did not have any information from the agent confirming that there was even a requirement for sight lines for any proposed dwelling at 72 Kilkeel Road.

Councillor Murnin proposed and Councillor Clarke seconded to defer Planning Application LA07/2017/1494/O to allow Planning officials time to investigate the application again and to look at sight lines at 72 Kilkeel Road, Hilltown.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was unanimously agreed to defer Planning Application LA07/2017/1494/O to allow Planning officials time to investigate the application again and to look at sight lines at 72 Kilkeel Road, Hilltown.

FOR NOTING

P/073/2018: **HISTORIC ACTION SHEET**

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

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

The Meeting concluded at 1.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 29 August 2018.

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 29 August 2018

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

- **Item 18 - LA07/2018/0693/F - Newry, Mourne & Down Council - New community centre and extended car park - Land approximately 11m NE of 11 Kittys Road, Kilkeel. APPROVAL**

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

ITEM NO 3
APPLIC NO LA07/2017/0821/O
COUNCIL OPINION REFUSAL
APPLICANT Mr C Kane 101 Ballymacarn Road Ballynahinch BT24 8JS
AGENT Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA
 DATE VALID 30/05/2017
 028 9756 1488

LOCATION 123 Magherahamlet Road Moneynabane Ballynahinch Co Down BT25 2JS to location adjacent and east of 196 Dundrum Road Moneynabane Dromara BT25 2JX

PROPOSAL Proposed off site replacement dwelling and garage

REPRESENTATIONS	SUP		OBJ Petitions		SUP Petitions	
	Letters	Letters	Addresses	Signatures	Addresses	Signatures
	0	0	0	0	0	0

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
 - the proposed building relies primarily on the use of new landscaping for integration





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0821/O
Date Received: 26.05.2017
Proposal: Proposed off site replacement dwelling and garage
Location: 123 Magherahamlet Road Money nabane Ballynahinch

Reconsideration following Deferment

The application has been reconsidered following deferral of application from Planning Committee of 7 February 2018.

Extract from Planning Committee Minutes read

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2017/0821/O to allow the Applicant time to submit additional evidence to support the current location of the proposed site and for Planning Officers and the Applicant to explore alternative locations and if the application continued to be a refusal it be brought back to Committee.

Meeting held with Agent and Senior Planning Officer on 30 March 2018 in line with above.

Agent submitted supporting statement at the meeting to include

- DoE advice dated 2012 on the implementation of PPS21 CTY12 (Advice is no longer valid)
- DAERA Biosecurity Code for NI Farms Annex 6
- Health and Safety Assessment from by Terence Chambers an Agriculture Health and Safety Adviser.

- **Proof of Planned Expansion**

DoE advice is no longer valid or relevant.

The Bio Security Code for NI refers to safety on Poultry farms and refers to the separation of the poultry unit from other farm activity. This has no relevance to residential properties on poultry units.

The Health and Safety report refers to good practice on Poultry Farms and refers to Biosecurity with limited access to vehicles and persons on the unit. The HSE expert advises against locating a family dwelling close to the yard.

The proof of the planned expansion, Composite map produced by the agent showing Stage 2 Expansion indicating a further 2 poultry units to the west of the existing poultry units in the adjacent field.

Included is also an internet printout for the advertisement of a draft permit in relation to an Pollution Prevention Control (Industrial Emission) Regs (NI) 2013 for 123 Magherahamlet Road.

Notice refers to Company name Colin and Nathan Kane (Moy Park Contractor) dated 12/03/2018.

This evidence does not clearly demonstrate verifiable plans for expansion of the Poultry Unit.

Further supporting information was submitted on the 21 May 2018 by the agent in the form of a letter from Irwin Carr Consulting in relation to odour modelling at the existing Poultry Units at Magherahamlet Road.

The letter states that's its purpose is to compare the potential odour impact from the poultry Houses with that at a nearby site adjacent to 196 Dundrum Road.(application site).

Results based on predicted odour impacts for 2012 - 2016. The accepted guideline level of 30uE/m³ is used as a threshold for determining impact.

The extract below indicates that the predicted odour level at 123 Magherhamlet falls just above the 30uE/m³ limit. The report states that predicted levels above this limit can be an indication of an adverse impact on residential amenity.

IRWIN CARR CONSULTING

Results

Two residential receptors in the vicinity of the approved sheds were included in the assessment, which are outlined below.

Table 5: Nearest Residential Properties

Location	Description	Co-ordinates	Approx. distance to nearest poultry shed (m)
1	123 Magherahamlet Road	033486 348887	25
2	Site & Adjacent to 106 Dundrum Road (Replacement Dwelling)	033252 348947	270

Odour modelling was carried out for each individual year with the results at the nearest sensitive locations presented in Table 6 below. All results are the odour concentration in ou/m^3 .

Table 6: 99th Percentile of the Max 1-hr odour levels at nearest residential properties

Year	Location 1	Location 2
2012	3.03	0.60
2013	3.21	0.64
2014	3.69	0.73
2015	3.16	0.58
2016	3.01	0.60
Average	3.31	0.65

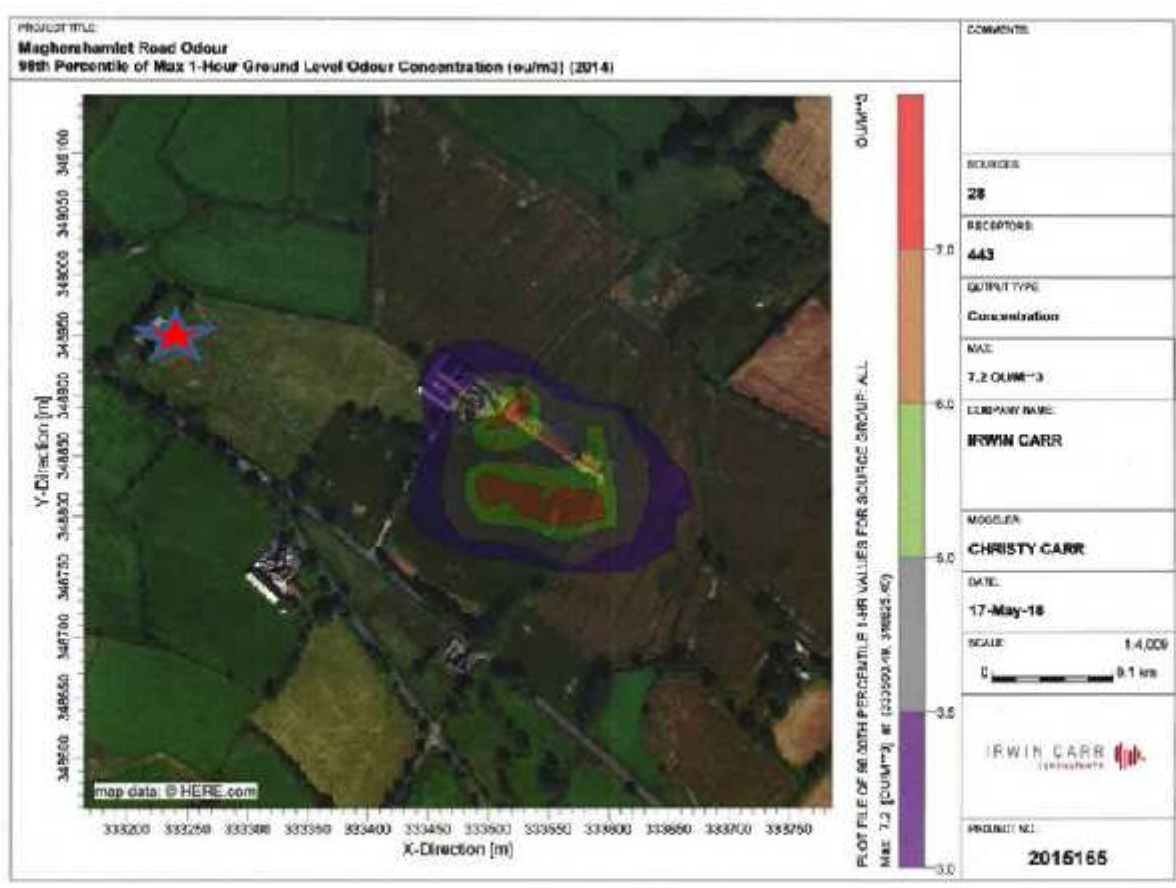
It can be seen from the Table above that the predicted odour levels at the existing dwelling (Location 1) are above the limit level of 3ou/m^3 when considered as individual years, and as a 5-year average of the 99th ou/m^3 . However, it can be seen that the predicted odour levels at the proposed dwelling (Location 2) are significantly less than the existing site, and below the limit level of 3ou/m^3 for all individual years, and when taken as a 5-year average.

Conclusion

3ou/m^3 is the accepted guideline level for making a judgement on the potential impact of residential amenity from odour at residential dwellings in the vicinity of livestock installations and predicted levels above this limit can be an indication of an adverse impact at residential receptors.

The results detailed above show the proposed off-site replacement dwelling, adjacent to 106 Dundrum Road, is expected to provide the residential amenity from the potential odour from the poultry sheds.

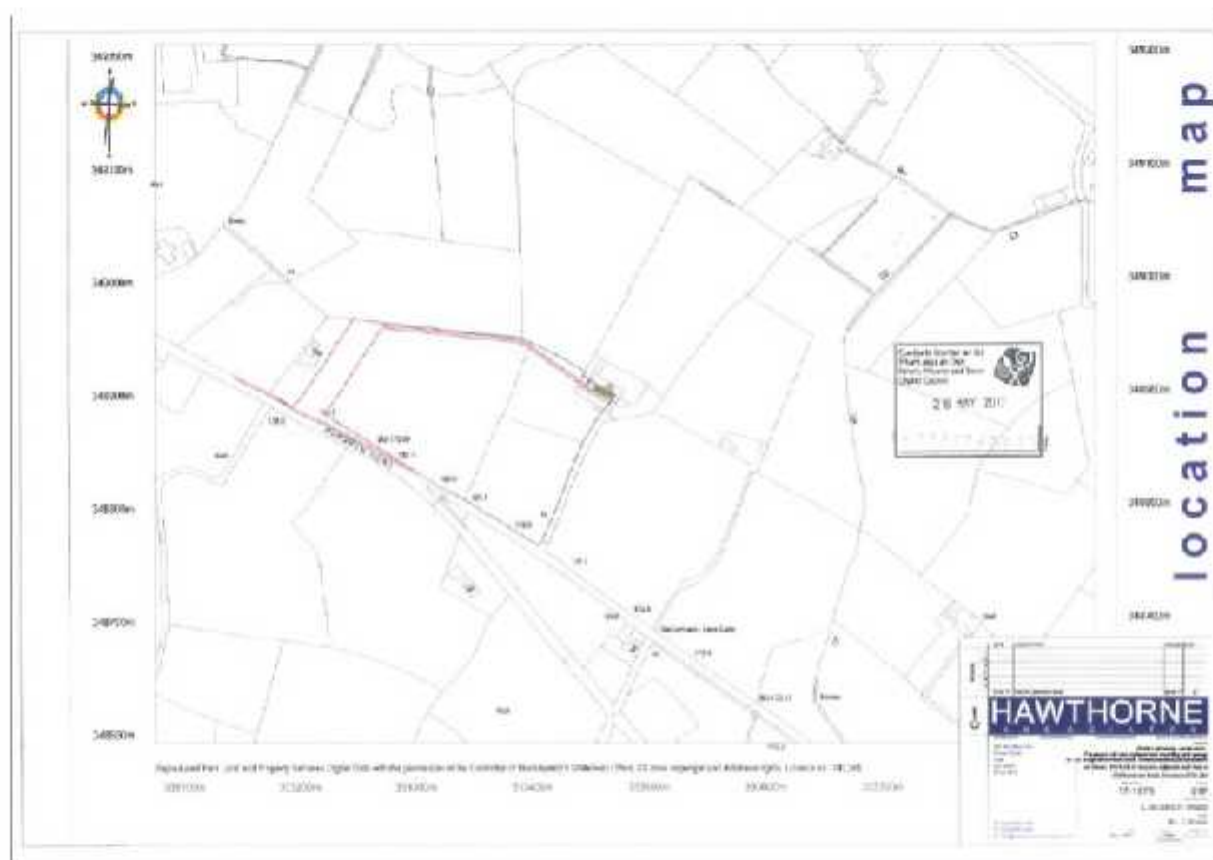
I hope that this information is of assistance. Should anything further be required, please do not hesitate to contact me.



The odour modelling map indicates in purple the areas exceeding the 30uE/m3 limit.

It is clear that there are areas outside the purple which could potentially accommodate a replacement dwelling. The agent has not suggested any alternative location for the replacement on the basis of the predicted odour modelling.

The Planning Office have at no time maintained that the replacement dwelling should be replaced insitu within the existing yard but that an offsite location could be identified which would be closer to the dwelling to be replaced and not be impacted by odour. The Planning Office remains of the opinion that the site proposed is not justified in terms of Odour Impact, Health and Safety or expansion plans.



The applicant has not shown any willingness to date to consider an alternative siting. Should he wish to open up such discussions any alternative siting would be subject to a separate planning application and cannot be determined under the current application given the constraints of the red line.

Recommendation to refuse remains and to be returned to Committee

Reasons for refusal

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the

existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
 - the proposed building relies primarily on the use of new landscaping for integration

Signed

.....



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0821/O

Date Received: 26th May 2017

Proposal: Proposed off-site replacement dwelling and garage

Location: Adjacent and east of 196 Dundrum Road, Dromara



Site Characteristics & Area Characteristics:

The site is comprised of a 0.29 hectare site which contains, within it a one and half storey dwelling and an existing agricultural field which is positioned approximately 200m from the location of the said dwelling.

The dwelling to be replaced is traditional in design and style and is currently located within an existing farm complex, within which there appears to be construction works underway for the erection of broiler houses.

The site within which the replacement dwelling is to be positioned is relatively flat and located slightly below road level. The site is defined at the roadside and along that boundary it shares with No 196 Dundrum Road with mature native species vegetation.

The site is located within the rural area, outside any settlement limit, as designated in the Ards and Down Area Plan 2015.

Site History:

Previous history on this site relates to the following

- LA07/2016/0699/F - Land at 123 Magherahamlet Road, Ballynahinch - Proposed 2no broiler poultry sheds with 4no feed bins, 2no gas tanks, office and changing building (to contain in total 74,000 broilers) – GRANTED 28.04.2017
- Q/2010/0042/F - Adjacent to 123 Magherahamlet Road, Ballynahinch - Erection of farm dwelling and garage – GRANTED 20.04.2010
- Q/2009/0328/O - 123 Magherahamlet Road, Dunbeg Upper, Ballynahinch - Site for replacement dwelling and garage – GRANTED 20.11.2009

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside Building on Tradition

Ards & Down 2015 – the site is located within the open countryside outside any defined settlement area.

Consultations:

- Transport NI – No objections
- NI Water - No objections
- NIEA: Water Management Unit – No objections, Standard Informatives apply

Objections & Representations

The following neighbouring properties were notified on 6th June 2017:

- 196 Dundrum Road, Dromara Road, Minerstown

The application was advertised in the local press on 14th June 2017.

There have been no representations received in relation to this application.

Consideration and Assessment:

The Ards and Down Area Plan 2015 (ADAP) is the local development plan for the proposal. The ADAP offers no policy or guidance in respect of the proposed development. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' and those of Planning Policy Statement 21- Sustainable Development in the Countryside (PPS21). PPS 21 remains applicable to the proposed development.

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

The proposal seeks full planning permission for a replacement dwelling, therefore Policy CTY 3 of PPS 21 is applicable which states that permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The dwelling as shown below complies satisfactorily with this aspect of the policy. A visual inspection shows internal divisions and the presence of a staircase.



In addition, proposals for a replacement dwelling are required to meet the following additional criteria;

- The replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

In assessment of this, the proposal seeks an off-site location, however, it is considered that the curtilage of the existing dwelling, which is defined by the agricultural buildings to the immediate north, south and west and the access lane to the immediate east, is sufficient in size to accommodate a modest dwelling. It is considered therefore that the proposal fails to comply with Criteria A.

The applicant, however, has provided a case for justification for the off site location on the grounds of Biosecurity given the recent approval of 2No broiler poultry sheds see LA07/2016/0699/F. It is noted from the approved drawings that the existing dwelling is shown retained on the plans, therefore, the presence of a dwelling was considered acceptable to the applicant during the processing of the poultry shed application and the justification provided regarding biosecurity and the possibility that the issuing of an IPPC permit would be jeopardised by the presence of a dwelling is not given determining weight. It is considered therefore that the proposal does not comply with Criteria B.

In addition, to the above, new dwellings are required to integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building. It is considered that a dwelling on the off-site location proposed would not integrate into the surrounding landscape due to the open, flat nature of the site, lack of mature vegetation to the east and the likelihood that the road frontage vegetation will be removed for visibility splays (2.4m x 70m).



The proposal is therefore considered to be unsatisfactory in that insufficient justification has been received to allow approval of an off-site replacement. In addition, a dwelling on the site proposed would lack integration and is therefore considered contrary to Policy CTY3 and 13.

Recommendation: REFUSAL

REASONS:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and
- the proposed building relies primarily on the use of new landscaping for integration.

Signed

Date

Signed

Date

Written Submission - as proposed narration 29th August 2018.

- The current reconsideration Case Office's report is contradictory as relevant Policy has been misinterpreted. Whereby in the first it is stated "the Planning Office have at no time maintained that the replacement dwelling should be replaced in situ within the existing yard but that an offsite location could be identified which would be closer to the dwelling to be replaced and not impacted by odour." Then progressing to **Concluding** as the 1st reason for refusal " **The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of PPS21 in that the proposed dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position would result in demonstrable landscape, heritage, access or amenity benefits**" not withstanding PAC Decision 2013/A0083 whereby the commission decreed that as the application was an exception under CTY 3 (a) and meets this part of the policy. Further stating given this I do not need to consider bullet CTY3 (b) which is the only conclusion that could be determined as Policy CTY3 does not require compliance to both bullets (a) and (b) as stated Policy extract below demonstrates, the emphases being on the punctuation and grammar delineating the divergence of the two bullet criteria.

"the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;"

- PAC Decision 2013/A0083 clearly overrules Council Planning's assertion that both bullet points must be adhered to.
- Policy permits off site replacement when the curtilage is so restricted a modest size dwelling cannot be accommodated thereon.

Mr C Kane

LA07/2017/0821/0

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- It is strongly refuted that it has not been clearly demonstrated to Council that there are verifiable plans for the expansion of the Poultry Units despite the numerous document and plan submissions made to Council [(by the time of this recital Council will be in receipt of a 'Proposal of Application Notice' (PAN) for the Proposed additional Moy Park Poultry Sheds.) Documents confirm.

CLYDE SHANKS

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 T +44 (0)1234 5678
 E info@clydeshanks.com
 clydeshanks.com

Newry, Mourne and Down District Council
Local Planning Office
Downshire Clerk Centre
Ardglass Road
BT18 6GQ

BY E-MAIL

22 August 2018 Our Ref: MOY000

gavinmcg@clydeshanks.com

Dear Sirs,

PROPOSED 2NO. ADDITIONAL BROILER POULTRY HOUSES AT LANDS AT 123 MAGHERAMHLET ROAD, BALLYNAHINCH, BT24 8LA

We write to inform you that we are currently preparing a Proposal of Application Notice for the abovementioned proposal on behalf of Mr. Colin Kane which we intend to submit to the Council before the close of week commencing 20 August 2018.

This follows the grant of permission LA07/2016/C699/F for the 2no. now operational poultry houses on the wider site.

Should you require any further information and/or clarification on any aspect of the above, please do not hesitate to contact this office.

Yours Sincerely,



Gavin McGill
Senior Planner

Exc.

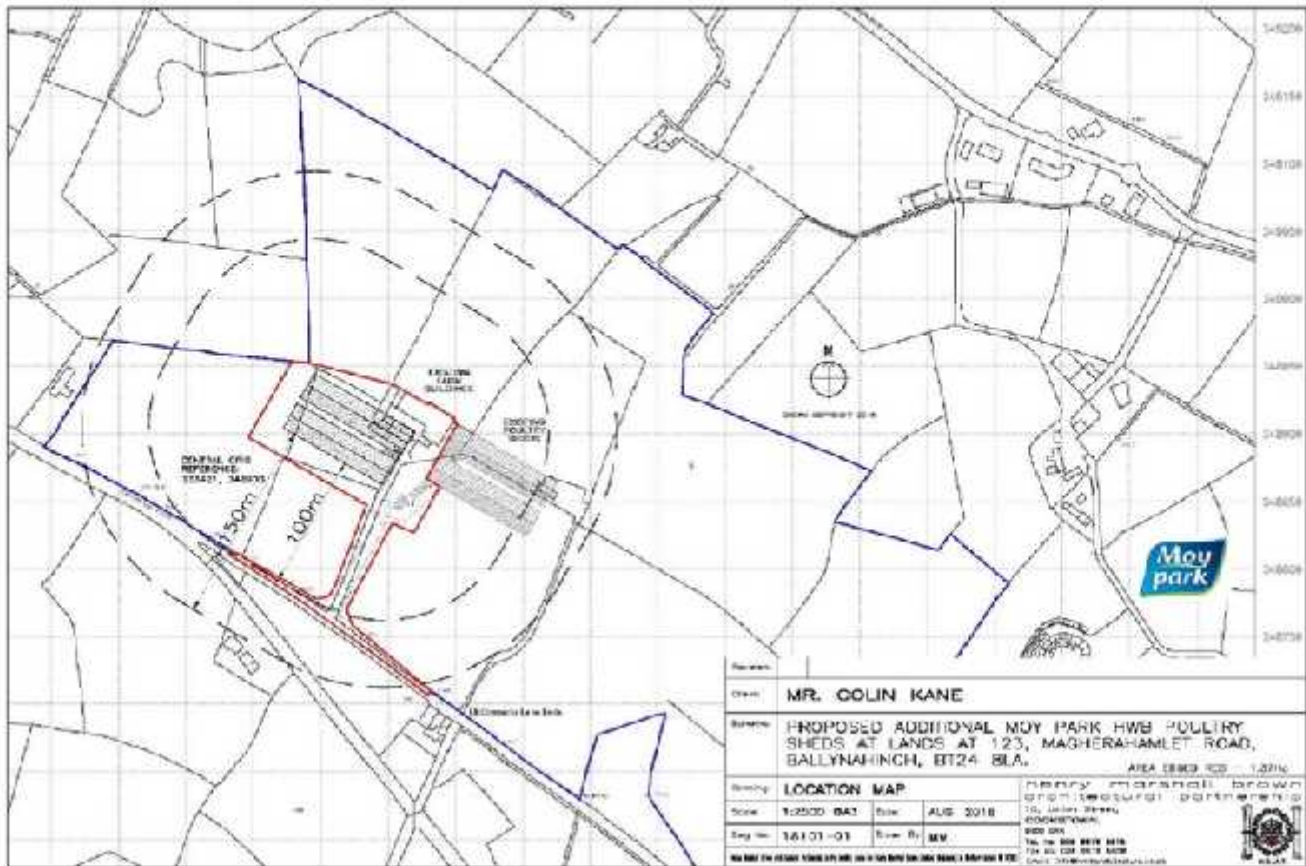
CC: Mr David Mark - Moy Park
Mr Keith Wilson - Moy Park

| ENERGY | RETAIL | LEISURE | RESIDENTIAL | WASTE | COMMERCIAL | AGRI-FOOD |

Registered Address: Clyde Shanks Limited, 5 Park View, Hill Road, Belfast BT1 6LZ. Company Registration No. 1366488

Mr C Kane

LA07/2017/0821/0



Mr C Kane

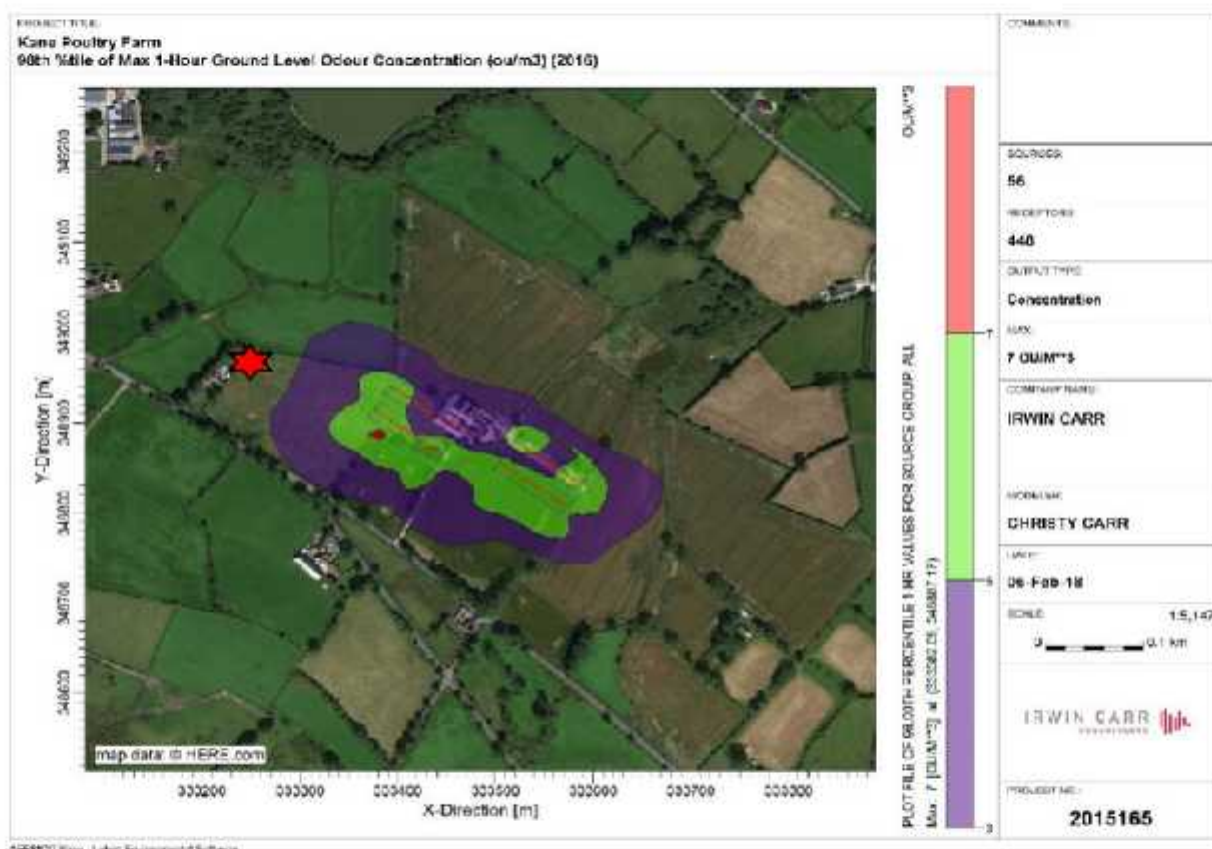
LA07/2017/0821/0

- Colin and Nathan Kane (Moy Park Contractor) are the recipients of a Pollution Prevention and Control (Industrial Emission) Regulations (NI) 2013 PPCI permit P0536/16A for the existing two poultry sheds plus the additional two number sheds- part extract documents confirm.



Complete document available on request

- Council Planning's suggestion that there are areas outside the demarcation odour area which could potentially accommodate a replacement on close security are found to be null and void as demonstrated when compared against the Irwin Carr Odour map for the overall four Poultry units- notwithstanding the applicants right under Permit to bring back into operation the existing wooden structured Poultry house.



- Except for the proposed site all of the area around the demarcation odour area is lacking in long established natural boundaries, unable to provide a suitable degree of enclosure and will totally rely on the use of new landscaping for integration regardless of Policy. There is no other suitable location than the proposed on which to locate this off-site replacement.
- The chosen location shares the site qualities and characteristics of no 196 Dundrum Road.

