SPEAKING RIGHTS/WRITTEN SUBMISSIONS

PLANNING COMMITTEE MEETING

WEDNESDAY 31 AUGUST 2016

The closing date/time for requests for speaking rights/written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows:-

Wednesday 24 August 2016 by 5.00 pm

Requests for speaking rights/written submissions should be emailed to:-

democratic.services@nmandd.org

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

August 18th, 2016

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 31st August 2016** at **10:00 am** in the **Boardroom Monaghan Row Newry.**

The Members of the Planning Committee are:-

Chair: **Councillor W Clarke**

Vice Chair: **Councillor J Macauley**

Members:	**Councillor C Casey**	**Councillor G Craig**
	Councillor L Devlin	**Councillor G Hanna**
	Councillor V Harte	**Councillor M Larkin**
	Councillor K Loughran	**Councillor D McAteer**
	Councillor M Murnin	**Councillor M Ruane**

Agenda

1) **Apologies.**

2) **Declarations of Interest.**

Minutes for Adoption

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3) **Minutes of the Planning Committee Meeting held on Wednesday 3 August 2016. (Copy enclosed).**

Planning Committee Mins 3 August 2016.pdf *Page 1*

4) **Minutes of the Planning Committee Meeting (continuation of the Meeting held on 3 August 2016) held on Wednesday 10 August 2016. (Copy enclosed).**

Planning Minutes - 10 August 2016.pdf *Page 14*

For Consideration and/or Decision

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5) **Addendum list - planning applications with no representations received or requests for speaking rights. (Copy to follow).**

Development Management - Planning Applications for determination

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6) **LA07/2015/0253/F - Jonathan and Fergus Woods - erection of 2no. broiler poultry house with 4no feed bins 2no gas tanks, biomass plant room with 1no wood pellet bin, washing collection tank and an office, changing and standby generator building and associated siteworks (to contain 74,000 broilers) - 120m south of 36 Ballytrim Road Ballytrim Killyleagh BT30 9TJ. (Case officer Report attached)**

Rec: APPROVAL

LA07-2015-0253-F Jonathan and Fergus Woods.pdf *Page 17*

7) LA07/2015/0761/F - Damien McMahon - extension and alteration to existing terraced dwelling with improvements to access - 79 Drumalane Road Newry Co Down BT35 8AR. (Case Officer Report attached)

Rec: REFUSAL

LA07-2015-0761-F Damian McMahon.pdf *Page 22*

8) LA07/2015/0776/F - Mr John McBride - construction of 1no 2-storey dwelling with associated landscaping and car parking (revised description) - to the rear of 83 & 85 Kilkeel Road Annalong BT34 4TJ. (Case Officer Report attached)

Rec: APPROVAL

LA07-2015-0776-F John McBride.pdf *Page 27*

9) LA07/2015/0881/O - Peter Balchius c/o Agent - site for dwelling and garage (amended address) - NW of junction of Dublin Road with Eilisholding Rod Newry (130m South of No 163 Dublin Road) (Case Officer Report attached)

Rec: REFUSAL

LA07-2015-0881-O Peter Balchius.pdf *Page 38*

10) LA07/2015/1202/O - Dermot & Antionette Murphy - outline application for a new dwelling on an infill/small gap site - site to the rear of 17B Bonds Road Dorsey Silverbridge BT35 9PE. (Case Officer Report attached)

Rec: REFUSAL

LA07-2015-1202-O Dermot and Antionette Murphy.pdf *Page 43*

11) LA07/2015/1318/O - Ellen Ward - new dwelling house - 50m East of Lower Carrogs Road Newry BT34 2NG. (Case Officer Report attached)

Rec: REFUSAL

LA07-2015-1318-O Ellen Ward.pdf *Page 48*

12) **LA07/2016/0460/O - Robert White - proposed infill site for dwelling and garage at lands 20m South East of No 14 Temple Hill Road Newry - lands between no's 14 and 16 Temple Hill Road Newry Co Down. (Case Officer Report attached)**