Mr C Kane

LA07/2017/0821/0

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- It is contested as already demonstrated within the submitted Consultants reports that for the purposes of welfare, health and safety and bio security the proposed occupants of this dwelling be allowed the same considerations currently afforded to other receptors within the 150-metre range of the poultry houses as determined by PPCI compliance and Permit.
- Off-site dwelling replacement approval is not a first for this Council, recent example **LA07/2017/1144/F** approved **21 March 2018** refers, where approval was given for a **1.2 mile** as the crow flies off-site replacement.

In conclusion it is deemed that this application is an exception.

- Current capital investment/expenditure on this Farm is circa £800K with a further £50K incurred in respect of the preparation of the planned phase two expansion of poultry sheds which in turn will see a further £800K financial commitment.
- It is respectfully proposed that the Committee grant approval of this application.



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

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Appeal Reference:	2013/A0083
Appeal by:	Mr & Mrs J O'Donnell against the refusal of full planning permission
Development:	Change of house type and the resiting of a replacement dwelling granted under planning permission A/2010/383/F.
Location:	Replacement of No. 23 Clon Road, Eglinton. Off- Site replacement located 35 metres north west of 25 Clon Road, Eglinton.
Application Reference:	A/2012/0321/F
Procedure:	Written Representations with Commissioner's Site Visit on 4 th December 2013.
Decision by:	Commissioner Helen Fitzsimons, dated 10 th December 2013.

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 replacement dwelling would have a significantly greater visual impact on the landscape than the existing dwelling and whether it would result in a prominent feature that would fail to integrate into the landscape and result in a detrimental change to rural character.
3. Policy CTY1 of Planning Policy Statement 1 'Sustainable Development in the Countryside states that there is a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a replacement dwelling in accordance with policy CTY 3 of PPS 21.
4. There is no dispute that the dwelling to be replaced is suitable in principle for replacement under the first test of Policy CTY 3. Policy CTY 3 also sets out a number of other requirements in respect of replacement dwellings. It states that proposals for a replacement dwelling will only be permitted where all of five listed

criteria are met. The Department's objections to the appeal proposal are based on the first criteria which requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

5. The Department has granted planning permission for an off site replacement dwelling on the appeal site (A/2010/0383/F) which is extant. Notwithstanding this, I must consider the merits of the appellant's amended siting in its own right. The Department accepts that the curtilage of the dwelling to be replaced too restrictive to accommodate a modest sized dwelling. It is therefore an exception under bullet (a) and meets this part of the policy. Given this I do not need to consider bullet (b).
6. The Department has also raised objections under the second criterion of this part of Policy CTY 3 which requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and that it would not have a visual impact significantly greater than the existing building.
7. The proposed siting of the replacement dwelling is in the southern corner of a roadside field set back some 130m from the road. The south west boundary is defined by mature and substantial vegetation. The roadside boundary is defined by hedging atop a bank. The access is to be taken from the existing laneway which serves the dwelling to be replaced. Numerous buildings are located to the south, south east and north east of the appeal site. The proposed dwelling would be seen against the backdrop of the vegetation and cluster with the existing buildings when seen from the north west. Travelling from the south east towards the appeal site and because of the incongruous suburban and linear form of development stretching across both sides of the road at Nos.17; 19; 21; 22 28 and the new dwelling at 25 no vestige of rural character remains. Even if the proposed new dwelling were to be seen from this direction it would have little detrimental visual impact on this already built up location. Even taking account of its larger scale and size given these factors it would not have a significantly greater visual impact than the existing dwelling in the specific context of this locality. The proposal meets the requirements of Policy CTY 3 of PPS 21 and is acceptable in principle in the countryside. Given this it also meets Policy CTY 1 and the Department has not sustained its first reason for refusal.
8. I agree with the appellant that the test in Policy CTY 3 is one of integration and visual impact. I do not discern any cross references to Policies CTY 13 'Integration and Design of Buildings in the Countryside' and CTY 14 'Rural Character' within CTY 3. In my mind if a proposal meets the requirements of policy CTY 3 and is acceptable in principle in the countryside Policies CTY 13 and CTY 14 do not apply. The Department has not sustained its second and third reasons for refusal.
9. I note from the background papers that the Department was concerned that the extant permission could be implemented along with the appeal proposal. I find it somewhat strange that it did not suggest a draft condition to prevent this. I also find it strange that it did not put forward a draft condition requiring the demolition of the dwelling to be replaced. In order to accord with Policy CTY 3 and give it

effect it is fundamental that such conditions should be attached to this planning permission. A landscaping condition is necessary in the interests of visual amenity. As the appeal site has no direct access onto the public road and its frontage is to be defined by new planting which can be required by condition it is not necessary to withdraw permitted development rights for gates, walls or fences across its frontage.

Conditions

1. The dwelling shaded green on the attached plan annotated PAC 1 shall be demolished and all resultant rubble removed from the site prior to the commencement of any development.
2. Only one dwelling shall be erected on the appeal site.
3. No development shall take place until there has been submitted to and approved by the Department a landscaping scheme showing the retention and augmentation with native species planting of the vegetation on the south west boundary of the appeal site and new native species planting along its north; northeast and southeast boundaries. 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 Department gives written consent to any variation.
4. The development shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings:-

1:2500 Scale Site Location Plan

Drawing No.SK001 Proposed Floor Plans

Drawing No SK002 Proposed Elevations

Drawing No SK003 Proposed Site Layout

Drawing No SK004 Proposed Site Access; and

Drawing No.SK005 Proposed Garage Plans

COMMISSIONER HELEN FITZSIMONS

ITEM NO	4	Outline	DATE VALID	03/11/2017
APPLIC NO	LA07/2017/1704/O			
COUNCIL OPINION	REFUSAL			
APPLICANT	Ms Clair Ferris Killoughy Road South Millisle Newtownards BT22 2DY		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT

LOCATION Between 16 & 20 Lough Road
 Crossgar
 BT30 9DT

Proposed 2 no dwellings on in-fill site under Policy CTY8

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
			Addresses	Signatures	Addresses	Signatures
	2	0	0	0	0	0
			0	0	0	0

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the frontage, and would, if permitted, result in the addition of ribbon development along Lough Road.



Comhairle Ceantair
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Newry, Mourne
and Down
District Council

Application Reference: LA07/2017/1704/O

Date Received: Nov 2017.

Proposal:

Outline planning permission is sought for 2 infill dwellings (under policy CTY8 of PPS21), on lands between 16 and 20 Lough Rd, Crossgar.

Applicant: Claire Ferris

Location:

The site is located in the countryside off the Lough Road, between Crossgar and Killyleagh as identified in the Ards and Down Area Plan 2015. The Lough Road is considered to be a relatively minor, windy road whereby this area is pre-dominantly rural in character, although also includes several dwellings/holdings. There do not appear to be any other zonings affecting the site.

Site Characteristics & Area Characteristics:

The site is located along Lough Road and comprises an irregular shaped roadside field at present, enclosed by a grass verge, hedgerow, scattered planting and post and wire fencing.

The site is bounded by the dwelling and curtilage of no.20 to the north side and the dwelling and curtilage of no.16 and a field to the south side.

No.20 includes a sizeable dwelling whereby the curtilage extends down to and accesses onto the road, and also extends around the rear of the application site.

This dwelling at no.20 is occupied at present.

The dwelling and curtilage of no.16 is set back from the road, whereby the dwelling is vacant and the site overgrown at present. This property accesses onto a laneway. There is clear evidence of a natural stone wall and several trees some 5-10m forward of the existing dwelling which appears to define the extent of the site curtilage, thus does not extend down to adjoin the road, whereby the adjoining field then extends from this curtilage down to the road.

Site History:

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

LA07/2015/1315/O- Lands between 16 and 20 Lough Rd, Infill dwelling, Outline, Refusal 29-09-16, Appeal Allowed 23-05-17, Applicant: Claire Ferris

There is also history on the adjoining lands including:

LA07/2016/0912/O- 16 Lough Rd, Replacement dwelling, Outline, Approval, 20-09-17, Applicant: Claire Ferris (Also R/99/0673)

R/2015/0122/O- Lands 60m of 16 Lough Rd, Farm dwelling, Outlined, Approval, 09-11-15, Applicant: Claire Ferris

Consultees

Having account the nature of this proposal, and location and constraints of the site consultations have been carried out with Transport NI, NI Water, Environmental Health, Rivers Agency and Shared Environmental Services, as part of this application, whereby it is considered no objections are offered in principle.

Representations

None received to date (06-04-18)

Having account the extent of the red line and current practice neighbour notification was undertaken with no.17 and 20 Lough Rd in Nov 2017, while the application was also advertised in the local press in Nov 2017.

Applicable Policy Considerations:

Ards and Down Area Plan 2015, RDS, SPPS, PPS3, PPS21 and associated supplementary guidance documents

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

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

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

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

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

This is an Outline application for 2 dwellings, whereby a P1 form, site location plan, indicative site layout plan and Design and Access Statement have been submitted. The information submitted indicates the applicant (Claire Ferris) lives at no.1 Killoughy Road South (Millisle), and owns the application site and adjoining field to the south and west of the site.

Based on the information submitted this application is for the development of a gap site to be considered under policy CTY8 of PPS21.

As stated above the site comprises a roadside plot along the Lough Road and can generally be described as being located between the dwelling and curtilages of no.16 and 20 Lough Rd, although it is noted the curtilage of no.16 does not extend down to the road, as there is a field between this property and the road.

With regards to policy CTY8, a substantial and built up frontage is defined as a line of 3 or more buildings along a road frontage.

The site history is important in assessing this application

Application LA07/2015/1315/O (Lands between 16 and 20 Lough Rd), was refused planning permission for an Infill dwelling, however the subsequent appeal was allowed. This Outline application only included a site location plan.

The sole reason for refusal stated:

- The proposal is contrary to the Strategic Planning Policy Statement for N.I (SPPS) 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 Lough Road, and does not represent a gap site within a substantially and continuously built up frontage, along a road frontage.

In allowing this appeal the Commissioner concluded that the curtilage of no.16 extends to adjoin the public road and has a frontage to it.

During the site visit the appellant stated that the remnants of a stone wall which run along the frontage of the dwelling never extended across the dwelling to separate it from road and that there was once a path to the house that led to the front garden, and that she also played in this front lawn as a child and that this land was never used for agricultural purposes.

The comments from the appellant are noted, however the aerial photographs supplied by the agent during the processing of the planning application would appear to contradict this.

However, as outlined above, the Commissioner accepted the oral evidence provided by the appellant and also considered there is no boundary feature to the front of no.16 that physically or functionally separated it from the road, and that the area to the front of no.16 reads as a front garden associated with this property. The appeal site had a frontage of approx 66m.

Application LA07/2016/0912/O (16 Lough Rd), was granted Outline permission for the replacement of no.16, which included an area shaded Yellow restricting the extent of the curtilage back some 30m from the road.

In summary there is an extant Outline permission for an infill dwelling between no.16 and 20, and an extant Outline permission for a replacement dwelling at no.16.

As outlined above the site is located between the dwelling and curtilages of no.16 and 20, which have been deemed by the PAC to each have frontages to the Lough Rd. As such it is considered the frontage associated with this application is limited to the dwellings and curtilages of no.16 and 20.

It is acknowledged there are additional dwellings further along the Lough Road, however these do not form part of this assessment as they are considered to be either located too far away following a break in the built up frontage.

It is considered No.16 and 20 extend to adjoin and provide frontages to the Lough Road, whereby no.16 includes detached outbuildings to the side.

Having account the above, including appeal decision, it is considered the application site comprises a gap site within an otherwise substantial and continuously built up frontage.

The lands comprising the application site are irregular in shape and include a frontage of approx 66m, although the depth varies due to the irregular shape. The frontage of no.16 (as accepted by the PAC) is approx 40m, while the frontage of no.20 is approx 90m.

The site layout plan provided (scale 1:500), entitled 'Information' is noted, however the scale of this drawing does not appear to be accurate and suggests a larger site frontage than that indicated on the site location plan.

The average frontage of the existing plots of 16 and 20 is 65m, which is almost identical to the red line frontage of the current application site, thus would suggest the site is only large enough and capable to accommodate 1 dwelling which would respect the existing development pattern and requirements of CTY8.

It is considered sub-dividing this site in to 2 separate plots does not respect the existing development pattern along the frontage, not only in terms of the plot frontages, but also the general plot sizes, and is contrary to policy CTY8 of PPS21.

As this is an Outline application no detailed plans have been provided, while the indicative site layout plan submitted is considered inaccurate, as outlined above. This site is considered to be relatively flat and low lying, whereby the road and lands rise to either side, whereby the site is bounded and enclosed by the established curtilages of no.16 and 20 to either side, thus no concerns are raised regarding compliance with policies CTY13 and 14.

It is also noted these dwellings will be served by a bio disc, whereby it is considered there are sufficient lands to accommodate these services with associated soak-aways.

However taking into account the above, it is considered the proposal is contrary to the policy requirements of CTY8 of PPS21, whereby the principle of 2 infill dwellings is not accepted.

Accordingly Refusal is recommended.

Recommendation: Refusal.

Reasons:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

- The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the frontage, and would, if permitted, result in the addition of ribbon development along Lough Road.

Planning Committee Schedule of 29th August 2018

Planning reference: LA07/2017/1704/O

Proposal: Proposed 2 no dwellings on in-fill site under Policy CTY8

Date Valid 13 November 2017

Applicant: Clare Ferris

Location: Between 16 and 20 Lough Road

Recommendation: Refusal

Reasons

1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2

The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the frontage, and would, if permitted, result in the addition of ribbon development along Lough Road

Site Description

The site is located in the countryside off the Lough Road, between Crossgar and Killyleagh as identified in the Ards and Down Area Plan 2015. The Lough Road is a minor road and the general area is considered to be rural in character, although there are several dwellings/holdings in the area of the application site.

Site History

Application LA07/2015/1315/O (Lands between 16 and 20 Lough Rd), was refused planning permission for an Infill dwelling.

This decision was appealed to The PAC and the subsequent appeal was allowed.

In allowing this appeal the Commissioner concluded that the curtilage of no.16 extends to adjoin the public road and has a frontage to it.

The commissioner also accepted that the dwelling at No16 had also been the subject of a previous approval **R/1999/0673/F** and the area outlined in that approval also extended to the public road.

In summary there is an extant Outline permission for an infill dwelling between no.16 and 20 ie **LA07/2016/0912/O**.

Assessment of reasons for Refusal

PPS 21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in develop plans (Ards and Down Area Plan 2015)

Development in the Countryside.

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development, and one of policy is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8

The application site is rectangular in shape and is located in a gap site between 2 dwellings (No 20 to the North and No16 to the South) both dwellings having associated building located in their vicinity as can be seen from ordinance survey maps and aerial photography.

No 16 is currently a vacant farm house due to the death of the applicant's mother and has benefited from the grant of a planning approval for a replacement under Planning Approval ref: **R/1999/0673/O** (now lapsed) and also has an extant consent under Planning ref: **LA07/2016/0912/O**

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

An exception to Policy CTY8 states that permission will be granted for development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuous built up frontage.

Policy CTY8 clarifies further by stating that “For the purpose of this policy, the definition of a substantial and continuous built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.”

The main issue in relation to this proposal is not that the site is compliant with policy CTY8 as it has been the subject of a successful appeal to the PAC for one dwelling, rather it is the acceptability of two dwellings on the site each with a frontage of 35m similar to No 16 which has similar width of frontage.(See attached map 7 photograph showing measurements).

The width of frontage of No16 has not changed from the date of that PAC decision and it is argued that the width of both the proposed sites would be acceptable as compatible with that of No16.

The 2nd Reason for Refusal also makes refers to Planning Policy CTY14 while the case officers statement clearly states that **“thus no concerns are raised regarding compliance with policies CTY13 and 14”** and a similar comment is made in the officers report in relation to the refusal reason which was overturned by the PAC in relation to one dwelling on the subject site. The writer concludes that this inclusion of a refusal based on Policy CTY14 is clearly a clerical error and should not be considered or if it is to be considered then further clarity can be sought to allow for a rebuttal at Committee stage.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant planning approval for the proposed development as applied for.

ITEM NO	6			
APPLIC NO	LA07/2018/0220/F	Full	DATE VALID	02/02/2018
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs H Coulter Shrub Bank 7 Old Saintfield Road Crossgar BT30 9JB		AGENT	Willian Shannon Architect Studio 27 Middle Road Saintfield BT24 7LP 02897511070 / 07801015383
LOCATION	50m SE of 7 Old Saintfield Road Creevycomonan Crossgar Co Down BT30 9JB			
PROPOSAL	Proposed 2 no infill dwellings, detached garages and site works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petition
	2	0	0	0
			Addresses	Signatures Addresses
			0	0 0 0

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 2. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap cannot accommodate 2 no dwellings whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.
 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed dwellings is inappropriate to the character of the area and in this context would be out of keeping with the settlement pattern.
 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in that area and creates a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0220/F

Date Received: 02.02.2018

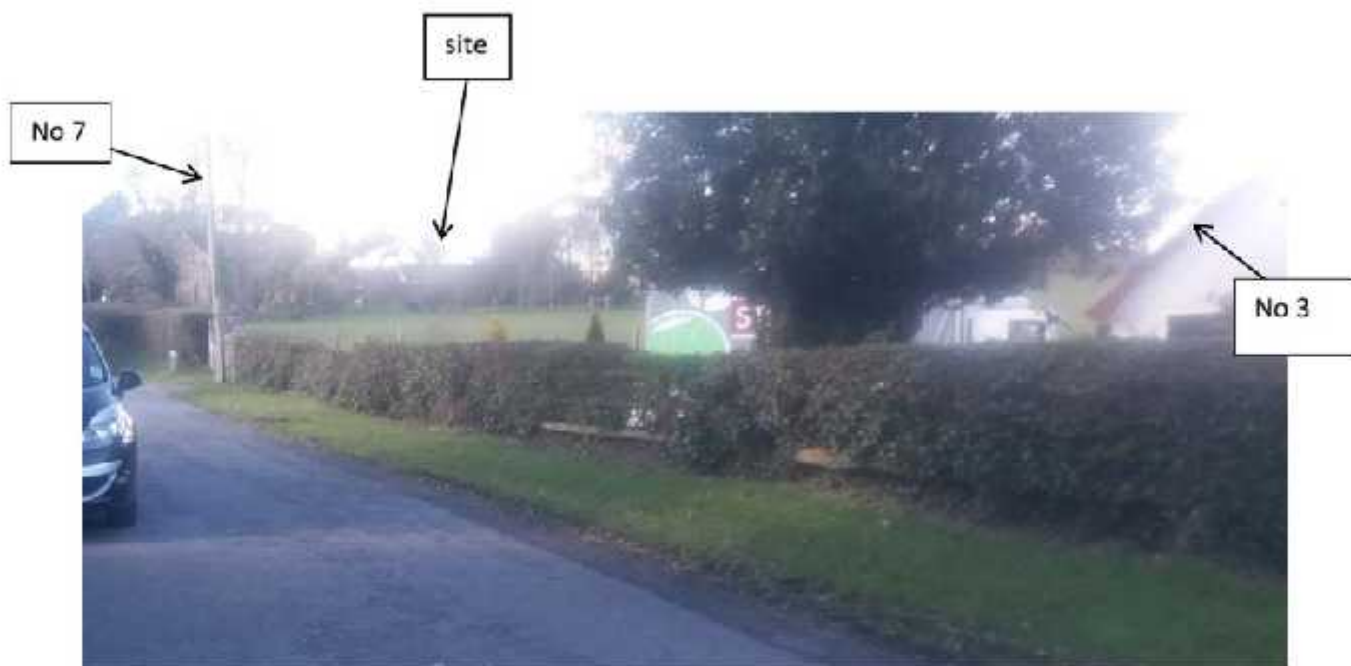
Proposal: The application is for full planning permission for Proposed 2 no infill dwellings, detached garages and site works

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. The site is 1.5miles NW of the village of Crossgar.

Site Characteristics & Area Characteristics:

The site accommodates a plot located between No 7 Old Sainfield Road and No 3 Old Saintfield Road. The site is accessed via an existing field gate located to the southern portion of the plot. The site is currently an agricultural field. The SE boundary is shared with No 3 and comprises a post and wire fence. The northern boundary is cut from the existing field and thus is undefined. The boundary to the beyond this which runs parallel to the main Crossgar to Saintfield Road, comprises a mature hedge and mature trees. The boundary which is shared with No 7 comprises mature planting and native species trees. The site itself rises from SE to NW towards No 7 is a one and a half storey dwelling which sits much higher than the site and the dwellings at No 3 and No 1. The site also gradually rises from the field gate towards the rear of the site in a northern direction.





view of site



View from No 7 entrance



view looking towards site from No 7

Site History:

R/1989/0131 3 OLD SAINTFIELD ROAD CROSSGAR Replacement dwelling PERMISSION GRANTED

R/1999/0056 7 OLD SAINTFIELD ROAD CROSSGAR Replacement dwelling PERMISSION GRANTED

R/2004/0343/F 7 Old Saintfield Road, Creevyarnonan, Crossgar, Proposed garage. PERMISSION GRANTED 30.07.2004

R/2010/0166CA 7 Old Saintfield Road, Crossgar, Change of Use ENFORCEMENT CASE CLO2S9E.1D1.2011

R/2011/0135/F 7 Old Saintfield Road Creevyarnonan Crossgar Proposed farm office, extension to existing barn PERMISSION GRANTED 30.09.2011

Planning Policies & Material Considerations:

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

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

Objections & Representations

In line with statutory requirements six neighbours have been notified on 22.02.2018. One letter of representation was received by the owner/occupier of 5 Abbeyview Road. The application was advertised in the Mourne Observer and the Down Recorder on 28.02.2018. The same concerns of the letter relate to :

- Site is elevated and full two storey will overlook their property impacting on their privacy
- Full two storey dwellings on an elevated site will result in them having a considerably higher ridge height than one of the adjoining houses making them look very dominant.
- Not objecting to development on the site but single storey/ storey and a half would make less of a visual impact on the landscape.

In terms of overlooking and privacy concerns, the proposed dwelling are located opposite this neighbour and located between 53m and 55m from their property, thus concerns of overlooking would not be sustained.

Consideration and Assessment:

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up

frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted.

Policy CTY 1 of Planning Policy Statement 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

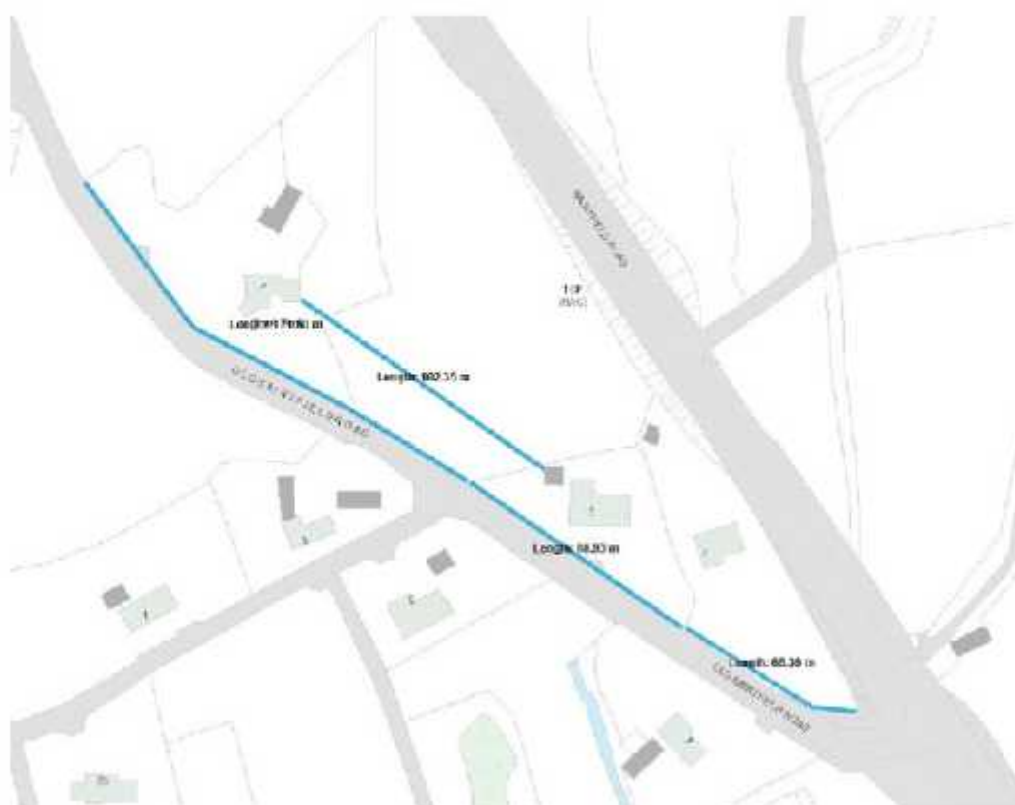
Policy CTY8- Ribbon Development. Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and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

The dwelling at No 1 Old Saintfield Road (OSR) is split level bungalow, offering accommodation over two levels, with a garden, with an access road onto OSR, thus for the purposes of the policy, it would have a frontage onto the OSR. The dwelling at No 3 has a steep pitched roof with upper floor floating dormers and detached single storey garage to the side, this also has a frontage onto OSR. No 7 is located to the north west of No 3 and is on land that is elevated. Its garden and access point are located further NW around a bend, however, it does have a frontage onto OSR. While the existing development does not immediately read as a built up frontage, there is a line of three buildings with a common frontage onto OSR, there is, as required by the language in the headnote of Policy CTY 8, a substantial and continuously built up frontage

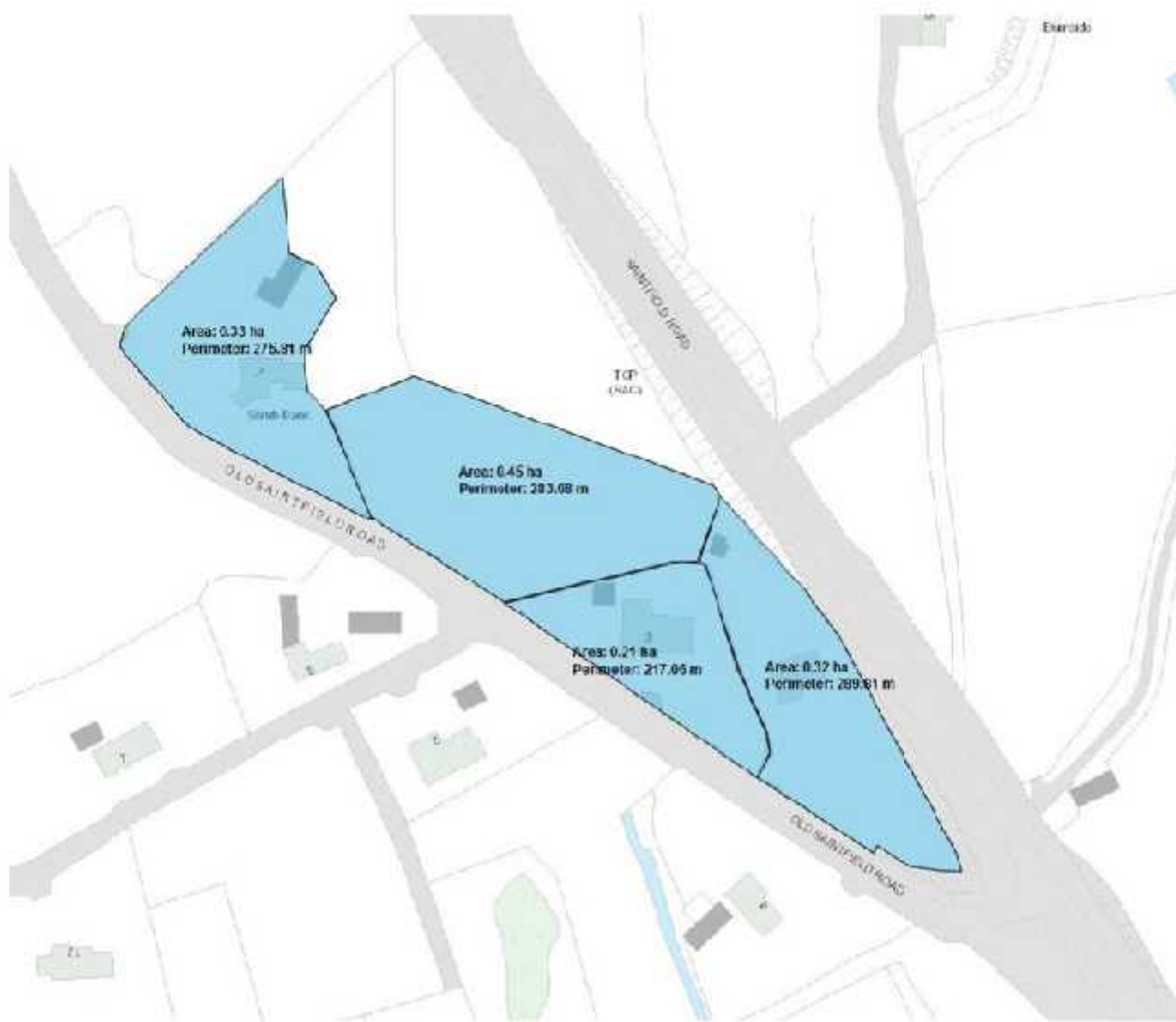
The next stage is to assess whether the gap between No's 3 and 7 is 'small' within the context of the policy. The frontage of the plot at No 1 and No 8 is between 65 – 85m approx., with No 7 frontage being considerably larger.

Plot frontage lengths

The 'gap' relating to the space between buildings is approx 102m. This is what needs to be considered in relation to the proposal. I would accept that the 'gap' is sufficient to accommodate up to a maximum of two dwellings.



Consideration must also be given to whether the proposal respects the existing development pattern in terms of size scale, siting and plot size. This is a full application whereby site layout, floorplans and elevations have all been submitted. The pattern of development along this stretch of road includes a split level bungalow style dwelling, a chalet bungalow style and a one and a half storey dwelling at No 7 all set on spacious plots. The proposal is for full two storey dwellings which have a smaller footprint. The dwellings have a ridge height of 8.8m a frontage of 15m a gable depth of 8.7m. Both dwellings share an access with site 2, approx. 12m from the roadside and site 1 set back further at approx 24.5m from the road.



Proposed design



Policy CTY 13 - Integration. Requires to be considered as part of the assessment of the proposal. In terms of whether a dwelling on the site would be integrated, there are

sufficient established natural boundaries to provide a suitable degree of enclosure for a building to integrate into the landscape given the settlement pattern that exists along this part of the road.

The design, in this context is inappropriate to the character of the area and in this context would be out of keeping with the settlement pattern. A suitable designed single dwelling, which is more in keeping with the area would be more acceptable on the site.

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Circumstance (c) is that it does not respect the traditional pattern of settlement exhibited in that area; whilst circumstance (d) is that it creates or adds to a ribbon of development (see CTY 8).

The agent was informed of the opinion that the site could accommodate only one dwelling which would respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The agent responded by highlighting another example on the Templeburn Road under LA07/2016/1118/RM. Having looked at this example, the site is distinguishable from the proposal and this example would be more in keeping with the existing plot sizes. The footprints of the proposal are smaller in size given that they are a full two storey and this would be at odds with the surrounding context.

Having considered the policy in my opinion it does meet with the criteria as set out in CTY 1, CTY 8, CTY 13 & 14 and approval is recommended.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the gap cannot accommodate 2 no dwellings whilst respecting the existing development pattern along the frontage in terms of size, scale, siting and plot size.
2. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the design of the proposed dwellings is inappropriate to the character of the area and in this context would be out of keeping with the settlement pattern.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing buildings, does not respect the traditional pattern of settlement exhibited in that area and creates a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature

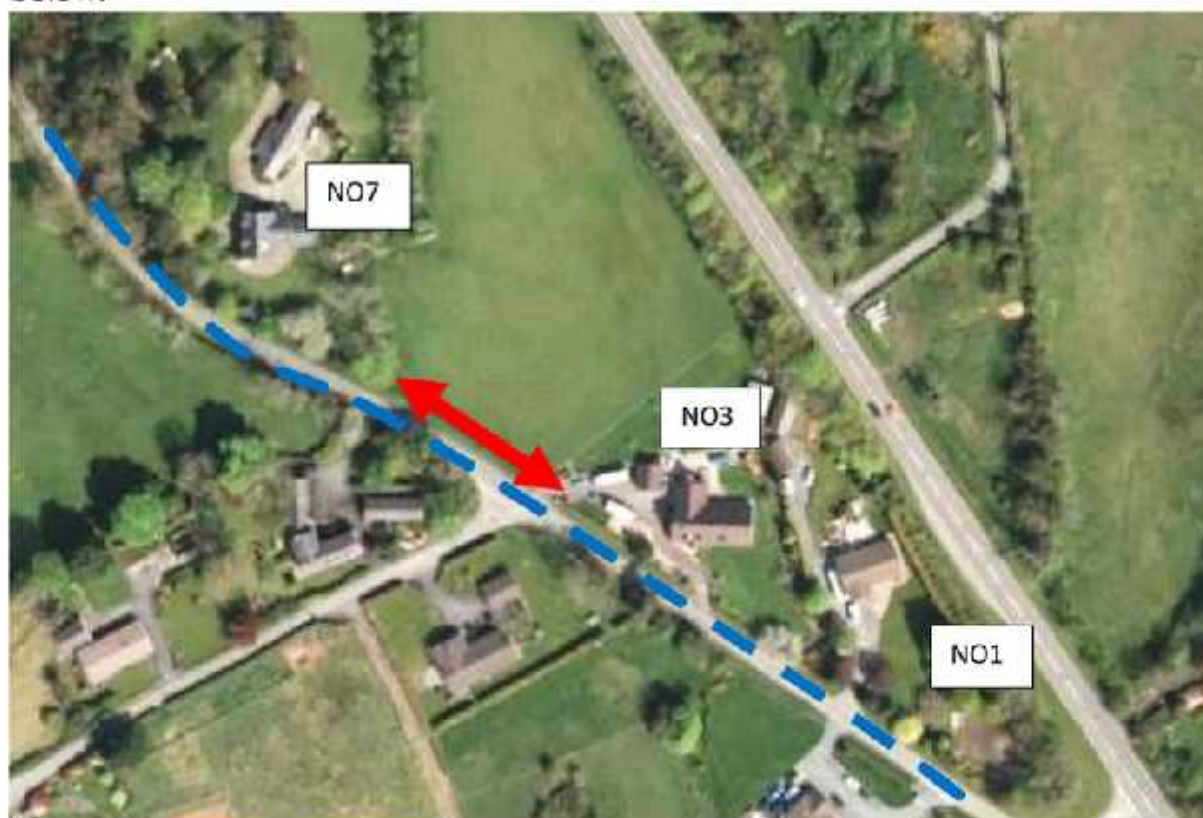
Date

Appointed Officer Signature

Date

**LA07/2018/0220/F - PROPOSED TWO NO INFILL DWELLINGS AT OLD SAINTFIELD ROAD
CROSSGAR - SUBMISSION ON BEHALF OF MR H COULTER.**

1. The application is for two infill dwellings on a site of about 0.45ha. The site is located between dwellings at Nos 3 and 7 Old Saintfield Road. The site is unusual in that it has a relatively modest road frontage. However it widens out significantly when further back from the road.
2. The proposal has been recommended for refusal for three reasons: the gap cannot accommodate 2 dwellings whilst respecting the existing development pattern; the design of the dwellings is inappropriate; and development would result in suburban style build up. The officer report fails to substantiate any of the suggested reasons for refusal. Indeed, it is noted that the initial officer recommendation was for approval.
3. Policy CTY8 allows the development of small gap sites in the countryside, subject to certain criteria. These are discussed below.
4. **The first step** is to establish whether a substantial and continuously built frontage exists at this location.
5. Here it is clear that Nos 1, 3, and 7 all have frontages to Old Saintfield Road. The application site accounts for a 'gap' of about 50 metres within the centre of this 300 metre built up frontage. This is illustrated in the aerial photograph below:



Red line indicates existing gap in frontage.

william
SHANNON
ARCHITECTS

Planning Department
Newry Mourne & Down District Council
Downshire Civic Centre,
Downshire Estate,
Ardglass Road,
Downpatrick,
BT30 6GQ

20th August 2018

Your ref: LA07/2018/0220/F

FAO Annette McAlarney – Senior Planning Officer

Dear Annette,

**Re: Proposed new infill dwellings adjacent 7 Old Saintfield Road,
Crossgar, BT30 9JB for Mr & Mrs Hamilton Coulter – updated
information**

I refer to the above project and enclose 3 copies of revised drawings in response to the *Refusal Reasons* set against this planning application. The proposed dwellings have been reduced in height from 2 storeys to storey and half, and the finished floor levels have also been reduced.

The existing dwelling at 7 Old Saintfield Road is storey & half in height and topographically, sits on a more elevated position. I believe that these changes address the criticisms raised by the Department regarding the house designs, however if you have any further comments or observations please advise.

I have included a supporting statement from Donaldson Planning, and **ask for the opportunity for our Planning Consultant to speak at the Planning Committee meeting** that I believe is to be held in Downpatrick on 29th August.

Yours sincerely,



William Shannon Architect
Studio 27 Middle Road,
Saintfield,
Co. Down BT24 7LP
T: 028 97 511070

6. Whilst No 7 is currently well screened from public views, it must be noted that visual linkage is not a policy requirement.
7. It is clear that, for the purposes of CTY 8, there is already a ribbon of development, which shares a common frontage, along this stretch of Old Saintfield Road. The officer report confirms that:

' There is a line of three buildings with a common frontage onto OSR, there is, as required by the language in the headnote of CTY8, a substantial and continuously built up frontage.'
8. **The second step** is to consider whether this site constitutes a 'small gap sufficient only to accommodate up to a maximum of two houses'. The officer report concludes that **'The gap relating to the space between the buildings is approx. 120m. This is what needs to be considered in relation to the proposal. I would accept that the gap is sufficient to accommodate up to a maximum of two dwellings'**.
9. **The third step** is to consider whether the proposal respects the existing development pattern in terms of size, scale, siting and plot size.
10. The plot size is 0.45ha. This compares to No 3 @ 0.21ha; No 1 @ 0.32ha; and No 7 @ 0.33ha. Plainly, with an average plot size of 0.225ha, the new dwellings will have similar plot sizes to the others in the area.
11. The only element of the officer report which appears to support any case for refusal is the comment that the proposed two storey houses are inappropriate to the local character. Whilst we do not accept that traditional two storey houses would be out of character, revised drawings have been submitted which reduce these to a one and a half storey appearance. Ground levels have also been reduced.

Conclusion

12. The proposal clearly complies with Policy CTY8, in that the Officer report accepts that there is a built up frontage and that this is a small gap, sufficient to accommodate two houses. The proposals have been reduced in height, and so there can be no basis for the assertion that they are not wholly in keeping with local character. The Committee is urged to grant permission for this sustainable development.

DONALDSON PLANNING
August 2018

ITEM NO	7	Outline	DATE VALID	09/02/2018
APPLIC NO	LA07/2018/0246/O			
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Michael McConvey 45b Sheepland Road Sheepland Ardglass BT30 7SN		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
				07768057822

LOCATION Opposite 45 Sheepland Road
Ardglass
BT30 7SN

PROPOSAL Proposed dwelling and garage on a farm

REPRESENTATIONS	SUP		OBJ Petitions		SUP Petitions	
	OBJ Letters	Letters				
	0	0	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that planning approval has already been granted on the holding for farm dwelling in the preceding 10 years.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. 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.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0246/O

Date Received: 23.02.2018

Proposal: Proposed dwelling and garage on a farm

Location: Opposite 45 Sheepland Road, Ardglass, BT30 7SN

Site Characteristics & Area Characteristics:

The application site is located off Sheepland Road, Ardglass. This area is rural in character with a number of farm outbuildings and rural dwellings. The site is located opposite no.45 Sheepland. The application site as outlined in red is slightly triangular in shape with the topography of the land rising upwards from northern boundary to south east boundary. The site is currently used for agricultural purposes.

The boundaries of the site are defined by a post and wire fence with hedgerow planted on the inside; scattered mature trees are also located along the southern boundary. The northern boundary is undefined and opens on the larger agricultural field.

The application site is located outside any settlement development limits as designated within the Ards and Down Area Plan 2015. The site is also located within the Mourne Area of Outstanding Natural Beauty.



View of from the southern boundary



View of from the north of the application site

Site History:

R/1976/0711
ERECTION OF BUNGALOW
Permission Granted: 24.09.1979

R/1997/6249
4 single storey dwellings Frederick Street/Cross Street Killyleagh
Decision: 09.02.1999

R/2008/0629/F
Retention of existing detached dwelling as farm dwelling.
Permission Granted: 08.05.2009

R/2012/0054/O
Proposed Farm Dwelling and Garage
Permission Refused: 08.06.2012

Planning Policies & Material Considerations:

Regional Development Strategy
Ards and Down Area Plan 2015
Strategic Planning Policy Statement of Northern Ireland
PPS 2- Natural Heritage (AONB)
PPS 3- Planning Policy Statement 3 – Access, Movement and Parking
PPS 21- Sustainable Development in the Countryside

Supplementary Planning Guidance:

Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations:

Transport NI – have raised no objection to the proposed development

NI Water: Has no objections to the proposal

DAERA Downpatrick- Have stated that the Farm Business ID has been in existence for more than 6 years and have been claiming Single Farm payment.

Objections & Representations

15 Neighbours was notified on 28.02.2018 and the application was advertised on 28.02.2018. No objections or representations received.

Principle of Development

The site lies within the AONB and within the countryside as designated in the Ards and Down Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

PPS21- Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but an exception for farm dwellings which are acceptable if in accordance with policy CTY10 of PPS 21.

CTY 10: Dwellings on Farms

The policy states that permission will be granted where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - Demonstrable health and safety reasons; or
 - Verifiable plans to expand the farm business at the existing building group(s).

In regards to criteria a), DARD NI has been consulted regarding the proposed development, and has stated that the farm has been in existence for more than 6 years and that subsidy claims are made. Therefore, the proposal meets the criteria.

Regarding criteria b), the proposed site has been identified within field number 13, within the farm maps provided. Officers have noted that the applicant has previously applied for a dwelling on a farm on this field under R/2012/0054/O and was refused on 08.06.2012. The proposal was contrary to criteria b) of CTY 10 as permission had been previously been granted under R/2008/0629/F in 8th May 2009 for Retention of existing detached dwelling as farm dwelling.

Therefore the current application is contrary to policy CTY10 as a farm dwelling has been approved within the 10 year period.

In regards to criteria c), the proposed siting of the dwelling is across the road from the farm buildings and therefore not clustered or visually linked with the buildings on the farm. This is reinforced by paragraph 5.41 of CTY 10 where it notes that the proposed dwelling should read as being visually interlinked with the buildings, with little appreciation of any physical separation distance. This position is confirmed by PAC Appeal Ref 2017/A0177 where a similar a similar arrangement was proposed and subsequently dismissed for this reason (among others). In the absence of demonstrable health and safety reasons or variable plans to expand the business the proposal is contrary to criteria c of CTY10.

The SPSS re-emphasises the need for the development to integrate and respect the rural character of the area.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposal is also contrary to criteria G of CTY13 in that the proposed farm dwelling would not visually linked or sited to cluster with an established group of buildings on a farm. The proposal is contrary to CTY 13.

CTY 14 – Rural Character

Policy CTY 14 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, officers consider no impact on rural character.

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 CTY 16.

Access and Parking

The proposal must accord with AMP3 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and in view of their comments I consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Officer Recommendation

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that planning approval has already been granted on the holding for a farm dwelling in the preceding 10 years.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

3. 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 Signature	
Date	
Appointed Officer Signature	
Date	

Planning Committee Schedule of 29th August 2018

Planning reference: **LA07/2018/0246/O**

Proposal: **Proposed Dwelling and Garage on a Farm**

Applicant: **Mr Michael McConvey.**

Location **Opposite 45 Sheepland Road, Ardglass BT30 7SN.**

Recommendation: **Refusal**

Reasons

- 1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 and CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that planning approval has already been granted on the holding for a farm dwelling in the preceding 10 years.**
- 2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.**
- 3. 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.**

Site Description

The application site is located off Sheepland Road, Ardglass.

The site is located opposite no.45 Sheepland Road in a rural location.

The application site is considered to be triangular in shape with the topography of the land rising upwards from northern boundary to south east boundary.

The application site is currently in use for agricultural purposes.

The boundaries of the site are defined existing hedgerow planted on the inside of a post and wire fence similar to most farm land boundaries

The southern boundary comprises mature vegetation and trees while the northern boundary is undefined at present as it forms part of the existing field. The subject site is located outside any settlement limits as designated within the Ards and Down Area Plan 2015.

Planning Policies & Considerations

RDS

SPPS

PPS 2

PPS 3

PPS 21

Ards & Down Area Plan 2015

DCAN 15

Supplementary Planning Guidance: Building on Tradition: A sustainable Design Guide for the Northern Ireland Countryside

Consultations and Representations

The following consultations were carried out -
Transport NI

NI Water:

No objections were received from any of the consultees and following notifications of the relevant neighbours and advertisement in the local press no objections to the proposal were received either.

DAERA Downpatrick- Have stated that the Farm Business ID has been in existence for more than 6 years and have been claiming Single Farm payment.

Relevant Planning History

R/2008/0629/F in for the Retention of existing detached dwelling as farm dwelling on 8th May 2009.

R/2012/0054/O A Dwelling on a farm was refused on 08.06.2012 as the proposal was contrary to criteria b) of CTY 10 as permission had been previously been granted for a dwelling within the previous 10 years

Assessment of reasons for Refusal

Refusal Reason 1

Planning permission was granted in retrospect for a dwelling under planning application R/2008/0625 on the 8th May 2009.

This approved submission was made to the then planning authority on 1st July 2008 and was not deliberated on until 8th May 2009.

This dwelling clearly existed in July 2008 and before as records will show

The entitlement to a dwelling every ten years would be prevalent in this case as the dwelling which was the subject of the original application under policy CTY10 has existed for that period of time

If the view of the Committee is not in agreement with this approach then this application could be described as premature at worst.

The response from DAERA would indicate that the proposal meets the requirement of the policy as the business is in existence and single farm payment is claimed

Refusal Reason 2

It should be noted that this reason cannot be sustained as the proposed site is located adjacent to the 2 of the farm buildings on the holding which are located across the laneway from the proposed site while another farm building is located within a 50m distance of the site boundary and the forth building is located some 70m from the proposed site beyond the dwelling which was the subject of retention under Policy CTY10 and application R/2008/0625.

Three of the buildings are located within the farm yard and the fourth is located along the laneway and part of the field where the proposal is located. It is argued that the proposed site is located within what is considered the visual link and is clustered with the established group of farm buildings on the holding.

Refusal Reason 3

This reason when read in isolation would suggest that no development can be considered in AONB's, this is not the situation and as such the reference to this policy would allow the planning Department the opportunity to restrict the siting, scale to ensure that the proposal is sympathetic to the character of the AONB in which it is located.

The officer's report makes no specific reference to this reason for refusal nor does it elaborate on the officers concerns that result in the inclusion of this reason for refusal.

It should be noted that a large shed has recently been constructed in an adjacent farm yard which would raise concerns under this policy, however this

building appears to have been constructed under Agricultural Permitted Development which is clearly not subject to the same onerous scrutiny.

Overview

The issue of concern in this application is in relation to one dwelling in ten years and as such as already stated the first dwelling granted under Policy CTY10 in relation to this farm business has existed for over ten years and as DAERA have confirmed the farm is compliant with the requirements of the policy and should benefit from the grant of an additional dwelling under this policy.

The proposal also respects the clustering with the existing farm buildings and respects the need to retain existing vegetation and hedgerows.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for in compliance with the policy under which this proposal is submitted.

ITEM NO	8			Full	DATE VALID	19/02/2018	
APPLIC NO	LA07/2018/0348/F						
COUNCIL OPINION	REFUSAL						
APPLICANT	Mr Mark McNally 32 Scaddy Road Downpatrick				AGENT	Ian Gibson Architect 80 Comber Road Killinchy BT23 6PF 02897 543263	
LOCATION	Site between 66 & 68 The Craig Road Downpatrick						
PROPOSAL	Proposed dwelling and double garage SUP						
REPRESENTATIONS	OBJ Letters	Letters	OBJ Petitions		SUP Petitions		
	1	0	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local land and the cluster is not associated with a focal point and is not located at a cross-roads.

3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along The Craig Road.

4. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the design of the proposed building is inappropriate for the site and its locality and the proposed building fails to blend with the landform, existing buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along The Craig Road and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0348/F

Date Received: 19th February 2018

Proposal: Proposed dwelling and double garage.

Location: Site between 66 and 68 The Craig Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is a piece of land that sits off The Craig Road is a sloping site with differing levels across the site running downwards in a southern direction. The site is bounded with a mixture of planting and trees and is a well screened site. The site does not directly abut the road, rather the site is accessed via an agricultural gate just onto the

access approved to serve a replacement dwelling adjacent with the red line of the site demonstrating this.

The area is a rural area, not located within any settlement development limits as defined in the Ards and Down Area Plan. The site has no site specific constraints identified on it however consideration must be given to bio diversity. There are a mix of dwellings in the area of various styles and development and in addition to this adjacent dwellings under construction and permissions extant.

Site History:

LA07/2017/1007/F – 68 The Craig Road, Downpatrick – replacement dwelling and garage (change of house type to LA07/2016/0385/F – Pending.

LA07/2017/0090/F – Land Between 68 and 72 The Craig Road, Downpatrick (proposed new dwelling and double garage with storage loft above – 31-03-2017 – granted.

LA07/2016/0385/F – 68 The Craig Road, Downpatrick – proposed replacement dwelling with double garage and car port – 8-07-2016 – granted.

R/2007/0612/RM – 180m east of 62 The Craig Road – proposed single dwelling – granted 14-01-2008

R/2004/0754/O – 180m E of 62 The Craig Road – Erection of single dwelling – 10-12-2004-granted.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and in addition to this PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

Transport NI was consulted in relation to the application and responded requesting an amended site location plan to include all the splays within the red line of the site, this was submitted and Transport NI has responded with no objections.

NI Water was also consulted and responded with no objections to the proposal.

Objections & Representations

The application was advertised in the local press on 21st march which expired 4th April 2018, neighbours were notified on the application on 12th March 2018 which expired 26/03/2018, to date one letter of objection has been received as detailed below.

A letter of objection was received from the owners/occupiers of no 66 The Craig Road, and the reasoning for the objection included the following points:

- The proposal would have a negative impact on the character of the area, trees have already been removed from the site with more likely to be removed in order to accommodate the development which will in turn change the character of the area.
- The provision of another dwelling on the lands and the loss of wooded area would result in an adverse impact on the character of the area.

- The location of the proposed dwelling is in close proximity to the objector's property with the objector concerned that the works would lead to overlooking and loss of privacy.
- The dwelling proposed is two storey with surrounding properties only being single storey.
- There is the potential for noise and disturbance resulting from increased number of dwellings.

Consideration and Assessment:

The relevant policy consideration for an application of this nature is PPS 21 Sustainable Development in the Countryside which is identified by the Strategic Planning Policy Statement for NI (SPPS) as the retained policy

CTY 8 (Ribbon Development) states that planning permission will be refused for a building which creates or adds to a ribbon of development with exception of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, provided it respects the existing pattern of development along the frontage in terms of size, scale, siting and plot size.

The site location plan date no LA07/2018/0348/01 date stamped received 19th February 2018 is considered and it is noted that dwelling no 66 has a frontage of approx. 58m along the road, though is a site set back from the road but with a curtilage that runs to the road and is clearly maintained. The unoccupied dwelling known as no 68 The Craig Road that replacement has been granted on is situated in an agricultural field with at present no defined curtilage, the field in which it sits offers a frontage to the road of approx. 112m and while there is permission for this building to be replaced and for a second dwelling on adjacent lands between no 68 and 72 The Craig Road neither permission has been enacted to a degree where there are physical buildings on the ground for consideration. The site in question therefore sits between no 66 The Craig Road and no 68 The Craig Road with no additional buildings immediately after. Policy states that for the purposes of policy CTY 8 the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. There are not three buildings in a row presented at this location and the gap, building to building is 128m with the site in question not presenting to the road with any road frontage.

It is not considered that there is a small gap within an otherwise substantial built up frontage that would meet the requirements of CTY 8 and given that the site presented does not and will not have a frontage to the road the site is not thought to respect the existing pattern of development along the frontage.

The Design and Access Statement submitted on behalf of the applicant suggests the site meets with CTY 8 (Ribbon Development) based on the assumption of the implementation of the extant approvals, however even if all construction was in place the site in question still would not present to the road offering no frontage to the road which is contrary to policy and to the character of the area.

The D & A Statement also considers the site to fall within the policy requirements of CTY 2A (New Dwellings in Existing Clusters)

Policy CTY 2a, New Dwellings in Existing Clusters states that planning permission will be granted for a dwelling at an existing cluster of development would be permitted when following criteria is met

- **The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.**

The site does lay outside of farm buildings and there are several buildings within the vicinity however these are buildings located off Scaddy Road and The Craig Road, the closest building to the site is no 66 The Craig Road, with a then gap until 68 (taken in physical form on the ground and not approved dwellings). The development would not be considered to be a tight cluster however it is considered that the buildings loosely cluster given the development to the rear of the site.

- **The cluster appears as a visual entity in the local landscape.**

The site in question will not appear as a visual entity in the local landscape given the physical condition on the ground with clear separation between the site in question and lands to the south of the site. There is also a wooded area to the east of the site that that is not developed and screens to a degree development off the Scaddy Road. The cluster does not appear 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 cross-roads.**

The D & A Statement submitted as part of this application admits that the site fails to meet this section of policy, referring to the T junction rather than a cross roads however the site is located away from the T junction but in any case the type of junction is not sufficient to meet policy requirements.

- **The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.**

Due to the topography of the site and suitable mature planting adjacent to the site it can provide a suitable degree of enclosure. It is also considered that the site is bounded on at least two sides by existing development.

- **Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.**

Given the context of the site and surrounding development and the positioning of surrounding dwellings it is not considered that this development would round off the cluster. The siting of the dwelling and the overall design of the dwelling would not allow for it to be easily absorbed into the existing cluster.

- **Development would not adversely impact on residential amenity.**

While it is noted that there has been an objection to the proposal from adjacent residents it is not considered that the proposal will have an adverse impact on adjacent residential properties due to the proximity of the build from adjacent residential properties, there will be no demonstrable loss of light, overlooking or overshadowing on the site.

While there has been no principle for the development established in relation to the application a full application has been presented so comment will be made on the design in consideration against CTY 13 Integration and Design of Buildings in the Countryside.

CTY 13 states that permission will be granted for a building in the countryside.

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

The site holds constraints in that the topography of the site with slopes and stepped site would prove difficulties with design. The proposed dwelling spreads across the slope of the site and while the design appears to try and take into consideration the topography of the site the resulting building fails to blend with the landscape.

- **It is a prominent feature in the landscape.**

It is not considered that the dwelling would sit prominent in the landscape given the amount of planting and screening along the boundaries of the site and also given that there is development to the rear of the site and the wooded area would help absorb development. The design is not acceptable, this will be considered later in the report and siting could be improved however in general the site could accommodate a dwelling without resulting in it being a prominent feature in the landscape.

- **The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.**
- **it relies primarily on the use of new landscaping for integration.**

The site benefits from good boundaries in general that is mature planted boundaries and further planting within the site. It is noted that the site has been partly cleared however a suitable degree of planting remains to allow a building to integrate into the surroundings without relying on new planting for integration.

- **Ancillary works do not integrate with their surroundings.**

Ancillary works do not integrate with the surroundings as the proposed access offers a sweeping drive, suburban in nature up through the site possibly trying to negotiate the slope however resulting in an access that draws attention and impacts negatively on the surrounding landscape. This is another issue arising from the chosen siting position of the dwelling.