Rec: REFUSAL

LA07-2016-0460-O Robert White.pdf *Page 53*

13) **P/2009/1336/F - Mr JC Campbell c/o Agent - sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with siteworks and parking and 41 apartments with site parking and basement parking - 52, 68 to 72 and 74 Shore Road Rostrevor. (Case Officer Report attached)**

Rec: REFUSAL

P-2009-1336-F JC Campbell.pdf *Page 61*

14) **R/2012/0545/F - CES Quarry Products Ltd - extension to quarry - Castlenavan Quarry 131 Newcastle Road Seaforde Downpatrick Co Down BT30 8PR. (Case Officer Report attached)**

Rec: APPROVAL

R-2012-0545-F CES Quarry Products.pdf *Page 75*

15) **R/2013/0355/F - Down District Council - provision of additional burial plots and associated paths at existing cemetery - Louch Inch Cemetery 1 Riverside Road Ballynahinch BT24 8JB. (Case Officer Report attached)**

Rec: APPROVAL

R-2013-0355-F Down District Council.pdf *Page 91*

16) **R/2011/0632/F - Mr M Trainor c/o Newline Architects - erection of 2 no. wind turbines with a hub height of 62m, 3 no rotary blades of 26.5m. (Amended proposal/plans received) - 900m**

West of 77 Ardglass Road (former Airfield Bishopscourt) Ballyhornan Down. (Case Officer Report attached)

Rec: APPROVAL

R-2011-0632-F Mr M Trainor.pdf *Page 98*

17) **R/2014/0449/F - Ronan McVeigh - demolition of existing dwelling. Construction of 2 detached dwellings and 4 apartments in one 2 storey block. New private driveways gardens parking spaces and fences (renewal of previous planning permission R/2007/0503/F) - 13 Tullybrannigan Road Newcastle. (Case Officer Report attached)**

Rec: REFUSAL

R-2014-0449-F Ronan McVeigh.pdf *Page 112*

Invitees

Cllr. Terry Andrews	terry.andrews@downdc.gov.uk
Cllr. Naomi Bailie	naomi.bailie@nmandd.org
Cllr. Patrick Brown	patrick.brown@nmandd.org
Cllr. Robert Burgess	robert.burgess@downdc.gov.uk
Cllr. Stephen Burns	stephen.burns@downdc.gov.uk
Lorraine Burns	lorraine.burns@newryandmourne.gov.uk
Cllr. Pete Byrne	pete.byrne@nmandd.org
Cllr. Michael Carr	michael.carr@newryandmourne.gov.uk
Cllr. charlie casey	charlie.casey@newryandmourne.gov.uk
Cllr. William Clarke	william.clarke@downdc.gov.uk
Cllr. Patrick Clarke	patrick.clarke@downdc.gov.uk
Cllr. Garth Craig	garth.craig@downdc.gov.uk
Cllr. Dermot Curran	dermot.curran@downdc.gov.uk
Cllr. Laura Devlin	laura.devlin@downdc.gov.uk
Ms. Louise Dillon	louise.dillon@newryandmourne.gov.uk
Cllr. Sean Doran	sean.doran@newryandmourne.gov.uk
Cllr. Sinead Ennis	sinead.ennis@nmandd.org
Cllr. Cadogan Enright	cadogan.enright@downdc.gov.uk
Cllr. Gillian Fitzpatrick	gillian.fitzpatrick@newryandmourne.gov.uk
Mr. Patrick Green	patrick.green@downdc.gov.uk
Cllr. Glyn Hanna	glyn.hanna@nmandd.org
Mr. Liam Hannaway	liam.hannaway@nmandd.org
Cllr. Valerie Harte	valerie.harte@newryandmourne.gov.uk
Cllr. Harry Harvey	harry.harvey@newryandmourne.gov.uk
Cllr. Terry Hearty	terry.hearty@newryandmourne.gov.uk
Cllr. David Hyland	david.hyland@newryandmourne.gov.uk
Mrs. Shiela Kieran	sheila.kieran@newryandmourne.gov.uk
Cllr. Liz Kimmins	liz.kimmins@nmandd.org
Cllr. Mickey Larkin	micky.larkin@nmandd.org
Cllr. Kate Loughran	kate.loughran@newryandmourne.gov.uk
Cllr. Jill Macauley	jill.macauley@nmandd.org
Cllr. Kevin Mc Ateer	kevin.mcateer@nmandd.org
Mr. Johnny Mc Bride	johnny.mcbride@newryandmourne.gov.uk
Collette McAteer	collette.mcateer@newryandmourne.gov.uk
Cllr. Declan McAteer	declan.mcateer@newryandmourne.gov.uk
Mr. Anthony McKay	anthony.mckay@nmandd.org
Eileen McParland	eileen.mcparland@newryandmourne.gov.uk
Carmel Morgan	carmel.morgan@newryandmourne.gov.uk
Cllr. Roisin Mulgrew	roisin.mulgrew@nmandd.org
Cllr. Mark Murnin	mark.murnin@nmandd.org
Mrs. Aisling Murray	aisling.murray@newryandmourne.gov.uk