- **The design of the building is inappropriate for the site and its locality.**

The design of the building is not appropriate for the locality and the constraints of the site. The hipped roof of the dwelling is not considered acceptable nor is the large veranda style overhang and suspended balcony. The elevation facing the road has a lot of roof detail dominated by a large chimney and the openings offer no symmetry or rhythm and the suspended balcony together create a design that is not appropriate for the surroundings, rather than integrating into the hill the dwelling would stand out on the hill. The length of the building with the heavy roof also deters the dwelling from integrating.

- **It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.**

The dwelling does attempt to split across the site however it could not be considered that the dwelling blends with the landform as the large dwelling does not respect the existing landform and levels across the site and rather than site towards the bottom of the slope which would allow for the slope to act as a backdrop and do away with the need for a sweeping access dwelling has been positioned towards the top of the slope which also goes against the notion of filling the gap. It is noted that dwelling no 66 is set back off the road and up the hill however each site is judged on its own merits and as it stands this site does not integrate.

- **In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.**

CTY 10 is not applicable in this instance as the dwelling is under consideration as a dwelling on a farm.

Consideration is also given to CTY 14, Rural Character in that planning permission will be granted for a dwelling in the countryside where it does not cause a detrimental change to further erode the character of the area.

- **It is unduly prominent in the landscape.**

While the design of the dwelling is not considered to be acceptable and the 7m height of the larger section of dwelling is not considered acceptable given the planting and screening of the site and development to the rear it would not be considered that the building would be unduly prominent in the landscape.

- **It results in a suburban style build-up of development when viewed with existing and approved buildings.**

The dwelling in question with the hipped roof, veranda detail and sweeping drive does off a more suburban context however the build-up in the area as a result of the application would not be considered a suburban style build-up when viewed with existing and approved buildings.

- **It does not respect the traditional pattern of settlement exhibited in that area.**

There is not a clear pattern of development identifiable in the area, there is a mix of designs of dwellings with sizes and scales differing but generally all referring back to more rural forms and in turn the scale, massing and design of the buildings respect that. This dwelling would not be considered to respect the pattern of development within the area with the design not considered appropriate, this argument is lessened with the weakness of overall weakness of the design in the overall area.

- **It creates or adds to a ribbon of development (see Policy CTY 8).**

As discussed previously in the report this proposal does not meet with the criterion of CTY 8 and if permitted would create a ribbon of development when considered with what is physically located on the ground.

- **The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.**

The proposed access and sweeping drive would impact on the surrounding area negatively and it is considered that the ancillary works do have the potential to damage rural character with the sweeping drive and distance the drive has to extend due to the choice of siting.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape and the cluster is not associated with a focal point and is not located at a cross-roads.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along The Craig Road.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the design of the proposed building is inappropriate for the site and its locality and the proposed building fails to blend with

the landform, existing buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development along The Craig Road and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case officer:

Authorised by:

Date:

ITEM NO	9			
APPLIC NO	LA07/2018/0360/O	Outline	DATE VALID	23/02/2018
COUNCIL OPINION	REFUSAL			
APPLICANT	Forest Park Developments 23 Main Street Castlewellan BT31 9df		AGENT	Eoin Morgan 32A Bryansford Avenue Newcastle BT33 0LG 07824153240

LOCATION Immediately North West of 4 Sawmill Road Castlewellan BT31 9GJ
PROPOSAL Infill dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	0	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a substantial and continuously built up frontage
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.



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agus an Dúin

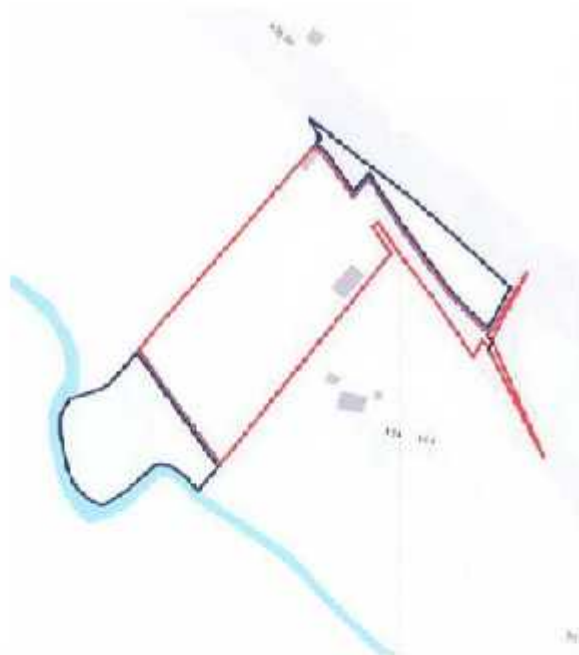
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0360/O

Date Received: 23.02.2018

Proposal: The application is for outline planning permission for a single dwelling.

Location: The application site is located outside the settlements in the open countryside within the Mourne Area of Outstanding Natural Beauty and also within a Countryside Policy Area as designated in the Ards and Down Area Plan 2015. The site is located approx. 3 miles north of Newcastle.



Site Characteristics & Area Characteristics:

The site is located on lands to the NW of No 4 Sawmill Road. No 4 Sawmills is a large detached dwelling, with cream rendered walls and red concrete roof tiles set in a sizeable plot, with mature garden. No 4 has its access onto Sawmill Road. The site is accessed down a laneway which runs adjacent to No 4's garden and continues northwards. At the end of the laneway is a high concrete block wall which is gated and secured. Through the gates leads into what resembles a builders compound.



Site History:

R/1977/0502 Drumee, Castlewellan, Dwelling Permission Refused

R/1989/0351 Adjacent To 154 Newcastle Road Castlewellan Replacement Dwelling Permission Refused

R/2004/1234/Q Newcastle Co Down New Dwelling Pre Application Enquiry - Non Committal

R/2004/2088 Sawmill Road, Just Off Main Newcastle/ Castlewellan Road, Castlewellan Market Garden Pre Application Enquiry - Non Committal

R/2005/0546/Q Sawmill Road, Just Off Main Newcastle/ Castlewellan Road, Castlewellan Garden Centre Pre Application Enquiry

LA07/2017/0287/O - Lands between 4 & 6 Sawmill Road, Newcastle, permission granted

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 2, PPS 3, PPS 15 and PPS 21.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA – NED - has no concerns regarding the proposal and designated sites.

NIEA – NED – no objections in relation to priority species

River Agency – no objection subject to conditions.

Objections & Representations

In line with statutory requirements one neighbour has been notified on 16.03.2018 and again with amended site address on 04.04.2018. No letters of representation have been received. The application was advertised in the Mourne Observer on 21.03.2018 and again on 11.04.2018.

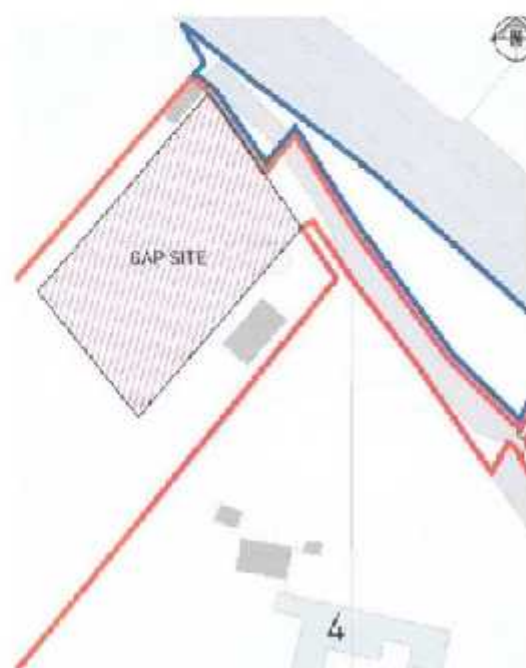
Consideration and Assessment:

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. As such, no conflict arises between the provisions of the SPPS and those of retained policy regarding issues relevant to the application. Accordingly, the main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21).

Policy CTY 1 of PPS 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

Policy CTY8- Ribbon Development. Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this

respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.



Drawing No 02

The P1 form states the present use to be a builders yard. For the purposes of assessment and based on the applicants submission, the Planning Office have determined the gap site is identified by the red line of the application site. The application site is located behind a walled and gated compound/yard. The gap site contains 2 buildings. The agent has indicated the gap site (hatched) as lying between a medium sized green corrugated shed and the smaller concrete block building to the northern corner of the site, as identified in drawing No 02 above. This is an incorrect interpretation of the gap site. What the applicant has indicated is in effect a gap site within a gap site.

For the purpose of consideration against CTY 8 of PPS21, the gap site is as identified by the red line of the application site. The application site does not lie within a substantial and built up frontage. Only Number 4 Sawmills Road lies to the south of the site, there is no corresponding built development to the north of the application site.

As there is no substantial and continuously built up frontage it is not necessary to assess the remaining requirements of CTY8. Reference is made to recent PAC appeal decision 2017/A0135 dated 5 February 2018 which is pertinent to the consideration of this case. A copy is attached at Annex 1

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building

would be unacceptable. The proposal would result in a suburban style build-up of development when viewed with existing and approved buildings and is contrary to CTY 14.

PPS 2 – Natural Heritage

As the site lies within an AONB, then Policy NH 2 is applicable. This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It also states that "new buildings should respect local architectural styles and patterns. This is an outline proposal, appropriate conditions could be attached to ensure that the development reflects the traditional pattern of development in the area. In addition, NIEA – NED have been consulted regarding the proposal and have no concerns regarding natural heritage and designated sites.

PPS 3 -Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DfI Roads have been consulted regarding the proposal and have offered no objections to this proposal.

PPS 15 Planning and Flood Risk

PPS 15 adopts a precautionary approach to development in areas susceptible to reservoir flooding. The site is affected by the designated Burren River MW3107 which flows to the south boundary and the southern and south west part of the site is within the inundation zone of the X0001-NI-Loughisland Reavy Reservoir.

FLD 1 - Development in Fluvial (River) and Coastal Flood Plains.

Flood Maps (NI) indicates that the site does not lie within the 1 in 100 year Strategic fluvial flood plain. Hence DfI Rivers PAU would have no specific reason to object to the proposed development from a drainage or flood risk perspective.

DfI Rivers PAU recommends that the applicant's agent establishes a Q100 level of the Burren River MW3107 and ensures the floor design levels (including garden and paths) are a min 600mm above this established level.

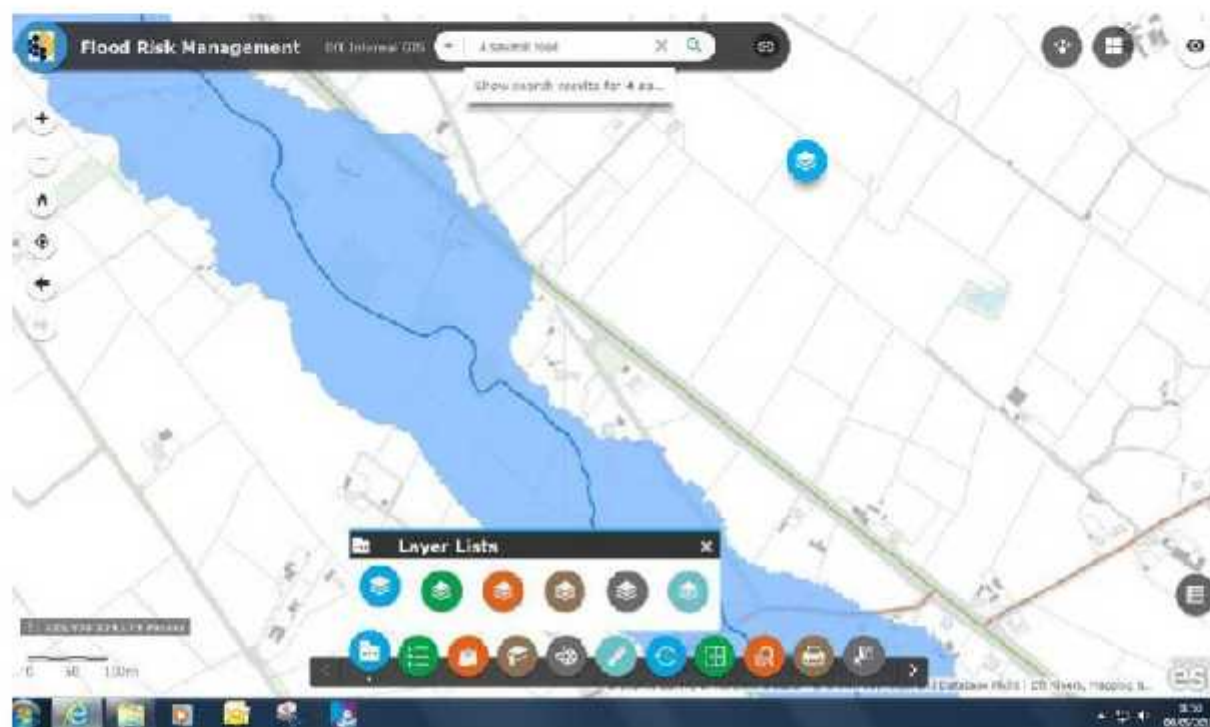
FLD 2 – Protection of Flood Defence and Drainage Infrastructure- The designated Burren River MW3107 which flows to the south of the site. A 5m working strip should be retained to facilitate future maintenance by DfI Rivers

FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains. The proposal does not exceed the thresholds to require a Drainage Assessment. It is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

FLD 4 – Artificial Modification of Watercourses - The drawings does not show any proposal to culvert any watercourses, therefore this would be acceptable.

FLD 5 – Development in Proximity to Reservoirs. Part of the site on the western and southern boundaries are shown within the inundation zone of the X0001-NI-Loughisland Reavy Reservoir (see map below).

This is an outline Planning Application. To comply with Revised PPS 15 sub-policy FLD5, the developer must ensure that all built development is outside of and does not encroach on the inundation zone indicated below.



These could be dealt with by way of conditions if Planning were minded to approve the proposal.

Conclusion

Based on careful consideration of all the relevant material planning considerations, it is contended that the proposal is contrary to policies SPPS, PPS 21- CTY 1, CTY 8 and CTY 14.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable

Development in the Countryside in that there is not a substantial and continuously built up frontage.

2. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site would result in a suburban style build-up of development when viewed with existing and approved buildings.

Case Officer Signature

Date

Appointed Officer Signature

Date



Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

82

Appeal Reference:	2017/A0135
Appeal by:	Mrs Jenny McBriar
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and domestic garage
Location:	Between Nos 128 and 130 Ballystockart Road, Comber
Planning Authority:	Ards and North Down Borough Council
Application Reference:	LA06/2017/0286/O
Procedure:	Written Representations with Accompanied Site Visit on 26 January 2018
Decision by:	Commissioner Pamela O'Donnell, dated 5 February 2018

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in the appeal are whether the proposal is acceptable in principle in the countryside and if it would adversely impact on rural character.
3. The Planning Act (Northern Ireland) 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 Ards and Down Area Plan 2015 (ADAP) operates as the local development plan for the area where the appeal site is located. The Plan places the appeal site outside any settlement limit and within the countryside. It contains no material policies for the type of development proposed. Furthermore, no conflict arises between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of retained policy regarding issues relevant to the appeal. Accordingly, the main policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 thereof indicates that there are types of development acceptable in principle in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 of PPS21 is entitled Ribbon Development. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an

- otherwise substantial and continuously built up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
5. In determining whether an "infill" opportunity exists, one must identify whether there is an otherwise substantial and continuously built up frontage present. For the purpose of policy this *"includes a line of three or more buildings along a road frontage without accompanying development to the rear"*. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. At the site visit, the Appellant's agent clarified his position. He asserted that the buildings at Nos 124, 128 & 130 Ballystockart Road have frontage to the road and form a substantial and built up frontage with a gap site between Nos 128 and 130. The Council disagreed and argued that only the dwelling at No 130 had frontage to the road, so there was no substantial and built up frontage or gap site.
 6. The dwelling at No 130 has a frontage to the road as the plot on which it stands shares a boundary with the road. However, the buildings at Nos 124 and 128 are physically separated from the road by intervening fields and they only connect with the road via access driveways. Notwithstanding the narrow strip of garden to either side, it is the access driveways that provide the predominant visual and physical feature that connects with the road; not the plot. A narrow garden strip along a driveway does not constitute frontage to a dwelling and access arrangements, by their very nature, do not represent 'built up frontage'. Irrespective of whether or not the land at the road frontage is in one ownership and is delineated by fencing, the plots on which the buildings sit are not along the road frontage. Contrary to the position of the Appellant, the front garden areas do not extend to the road and the red line site location plan associated with the approval for an amended access to No 124 does not alter this fact. The planning approvals associated with the applications for the dwellings show the defined curtilages of both dwellings set back off the road and clearly, on the ground, the buildings and their curtilage areas are physically separated from the road frontage by some 80m. Nos 124 and 128 do not share a boundary with the road so they do not have frontage to the road.
 7. As the aforementioned buildings do not have frontage to the road, there is no line of three or more buildings to constitute a substantial and continuously built up frontage, as envisaged by the policy. Accordingly, there is no gap or infill opportunity. Rather, the appeal site provides relief and a visual break in the developed appearance of the area. Given that the appeal proposal does not represent an exception to the policy, it fails to satisfy Policy CTY8.
 8. Ribbon Development is not comprehensively defined in Policy CTY8. However, paragraph 5.33 of the Justification and Amplification to the policy indicates that ribbon development 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. Thus ribbon development can comprise buildings that do not share a road frontage. Policy CTY14 of PPS21 relates to rural character and states that a new building will be unacceptable where it creates or adds to a ribbon of development. The Council argued that the proposal would create ribbon development, contrary to policies CTY8 and CTY14.

9. The appeal proposal would visually link with the existing buildings at Nos 124 and 128 from the view identified to form ribbon development. It would also visually link with the buildings behind at Nos 126 and 126a from the specified view leading to suburban style build up detrimental to the rural character of the area. For these reasons, the proposal also fails to comply with policies CTY8 and CTY14. The first and second reasons for refusal are therefore sustained.
10. The proposal does not represent one of the types of development considered acceptable in principle in the countryside. Policy CTY1 of PPS21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. There was no persuasive evidence to demonstrate that the proposal is essential. It is therefore also at odds with Policy CTY1 of PPS21. The third reason for refusal is sustained.
11. As all reasons for refusal are sustained, the appeal must fail.

This decision is based on the Site Location Plan @ 1:2500 - Drawing No A 2570 stamped refused by the Council on 6 June 2017.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:- Ms G Corbett (Ards & North Down Borough Council)
Mr M Creighton (Ards & North Down Borough Council)

Appellant(s):- Mr D Burgess (Agent)
Mr J Burgess (On behalf of Ms McBriar)

List of Documents

Planning Authority:- "A" Statement of Case
"C" Rebuttal

Appellant(s):- "B" Statement of Case



Request for Speaking Rights

Council Committee Meeting taking place on 29th August 2018

Planning Application Reference: LA07/2018/0360/O

Planning application description: Infill Dwelling

Location: Immediately north-west of no 4 Sawmill Road, C'wellan

Agent: Eoin Morgan

Council Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a substantial and continuously built up frontage.
2. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site would result in a suburban style build-up of development when viewed with existing and approved buildings.



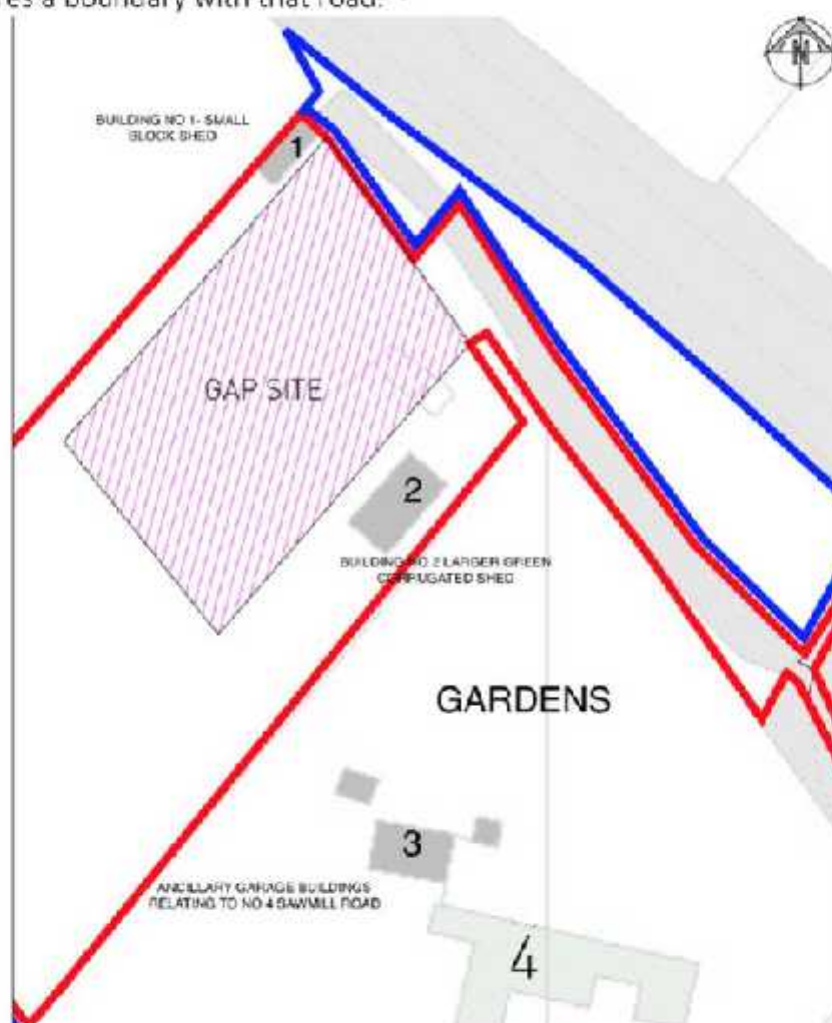
Summary of Rebuttal of Refusal Reasons

1. The proposal is policy compliant. All 4 buildings have frontage onto the lane off the Sawmill Road shown on the site location plan. PAC defines frontage as : "A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road."¹
2. Although unclear from the report, what the planning office seem to be saying is that a building cannot be regarded as having frontage if it is shown to be within the red line of an applications site.
This is not the policy test as set out in PPS21. The policy makes no reference to whether a building can or cannot be included as a building with frontage if it is inside or outside the red line on a site location plan.
Any approved dwelling can be conditioned to be sited within the gap site between the 2 buildings as shown on the submitted plan below. The red line has been drawn around the buildings on the site in order to allow the appearance of these unsightly buildings to be improved which could not be done if the red line had not be drawn around the buildings to each side.
3. The site is immune from enforcement action as use as a builder's yard and can continue to be used as such. It is also highly likely that permission for further storage buildings would be approved relating to the storage of materials. This is the genuine fall-back in terms of planning law.
4. The site history which is a relevant material consideration has not been taken into account.
Due to the failure to have regard to the relevant material considerations (site history) and the fact that these were not assessed may lead to a cost decision at appeal and or a successful judicial review.

¹ Infill site for 2 dwellings and associated domestic garages, Land between 1 Drumgiven Road and 37 Creevyaragon, Road, Ballynahinch, Appeal Reference 2017/A0026

Amplification of Rebuttal of Refusal Reasons

1. The Map below illustrates the continuously built up frontage of which there are 4 buildings. All 4 buildings have frontage to the laneway in question which was once a road (as is shown historical maps is annex b) . The accepted PAC definition defines frontage as : "A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road."²



² Infill site for 2 dwellings and associated domestic garages, Land between 1 Drungiven Road and 37 Creevyargon, Road, Ballynahinch, Appeal Reference 2017/A0026



Buildings 3 and 4



Building no 1





2. The case officer in their assessment of the planning application has stated that infill policy has been incorrectly interpreted as the applicant has indicated "a gap site within a gap site". Therefore, the case officer seems to acknowledge that this is in fact a gap site but because the red line on the site location plan has been drawn around the 2 buildings within the frontage then the 2 buildings cannot be included in the assessment of frontage. That is not stated anywhere in the policy or any form of guidance, and similar assumptions made in the past have been deemed to be extending the scope of the policy beyond what is written in the policy thereby rendering a decision unlawful.³

The wording of the policy states:

"An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements."

There is no reference in policy or guidance to whether the red line drawn on a site location plan cannot be drawn around buildings within the frontage. As stated above, the case officer has accepted that there are 3 buildings, by noting that there are 2 building within the red line and 1 adjacent. The submitted plan clearly identifies the gap as hatched and this is where the **development** is proposed. The policy test is whether there are existing buildings which have frontage.

The relevant appeal was quoted in the proposal's original design and access statement which was not assessed: this appeal states that "Policy CTY 8 makes no reference to whether buildings are subsidiary to other buildings or stand on individual planning units."⁴ (Appeal Decision 2016/A0040, dwelling house and garage, Between 28 Acre Lane and 34 Acre Lane, Waringstown.)

The reason that the red line has been drawn around the buildings either side of the gap site is because the site forms one planning unit. If the red line did not include the buildings either side of the gap site then the buildings could continue to be used as builder's storage which is not necessarily a compatible land use with domestic dwellings within such close proximity. Therefore, there is planning gain to be achieved through inclusion of the buildings within the red line which would allow the buildings at some stage to be used as domestic buildings associated with the dwelling. It would put the applicant to further unnecessary expense to make them subsequently apply

³ 2011/A0277, dwelling and garage Adjacent & north of no 25 Grants Lane, Gawley's Gate

⁴ Appeal Decision 2016/A0040, dwelling house and garage, Between 28 Acre Lane and 34 Acre Lane, Waringstown



for a further planning application for extension of domestic curtilage whenever this can be achieved through this application.

As per normal practice: the Council can condition the proposed dwelling to be sited between the 2 buildings.

According to leading planning Barrister William Orbinson's publication "Planning Appeals Principles" (2014): where there are inconsistencies in policy these must be weighed in favour of the appellant. He then explains this point by referencing appeal decision 2011/A0277 for an infill dwelling.

The case officer also references appeal decision appeal decision 2017/A0135 which is claimed to be pertinent to the consideration of this case. However, no explanation is made as to why this case is important to the consideration of the proposed case and has no correlation to the proposal before the committee. The appeal which was dismissed proposed an infill dwelling on a gap site. Paragraph 6 of this appeal clearly explains that the reason for the failure of the appeal was because the buildings within the ribbon were not considered to have frontage because intervening fields separate the buildings from the road. This is in contrast to the proposed application which seeks to infill a gap between buildings which clearly have frontage to the laneway.

Council refusal reason no 2 states that the proposal would result in a "suburban style build up" when viewed with existing and proposed buildings. As the above arguments demonstrate that the proposed site complies with the infill policy allowance then the CTY14 requirement is subsidiary which has been repeatedly stated in planning appeals decisions. Also of importance with regard to this refusal reason is the current appearance of the site which is a blot on the landscape. The provision of a dwelling on the site will improve the appearance of the area and is also supported by the owners of neighbouring properties. The site also benefits from extensive natural boundaries which will ensure that a proposed dwelling could satisfactorily integrate into the area.

3. The site is immune from enforcement action for use as a builders yard and can continue to be used as such which is the genuine fall back principle and which must be treated as a material consideration. This is a use that the neighbouring properties in the area are deeply dissatisfied with. There was previously an enforcement case on the site for unauthorised change of use which was subsequently closed due to immunity from enforcement action. The applicants therefore respectfully requested that this is considered and attributed appropriate weight.
4. Furthermore the continued use of the site as a builders yard will cause demonstrable harm to the environment - visually and physically.



The yard is an eyesore, particularly when viewed from Drumee Cemetery and the popular Newcastle challenge trail walking path which is popular with tourists. The site is located adjacent to the Burren River and surface run off from rain flows into the watercourse. During periods of heavy rainfall, building materials which are currently stored in the open can cause run-off and sediment pollution which can cause contamination to this designated water course.

The Council may say a certificate of lawfulness is required in order to determine whether the use is lawful. However, this is not required by policy or planning law. All evidence submitted to the planning office must be considered and attributed appropriate weight in the consideration of the planning application. The applicant had also submitted aerial photographs in the original submission dating back over 15 years showing the continued use of the site as a builders yard. (annex b)

In the original design and access statement these matters were raised but not addressed in the assessment. It is likely that in terms of judicial review, failure to include these relevant material considerations may result in a successful judicial review of the decision and potentially a successful cost claim.

The applicants therefore respectfully request that the proposal is approved by the planning committee.



Annex A Historical Map Ordnance Survey 1905 - 1957



Annex B Historical Aerial Photograph Dated 10th May 2008, Ordnance Survey NI



icph01egraphy V2 (Features: 1648, Selected: 0)

HighSE	Category	Title	Group Name	Product Name	CenterX	CenterY	ZOrder	Flattened
1	Primary	Ordnance			162,200	824,200		15/3/2008 1:00 A.M.
1	Primary	Ordnance			164,400	824,200		15/5/2008 1:00 A.M.

ITEM NO	11			
APPLIC NO	LA07/2018/0401/O	Outline	DATE VALID	23/02/2018
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs Colm Cunningham 24 School Road Ballymartin Kilkeel		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
				NA
LOCATION	60m south of No 24 School Road Ballymartin Kilkeel			
PROPOSAL	Proposed site for infill dwelling and domestic garage (Amended address) SUP			

REPRESENTATIONS	OBJ Letters	Letters	OBJ Petitions		SUP Petitions	
	0	0	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site sufficient only to accommodate a maximum of two houses and would, if permitted, result in the addition of ribbon development along School Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

if permitted, the proposed building would be a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposal to integrate into the landscape the proposed dwelling would rely primarily on the use of new landscaping for integration;

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the dwelling would, if permitted, be unduly prominent in the landscape;
the dwelling would, if permitted create or add to a ribbon of development
and would therefore further erode the rural character of the countryside



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

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0401/O

Date Received: 23.02.2018

Proposal: Proposed site for infill dwelling and domestic garage

Location: 60m south of No 24 School Road, Ballymartin, Kilkeel

Site Characteristics & Area Characteristics:

The application site is an existing agricultural field located within the country side, c. 350m north of the settlement limit of Ballymartin. The site is accessed via an existing agricultural gate and is bound to the west by an agricultural field which fronts onto a private laneway leading to further fields. The site is adjoined to the north east by No. 24 School Road and the red line area of this application extends into the garden area and access of No. 24. Field boundaries consist of traditional dry stone walls. The site is located within an Area of Outstanding Natural Beauty and within a Site of Local Nature Conservation Importance 156 (Ballymartin Moraine).



Photomontage of frontage along School Road

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- PPS2- Natural Heritage
- PPS3 Access, Movement and Parking
- DCAn15- Vehicular Access Standards
- PPS21- Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide.

Site History:

P/2005/2194/O- Site for dwelling and garage. Permission Refused 19/04/2006

Consultations:

Transport NI- No objection in principle. Condition recommended.

NI Water- Generic response provided.

Objections & Representations:

Four neighbours were notified on 23/03/2018 plus an additional neighbour on 03/05/2018 and the application was advertised on 28/03/2018. No objections or representations have been received.

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 currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. It is within a Site of Local Nature Conservation Importance 156 (Ballymartin Moraine) and the Mourne and Slieve Croob Area of Outstanding Natural Beauty. Appendix 1D of the Plan's Countryside Assessment states that the SLNCl is designated for its geological features as a glacial landform. The erection of a house on the site is unlikely to have a significant effect on the underlying geology so no further consultation with regard to the SLNCl is required. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Agent for this application argues that the proposal represents an infill opportunity in accordance with Policy CTY 8.

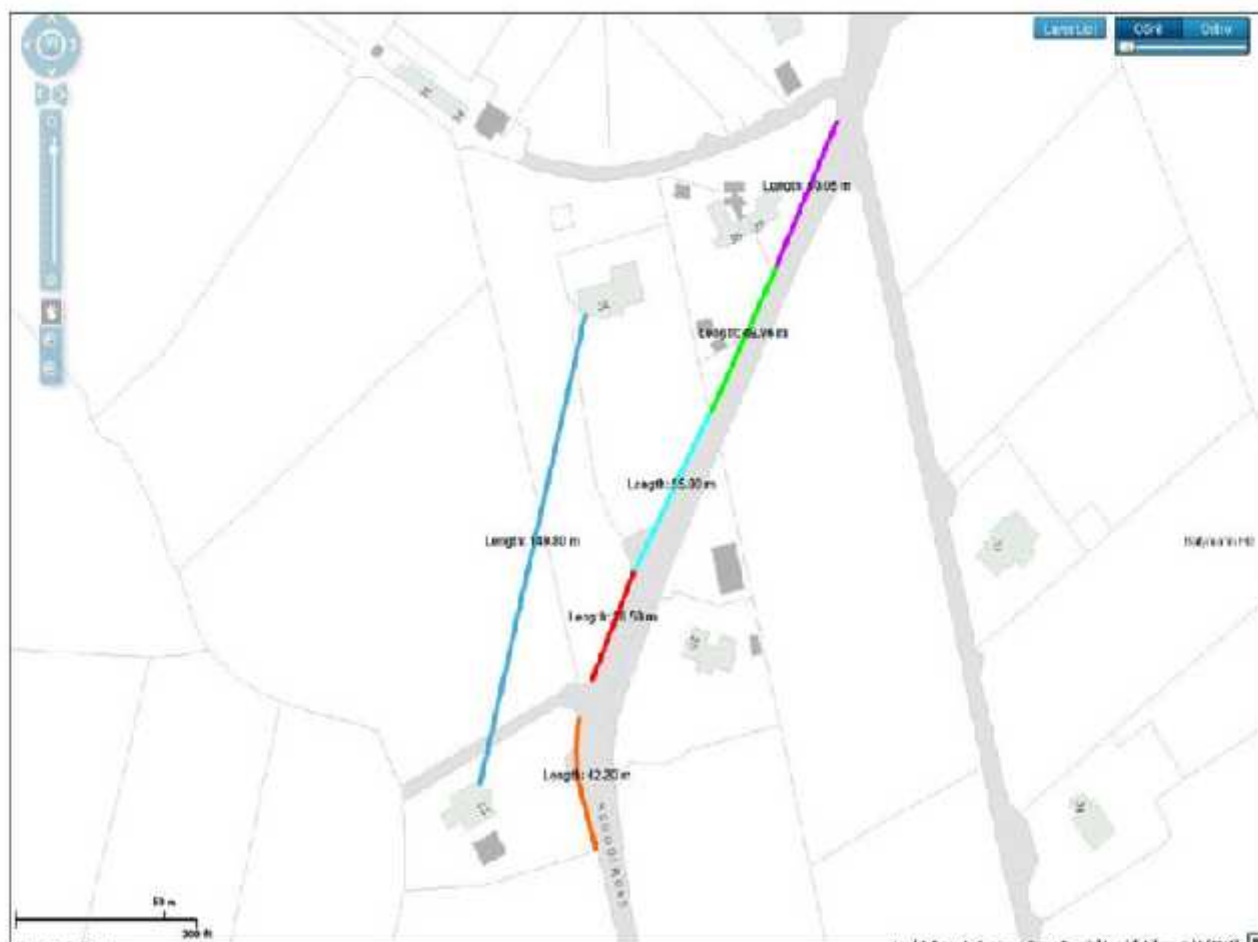
Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, policy goes on to explain that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken (Reference 2016/A0040):

- a) Identify if there is a substantial and continuously built up frontage
- b) Establish if the gap site is small sufficient only to accommodate a maximum of two houses
- c) Determine if the proposal would respect the existing development pattern in terms of size, scale, siting and plot size
- d) Assess the proposal against other planning and environmental requirements.

The application is located along School Road, to the south west there is a dwelling and garage both with frontages to the road. To the north east of the site there is a further three dwellings. As there is a line of more than three buildings with a common frontage along School Road there is a substantial and continuously built up frontage and the proposal meets the first element that is required in order to qualify as an infill site.

The frontage of the site measures approximately 36.5m; however in policy terms the critical issue is the size of the gap between the buildings. The distance between the dwelling to the south west and that to the north east is approximately 149.8m. The average frontage for buildings along School Road measures approximately 49.3m, given the distance between buildings and the average frontage it is clear the gap site is not small and could accommodate three dwellings. Consequently, the application site does not constitute a gap site, set out in Policy CTY 8 as acceptable in the countryside.



Calculation of frontages

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where it lacks long established natural boundaries or is unable to provide a suitable degree of enclosure or where it relies primarily on the use of new landscaping for integration. The application site lacks long established natural boundaries. It has only two boundaries which consist of a traditional dry stone wall, there are no existing rear or north eastern boundaries. A new building would rely on new landscaping for integration and would appear as a prominent feature along this roadside, flat site. The proposal fails to comply with Policy CTY 13.

Policy CTY 14 states that 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. A new building will be unacceptable where it is unduly prominent in the landscape and where it creates or adds to a ribbon of development. As previously states, the site lacks established natural boundaries and a new dwelling would appear as a prominent feature in the landscape. A new dwelling would also add to the ribbon of development along School Road. The proposal fails to comply with criterion (a) and (d) of Policy CTY14.

Recommendation:

The proposal is contrary to Policy CTY1, CTY8, CTY13 and CTY 14 of PPS 21 and recommended for refusal.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site sufficient only to accommodate a maximum of two houses and would, if permitted, result in the addition of ribbon development along School Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - If permitted, the proposed building would be a prominent feature in the landscape;
 - The proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the proposal to integrate into the landscape
 - The proposed dwelling would rely primarily on the use of new landscaping for integration
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted, be unduly prominent in the landscape;
 - the dwelling would, if permitted create or add to a ribbon of development

and would therefore further erode the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	1				
APPLIC NO	LA07/2017/0449/F		Full	DATE VALID	23/03/2017
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Tony Cunningham 52 Upper Dromore Road Warrenpoint BT34 3PN			AGENT	Cole Partnership 12A Duke Street Warrenpoint BT34 3JY 02841753679
LOCATION	Vacant ground between Dromore Heights and Cloughmore View and east of No. 4 Dromore Heights Upper Dromore Road Warrenpoint				
PROPOSAL	Proposed 2 No. Dwellings (further amendments since previous letter of 30th April 2018)				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	12	0	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0

1. The proposal is contrary to the SPPS and Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;



PROPOSAL

(c) that adequate provision is made for landscaped areas as an integral part of the development;

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

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

(h) that the design and layout will not cause/create unacceptable adverse impacts on proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

2. The proposed development is contrary to the SPPS and Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, (b) in that:

The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

3. The proposed development is contrary to the SPPS and Planning Control Principle 1 of PPS 12, in that the proposed form, scale, massing and layout do not respect local character and environmental quality.

4. The proposed development is contrary to the SPPS and Planning Control Principle 2 of PPS 12, in that the proposed development does not represent a high quality of design, layout and landscaping.

5. The proposed development is contrary to the SPPS and Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local housing layout and local materials.

6. The proposal is contrary to the SPPS and Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Warrenpoint and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.



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

Application Reference: LA07/2017/0449/F

Date Received: 23rd March 2017

Proposal: Proposed 2 No. Dwellings

Location: Vacant ground between Dromore Heights and Cloughmore View and east of No. 4 Dromore Heights, Upper Dromore Road, Warrenpoint

Site Characteristics & Area Characteristics:

The site consists of a vacant plot of land elevated above the Upper Dromore Road and between Cloughmore View and Dromore Heights. Access can currently only be gained to the site via Dromore Heights. The Upper Dromore Road is a busy route into and out of Warrenpoint and along this road, dwellings/buildings predominantly front onto the road. Within Cloughmore View and Dromore Heights, dwellings also front onto the roads and are predominantly detached and single storey (chalet bungalows).



Site from Cloughmore View side
 Upper Dromore Road



The site is currently rough and invaded with scrub vegetation. It is bound along the south western perimeter with no.4 Dromore Heights by conifers and a boundary wall. The site slopes gently away from the south western boundary towards the Upper Dromore Road however before it meets the 3 surrounding roads a steep vegetated embankment exists along these boundaries as seen in the images above.



Site History:

Site included in application for dwelling at Upper Dromore Road under P/1975/0997 – approved.

Land opposite/south of application site known – approval for 2 bungalows under P/1992/0817 at 44 Upper Dromore Road – not built.

An objection letter quotes P/1981/0337 as planning history for the application site however this reference relates planning history on the site of the current 6 Dromore Heights.

Planning Policies & Material Considerations:

RDS 2035

Banbridge Newry and Mourne Area Plan 2015

SPPS – Strategic Planning Policy Statement

PPS 2 – Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 7 – Quality Residential Environments

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

PPS 12 – Housing in Settlement

Planning Strategy for Rural Northern Ireland – DES 2 – Townscape

Advice and guidance:

Creating Places

DCAN 8 – Housing in Existing Urban Areas

Consultations:

DFI Roads – In terms of PPS 3 Access Movement and Parking and the associated DCAN 15, DFI Roads have expressed no objections in principle subject to conditions.

NIW – Available capacity at WWTW, public water supply within 20m, foul Sewer within 20m and Surface water sewer within 20m – Consultation with NIW by means of a Predevelopment Enquiry required.

Environmental Health – no objections – advise the use of energy efficient materials and renewable energy.

Loughs Agency – no objections in principle.

Objections & Representations

6 neighbours originally notified of proposal and representations made from 9 different addresses. All of those who made representations and those originally neighbour notified were also notified of all amendments received. The proposal was advertised in 3 local papers on the 5th and 7th of April 2017 and again on 7th, 9th and 10th May 2018.

Consideration and Assessment:

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

PPS 7 - QD1

Planning permission will be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. There are 9 criterions listed to conform to.

- (a) *The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscape and hard surfaced area:-* the original submission involved 4 dwellings (2 blocks of semi-detached units backing onto each other) however their design and form were deemed be out of character, did not respect the existing density and was overdevelopment of the site. A reduction to 2 appropriately designed dwellings was then sought to ensure the proposal sympathised with the existing detached character of the area and respected the density. The amended scheme however is still unsatisfactory and represents overdevelopment of the site in that the proposed dwellings footprints are too big for their curtilages and in turn the scale proposal is out of character and incompatible with the surrounding development and density presently in Cloughmore View and Dromore Heights. The large footprint leaves the back to back distance between the 2 dwellings at only 8m with the finished floor level of dwelling facing onto Dromore Heights 1m higher than the other. This therefore would create other issues discussed later.



- (b) *Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development:-* No archaeological, built heritage or protected landscape features will be affected.
- (c) *Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area:-* The proposed private amenity space provided is above the minimum 70sqm advised within Creating Places with 92sqm and 110 sqm proposed. A 1.8m high close boarded fence is proposed along the rear boundary between the 2 proposed houses reducing to 1.2m towards the Upper Dromore Road side. Limited details were provided

regarding proposed landscaping including tree/shrub planting, finish to hard surfaces, wall details.

- (d) *Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development:-* Neighbourhood facilities are not required due to the small scale nature of this proposal;
- (e) *A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures:-* The site lies adjacent to one of the main arterial routes into and out of Warrenpoint Road which is also a bus route and has footpaths on both sides of the road. This proposal is also acceptable in meeting the needs of people whose mobility is impaired and further measures will be taken and secured through any building control application. No rights of way are to my knowledge hindered and in terms of traffic calming the dwellings access onto existing established housing developments – Dromore Heights and Cloughmore View at a point where traffic is slowing down to join Upper Dromore Road or come off it.
- (f) *Adequate and appropriate provision is made for parking:-* 2 car parking spaces have been provided for internally with cars reversing onto road. As the proposed dwellings have 4 bedrooms and detached, 3 in-curtilage car parking spaces are required. Therefore, as 3 spaces haven't been provided, the scheme has not met this criterion.
- (g) *The design of the development draws upon the best local traditions of form, materials and detailing:-* The actual design of the dwellings are acceptable and would not be out of character with this section of Cloughmore View or Dromore Heights however for them to work positively their plot sizes would need to be larger. In terms of materials, a smooth render facade with natural grey granite in parts is proposed however; the grey granite is not a common material in these particular estates but rather render incorporated with red brick is more of a comparable material mixture. The roof materials of the proposed dwellings involve grey concrete roof tiles, black uPVC guttering and rmps, black uPVC fascia/white soffit pvc, black textured pvc windows. A stone gabion retaining wall 1.2m high is proposed along south western perimeter with a grassed bank on top. The majority of the proposed materials are acceptable however I'm not convinced that the granite stone will fit with the existing character of the area.
- (h) *The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance:-* Due to the sloping nature of the landform from Cloughmore View and Dromore Heights towards the Upper Dromore Road, the proposed site sits at a lower ground level than the existing dwelling at 4 Dromore Heights. The finished floor level (ffl) of the proposed dwelling facing onto Cloughmore View is 52.40 whereas the ground level within the grounds of no.4 Dromore Heights is 55.92. that's a difference of 3 ½ m. There is also a retaining wall with coniferous hedging between the site and no.4 which would offer screening and privacy protection. The gable window serving bedroom 4 of the dwelling fronting onto Cloughmore View would not overlook the adjacent dwelling due to the existing vegetation and lower ground level of the proposed site. With regard to the south western elevation of the dwelling fronting onto Dromore

Heights, there would be minimal overlooking to no.4 also and this area is visible from public view along the street and therefore not private. A 1.8m high close boarded fence is proposed to the rear of the new dwellings to protect the privacy of their occupants. I do have concerns regarding the relationship of the proposed dwellings with each other. Only 8m of a separation distance would exist between the rear first floor windows of the houses and this is well below the creating places minimum which is set at 20m for green-field sites and in low-density developments. The rear 1st floor bedroom windows would look directly into each other – and only 8m from each other. Although some reduction in the minimum 20m back to back distance may be accommodated at this site given its location, this is dependent on a suitable design and overall footprint/layout. The closeness of the houses to each other would also create a dominant/overbearing impact as their proposed height is 6.4m above ground level and their position could also cast shadows on each other. The closeness of the proposed houses backing onto to each other could also create noise issues for the proposed residents. The proposed scheme would not overlook any other properties on Dromore Heights, Cloughmore View, Upper Dromore Road – front gardens open to public view are not private spaces - and there is a sufficient distance between the site and surrounding property to not overshadow existing properties either.

- (i) *The development is designed to deter crime and promote personal safety:-* The design and layout of the dwellings should deter crime and promote personal safety as houses front onto the road and driveways.

PPS 7 Addendum – Safeguarding the Character of Established Residential Areas - Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out are met:

- (a) *The proposed density is not significantly higher than that found in the established residential area :-* The addition of 2 suitably designed dwellings on this site would not upset the existing density found within this existing residential area;
- (b) *The pattern of development is in keeping with the overall character and environmental quality of the established residential area:-* the proposal to site 2 dwellings onto the site back to back, with dual frontage and each facing their respective estate road is acceptable however, it's the scale/design of the proposal which has been submitted is unacceptable; and
- (c) *All dwelling units and apartments are built to a size not less than those set out in Annex A:-* the floor space of the proposed dwellings is well above the minimum floor space requirement set for a 4 bed house.

PPS 12 – Housing in Settlements

Para 81 of PPS 2 states that the Planning Control Principles (PCP) should be taken into account in the preparation of development plans and are also material to decision on individual planning applications and appeals for housing development in settlements. They support and should be applied in conjunction with other relevant planning policy and guidance including PPS 7, PPS 13, Creating Places, DCAN 8 and new current policy the SPPS.

PCP1 (of PPS 12) – Increased Housing Density without Town Cramming

This policy encourages increased density of housing development in towns and city centres and other locations which benefit from high accessibility to public transport facilities however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded. Respect should also be paid towards the form, scale, massing and layout of the new development and that of adjacent housing and safeguard the privacy of existing residents.

In the case of this application, the site lies towards the outskirts of Warrenpoint, on a public transport route with an existing small shopping complex in close proximity. The existing character involves detached dwellings both single storey and storey and a half on small to medium sized plots and fronting onto the estate roads. The proposed development of 2 dwellings would not disrespect the current density however; the proposal does not fully comply with the general principles of PCP1. Although making use of a vacant plot of land within a well-established residential area, the current proposal represents overdevelopment in terms of the scale and if approved would hinder the existing character of the area and create other amenity issues for the proposed occupants. The lack of sufficient car parking would also cause/encourage an overspill onto both estate roads.

PCP 2 of PPS 12 – Good Design

The design proposed for the 2 dwellings as discussed previously represents overdevelopment of the site and would adversely affect the existing character of the area.

Seven objections (7 different addresses) were received with regard to the original 4 dwelling proposal raising issues such as:

- Increased traffic and Upper Dromore Road already a busy road given existing high school and retail/proposed retail units;
- Car parking – over spill/limited car parking proposed, and related issues regarding vehicular and pedestrian safety;
- Style of house/density not in keeping with established character;
- If approved would set a poor precedence;
- Overshadow/loss of light;
- Overlook.

A further 3 objections were received following the submission of amended drawings in April 2018 including a new objector. The issues raised following the amended plans include:

- Road safety/visibility;
- Limited car parking in curtilage which would result in overspill onto Cloughmore View/Dromore Heights and in turn put pedestrians and other road users at risk;
- Proposal not in keeping with the character of Dromore Heights or Cloughmore View – single dwellings with large gardens and ample parking – new proposal density still too high and is overdevelopment of the site;
- Overlooking;
- Previous planning for single dwelling only;
- Cold water mains apparently feeds through site;

- If approved development would set a poor precedent.

A number of these concerns have already been covered through the assessment under QD1 of PPS 7. The proposal has been reduced from 4 dwellings to 2. A slight increase in traffic is expected due to 2 new dwellings being proposed however, the site is located within the urban area where new housing is promoted subject to compliance with planning policy. DFI Roads were consulted on both schemes and are satisfied with the proposed access arrangements and location. With regard to the cold water main issue, NIW were consulted and have not raised any objections to the proposal however, any approval on the site and works to move this main is an issue between the developer/land owner and NIW.

Recommendation:

Refusal is recommended

Refusal Reasons/ Conditions:

1. The proposal is contrary to the SPPS (Strategic Planning Policy Statement) and Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
 - (c) That adequate provision is made for landscaped areas as an integral part of the development;
 - (f) That adequate and appropriate provision is made for parking;
 - (g) That the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) That the design and layout will not cause/create unacceptable adverse impacts on proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
2. The proposed development is contrary to the SPPS and Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, (b) in that:

The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the SPPS and Planning Control Principle 1 of PPS 12, in that the proposed form, scale, massing and layout do not respect local character and environmental quality.

- 4. The proposed development is contrary to the SPPS and Planning Control Principle 2 of PPS 12, in that the proposed development does not represent a high quality of design, layout and landscaping.
- 5. The proposed development is contrary to the SPPS and Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local housing layout and local materials.
- 6. The proposal is contrary to the SPPS and Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Warrenpoint and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Case Officer Signature:
Date:
Authorised Officer Signature:
Date:

PROPOSAL ITEM NO 2
APPLIC NO LA07/2017/0603/O
COUNCIL OPINION REFUSAL
APPLICANT Christopher Smith 2
 Woodvale Bessbrook BT35 7FD

Outline **DATE VALID** 21/04/2017

LOCATION Site adjacent to No. 1 John Mitchel Street
 Newry
 BT34 2AP

AGENT Neil Mullen 17a Barrons Hill Camlough Newry
 BT35 7HJ
 074 8248 1881
 Proposed 2 storey dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
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	0	0	0	0
			Addresses	Signatures
			0	0
				Addresses
				0



1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy QD1 of the Departments' Planning Policy Statement 7: Quality Residential Environments and Paragraph 3.24 of Development Control Advice Note 8 in that it has not been demonstrated that the development would create a quality and sustainable residential development and it has not been shown:
 - a) that the development respects the surrounding context and is appropriate 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;
 - c) that adequate provision is made for private amenity space an integral part of the development
 2. The proposed development is contrary to paragraph 6.137 of the SPPS and Planning Policy Statement 7 Addendum 'Safeguarding the Character of Established Residential Areas' in that the proposed development is not in keeping with the overall character and environmental quality of the established residential area and the dwelling would fail to meet the internal space requirements set out in Annex A.
 3. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 12 'Housing in Settlements' Planning Control Principle 1 in that:
 - the proposed development would erode the local character, environmental quality and residential amenity; and
 - the proposed density, together with form, scale and massing and layout of the new development is not in keeping with the adjacent housing.
-



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/0603/O

Date Received:

21/04/2017

Proposal:

Proposed two storey dwelling

Location:

Adjacent to number 1 John Mitchel Street, Newry

Site Characteristics & Area Characteristics:

This site is located within the settlement limits of Newry in an established residential area with a mix of dwelling styles, primarily two storey and ranging from terrace to semi-detached dwellings. The site itself comprises No.1 John Mitchell Street and its garden area, an end plot within a row of two storey terraces, close to the intersection of John Mitchel Street, Church Street, Pound Street and Temple Hill Road as shown. Given the variation in road level, the site is positioned some 2.5-3 metres below Pound Street, with an existing retaining wall within the site, which is accessed via a pedestrian gateway off John Mitchell Street.



Site and relevant surrounding history:

There are no previous planning records held in respect of this the site.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP)
- PPS3 'Access, Movement and Parking'
- PPS6 'Planning, Archaeology and The Built Heritage'
- PPS7 'Quality Residential Environments'
- PPS7 Addendum: 'Safeguarding the Character of Established Residential Areas.'
- PPS12 'Housing in Settlements'
- DCAN 8 'Housing in existing Urban Areas'
- PPS15 'Planning and Flood Risk'
- DOE 'Creating Places: Achieving quality in residential environments'

Consultations:**DfC Historic Environment Division: Historic Monuments (17/08/2017)**

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

DfI Rivers Agency (04/09/2017)

No objections to the proposal. Informatives attached regarding PPS15 Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk outside Flood Plains.

DfI Transport NI (30/01/2018)

Following amendments, no objections in principle to the proposal subject to attached conditions, which includes the requirement for TAS approval prior to commencement of any works approved on this site.

NI Water (11/05/2018)

No objections, standard informatives attached.

Objections & Representations

- 7 Neighbouring properties were notified on 16/08/2017 with statutory expiry period 30/08/2017;
- Application advertised in 3 local papers 10/05/2017 and 12/05/2017 (statutory publication period expired 26/05/2017)
- 0 objections or representations 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. 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 subject site is located within the settlement limits of Newry (NY01), an Area of Archaeological Potential (NYAAP01) and there is a designated Archaeological Site and Monument (St. Patrick's Church and Graveyard (DOW046:039) approximately 200m north-west of the site which HED:HM has commented on in respect of SPPS and PPS6 requirements. This proposal seeks outline approval for the erection of a two storey dwelling adjacent to No.1 John Mitchel Street. As there are no specific policies within BNMAP relevant to this determination, this proposal is primarily assessed against the merits of retained policies PPS3, PPS7 (and its addendum,) , PPS12, and PPS15, together with the supplementary guidance of DCAN8 and 'Creating Places' in line with SPPS requirements.

PPS7 and Addendum / PPS12 / DCAN8

Policy QD1 of PPS7 sets out nine criteria (a to i) which must be met in all new residential development. In terms of the development principle, residential development is appropriate in this surrounding context provided the additional policy requirements are met. Against criteria a) however, the topography of the site presents a challenge for any future development in terms of layout, considered together with the requirements of criteria c) in terms of private amenity space. The plot width measures 8.5m at its widest point, which includes the existing retaining wall as shown:



View of site and existing side garden to No.1 taken from Pound Street

Paragraph 5.19 of 'Creating Places' advises that an area of less than 40m² private amenity space will generally be unacceptable for any individual house. The plans provided would appear to indicate that a small area of rear and side private amenity

space can be provided. When considering the topography of the site however and the existing retaining wall, the level of *usable* private amenity space that can be provided would appear to be below these minimum requirements. In this regard, the proposal is deemed to be unacceptable against the requirements of criteria (a) and (c) of Policy QD1, in addition to paragraph 3.24 of DCAN8.

Under Policy LC1 of PPS7 Addendum, planning permission will only be granted for the infilling of vacant sites including extended garden areas such as this one, where all the criteria against Policy QD1 of PPS7 and the additional criteria (a) to (c) of LC1 are met. Given the site's limitations with the topography and retaining wall element, the proposed dwelling is considered inappropriate in terms of the pattern of development and residential character as it would result in overdevelopment of the existing garden area, which is also contrary to Planning Control Principle 1 of PPS12. Whilst this is an outline application, the minimum space requirements for this development include 70/75m² on the basis of a 3-person 2 bedroom dwelling as set out by Annex A of PPS7 Addendum. The indicative dwelling layout provided shows a ground floor area of 18m². On this basis, the dwelling falls significantly short of (minimum) internal space requirements for a two storey dwelling. The proposed density is considered to be unacceptable for this site and would compromise the character of this established residential area, contrary to Policy LC1 of PPS7 Addendum.