Cllr. Barra O Muiri	barra.omuiri@nmandd.org
Cllr. Pol O'Gribin	pol.ogribin@nmandd.org
Mr. Canice O'Rourke	canice.orourke@downdc.gov.uk
Cllr. Brian Quinn	brian.quinn@newryandmourne.gov.uk
Cllr. Henry Reilly	henry.reilly@newryandmourne.gov.uk
Cllr. Michael Ruane	michael.ruane@newryandmourne.gov.uk
Cllr. Gareth Sharvin	gareth.sharvin@downdc.gov.uk
Cllr. Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@downdc.gov.uk
Cllr. David Taylor	david.taylor@newryandmourne.gov.uk
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr. Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr. John Trainor	john.trainor@nmandd.org
Cllr. William Walker	william.walker@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 3 August 2016 at 11.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

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Chairperson: Councillor J Macauley

In Attendance:

(Committee Members)

Cllr C Casey	Cllr G Craig
Cllr G Hanna	Cllr M Larkin
Cllr V Harte	Cllr D McAteer
Cllr K Loughran	Cllr M Ruane
Cllr M Murnin	

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms J McParland	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr P Green	Legal Advisor
Ms L Dillon	Democratic Services Officer
Ms S Taggart	Democratic Services Officer

P/75/2016: APOLOGIES/CHAIRMAN'S REMARKS

Apologies were received from:

Councillor W Clarke
Councillor L Devlin
Councillor M Ruane
Ms N Largey Legal Services

P/76/2016: DECLARATIONS OF INTEREST

Councillor V Harte declared an interest in Planning Application LA07/2015/0130/F (Calmor Properties Ltd) regarding non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause – Lindsay's Hill, approximately 60m south east of 53-55 North Street Newry.

Councillor C Casey declared an interest in Planning Application LA07/2015/0130/F (Calmor Properties Ltd) regarding non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause – Lindsay's Hill, approximately 60m south east of 53-55 North Street Newry.

P/77/2016: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 6 JULY 2016

Read: Minutes of Planning Committee Meeting held on Wednesday 6 July 2016 (Copy circulated).

AGREED: On the proposal of Councillor G Craig seconded by Councillor D McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 July 2016 as a true and accurate record.

P/78/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights. (Copy circulated).

AGREED: On the proposal of Councillor M Murnin seconded by Councillor G Craig it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications:

LA07/2015/0161/F
Applicant: Mr E Lennon
Proposal: Apartment building with 14 units 3.5 storey with retail space and car parking
Location: 35 Central Promenade Newcastle
Recommendation: APPROVAL

R/2014/0660/O
Applicant: Mr M Judge
Proposal: Retrospective shop sign
Location: 43 High Street Ballynahinch
Recommendation: REFUSAL

R/2014/0575/F
Applicant: Millbrook Lodge Hotel
Proposal: Demolitions, alterations, extension and new buildings.
Location: 5 Drumaness Road Ballynahinch BT12 6EQ
Recommendation: APPROVAL

R/2013/0441/O
Applicant: Mr C Laverty & Miss R O Higgins
Proposal: Proposed new dwelling on a farm under Policy CTY10 of PPS21
Location: 50m north east of 19 and 60m north of 17 Ballymoney Road Kilcoo
Recommendation: REFUSAL

LA07/2015/0090/F
Applicant: AJ Coaches
Proposal: Retrospective extension of curtilage and change of use of land to facilitate parking of vehicles in relation to coach hire business and proposed improved entrance and new stone wall boundary
Location: 49 Ballyveaghbeg Road Ballymartin
Recommendation: REFUSAL

LA07/2015/0800/F
Applicant: Ponsa Ltd
Proposal: Construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage
Location: Lands 20m se of 51-69 Windmill Road Cranfield Kilkeel
Recommendation: REFUSAL

LA07/2015/1153/O
Applicant: Ronan Turley
Proposal: Erection of infill dwelling with detached garage
Location: Adjacent to and 20m east of 72 Newry Road Mayobridge
Recommendation: REFUSAL

LA07/2016/0276/F
Applicant: Frank Hughes Bookmaker
Proposal: Change of use of vacant shop to offices
Location: 14-15 The Mall Newry
Recommendation: APPROVAL

P/79/2016: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Principal Planning Officer it was agreed on the proposal of Councillor Craig seconded by Councillor Loughran to withdraw the following Planning Applications from the schedule:-

- LA07/2015/0079/F – Anne Marie O Higgins – change of use of ground floor units from retail to café/restaurant – ground floor unit 8 Central Promenade Newcastle. (REFUSAL) **– withdraw from schedule as information which has been requested by Planning in respect of this application has now been supplied by the applicant.**

- LA07/2016/0036/F – Bronagh Smith – proposed rear extension to a dwelling – 17 Demense Crescent Downpatrick. (REFUSAL) **– withdraw from schedule as information which had been sought by Planning has now been submitted by applicant.**

- R/20130217/F – Mr Tony Steel – erection of agricultural shed (amended address) – 120m east of No.18 Moneyland Road Dundrum. (REFUSAL) **– withdraw from schedule for further review/consideration by Planning Department.**

- LA07/20150639/F – Mr & Mrs P McMillan – replacement dwelling and conversion of former mill to ancillary accommodation – site 45 metres east of 55 Rossglass Road Killough. (REFUSAL) **– withdraw from schedule as Planning Department have been provided with new information on which a number of matters have arisen which Planning wish to discuss further with the applicants.**

- LA07/2015/0402/F – Glyn Mitchell – proposed erection of a dwelling - opp and 25m e of 16 Chancellors Hall Newry. (REFUSAL) **– withdraw from schedule to allow further discussion between the Agent and Planning Department regarding issues which have arisen.**

- P/2014/1041/O – Matthew Mallon – site for dwelling and detached garage – 20m ne of 30a Edentrumly Road Mayobridge. (REFUSAL) **– withdraw from schedule as the written submission from the Agent indicates this application be considered under CTY8. This application was originally considered under CTY10, therefore Planning Department view this to be a new consideration of the Application.**

The following Applications were then determined by the Committee:

(1) LA07/2015/0546/F – Jane Magee

Location:
Approx 70m South East 71 Ardglass Road, Ballyhornan, Downpatrick

Proposal:
Retention of building with alterations to be used as arm shed and animal handling facility in substitution for agricutural building granted permission under R/2007/1021/F

(additional information)

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Gerry Tumilty Agent, presented in support of the application.

Councillor Craig proposed and Councillor Larkin seconded to accept the Officers recommendation and issue a Refusal in respect of Planning Application LA07/2015/0546/F, as per the Development Management Officer Report.

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

For	4
Against	4
Abstentions	1

The Chairperson used her casting vote in support of the proposal.

The proposal was declared carried.

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application LA07/2015/0546/F, as per the Development Management Officer Report.