PPS3 – Access, Movement and Parking

An office meeting was held with the appointed agent, Planning Department and TNI to discuss TNI requirements in respect of this proposal, who advised that Technical Approval of Structures (TAS) approval is required for the proposed development, which is required for all development within the road boundary (6m of a road) or which support the public road, such as the retaining wall within this site. A 6m separation distance would therefore be required between the existing retaining wall and any new development i.e. foundations, walls etc. Nonetheless, in respect of PPS3 requirements, the proposal is acceptable in principle, subject to conditions being met, which includes TAS approval prior to commencement on site, a matter which will be negatively conditioned in the event of an approval.

PPS 15 - Planning and Flood Risk

Paragraph 6.104 of the SPPS in particular requires that the most up to date information on flood risk is taken into account when determining planning applications. DfI Rivers Agency advise that the site lies partially within a predicted flooded area though a drainage assessment is not required by policy. Rivers Agency has no objections to the proposal subject to attached informatives being adhered to.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Policy QD1 of the Departments' Planning Policy Statement 7: Quality Residential Environments and Paragraph 3.24 of Development Control Advice Note 8 in that it has not been demonstrated that the development would create a quality and sustainable residential development and it has not been shown:
 - a) that the development respects the surrounding context and is appropriate 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;
 - b) that the development is in keeping with the character and appearance of the surrounding residential area;
 - c) that adequate provision is made for private amenity space an integral part of the development

2. The proposed development is contrary to paragraph 6.137 of the SPPS and Planning Policy Statement 7 Addendum 'Safeguarding the Character of Established Residential Areas' in that the proposed development is not in keeping with the overall character and environmental quality of the established residential area and the dwelling would fail to meet the internal space requirements set out in Annex A.

3. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 12 'Housing in Settlements' Planning Control Principle 1 in that:
 - the proposed development would erode the local character, environmental quality and residential amenity; and
 - the proposed density, together with form, scale and massing and layout of the new development is not in keeping with the adjacent housing.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

LA07/2017/0603/O - Christopher Smith - Proposed 2 storey dwelling - Site adjacent to No. 1 John Mitchel Street, Newry.

The issues on which we wish to speak on:

- as this is only an outline application we do not have a full design to demonstrate how the proposal can work and how it looks
- we can show how the proposal works and that there will be amenity space provision
- this is an opportunity for realistically affordable housing
- It can be made to fit into its context
- How can Planning state that it will 'erode the local character' - it will add character and variety to the housing stock

Regards

Neil Mullen

PROPOSAL

ITEM NO	5			
APPLIC NO	LA07/2017/1721/F	Full	DATE VALID	08/11/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Millvale Services Ltd 17 Millvale Road, Bessbrook Newry, BT35 7HN		AGENT	McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD 028 4062 3444

LOCATION 147m south east of 21 Millvale Road
Bessbrook
Newry

PROPOSAL Proposed parking for neighbouring Millvale Service Station

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1. The proposal is contrary to Policy SMT 1 (Settlement Hierarchy) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plans.

2. The proposal is contrary to Designation NY 01 (Settlement Development Limit of Newry) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside the designated settlement limit of Newry within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.

3. The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.

4. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook/ Newry and the surrounding countryside and result in urban sprawl.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1721/F

Date Received: 08.11.17

Proposal: Proposed parking for neighbouring Millvale Service Station

Location: 147m south east of 21 Millvale Road, Bessbrook, Newry

Site Characteristics & Area Characteristics:

Site comprises part of an existing agricultural field adjacent and NW of a filling station complex.

Site History:

LA07/2018/0067/CA - Change of use from retail unit to hot food bar (Current)

LA07/2016/1620/F - Research and Development/Office extension with coffee dock facilities, associated car parking and landscaping. HBE Head Office, Craigmore House, 19 Millvale Road, Newry. Granted (Adj and NW)

P/2010/0082/F - Provision of 3no. single storey retail units, associated parking and ancillary yard area. 17 Millvale Road, Bessbrook, Newry. Granted (Application site)

P/2006/1925/F - Proposed retention of existing access, boundary fence and storage yard for building materials, storage containers, mobile units when not in use on site. Ancillary to the existing premises at Millvale Road (Application site). Refusal (Contrary to PPS21 CTY1 no overriding reason to site in countryside, PED 3 and 9 of PPS4 harm to rural character, major increase in industrial enterprise and harm living conditions due to noise etc. CTY 8 Ribbon Development, CTY13 and CTY14 Unable to integrate impact to character).

It should be noted that this application was presented to the Planning Committee as a refusal on 9th May 2018 and the Planning Committee agreed to defer the application to allow for a Health and Safety Report / Road Traffic Report to be conducted and then report back to Committee as soon as possible.

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Land is outside the development limit within the open countryside

Area Plan - Proposals are contrary to the plan in that development is outside the development limits of Newry

PPS3 (AMP7), DCAN 15 and Parking Standards: The realignment of car parking spaces within the complex has resulted in the loss of car parking spaces (19 spaces) from what was approved under P/2010/0082/F (29 spaces) with the unauthorised use of a unit for the sale of hot food which has impacted on the requirement for additional parking of approximately 30 - 42 spaces. Whilst proposals will address this shortfall, it is at the expense of extending development into the open countryside where there is a presumption against this type of development (See assessment of the area plan and PPS21).

A road traffic/ health and safety report compiled by Lisbane Consultants on behalf of the applicant/ agent was submitted 9th July 2018. The Report indicates that the proposal will address the car parking shortfall and improve road safety issues at the site. Irrespective of this, the realignment and unauthorised use of the fast food outlet within the existing forecourt have contributed to parking problems at the site. No solutions have been explored within the current forecourt/ Millvale Station to avoid an extension of development within the open countryside thus the proposal remains contrary to policy under PPS21.

PPS 6: HED in comments dated 30.11.17 have raised no objections

PPS15: Rivers Agency in comments dated 13.12.17 have raised no major concerns.

PPS21: SPPS and PPS21 (CTY1)

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.

Proposals are for a car park with this type of development better suited to an urban location and not an expected use within the open countryside.

A road traffic/ health and safety report has been submitted to justify the need for proposals. The content of the report is considered to be perfectly logical to overcome existing parking and road safety issues. However, the report fails to explore why the original parking provision of 29 spaces was dramatically reduced within the site from the approval under P/2010/0082/F. The position of buildings as set out under this permission do not appear to have changed but yet parking provision has been significantly reduced at the site. There has been no exploration of the reinstatement of those original spaces as approved under P/2010/0082/F. Furthermore, the report refers to development extending into land that was formerly a 'builders yard' however this land did not have the benefit of planning permission (P/2006/1925/F) and

remains within the open countryside. The former unauthorised use does not provide justification for development beyond the settlement limits.

Despite the submission of additional information it is considered there are no overriding or compelling reasons for this development to be located within the open countryside. Proposals fail to meet CTY1 of PPS21 and are contrary to the SPPS.

SPPS and CTY15:

The settlement of Bessbrook/ Newry is located opposite, to the west and south of the filling station with the extent of the settlement marked by commercial and residential properties. These are separated from agricultural land to the North and East of the Millvale Road with a clear distinction between rural/ urban boundaries. The application site remains an important visual barrier from development within the settlement. Development at the application site will allow encroachment onto land within the open countryside, setting a precedent for future development which will have an adverse visual impact, will result in urban sprawl and mat the distinction between the settlement limit and the open countryside.

Consultations:

HED (30.11.17) - No policy remit to comment on proposal

Transport NI (09.07.18) - Report considered no objection

Rivers Agency (13.12.17): FLD1 - New development is on elevated ground and out of the flood plain, taking into account a precautionary approach of PPS15 it is recommended that any new development be allowed an additional freeboard of 600mm. FLD2 - satisfied meets clause 6.32 of FLD2, FLD 3 - Drainage assessment not required, FLD 4 and 5 – Not applicable.

Objections & Representations

4 neighbours notified

Advertised Nov 2017

No objections received

Consideration and Assessment:

The proposed site is outside the development limits of Newry and within the open countryside where a presumption against this type of development applies and will create urban sprawl at this location.

Although additional information in the form of the traffic/ health and safety report was submitted, this does not overcome the fundamental concerns of the Planning Department and does not warrant a setting aside of the Development Plan in the decision making process on this application. The evidence put forward is not

compelling enough to permit such a development which is contrary to the Area plan and planning policy. Taking this into account an opinion to refuse is recommended.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy SMT 1 (Settlement Hierarchy) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside any settlement limit and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for economic development uses in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the plans.
2. The proposal is contrary to Designation NY 01 (Settlement Development Limit of Newry) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site lies outside the designated settlement limit of Newry within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to paragraph 3.8 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in that the proposal conflicts with an up-to-date development plan.
4. The proposal is contrary to the SPPS and Policy CTY 1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Bessbrook/ Newry and the surrounding countryside and result in urban sprawl.

Photographs:



Directly opposite W looking E



SE looking NW within the grounds of the filling station



NW looking SE Millvale Rd

**Proposed Parking for neighbouring Millvale Service Station
Millvale Road, Bessbrook, Newry**

Planning Application LA07/2017/1721/F

Parking Report



McAdam Stewart
ARCHITECTS

August 2018

1. Introduction

1.1 This Report has been prepared on the instructions of McAdam Stewart, Chartered Architects, to provide a Parking Report to support the above Planning Application, specifically to justify the proposed parking provision. The Report has been revised following receipt of the Planning Officer's Report on 17th August 2018.

1.2 This Report is based on documents downloaded from the Planning Service website and on a site visit on Friday 21st June 2018.

2. Existing situation

2.1 The site is located adjacent to the Millvale Road, Bessbrook, which at this location is subject to a 40 mph speed restriction. However, while a formal speed survey has not been undertaken, observations on site show that a significant proportion of traffic passing the site exceeds the speed limit.

2.2 Millvale Road has a wide carriageway width and is bounded by grass verges and footways. It is an important route in the DfI – Roads highway hierarchy.

2.3 There are no parking restrictions on the Millvale Road adjacent to the site. Given the wide carriageway width, at peak periods customers, unable to park within the site, park on Millvale Road. This parking, while lawful, has serious safety implications as the visibility splays at the accesses are obstructed.

2.4 There are three accesses to the Millvale Service Station site; the northern access is both an entrance and exit and the southern access is exit only. There is also a separate access to the service yard behind the convenience store. None of the accesses benefit from a right turn pocket on the Millvale Road.

2.5 Immediately to the south of the Millvale Service Station site there is an entrance to the Norbrook site. Opposite the site there are residential access roads to Wilton Grove and Cloughreagh Park. There is therefore a significant number of conflicting turning movements on Millvale Road in the vicinity of the site.

2.6 The site contains a 3 pump (6 filling bay Petrol Filling Station), Convenience store and three business units. Two of these were unoccupied on the date of the site visit, while the third was occupied by a fast food restaurant.

The gross floor areas of the buildings on site are:

- Convenience store
 - Ground floor retail 253 m²
 - Ground floor offices 28 m²
 - Ground floor food preparation 30 m²
 - Upper floor storage 151 m²
 - Total 462 m²
- Business units 232 m²

2.7 There are 20 delineated parking spaces within the site, plus parking at the fuel pumps.

2.8 It is noted that under Planning Approval P/2010/0082/F, the retail units were approved with a total of 29 car parking spaces on site (plus parking at the fuel pumps). Examination of the Architectural Layout for this Application shows that the parking layout was not in accordance with published standards especially pertaining to manoeuvring space behind parking bays. Several of the parking spaces would have been unusable, or would have been in conflict with vehicles entering the site. Accordingly, circulation of vehicles around the site would not have been satisfactory. The existing layout is considered to provide the optimum number of parking spaces within the site without affecting its satisfactory operation.

2.9 Photographs illustrating the existing site safety issues are appended.

3. Proposed development

3.1 The proposed development comprises 28 car parking spaces on lands immediately to the north of the Millvale Service Station site. It is understood that the land was formerly used as a Builders' Yard.

3.2 Provision of the additional parking spaces will entail the loss of 2 existing spaces at the access to the new area of car parking.

3.3 Approval of the Planning Application as submitted would mean that a total of 48 parking spaces would be available within the site.

3.4 The proposed development will resolve an ongoing road safety problem on the site that causes vehicles to park on the main road, obstructing visibility splays both in to and out of the site.

4. Parking Provision

4.1 The parking provision for the existing Millvale Service Station site has been assessed in accordance with the recommendations in the "Parking Standards" document associated with "Planning Parking Statement 3: Access, Movement and Parking"

4.2 For the convenience store the offices have been excluded from the parking calculation as permitted in paragraph 19 b) of the "Parking Standards" document. The gross retail floor space of the convenience store is $(253 + 30 + 151) = 434 \text{ m}^2$. The parking provision required for the store is one space per 14 m^2 gross retail floor space.

4.3 There are three other units (each of 78 m^2 gross floor area). Only one unit is occupied at present, and is used as a hot food takeaway. It is understood that this unit does not currently have planning approval and accordingly parking for it has been assessed on the basis of retail units – refer to next paragraph.

4.4 Parking provision for the other 2 business units (154 m^2 gross floor area) has been assessed as offices at a ratio of one space per 20 m^2 gross floor area plus 10% for visitors. These business units benefit from planning permission and could open at any time thereby increasing parking demand on the site.

4.5 Ignoring the parking at the pumps, the parking provision for the retail and other uses on site should be as follows.

- | | | |
|---------------------|---|-----------|
| • Convenience store | 434 m ² gfa at 1 space per 14 m ² gfa | 31 spaces |
| • Business units | 234 m ² at 1 space per 20 m ² gfa | 12 spaces |
| ➤ Visitor spaces | 10% x 12 | 1 space |

Total

44 spaces

5. Discussion

5.1 There is an obvious road safety issue on this site with entrance and exit visibility splays being obstructed by vehicles parking on adjacent footways. When the 2 vacant units are let, parking demand on the site will increase and exacerbate this situation. The site is a very successful operation and already generates a significant amount of traffic and accordingly full parking provision is essential for its safe operation.

5.2 The existing parking layout has been examined, but it is not feasible to introduce any additional parking within the Forecourt, without affecting manoeuvring spaces and traffic circulation throughout the site.

5.3 It is clear from the preceding section that the existing parking provision of 20 parking spaces (excluding parking at the fuel pumps) is unsatisfactory, with less than 50% of the normal number of parking spaces being provided. Even of the 29 spaces approved had been able to be provided without affecting traffic circulation around the site, there would still have been a substantial under provision of parking. Approval of the current Planning Application would only restore the parking provision to slightly (4 spaces) above that required by the published guidance. The lack of parking spaces presently results in uncontrolled traffic flow and parking within the site creating dangerous road safety problems for customers and staff. As noted in paragraph 5.1 above, when the 2 vacant units are opened, parking demand will increase and exacerbate the parking problems.

5.4 The Millvale Road is a busy traffic route. Given this and the number of conflicting traffic movements in the vicinity, it is essential that there is no on street parking near the subject site which would obstruct visibility splays. Otherwise, there would be serious safety implications for traffic exiting the site on to the Millvale Road. The additional parking spaces will encourage customers to park within the site.

5.5 The under provision of parking on site leads to on street parking on the Millvale Road. As explained in the previous paragraph, parking on street will have serious safety implications and for this reason it is recommended that the parking spaces requested under the Application are approved.

6. Summary & Conclusions

6.1 This Report has considered the on site parking provision at the existing Millvale Service Station.

6.2 It has been shown that the existing parking provision for the site is sub-standard, being less than 50% of the normal required provision.

6.3 This lack of parking leads to customers parking on street on Millvale Road with serious safety implications, as it obstructs the visibility splays at the site exits.

6.4 Approval of Planning Application LA07/2017/1721/F would permit the Applicant to provide sufficient parking on site to restore the level of parking to the recommended standard, and will significantly improve site safety. It is recommended that permission is granted for the Application.

Appendix

- Photographs



Note: Tractor & large silage trailer parked on footway



Note: Congestion on Forecourt, traffic queuing back to Millvale Road



Note: Congestion on Forecourt, traffic queuing back to Millvale Road



Note: no available parking spaces on Forecourt.

LA07/2017/1721/F - Millvale Services - Proposed parking for neighbouring Millvale Service Station - 147m SE of 21 Millvale Road, Bessbrook.

Hi Colette,

I would formally request the opportunity of speaking rights at next Wednesday's planning committee meeting in respect of planning application LA07/2017/1721/F.

My representations will be based on the enclosed document which was furnished by the agent to Anthony McKay and Patricia Manley on 6th July 2018.

Thank you for your assistance in this matter.

Regards

David

Councillor David Taylor
Ulster Unionist Party Representative, Slieve Gullion
Newry, Mourne & Down District Council
25 Main Street
BESSBROOK
NEWRY
BT35 7DJ

Tel No: 077339 13021

frontage.

TEM NO	10					
APPLIC NO	LA07/2018/0398/O			Outline:	DATE VALID	
COUNCIL OPINION	REFUSAL				05/03/2018	
APPLICANT	Mr Shea McNulty 5A Cons Lane Camlough Newry BT35 7LF			AGENT	P O'Hagan and Associates Ltd 10 Trevor Hill Newry BT34 1DN 02830266011	
LOCATION	Lands between No.5 and No. 5A Cons Lane Newry BT35 7LF					
PROPOSAL	Proposed new dwelling and detached garage					
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	0	0		0	
			Addresses	Signatures	Addresses Signatures	
			0	0	0	0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Cons Lane and is not considered to represent an exception to the policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

4. the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
 5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.
 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.
 7. The proposal is contrary to the 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.
-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0398/O

Date Received: 28.02.2018

Proposal: Proposed new dwelling and detached garage

Location: Lands between No.5 and No. 5A Cons Lane, Newry, BT35 7LF

Site Characteristics & Area Characteristics:

The site which is elevated in nature takes in the parking and turning area of No.5, a portion of an agricultural field adjacent No.5 and the access laneway to No.5 Cons Lane. The area is rural in character and is located within the Ring of Gullion AONB offering views towards Camlough Lake and Camlough village.

Site History:

LA07/2015/0384/F

5a Cons Lane, Camlough

Two Storey side extension to dwelling

Permission Granted: 23.08.2016

P/2001/2120/F

5 Cons Lane, Camlough

Extension to dwelling

Permission Granted: 12.02.2002

Consultations:

Transport NI – no objections subject to compliance with RS1 form.

NI Water – Generic response, no objections.

Objections & Representations

2 Neighbours notified on 30.03.2018 and the application was advertised on 28.03.2018. No objections or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2

Planning Policy Statement 3 / DCAN 15.
Building on Tradition

Consideration and Assessment:

The site is located in the countryside/AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015.

Planning Policy Statement 21 – Sustainable Development in the Countryside

The agent has stated in his supporting statement that the proposal should be assessed against as an infill dwelling under policy CTY 8 of PPS21 and a dwelling for personal and domestic circumstances under policy CTY 6 of PPS21.

Infill CTY 8

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings in an otherwise substantial and continuously built up frontage providing it respects the development pattern along the frontage.

Whilst the gap appears small enough to accommodate no more than two dwellings and meets the definition of 'a small gap site' it is noted that the application site does not have a frontage on to Cons Lane and therefore does not meet the definition of a substantial and built up frontage along a road frontage, as stated in policy CTY8. The site instead shows an access point to Cons Lane which the PAC has consistently confirmed is not considered a frontage. An example of this is PAC judgement 2015/A0155 where the report stated '...an access point in itself does not constitute a frontage to the road.'

Notwithstanding the above inconsistency with policy there is only one other building with a frontage to the Cons Lane which is found immediately east of 5a and immediately south of the application site and not the requisite three prescribed in the policy. It is not considered that the other buildings in the immediate area share a common frontage with Cons Lane. It is also important to note that excluding the dwellings, there is no planning history for the surrounding buildings.

Cumulatively for the above reasons the proposed site is not considered to represent an exception to ribbon development, but instead reads as an extension of ribbon development when viewed alongside existing buildings in the area.

Personal and Domestic Circumstances CTY 6.

The current arrangements, according to the agents supporting statement are that the applicant, his fiancé, mother, brother, sister and cousin currently reside at No.5a Cons Lane. The applicant's uncle who is disabled resides at a local nursing home but stays at No.5a at weekends and short breaks.

The agent has noted that No.5a does not have adequate facilities to support the applicant's uncle's complex needs even on a temporary basis and that a new and accessible dwelling would be easier to design than adapt the existing property.

The applicant Shea McNulty assists his mother in the care of his uncle, Peter and the family farm in the evenings and weekends and needs to be close to the family home.

The agent has noted that if permission were to be refused, the applicant;

1. Would need to move out of the local area as there is a lack of small, affordable sites near to the family home.
2. Would be unable to give support and assistance in the care of the applicant's Uncle.
3. The viability of the family farm would suffer as the applicant would not be able to assist in the running of the family farm at evenings and weekends.

The agent notes that an extension to No.5a was granted for the permanent use of Peter McNulty, however due to Peter's declining health he has since moved into a care home. As the applicant's fiancé moved into No.5a, there is insufficient bedroom space for the family members residing permanently at No.5a. The agent also notes that a temporary mobile home is not a permanent solution or suitable for the applicant's Uncle's needs and as the applicant intends to start a family soon they need adequate space and to be located close to the family network.

The agent also has made reference to the applicant's grandmother who through her own health issues would benefit from a place to stay when needed and the applicant is the only one with access to a suitable vehicle bringing supplies to his family and neighbours during the snow and ice.

The application in terms of personal and domestic circumstances according to policy CTY 6 is centred on the long term needs of the applicant. In this case, according to the agent's submission, the applicant needs to be close to his mother to help look after his uncle, be close to the family farm and have space to start a family.

Notwithstanding the fact that the policy points the reader towards the needs of the applicant and not to other dependents, it is noted that in this case the applicant's Uncle stays at No.5a on weekends and short breaks but permanently resides in a care home and this is not considered site specific and compelling reasons for a new dwelling at this location in the AONB. The same can be said for the applicant's grandmother and again compelling and site specific reasons are not considered to exist to justify a new dwelling in the AONB. Particularly in the case of the applicant's Uncle, it is noted that an adapted 2 bed sizeable extension to No.5a has been previously approved, but not built.

The unavailability of affordable sites or dwellings nearby, the viability of the family farm and the need for more space for a family whilst may be preferable, are not considered compelling or site specific reasons for a new dwelling in the AONB to fulfil the long term needs of the applicant.

With regard to part (a) of policy CTY 6, it is considered in light of the above information that it has not been demonstrated that a new dwelling in the AONB is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The proposal is considered to be contrary to part (a) of policy CTY 6.

With regard to part (b) whilst there are no buildings to convert, a sizeable 2 storey 2 bed extension adapted to the needs of the applicant's Uncle has been approved but not built, this approval remains live. It has not been demonstrated sufficiently why this option is not viable and that a new dwelling is the only response to the circumstances of the case. The proposal is considered contrary to part (b) of policy CTY 6.

Consequently as the proposal does not meet any exceptions listed under Policy CTY1 and there are no over-riding reasons why this dwelling is essential at this location, the proposal is contrary to policies CTY1, CTY6 (a & b) and CTY8 of PPS21.

As the site lacks long established natural boundaries and relies primarily on the use of new landscaping for integration the proposal is considered to offend parts (b) and (c) of policy CTY13. As the site is considered to add to a ribbon of development along Cons Lane and result in a suburban style build up when viewed with existing buildings the proposal is also considered contrary to parts (b) and (d) of policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

Policy NH6 of PPS2: Natural Heritage is applicable for this application as the site lies within the Ring of Gullion AONB. For the above reasons the siting of the proposal is considered unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. The proposal therefore fails policy NH6 of PPS2.

Transport NI has no objections with regard to Planning Policy Statement 3; Access, Parking and Movement provided any RM application adheres to the attached RS1 form.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the

addition of ribbon development along Cons Lane and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

5. 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.

6. The proposal is contrary to the 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

Authorised Officer

ITEM NO	12			
APPLIC NO	LA07/2018/0536/F	Full	DATE VALID	29/03/2018
COUNCIL OPINION	REFUSAL			
APPLICANT	casey Supermarket Ltd 71 new Road Silverbridge Newry BT35 9LN		AGENT	Milligan Reside Larkin Architects 56 Armagh Road Newry BT35 6DN
LOCATION	8 Newry Road Crossmaglen BT35 9HH			028 3025 3755
PROPOSAL	Proposed change of use from B4 class units to provide 4 No. 2 bedroom apartments along with ancillary and associated works.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD 1 (Criteria A, C, E, H and I) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principle 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of design and layout;
 - inadequate provision has not been made for private open space and landscaped areas as an integral part of the development;
 - a movement pattern has not been provided that meets the needs of people whose mobility is impaired or to the existing footpath to encourage sustainable patterns of movement;
 - the design and layout will create adverse impact on amenity due to overlooking, overshadowing, noise, odour, impact to privacy, loss of light and other disturbance; and
 - the development has not been designed to deter crime and promote personal safety.
2. The proposal is contrary to the SPPS and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area due to design and layout, the land use is inappropriate and conflicts with existing and proposed uses at this location with development creating an adverse impact upon the amenity of future occupiers of the site.
3. The proposal is contrary to Policy SMT 2 (Development on zoned land) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for residential use in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the Plan.
4. The proposal is contrary to paragraph 3.8 of the SPPS in that the proposal conflicts with an up-to-date development plan.
5. The proposal is contrary to the SPSS and Policy PED 7 of Planning Policy Statement 4: Planning and Economic Development in that the development will result in the loss of land zoned for economic use and it has not been adequately demonstrated that this development is essential and could not be located elsewhere within the settlement.
6. The proposal is contrary to the Strategic Planning Policy Statement and Policy PED8 of Planning Policy Statement 4: Planning and Economic Development in that the development is within the vicinity of an existing and approved economic development use and the proposed development is incompatible with this use and would prejudice its future operation.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0536/F

Date Received: 29.03.18

Proposal: Proposed change of use from B4 class units to provide 4 No. 2 bedroom apartments along with ancillary and associated works.

Location: 8 Newry Road, Crossmaglen

Site Characteristics & Area Characteristics:

The site is accessed via Newry Road and located immediately to the rear of Caseys supermarket.

Development within the immediate area of the site comprises of a mix of commercial and industrial use, with future industrial proposals within the immediate area of the site that have yet to be developed (LA07/2017/0229/O and LA07/2015/0363/F).

The site is within the settlement of Crossmaglen, the NW strip is within land zoned for economic development, as designated in the Banbridge, Newry and Mourne Area Plan 2015 with the remainder not zoned for any specific purpose.

Site History:

LA07/2015/0363/F - Proposed change of use of existing building ancillary area at lower ground floor to storage and distribution, new storage and distribution block located north of existing building and all associated site works. Granted (Application site)

LA07/2015/0229/O - Proposed storage and distribution units including all associated site works. Granted (Adjacent and NE)

P/2014/0598/F - Renovation and extension of existing supermarket/filling station to include new lobby, facade refurbishment, internal refit, new toilet facilities, relocation of off-licence and restaurant areas within building and reconfiguration of car park/site works in association with the same including the removal of 3 No. pumps. Granted (Application site)

P/2008/1115/F - Proposed household recycling centre. Granted (Adjacent and N of site)

P/2006/1622/F - Erection of 75kw wind turbine. Granted. (Application site)

P/2005/0941/F - Change of use from plant hire to retail uses, Class A1 shops (a) to (g) in addition to existing Approved Use A (f) inclusive and change of use of store to retail Use Class A1 (a) to (g) to Unit 10. Refused (Application site)

P/2004/1763/F - Three retail units, restaurant, offices, staff accommodation, canopy to petrol pumps, carwash and puncture repair, plant hire and ancillary facilities and car parking. Granted. (Application site)

P/2002/2184/F - Erection of 9 Light Industrial Units, (Use Class 4) with associated staff facilities and parking. Granted (Adjacent and NW)

P/1999/0842 - Proposed petrol filling station, shop, off-sales, restaurant, car-wash, workshop and stores. Granted. (Application site)

P/1996/1315 - Site for Petrol filling station, shop, car wash and ancillaries. Granted (Application site)

Planning Policies & Material Considerations:

Regional Development Strategy (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)

Planning Policy Statements

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

PPS 4 - Planning and Economic Development

DCAN 8 - Housing in Existing Urban Areas

PPS12 - Housing in Settlements

Further Guidance

Creating Places, Living Places Urban Stewardship and Design Guide.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above. Due to the land zoning within part of the site proposals will conflict with the area plan.

PPS4 (PED 8 - Development incompatible with Economic Development Uses)

The site is partly zoned for an economic development use with the remainder of the site is outside of this. The development is located immediately adjacent to and within an area of existing and approved economic development use. The proposed development is an unacceptable land use which is incompatible with the existing and future uses at the site, causing adverse impact upon amenity. The proposed development will prejudice the continued existence as well as future economic uses at this location. It is on this basis proposals are deemed contrary to PPS8.

PPS4 (PED 7 - Retention of Zoned Land and Economic Development Uses)

Part of the site area is within land zoned for economic use. Proposals are for the change of use from B4 class units to facilitate an apartment development which will only be permitted once a number of criteria has been satisfied which in this case has not been adequately or demonstrated. Proposals are contrary to PED7.

SPPS, PPS12 (PCP1 and PCP2), PPS7 (QD1), PSRNI (DES 2), Creating Places, DCAN 8 and DCAN 11, PPS3, Parking Standards and DCAN15:

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 environment.

It is considered that the proposal is contrary to the principles set out in the SPPS for the reasons set out below.

PPS 12 – Housing in Settlements

Planning Control Principle 2 - Good Design

It is considered that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

Planning Control Principle 3 – Sustainable Forms of Development

Proposals adhere to the ethos of sustainable living by reuse of existing buildings.

HS4 - House Types and Sizes

Proposals offer some variation in types/ sizes.

SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1

Policy QD1 of PPS7 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. It is

considered that the proposal fails to comply with the SPPS and Policy QD1 of PPS7 criteria A, C, E, H and I in that:

QD1, A – Nature and Context of the Proposed Development

The site is located at the edge of the development limit characterised by existing commercial/ industrial type buildings, onsite car parking and undeveloped land (for future economic use). Proposals will not dramatically alter the appearance of the existing building which will still have a commercial/ industrial appearance. However the land use for residential purpose along with private open space provision is out of context and will appear misplaced.

Furthermore, the design and layout of the host building has been specially designed for a commercial/ industrial use that proposals do not lend itself well for conversion without adverse impact to future occupiers or indeed prejudice future uses at the site, thus proposals are completely at odds with the nature and context of the locality.

As a result of the above, the overall development would not respect the surrounding context and is inappropriate to the character when considered in the context of existing development found within the area. The proposals fail to meet the requirements of the SPPS and PPS7, QD1 (a) and PPS 12.

QD1, B – Archaeology and Built Heritage

No identified features of archaeological and built heritage.

QD1, C – Provision of Open Space

Private open space provision is well within the recommended guidelines of Creating Places. However open space is poorly located to the northern side of the existing development and given the size and mass of the existing building there will be some overshadowing upon this area. Open space is unsafely located within an existing service yard/ car park with open space areas rendered unsafe, unusable and will be subjected to overlooking and loss of privacy. Proposals fail to meet the requirements of the SPPS and PPS7, QD1 (c)

QD1, D – Local Neighbourhood Facilities

Located within the development limits the development is within walking distance of all necessary services.

QD1, E – Movement Pattern

The layout does not contribute to the quality of residential development proposals and does not incorporate linkage to the existing footpath to encourage sustainable patterns of movement. The proposals fail to meet the requirements of the SPPS and PPS7, QD1 (e)

QD1, F - Parking

Adequate car parking has been provided in line with recommended guidance. However the position of it within close proximity of the existing service area may cause difficulties for users. Otherwise proposals meet the requirements of policy in this regard.

QD1, G – Proposed Design compared to local Form, Materials and Detailing.

Not applicable.

QD1, H – Conflict with adjacent Land Uses

Proposals are at odds with current land uses at the site as well as future proposals (within the zoned area of economic development) to such an extent that it will have a detrimental impact upon the amenity of future residents but will also prejudice the future development within the site.

The layout of the residential development has been poorly conceived with apartment development immediately abutting a shared corridor/circulation/ bin and bike storage area with the existing premises giving rise to amenity issues and an unsecure living environment. Furthermore, the habitual areas of the residential properties are all set to the north facing elevation of the site along with open space areas and will have reduced light, overshadowing and their position fronting onto the existing car park/ service area will give rise to noise, odour, overlooking and general nuisance. Thus failing to meet with criteria H.

QD1, I – Crime and Personal Safety

Whilst areas of public access will be overlooked by habitual rooms providing some level of informal surveillance, there is nevertheless concern regarding access onto the circulation corridor which are shared with other uses of the complex allowing access by other users. This area is isolated and poorly supervised within the scheme. Overall design and layout does not assist to deter crime and promote personal safety for users. Proposals fail to meet criteria I.

Policy DES 2 of PSRNI

The land use proposed is unacceptable in this commercial location, proposals will have an adverse impact to the amenity of future occupiers. The creation of a residential use at this location will prejudice future proposals within the adjacent zoned economic area. The layout and design of the development is at odds with the existing context with no regard to future proposals on adjacent lands or indeed the living conditions of those which may occupy the units. The proposal fails to comply with DES 2 of PSRNI.

Consultations:

Transport NI (02.05.18) - No objections

NIW (25.04.18) - Public water and foul sewer within 20m of proposals, no surface water within 20m. WWTW has capacity

EH (17.04.18) - Apartments adjacent to existing retail and/ commercial units apartments will be affected by noise and odour.

Objections & Representations

Advertised April 2018

21 Neighbour notifications

No objections received

Consideration and Assessment:

Refusal due to issues raised above and for the reasons stated below.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD 1 (Criteria A, C, E, H and I) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principle 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of design and layout;
 - inadequate provision has not been made for private open space and landscaped areas as an integral part of the development;
 - a movement pattern has not been provided that meets the needs of people whose mobility is impaired or to the existing footpath to encourage sustainable patterns of movement;
 - the design and layout will create adverse impact on amenity due to overlooking, overshadowing, noise, odour, impact to privacy, loss of light and other disturbance; and

- the development has not been designed to deter crime and promote personal safety.
2. The proposal is contrary to the SPPS and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area due to design and layout, the land use is inappropriate and conflicts with existing and proposed uses at this location with development creating an adverse impact upon the amenity of future occupiers of the site.
 3. The proposal is contrary to Policy SMT 2 (Development on zoned land) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, and no exceptional circumstances have been demonstrated to justify why this proposal could not be located within lands designated for residential use in the city, main towns or villages in the Council area in accordance with the sustainability objectives of the Plan.
 4. The proposal is contrary to paragraph 3.8 of the SPPS in that the proposal conflicts with an up-to-date development plan.
 5. The proposal is contrary to the SPSS and Policy PED 7 of Planning Policy Statement 4: Planning and Economic Development in that the development will result in the loss of land zoned for economic use and it has not been adequately demonstrated that this development is essential and could not be located elsewhere within the settlement.
 6. The proposal is contrary to the Strategic Planning Policy Statement and Policy PED8 of Planning Policy Statement 4: Planning and Economic Development in that the development is within the vicinity of an existing and approved economic development use and the proposed development is incompatible with this use and would prejudice its future operation.

Case Officer

Authorised Officer

Photographs





PROPOSED CHANGE OF USE TO PROVIDE 4 NO. APARTMENTS, 8 NEWRY ROAD, CROSSMAGLEN – planning ref. LA07/2018/0536/F –SPEAKING RIGHTS (Item 17 on the agenda)

John Harkness to democratic.services@nmandd.org

I confirm that this application is being recommended for 'refusal' at the Council meeting on the 29th August 2018. We would be most grateful if you could grant us 'speaking rights' for this meeting. Please note the following written submission on the issues we are intending to speak on:

It is clear that adequate open space has been provided and the proposal is suitably integrated into its context in a manner appropriate to the character of the site in terms of design and layout.

Movement can be easily provided to connect to existing footpaths and provide for the needs of those whose mobility is impaired

The design and layout will not create adverse impact on amenity due to overlooking, overshadowing, noise, odour, impact to privacy, loss of light and other disturbance – it is difficult to see why Planning are even mentioning these issues.

This proposal actually improves security

The proposal is not 'Development on Zoned Land' – it is outside of the land zoned for economic development and is effectively on 'white lands'

I am requesting speaking right for myself and the client or his representative (Planning Consultant – Brendan Starkey)

Regards,

John Harkness BA(Hons) Arch Dip Arch ARB
Architect

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(A) 56 Armagh Road, Newry, Co. Down, BT 35 6DN

LA07/2018/0536/F - Casey Supermarket Ltd. - Proposed change of use from B4 class units to provide 4 No. 2 bedroom apartments along with ancillary and associated works - 8 Newry Road, Crossmaglen.

Can I apply to make representation on application LA07/2018/0536/F at the planning meeting. We have a serious housing problem in Crossmaglen and apartments are crucial - this area has been unused for years and could provide much needed accommodation.

Councillor Terry Hearty

ITEM NO	13				
APPLIC NO	LA07/2018/0693/F		Full	DATE VALID	08/05/2018
COUNCIL OPINION	APPROVAL				
APPLICANT	Newry, Mourne and Down Council Downshire Civic Centre Ardglass Road Downpatrick BT30 6GQ			AGENT	Estates and Project Management Council Offices Greenbank Industrial Estate Newry BT34 2QU 028 3031 3031
LOCATION	Land approximately 11m North East of 11 Kittys Road Kilkeel BT34 4EJ				
PROPOSAL	New community centre and extended car park				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	1	0	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0693/F

Date Received: 8th May 2018

Proposal: New community centre and extended car park

Location: Land approximately 11m North East of 11 Kittys Road,
Kilkeel, BT34 4EJ

Site Characteristics & Area Characteristics:

This is an existing community / recreational site. It fronts onto Kitty's Road to the SW. There is an existing community centre in the western corner of the site. It is a double mobile temporary building with cream painted walls and a felt roof. There is some car parking space around it. To its rear is an equipped play park. The remainder of the site is a playing field and hard pitch / basketball court. The site is bounded by a combination of hedging, galvanised railings, paladin fencing and a green painted wall. The land slopes gently from west to east.



The site is located within the development limit of Killeel as defined on the Banbridge, Newry and Mourne Area Plan 2015. It is near the southern edge of the settlement. The land is unzoned white land. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There is a large area of housing development opposite the site on Kitty's Road. These are mostly terraced or semi-detached properties. Surrounding land is in agricultural use, though the fields to the north are zoned for housing development and have a live outline permission (Ref: LA07/2015/0700/O).



Site History:

Permission was granted for the playing field under application P/1989/1002. The existing community centre building appears to pre-date this. It has now reached the end of its useful life. Application P/2013/0876/F to demolish the existing community centre and replace it with a new community centre was approved on 5th September 2014 and remains live. The siting and scale of the approved building was similar to the current proposal, but the Council now wishes to use traditional masonry construction which will be longer lasting and more suited to the coastal location.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- Parking Standards
- DCAN15 – Vehicular Access Standards
- PPS8 – Open Space, Sport and Outdoor Recreation

Consultations:

- DFI Roads – Visibility splays of 2.0m x 60m required in both directions along with a footway to the SE side. This has been shown on amended plans received 5th July 2018. DFI now have no objections subject to standard conditions.
- NI Water – Public water supply and foul sewer available with capacity to serve the development.
- Environmental Health – No objections.

Objections & Representations:

The application was advertised in the *Mourne Observer* on 23rd May 2018 and 11 neighbouring properties were notified on 18th May 2018. One objection was received from a resident in McGoldrick's Villas opposite the site. The main concern raised was noise at night time when functions are being held. This will be considered in further detail below.

Consideration and Assessment:

The proposed community centre includes a main hall, kitchen, office, toilets, games room, committee room and some storage. The building measures 29m x 10m and 4m to the ridge. The walls will be rendered and painted and the roof will be grey concrete tiles. The main issues to be considered are the principle of the development, design and access issues, impacts on amenity and effects on existing open space.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is within the settlement limit of Kilkeel on the above Plan, and is unzoned. Policy ECU1 of the Area Plan is relevant to Class D community uses within development limits. The proposal is considered to comply with the requirements of this policy as follows:

With regard to amenity, the planning authority must have regard to the existing established community centre operating on the site, and the fact that there is a live permission for a larger facility similar to the current proposal. While a neighbour has raised concerns about noise late at night, the new proposal will move the building further away from his property, will have less overspill of noise due to its masonry construction, and will enable the planning authority to control the operating hours by condition to ensure no adverse impacts. While Environmental Health have no objections, the previous approval contained a condition preventing operations after 10pm. This is considered a proportionate response to ensure no unacceptable noise pollution and harm to the amenity of neighbours. Provided this condition is imposed, the objector's concerns regarding noise impact cannot be given determining weight.

There will be no adverse impact on biodiversity as a result of the proposal. It will not prejudice the comprehensive development of surrounding lands including the zoned housing site to the north. The design of the building is similar to that previously

approved and it is in keeping with the size and character of the settlement and its surroundings. It will have a low pitched roof to limit its visual impact in the Mournes AONB. The external materials proposed are acceptable for a community building in an urban site. The Council has provided other similar community centres such as Cabra and Derrybeg. The developer will provide additional infrastructure in the form of a footway along part of the site frontage. The amended access arrangements with improved visibility splays of 2m x 60m in both directions will improve the safety of the access and are in accordance with PPS3 and DCAN15. A condition should be imposed requiring the access and visibility splays to be in place prior to the commencement of development. The suggested condition in relation to access gradient is unnecessary as the site is flat. 13 car parking spaces will be provided which is considered proportionate to the number of vehicles expected to use the site. The location of the site is such that many of the centre's users would be able to walk from the nearby housing areas. Sewage can be disposed of to the existing foul sewer. A condition should be imposed requiring NI Water's agreement to this before development commences.

Policy OS1 of PPS8 states that development resulting in the loss of existing open space will not be permitted. There are two exceptions, both of which are considered to apply in this case. While the proposal takes in a small part of the existing grassed area to provide the larger building and appropriate car parking, it is considered that the redevelopment of the community centre will bring substantial community benefits that decisively outweigh the loss of the open space. It is also considered that the loss of the open space will have no significant detrimental impact on the amenity, character or biodiversity of the area and the loss of existing open space is well below 10% of the site (in this case it is 3%) which will not harm the sporting potential of the facility.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved subject to the conditions below.

Recommendation: Approval

Conditions:

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

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

2. The vehicular access, including visibility splays and any forward sight line shall be provided in accordance with the approved drawing No. 02 REV 1 date stamped 5th July 2018, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

4. The building hereby permitted shall not be open to the public outside the hours of 9.00am to 10.00pm.

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the commencement of use of the building.

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

6. The building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the building is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING - 09 MAY 2018			
LA07/2017/1326/ F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlaimey	Application considered at August 2018 meeting - agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	N
P/2014/0427/0	Joseph McGivern - site for dwelling to the rear and south of 2 Berkley Grove, Warrenpoint	Remove from the agenda to allow for further discussion with Planning Officers	Jacqui McParland	Agent has submitted additional information to address roads issues. 13 th	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1478/ F	Mr P Bloomfield - infill dwelling -40m south of 64 The Heights, Loughinisland, Down	<p>Defer Planning Application LA07/2017/1478/F for a period of 3 months to allow Planners time to reconsider their recommendation in the event that the adjacent dwelling that had already been granted planning permission had commenced building works and was built to a suitable level.</p> <p>Also agreed to delegate the final decision to Planning Officers after the expiry of the 3 month period.</p>	Annette McAlamey	<p>June 2018. Reconsult TNI. 3 months expires on 9 August 2018. When site will be checked for progress on building works.</p> <p>Site Checked and no building works have commenced on site. Decision has issued under delegated authority.</p>	N
LA07/2017/1624/ 0	Thomas Stevenson - replacement dwelling -50m NW of 18 Turlough's Hill, Annalong	Defer Planning Application LA07/2017/1624/O to allow time for the agent to provide more documentary evidence regarding issues raised by Committee Members including	Jacqui McParland	<p>Agent has submitted a H&S Report. No additional case for need submitted.</p>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1186/ F	Wolfhill Developments Ltd - change of use and conversion of part of former school building - 4 Lurgancanty Road, Clontarfleece, Warrenpoint	<p>the need for a health and safety report on access through the farmyard and also the case of need for the applicant to be living close to the farm.</p> <p>Defer Planning Application LA07/2017/1186/F to allow for a meeting to take place between the Applicant and Planning Officers to discuss revised design issues.</p> <p>Agreed to delegate the issue of the final decision on the application to Planning Officers.</p>	Jacqui McParland	Dept has requested this again - 11 th June 2018.	N
LA07/2017/1721/ F	Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - Millvale Road, Bessbrook	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back	Pat Rooney	21 day letter issued to agent requesting the said information. Expiry date for	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		to Committee for further consideration of the application.		info is 9.7.18.	
		PLANNING MEETING - 6 JUNE 2018			
LA07/2016/1632/0	Jason Fegan - proposed farm dwelling - lands 45m NW of No. 12 Upper Knockbarragh Road, Warrenpoint.	Defer for a site visit		Awaiting SV.	N
LA07/2017/1030/0	Michael Tinnelly - site for 100 bedroom hotel and spa - 200m east of No. 25 Greenpark Road, Rostrevor.	Defer application so that the agent/applicant/Planning Consultant can meet with the SPTO to identify what outstanding information has to be submitted to allow Planners and HED to make an informed assessment and opinion on the application. As it is a major application it be brought back to the Committee in due course	Jacqui McParland	Held meeting on the 14 th June with agent. Discussed what was required. Allowing 28 days for submission. Aim to get it back to committee in September 18.	N
LA07/2018/0398/	Shea McAnulty -	Application removed from the	Andrew	Agent has to	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
0	proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	schedule for further consideration by Planners	Davidson	supply information regarding proposal to Planning Department by 28.6.19.	
		PLANNING MEETING - 4 JULY 2018			
LA07/2017/1797/ F	Ann Herron - conversion of windmill stump to dwelling to include single storey rear extension and associated site works - land 20m south and adjacent to 25 Saintfield Road, Crossgar	Defer application for further discussions with agent/applicant and planning officers with a view to the agent submitting a more satisfactory design - if the opinion remains a refusal the application to be brought back to the September Committee Meeting for determination	Annette McAlamey	Meeting has been held 19 July 2018 with applicant and agent re suitable conversion scheme. No plans received to date 02/08/2018	N
LA07/2018/0394/ F	NIHE (South Region) - proposed single storey front, side and rear extension - 1 Seaview, Ardglass	Defer application for further discussion between agent and planning officers in relation to green space and design issues - if the opinion remains a refusal the application to be brought back to Committee for	Annette McAlamey	Letter sent to agent on the 5 July seeking meeting. No response has been received as yet.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		determination		02/08//2018	
		PLANNING MEETING - 1 AUGUST 2018			
LA07/2017/1261/ 0	Thomas Mageean - proposed dwelling and garage - site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice	N
LA07/2017/1494/ 0	John Murnion -proposed one and a half storey dwelling and detached domestic garage - opposite and north of	Defer application for further discussion between agent/applicant and planning officers in relation to concerns expressed that land at 72	Annette McAlarney		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	No. 43 Bryansford Road, Stang, Hilltown	Kilkeel Road, Hilltown, which is the main farm holding, can only be accessed by an existing laneway of which the applicant only has right of way and could not therefore provide sight lines which may be required. Clarification to be sought on this to determine if a site could be achieved at this address and also discussions on the proposed off-site location.			

Newry, Mourne & Down District Council – July 2018

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1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231

2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	914
May	506	193	78	33	106	916
June	483	201	84	33	108	909
July	540	189	90	34	107	960

3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51

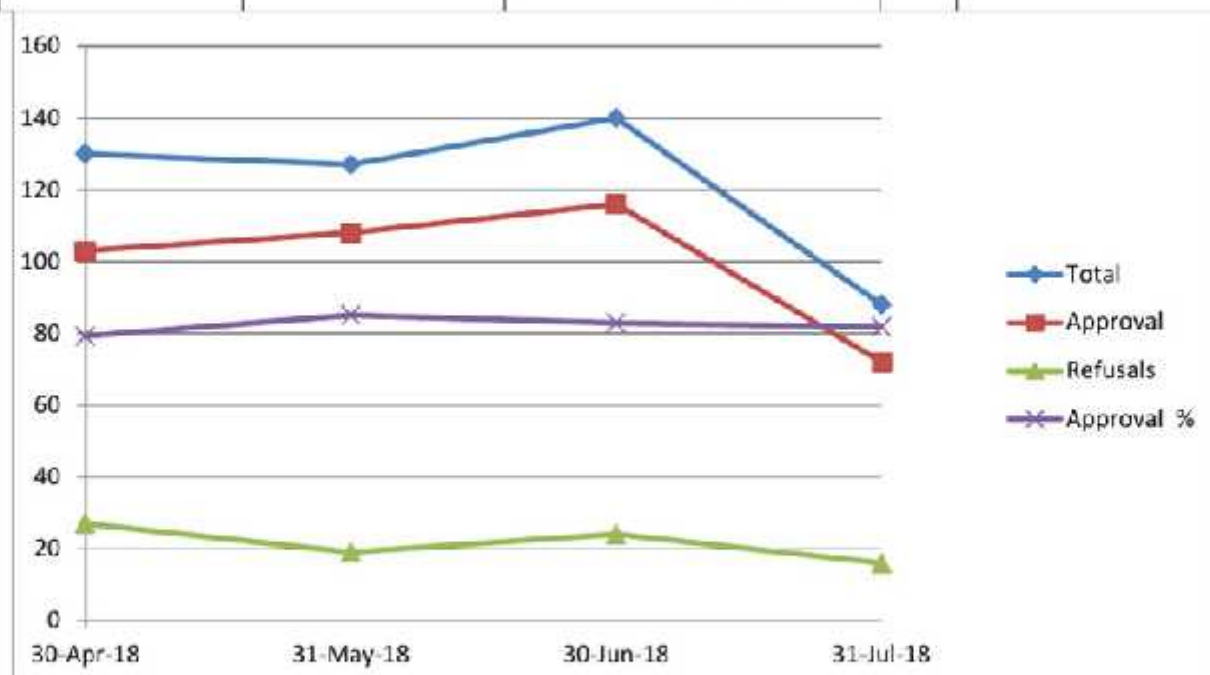
Newry, Mourne & Down District Council – July 2018

4. Decisions issued per month

Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78

5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
		Approvals (Count)	Refusals (Count)
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%



Newry, Mourne & Down District Council – July 2018

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6. Enforcement Live cases

Month 2017/18	≤1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8*
4 July 2018	14	6	8
Totals	69	41	28

* 1 application withdrawn by Applicant

8. Appeals

Planning Appeal Commission Decisions issued during July 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Other decisions
Newry & Mourne	14	1	1	0	0
Down	5	2	0	2	0
TOTAL	19	3	1	2	0

Newry, Mourne & Down District Council – July 2018

Statutory targets monthly update - up to June 2018 (unvalidated management information)

Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	117	118	16.9	43.2%	49	14	48.3	64.3%
June	1	1	20.2	100.0%	127	130	15	50.80%	45	25	49.2	60.0%
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%
Year to date	1	5	48.6	20.0%	344	357	15.4	48.7%	143	45	48.5	62.2%

Source: NI Planning Portal

Notes:

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

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

Newry, Mourne & Down District Council – July 2018

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
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn

Current Appeals

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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
PROPOSAL RT34.4DF
 Infill site for new dwelling and garage in existing cluster (amended plans)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged**
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 2
Planning Ref: LA07/2017/0786/ **PAC Ref:** 2017/A0178
APPELLANT Walter Watson **DEA** Slieve Croob
LOCATION 4 Drumnaquoile Road
 Castlewellan
PROPOSAL Replacement dwelling and detached garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 04/12/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2017/0319/	PAC Ref:	2017/A0188
APPELLANT	Mr Sean O'Hare	DEA	Slieve Gullion
LOCATION	10A Lirnekiln Road Newry		
PROPOSAL	RT35.71 X Retention of authorised treatment facility for end-of-life vehicles, including access road and all associated site infrastructure, including areas of hardstanding, drainage systems, all buildings, structures, racks, fencing and gates		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	12/12/2017
Date of Hearing		18/04/2018	
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2017/0114/	PAC Ref:	2017/A0202
APPELLANT	Mr Vincent McGuinness	DEA	Newry
LOCATION	210m South 30 Low Road Killeavy Newry		
PROPOSAL	Retention of existing industrial units and yard area for use as a waste transfer station. Includes associated car parking, external storage area and weighbridge.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/12/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5		
Planning Ref:	LA07/2016/0952/	PAC Ref:	2017/A0213
APPELLANT	D & M Downey	DEA	Newry
LOCATION	113-117 Dublin Road Newry		
PROPOSAL	RT35 ROP 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			

ITEM NO	6		
Planning Ref:	LA07/2017/0823/	PAC Ref:	2017/A0246
APPELLANT	Adrian McParland	DEA	Slieve Gullion
LOCATION	Adjacent And 30m South-west Of No.20 Newry Road Belleek		
PROPOSAL	Armagh Site for dwelling and garage (Policy CTY8)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	09/03/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2017/1175/	PAC Ref:	2017/A0252
APPELLANT	Stuart Moffett	DEA	Crotlieve
LOCATION	15m West And To The Rear Of 81 Cloughanramer Road Newry		
PROPOSAL	RT34 10G Erection of a dwelling on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	09/03/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/0743/	PAC Ref:	2018/A0006
APPELLANT	Mark Cooper	DEA	Crotlieve
LOCATION	55m NW Of No. 48 (Situated Between Nos 50 & 54) Tamnaharry Hill Road		
PROPOSAL	Mavohridge Change of house type and amended access in substitution of P/ 2014/0223/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	16/04/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9	PAC Ref:	2018/A0020
Planning Ref:	LA07/2017/0795/	DEA	Rowallane
APPELLANT LOCATION	Mr Laurence Patterson Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West		
PROPOSAL	Replacement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	15/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2018/A0026
Planning Ref:	LA07/2015/0461/	DEA	Crollieve
APPELLANT LOCATION	John Mackin 72 Ballyvalley Road Mayobridge		
PROPOSAL	Replacement dwelling		
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	29/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	11		
Planning Ref:	LA07/2016/1407/	PAC Ref:	2018/A0027
APPELLANT	Richard Newell	DEA	The Mournes
LOCATION	75A Glasdrumman Road Annalong		
PROPOSAL	Go Down Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	30/05/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2016/1276/	PAC Ref:	2018/A0029
APPELLANT	Mr D Boal	DEA	Rowallane
LOCATION	3 Main Street Ballynahinch		
PROPOSAL	Subdivision of existing retail unit to 2No. Retail Units and Change of Use to 4No apartments with extension to first floor to provide 2No. Apartments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 13
Planning Ref: LA07/2017/1192/ **PAC Ref:** 2018/A0030
APPELLANT Tranquility Ireland **DEA** Newry
LOCATION 97 Fathom Line
 Fathom Lower
 (Main Portion)
PROPOSAL Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps with Site Visit **Date Appeal Lodged** 01/06/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2017/0969/ **PAC Ref:** 2018/A0046
APPELLANT Mr Peter Clerkin **DEA** Crollieve
LOCATION 160m South Of 106 Leitrim Road
 Hilltown
PROPOSAL Proposed retention and extension of farm shed (amended address)

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 11/07/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	15		
Planning Ref:	LA07/2017/0492/	PAC Ref:	2018/A0050
APPELLANT	East Coast Coaches	DEA	Crotlieve
LOCATION	70 Metres East Of 72 Rathfriland Road Newry		
PROPOSAL	Temporary permission for hard standing (area to be used for the parking and turning of coaches associated with existing bus and taxi depot)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16		
Planning Ref:	R/2014/0079/F	PAC Ref:	2018/A0054
APPELLANT	Mr Brendan Maginn	DEA	The Mournes
LOCATION	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
PROPOSAL	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/07/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 17
Planning Ref: LA07/2018/0166/ **PAC Ref:** 2018/AO021
APPELLANT Sean Nugent **DEA** Slieve Gullion
LOCATION 60m East Of 86 Slatequarry Road
 Cullyhanna
PROPOSAL Retention of existing farm shed

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Informal Hearing **Date Appeal Lodged** 15/05/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 18
Planning Ref: LA07/2017/0665/ **PAC Ref:** 2018/E0014
APPELLANT Mr James K. Donnelly **DEA** Newry
LOCATION 110 Metres North West Of No. 240 Dublin Road
 Killeen
 Newry
PROPOSAL Retention of agricultural building, erected under permitted development

APPEAL TYPE DC- Refusal of CLUD
Appeal Procedure **Date Appeal Lodged** 14/06/2018
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2018/0363/	PAC Ref:	2018/E0017
APPELLANT	Mr And Mrs S Thompson	DEA	Rowallane
LOCATION	19A Rathcunningham Road Toye Downpatrick		
PROPOSAL	Use of 19A as a dwelling separate from 19		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	28/06/2018
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Costs Decision

Park House
87/91 Great Victoria Street
BELFAST
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Appeal Reference:	2017/A0214.
Appeal against:	The refusal of outline planning permission for two detached dwellings and garages.
Location:	Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick.
Claim by:	Ms Joanna Magee.
Claim against:	Newry Mourne & Down District Council for a partial award of costs.
Decision by:	Commissioner Mark Watson, dated 20 July 2018.

Decision

1. The claim for a partial award of costs is allowed to the extent specified below.

Reasons

2. In accordance with the Commission's publication 'Costs Awards Guidance' costs will normally only be awarded where all four of the following conditions are met:
 - the claim relates to a relevant type of appeal;
 - the claim is timely;
 - the party against whom the award is sought has acted unreasonably; and
 - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.

Eligibility

3. The planning application to which the appeal relates was determined under the Planning Act (NI) 2011. An appeal was made in accordance with Section 58 of the Planning Act against the refusal of outline planning permission. The Commission therefore has the power to make an order as to the costs of parties in accordance with Section 205 of the Planning Act.

Timeliness

4. Paragraph 20 of 'Guidance on Costs Awards in Planning Related Appeals' states that in the case of an appeal proceeding by exchange of written representations with an accompanied site visit, as is the case in this appeal, any costs claim must accompany the claiming party's final written submission, unless the claim relates to behaviour which occurred at the site visit. In that case, the claim must be submitted in writing to reach the Commission no later than 5 working days after the site visit.

5. The claim relates to the inclusion of an additional strand of objection in the Council's Statement of Case. The claim accompanied the Claimant's final written submission, thus it is a timely one.

Unreasonable Behaviour

6. The Claimant claims unreasonable behaviour in that the Council introduced an additional strand of objection under Policy CTY14 of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21), pertaining to suburban style build-up, in its Statement of Case. The Claimant correctly observed that this matter had not been raised in either the Case Officer Report or in the Council's decision notice refusing the application. The Claimant considered this to be bad practice and contrary to Commission guidance. The matters of admissibility of the additional strand of objection and prejudice are not for this costs claim. They are more appropriately addressed in the substantive appeal decision itself.
7. Paragraph 14 of the Commission's Costs Awards Guidance provides some examples of behaviours which may be found to be unreasonable. It states that where a new reason for refusal, ground of appeal or significant issue, which could have been presented earlier, is introduced late in the process, the proceedings may likewise be prolonged and the Commission may be obliged to allow an additional exchange of written evidence in order to give other parties a fair opportunity to respond. Paragraph 16 states that the above scenario is one example of potential unreasonable behaviour, but whether there has actually been unreasonable behaviour in a particular case will be a matter of judgement for the Commission. It goes on to state that every claim for costs will be assessed on its own facts and the party seeking costs will have to show that it was put to unnecessary or wasted expense.
8. Policy CTY14 of PPS21 'Rural Character' had already been referenced in one of the Council's reasons for refusal. The reason was based on criterion (d) of that policy; the creation or addition to a ribbon of development. The Council's additional strand of objection under criterion (b) of Policy CTY14 related to suburban style build-up. The introduction of an additional strand of objection at such a late stage in the process was both unhelpful and unprofessional.
9. The additional strand of objection amounted to a significant additional issue for the Claimant to address. Such matters should have been raised at an earlier stage in the process and if the Council had intended to introduce an additional strand of objection, it could have done so at an earlier stage in the appeal process. For example, by informing the Commission and Claimant of its intent to do so shortly after the Council had received initial notification of the appeal. It is accepted that as the Claimant was able to respond in her Rebuttal Statement no additional exchange of written evidence was required and the proceedings themselves were not prolonged. However, the introduction of the additional strand of objection at this late stage still required the Claimant to provide a time bound response on the matter in her Rebuttal Statement, amounting to additional work and the time spent to do it.
10. I consider that in the above circumstances the late introduction of the additional objection pertaining to suburban style build-up amounted to unreasonable behaviour.

Unnecessary Expenses

11. The Claimant presented information as to the nature of the expenses incurred, namely:
 - the cost of the planning appeal fee; and
 - the cost of the preparation and submission of additional evidence at Rebuttal stage to defend the additional strand of objection following receipt of the Council's Statement of Case.
12. The Claimant's planning application was refused outline permission based on three reasons for refusal. Notwithstanding the late introduction of an additional strand of objection, the appeal fee was necessary in the first instance to appeal the refusal of permission. The cost of the planning appeal fee is not an unnecessary expense.
13. However, for the reasons given above the Claimant has incurred unnecessary expense in providing a response to the additional strand of objection relating to suburban style build-up. The Claimant self-authored her Rebuttal Statement, which included 3 paragraphs pertaining to suburban style build-up on the fourth and fifth pages of that document. On the final page of the Rebuttal, under the section entitled 'Summary', there is a brief reiteration that an additional response had been necessary on this matter, but that in itself does not amount to unnecessary expense. I therefore find that the only unnecessary expenses that have been incurred by the Claimant relate to the time taken to produce the three paragraphs pertaining to suburban style build-up, as contained within the fourth and fifth pages of her Rebuttal Statement.
14. Given the above reasoning the claim for partial costs is allowed only in this respect.

Order

It is hereby ordered that Newry, Mourne & Down District Council shall pay to Ms Joanna Magee the costs of the appeal proceedings, limited to those costs incurred in the production of the three paragraphs of her Rebuttal Statement pertaining to suburban style build-up in response to the additional strand of objection.

On receipt of this order the claimant may submit details of those costs to Newry, Mourne & Down District Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

COMMISSIONER MARK WATSON

List of Documents

Claimant:- 'CA' Cost Claim (Ms J Magee)



Appeal Decision

Park House
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Appeal Reference:	2017/A0214.
Appeal by:	Ms Joanna Magee.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	2 detached dwellings and garages.
Location:	Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick.
Planning Authority:	Newry, Mourne & Down District Council.
Application Reference:	LA07/2016/1331/O
Procedure:	Written representations and accompanied site visit on 2 May 2018.
Decision by:	Commissioner Mark Watson, dated 20 July 2018.

Decision

1. The appeal is dismissed.

Claim for Costs

2. A claim for costs was made by the Appellant against the Council. This claim is the subject of a separate decision.

Preliminary Matter

3. The Council's Statement of Case contained an additional strand of objection based on criterion (b) of Policy CTY14 of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). This was that the appeal development would also result in suburban style build-up. Whilst Policy CTY14 had already been raised in one of the reasons for refusal that accompanied the decision to refuse permission, it is nonetheless poor practice for the Council to introduce an additional strand of objection at such an advanced stage in the appeal process. However, the Appellant was able to respond to this additional strand of objection both in her Rebuttal Statement and in commenting in respect of site specific aspects at the accompanied site visit. The Appellant has not been prejudiced. The additional strand of objection is before the Commission and as no prejudice has arisen, it will form part of my consideration of the appeal.

Reasons

4. The main issues in this appeal are whether or not the proposed development would:
 - be acceptable in principle; and
 - adversely impact on the rural character of part of the countryside.

5. The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it, the site lies within the countryside, as well as the Strangford and Lecale Area of Outstanding Natural Beauty. The ADAP offers no specific policy or guidance in respect of the proposed single dwelling and is not material. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of PPS21 in respect of the appeal proposal. The policy provisions of PPS21 remain applicable to the proposed development.
6. The site comprises the eastern roadside portion of a large agricultural field on the western side of Churchtown Road. There is a very gentle slope running west and north-west across the site. The frontage is defined by a post and wire fence set behind a 2m grass verge. The southern boundary is defined by a mature hedgeline, whilst the western boundary is undefined. The northern boundary is defined by a line of mature conifers that delineate the site from No. 57, a single storey dwelling with detached garage. No. 55 Churchtown Road, also single storey, lies adjacent and north of No. 57. A laneway runs off Churchtown Road and along the inside northern site boundary, which provides access to two single storey dwellings, Nos. 59A and 59, that lie adjacent and west of the host field the site is part of. Beyond the site and to the south lies a paddock area and south of that, No. 61, a small cottage with a detached garage and yard area.
7. Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.
8. Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy states that for its purposes, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. Supplementary guidance on the assessment of proposals at infill sites is contained in the Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside (BoT).
9. The Appellant considered that the appeal site was a policy compliant gap site, falling within a substantial and continuously built up frontage comprising Nos. 55, 57 and 61 Churchtown Road. Nos. 55 and 57 both have a frontage to the road, which the Council did not dispute. No. 61 and its garage both have a frontage to the road, though I note the Council stated that there was no record of planning permission for the garage belonging to that property or for the apparent extension to the curtilage that facilitated the garage and yard area. The same is the case for the stable

building on the land adjacent and north of No. 61. Whilst there was debate between the parties as to the accuracy of the submitted map, particularly in respect to the actual size and extent of the curtilage belonging to No. 61, I am able to make my own assessment on the basis of the submitted evidence and my own observations of the site and other properties referred to. Policy CTY8 does not differentiate between dwellings and other types of buildings in terms of assessment of frontages. However, irrespective of the submitted orthophotography dated June 2009 and May 2012 showing the garage belonging to No. 61, I agree that unauthorised buildings, regardless of their age and in the absence of a Certificate of Lawfulness of Existing Use or Development, cannot contribute to being counted as buildings along the frontage for the purposes of the policy.

10. In respect of the area of land adjacent and north of No. 61 it is occupied by a small stable building, with the ground within this area heavily churned up by animals walking on it. It is clearly used as a paddock. Whilst the area in question is shown to have been in grass in the aforementioned orthophotography, that is not demonstrative of the land having been in domestic use. Despite pedestrian access through from No. 61 to it, the paddock and stable building are divided off from the curtilage of the dwelling, with a field gate access of its own directly onto the Churchtown Road. Even if the paddock is within the ownership of No. 61, I am not persuaded that it forms part of the curtilage of No. 61 given its functional and physical separation from that property.
11. Notwithstanding the parties' debate as to the existing plot sizes and widths and the differences between them, I do not agree with the Appellant's position that No. 61 has a frontage measuring approximately 70m, as even if including the yard and garage area, the paddock does not form part of the plot belonging to No. 61. The Appellant's indicative concept drawing shows that the plot sizes for the two proposed dwellings and garages would not necessarily be out of keeping with those of Nos. 55 and 57 in terms of frontage widths and overall plot areas, even when discounting the area taken along the frontage for the access to Nos. 59 and 59A. However, I note that in order to achieve plots that would have the areas and size as shown on the indicative layout, the northern most of the two proposed dwellings would not have an actual frontage to the Churchtown Road, but rather would front onto the laneway serving Nos. 59 and 59A close to its junction with Churchtown Road. Notwithstanding this, the assessment of the gap proposed for new development must be taken from building to building within the existing built up frontage. This building to building gap when measured from No. 61 to No. 57 is approximately 110m. Regardless of either parties' calculations regarding existing plot sizes and widths, even if a third dwelling would not readily fit into the paddock area in terms of circulation space and with respect to existing plot sizes and the existing development pattern, the overall gap is too large to accommodate up to a maximum of 2 dwellings in accordance with the policy exception.
12. Additionally, the appeal site cannot constitute a small gap site within an otherwise substantial and continuously built up frontage as the site is not the only gap between No. 61, irrespective of its precise size or the accuracy or otherwise of the submitted map, and Nos. 57 and 55. The intervening paddock area between the curtilage of No. 61 and the appeal site in itself represents a gap in the line of buildings along the built up frontage, contributing to the overall gap between existing buildings along that frontage. Even if the plot size and overall arrangement of the proposed dwellings could be designed to broadly respect the existing development pattern,

the appeal site cannot be considered to constitute a small gap within an otherwise substantial and continuously built up frontage. For the reasons given above the appeal development does not meet the exception under Policy CTY8 of PPS21. The Appellant's site analysis, photographs and supporting statement would not persuade me otherwise.

13. The Appellant referred to several previous permissions granted under Policy CTY8 within the same council area. Three of these examples appear to lie within otherwise substantial and continuously built up frontages and I note that there was no intervening land between the application sites and adjacent building plots along those frontages. They are not directly comparable to the appeal site before me. In respect of decisions LA07/2017/0270/O Land between 83 & 87 Drumnaconagher Road, Downpatrick and LA07/2016/0447/O land 100m north of 22 Teonnaught Road, Loughinisland, the approved plot sizes are surprisingly larger than those of the existing buildings on those frontages. However, each application must be considered on its own merits and notwithstanding those decisions, it would not be in the public interest to perpetuate poor decision making. A further decision granted permission within the Lisburn and Castlereagh City Council area was raised. LA05/2015/0256/O Lands adjoining and south east of 268 Ballygowan Road, Crossnacreevy allowed two infill dwellings. In that case the plot sizes were deemed to be acceptable, but the built context of that site is not on all fours with the appeal site before me. Those decisions would not justify the appeal development.
14. The Council considered that approval of the appeal development would result in the addition of ribbon development when read with Nos. 55 and 57 Churchtown Road. When travelling south along Churchtown Road towards the site the appeal dwellings would form a ribbon with Nos. 55 and 57 Churchtown Road, even if positioned broadly in line with that shown in the illustrated concept plan. There would be sustained, transient views of the appeal development with those properties regardless of the speed of travel along this stretch and despite views being confined to between the northern site boundary of No. 55 and the southern boundary of the appeal site itself. The appeal development would create a ribbon of development along this stretch of road rather than add to one, as was specified in the Council's reason for refusal. Nonetheless, the Council's broad concerns relating to ribbon development are well founded. Travelling in the opposite direction, the more limited views arising from intervening vegetation and the line of sight relative to the direction of travel along the road would be less critical. However, for the reasoning given above I find that Policy CTY8 of PPS21 and the related provisions of the SPPS are not met. The Council's second reason for refusal is therefore sustained to the extent specified above.
15. Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area. The locality the site lies within has experienced some degree of development, largely characterised by single dwellings set on individual plots, either at the roadside or set back and accessed via laneways. Although the site may not act as an important visual break or gap as envisaged at paragraph 5.34 of PPS21 or the guidance in BoT, nonetheless its development would create a ribbon of development with Nos. 57 and 55, as well as consequently resulting in a suburban style build-up of development. Again, this would be perceived when travelling southwards along Churchtown Road towards the site. I do not agree that these impacts would be offset by the site boundary vegetation, positioning of the

appeal dwellings within the site, or the setback of Nos. 57 and 55 from the roadside within their own plots of land.

16. Irrespective of retention of existing boundary features of the site or the design and siting of the dwellings in questions, the appeal development would consequently further erode the rural character of the area. Whilst the Appellant drew my attention to existing built development at the Ballyculter crossroads some 870m away, that development occupies a different context and would not justify the appeal development. The appeal development would cause a detrimental change to the rural character of the area. Policy CTY14 of PPS21 and the related provisions of the SPPS are not met when read as a whole. The Council's third reason for refusal, as amended, is sustained.
17. As the development does not meet CTY8, it does not meet Policy CTY1 of PPS21 and the related provisions of the SPPS. Whilst the proposed layout would still retain existing access to Nos. 59A and 59 Churchtown Road, as well as maintain their existing level of residential amenity, including a buffer of agricultural land between them and the appeal site, these matters would not outweigh the objections to the development. For the reasons given above the development would not comply with prevailing regional planning policy, as well as harming existing rural character, these matters being interests of acknowledged importance. There are no overriding reasons why the development is essential and could not be located in a settlement. The Council's first reason for refusal is sustained.
18. The Council's objections to the development are sustained to the extent specified and are determining. The appeal must fail.

This decision relates to the 1:2500 scale ACE Map dated 8/7/2016 submitted with the application.

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mr M Keane (Newry, Mourne & Down District Council)

Appellant:- Ms J Magee (Appellant)

List of Documents

Planning Authority:- 'A' Statement of Case & Appendices (NM & D DC)
'B' Rebuttal Letter (NM & D DC)

Appellant:- 'C' Statement of Case & Appendices (J Magee)
'D' Rebuttal Statement (J Magee)



Appeal Decision

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Appeal Reference: 2017/A0228
Appeal by: Mr Jason Mc Polin
Appeal against: Refusal of Full Planning Permission
Proposed Development: Detached garage, rear extension to dwelling and extended site curtilage.
Location: No. 13 Downpatrick Road Ballynahinch
Planning Authority: Newry, Mourne and Down District Council
Application Reference: LA07/2017/0770/F
Procedure: Informal Hearing on 15th June 2018
Decision by: Commissioner Helen Fitzsimons on 23rd July 2018.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:-
 - Whether the proposed extension to the residential curtilage is acceptable in principle in the countryside ; and
 - The impact of the proposed development on visual amenity and rural character.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by the Ards Down Area Plan 2015 (ADAP) the local development plan which operates in the area. The ADAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) are material considerations in this appeal. The SPPS retains the policies contained within PPS 21.
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. Policy CTY 1 indicates that development not falling into one of the listed categories will be permitted only where there are overriding reasons why it is essential and could not be located in a settlement. There is no provision for residential land use to be extended further into the neighbouring countryside within Policy CTY 1.
5. The appellant told me that he needs to extend the curtilage of this family home, to facilitate an extension to provide more living accommodation for his growing family of two older teenage children and two younger ones; additional secure car parking;

- and private amenity space for the dwelling. I accept that the appellant has a desire to continue residing at this location with his growing family, however, I do not consider this to be an overriding reason and it has not been demonstrated why the proposed development is essential in this location and could not be located in a settlement. The reasons given by the appellant do not override the requirements of Policy CTY 1 of PPS 1.
6. Policy CTY 1 directs consideration of an extension to a dwelling house in the countryside to the Addendum to PPS 7 'Residential Extensions and Alterations'. This is the policy framework against which to assess the impact of the building works upon the visual amenities of the countryside. Reliance on Policies CTY 13 'Integration and Design of Buildings in the Countryside' and CTY 14 'Rural Character' is misplaced however, those issues raised under the policies remain before me.
 7. Policy EXT 1 of the Addendum ' Residential Extensions and Alterations' which deals with building works states that planning permission will be granted for a proposal to extend or alter a residential property where all of four stated criteria are met. At the hearing the Council Official did not raise any objections under the four stated criteria.
 8. Paragraph A24 says that proposals should be in keeping with the character of the existing property and its countryside setting, and says that extensions which require the use of land outside the established curtilage of the property, will result in a detrimental change to rural character.
 9. The Council's only identified critical viewpoint is when travelling from the east on Downpatrick Road. From that direction due to the intervening mature vegetation the existing dwelling and lands to its rear are well screened; as the proposed development is to the rear it too would be well screened, particularly in summer months, and even in winter months when views of it would be filtered. The appellant has proposed a band of woodland planting within the south eastern portion of the appeal site and this would enhance the existing wider mature vegetation in this location and consequently the visual qualities of the countryside. The existing dwelling is viewed against the backdrop of the drumlin in the south and the proposed development would benefit from the same backdrop. Taking account of the existing and proposed landscape features, the proposed development would not be highly apparent in the landscape when viewed from the identified viewpoint, and there would be no discernible adverse impact on the amenities of the countryside or on rural character.
 10. Notwithstanding that I consider that there would be no adverse impact on the amenities of the countryside or rural character, there is any policy support for the extension to curtilage. As I have been given no overriding reasons why the proposed development is essential in this location and could not be located in a settlement, the proposed development is not acceptable in principle in the countryside. The Council's first reason for refusal based on Policy CTY 1 of PPS 21 is sustained and the appeal must fail.

This decision is based on the 1:2500 scape site location plan; the 1:500 scale site plan and the 1:100 scale scheme design and detached garage plans.

COMMISSIONER HELEN FITZSIMONS

2017/A0228**Appearances**

Planning Authority: - Mr Mark Keen

Appellant: - Mr Alan Framingham (Framingham Planning Ltd)
Mr Sam Hawthorne (Hawthorne Associates)
Mr. P Hamilton (Architect)
Mr J Mc Polin

List of Documents

Planning Authority: - C1 Written Statement and Appendices

Appellant: - A 1 Written Statement



Appeal Decision

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Appeal Reference:	2017/A0252
Appeal by:	Stuart Moffett
Appeal against:	Refusal of Full Planning Permission
Proposed Development:	Erection of a Dwelling on a Farm.
Location:	15m west and to the rear of 81 Cloughanramer Road Newry
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/1175/F
Procedure:	Informal Hearing on 29 th June 2018
Decision by:	Commissioner Helen Fitzsimons on 30 th July 2018

Decision

1. The appeal is allowed subject to conditions.

Reasons

2. The main issues in this appeal are whether the proposed development
 - is acceptable in principle in the countryside;
 - if it would result in ribbon development;
 - if it would have an adverse impact on the visual amenities of the countryside; and
 - whether it would erode rural character.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) the local development plan which operates for the area. The BNMAP offers no specific policy or guidance pertinent to the proposed development. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'
4. Policy CTY 1 of PPS 21 states that 'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.' One of these is a dwelling on a farm in accordance with Policy CTY 10 of PPS 21. Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of three stated criteria can be met. The Council raise objections under criteria (a) that the farm business is currently active and (c) that the new buildings is visually linked or sited to cluster with an established group of buildings on the farm and where practicable access to the new dwelling should be obtained from an existing lane.

5. Footnote 26 of the SPPS states that for its purposes 'agricultural activity' is as defined by Article 4 of the European Council Regulations (EC) No. 1037/2013. At Article 4 (c) (i) agricultural activity means production, rearing or growing agricultural products, including harvesting, milking, breeding animals, and keeping animals for agricultural purposes.
6. The appellant presented me with evidence spanning a number of years which indicates that he grows and harvests silage for sale to other farmers. In order to establish active farming the period referred to in both PPS 21 and the SPPS is described as 'currently active' which to my mind means 'in the here and now'. At my site visit I observed that fields within the farm business, attributed to the appellant, had been recently cut and the Council Official concurred with this. He also said that at that time it would appear that the farm was active. There is nothing to dispute the evidence presented by the appellant or that the land is currently being actively farmed. That being so I must conclude that criterion (a) of Policy CTY 10 of PPS 21 is met.
7. The farm business is registered to the appellant at 79 Cloughanramer Road, a dwelling, and this dwelling is the farm house. Adjacent to this and in the farm yard is a shed which is in use as an impact vehicle recovery business by the appellant. It is the Council's view that this workshop is not a building associated with the farm business and should be discounted. The policy only requires that the new building is visually linked or sited to cluster with an established group of 'buildings on the farm' it does not specify that they must be in use with the farm business. There is no evidence that the shed has been 'hived off' from the farm and so it is a building on the farm irrespective of what it is being used for. The appeal proposal would be viewed with this building when seen from Cloughanramer Road both at the access to the proposed dwelling and between Nos. 77-81. It is proposed to construct a new access to the proposed dwelling from west of No 77 Cloughanramer Road by upgrading an existing agricultural lane. Criterion (c) of Policy CTY 10 is met.
8. An exception under Policy CTY 8 of PPS 21 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.33 of Policy CTY 8 says that 'A ribbon ' does not necessarily have to be served by individual accesses nor have a continuous or uniform buildings 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 are visually linked. The council considered that the siting of the proposed new dwelling and its access behind this row of dwellings would extend the ribbon to the east beyond a bend in the road. I accept that there would be a visual linkage between the existing ribbon and the proposed development however, given the set back from the road and that the existing ribbon appears as a linear form of development extending from north to south west of the appeal site I do not consider that the proposed development would add to the existing ribbon of development. The Council has not sustained its second reason for refusal based on Policy CTY 8 of PPS 21.
9. As The proposed development meets the requirements of Policy CTY 10 'Dwellings on Farms' of PPS 21 and does not offend the requirements of Policy CTY 8 'Ribbon Development' it is acceptable in principle in the Countryside and Policy CTY 1 of PPS 21 is also met. The Council has not sustained its first reason for refusal.

10. Policy CTY 13 of PPS 21 'Integration and Design of Buildings in the Countryside' states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of appropriate design. A new building will not be acceptable in seven stated circumstances. The Council raised objections under three of those circumstances (b) that the site lacks long established boundaries; (c) it relies primarily on the use of new landscaping for integration; and (d) the ancillary works do not integrate with their surroundings. Paragraph 5.59 of Policy CTY 13 says that 'the main criteria against which the degree of visual impact will be considered include the location of the site within the landscape, the position of the building within the site and its relationship with surrounding buildings.' Paragraph 5.41 of Policy CTY 10 implicitly acknowledges that the existing farm group or application site may not be well landscaped and allows for the presence of existing vegetation to be discounted when making a visual assessment of proposals. When seen from the Council's identified vantage point the proposed development would be viewed with the existing buildings on the farm with little appreciation of any physical separation that may exist between the proposed new dwelling and the shed. I accept that new planting would be required on the undefined north and western boundaries of the appeal site and along the access lane to aid with integration. However, given that the thrust of Policy CTY 10 is to group new development with existing groups of buildings I find, on balance, the failure of the appeal proposal to meet those specific requirements of Policy CTY 13 outweighed by the requirements of Policy CTY 10 for dwellings on farms. The Council has not sustained its fourth for refusal based on Policy CTY 13 of PPS 21.
11. Policy CTY 14 'Rural Character' provides for the grant of planning permission for a building in the countryside where it does not cause a detrimental change to, or further erode rural character. A new building will be unacceptable for five stated reasons. The Council raised objections under reason (b) its results in a suburban style build up of development when viewed with existing and approved buildings (d) it creates or adds to a ribbon of development and (e) the impact of ancillary works would damage rural character. As the proposed development is sited to be visually linked to existing buildings on the farm in accordance with the overall thrust of PPS 21 which is to group new buildings with existing development it is not a suburban form of development; I have already found that the proposed development would not result in ribbon; and given my conclusions regarding the need for new planting and that planting would aid integration the impact of the ancillary works would not appear suburban in form. The proposed development would not fail any of the requirements of Policy CTY 14 of PPS 21 and the Council has not sustained its fifth reason for refusal.

Conditions

1. Before building works commence the visibility splays identified on drawing numbered 1661-15/01 shall be laid out at the junction of the access lane with Cloughanramer Road and permanently retained.

2. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing trees and hedgerows to be provided along the northern and western boundaries of the site and the location, numbers, species and sizes of trees and shrubs to be planted within the site. The scheme of planting as finally approved shall be carried out during the first planting season after the 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.

3. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the 1:1250 scale site location plan and the drawing numbered Job No 1661-15/01

COMMISSIONER HELEN FITZSIMONS

2017/A0252**List of Documents**

Planning Authority: -
Post Hearing
Appellant:-
Post Hearing

C1 Written Statement
C2 Planning History
A1 Written Statement and Appendices
A2 Letter of Offer; Certificates and Newspaper Article

Attendances

Planning Authority:-
Appellant:-

Mr G Murtagh
Mr T Wilson (Tom Wilson Planning)
Mr M Byrne (Building Design)