(2) LA07/2015/0842/O – Mr G Reavey

Location:
66 Drin Road, Drin, Dromara, BT25 2LE

Proposal:
Site for replacement dwelling, garage and associated site works and rentention of old building as outbuilding

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr Nigel Coffey, Agent, presented in support of the application.
DEA Councillor P Clarke presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded to overturn the Officers recommendation in respect of Planning Application LA07/2015/0842/O and include a condition that the vernacular building must be retained in a manner more suitable to the countryside thus ensuring the protection of historic heritage.

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

For	7
Against	2
Abstentions	0

Mr McKay said the Committee had not indicated as to whether the decision was contrary to policy or in line with policy

AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to issue an Approval in respect of Planning Application LA07/2015/0842/O and include a condition that the vernacular building must be retained.

(3) R/2014/0178/O – Mr P J McKeown

Location:
Site approx 120m south of No. 108 Loughinisland Road, Loughinisland, Downpatrick, BT30 8JL

Proposal:
Proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6

Conclusion and recommendation from Planning Official:
REFUSAL

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

The Applicant and Agent remained in the Chamber.

Speaking rights:
Mr Jason Walker Agent, presented in support of the application.
Ms Vera McKeown presented on behalf of the applicant.

AGREED: On the proposal of Councillor Harte seconded by Councillor Hanna the Committee came out of closed session.

When the Committee came out of closed session the Chairperson reported the following:

AGREED: **On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to defer Planning Application R/2014/0178/O to allow further discussion between Planning Department and the Applicant.**

(4) R/2014/0442/O – John Breen

Location:
Rear of 25 Killybawn Road, Crossgar

Proposal:
Proposed dwelling on a farm

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights:
Mr J Morgan Agent, presented in support of the application.
Mr J Breen Applicant, presented in support of the application.
DEA Councillor T Andrews presented in support of the application.

Councillor Casey proposed and Councillor McAteer seconded that Planning Application R/2014/0442/O be deferred, contrary to Officers recommendation, in order to allow the applicant to provide further information to demonstrate length of time buildings have been established, evidence of ownership of land and confirmation that sight splays can be provided.

Councillor Larkin proposed and Councillor Hanna seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application R/2014/0442/O, as per the Development Management Officer Report.

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

For	5
Against	4
Abstentions	0

The original proposal was declared carried.

AGREED: **On the proposal of Councillor Casey seconded by Councillor McAteer it was agreed to defer Planning Application R/2014/0442/O, c contrary to Officers recommendation, in order to allow the applicant to provide further information to demonstrate length of time buildings have been established, evidence of ownership of land and confirmation that sight splays can be provided.**

(5) R/2014/0576/F – Mr D Orr

Location:
West of 109 Barnamaghery Road, Crossgar

Proposal:
Erection of wintering shed for livestock and retention of existing fodder storage shed on part foundation of original shed on site

Conclusion and recommendation from Planning Official:
REFUSAL

Representations:
Councillor Harvey has advised of his support for this application

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a Refusal, for the reasons recommended, in respect of Application R/2014/0576/F, as per the Development Management Officer Report.

(6) R/2015/0093/F – Kennedy's Direct Catch Ltd

Location:
21 Enterprise Avenue, Down Business park, Belfast Road, Downpatrick

Proposal:
Proposed fitness facility and associated parking

Conclusion and recommendation from Planning Official:
REFUSAL

AGREED: On the proposal of Councillor Murnin seconded by Councillor Craig it was agreed to issue an Approval, contrary to Officers recommendation, in respect of Planning Application R/2015/0093/F, on the basis this application is deemed exceptional circumstances as a leisure facility is being provided within the curtilage of an existing business therefore will have no impact in terms of loss of zoned land and that a precedent has already been set in terms of non-industrial use of land in this park.

Abstentions 0

(3.45pm – Councillor Harte and Councillor C Casey withdrew to the public gallery)

(7) LA07/2015/0130/F – Calmor Properties Ltd

Location:
Lindsay's Hill, approximately 60m south est of 53-55 North Street, Newry

Proposal:
Non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr Colin O'Callaghan Agent, presented in support of the application.

Councillor Hanna proposed and Councillor Larkin seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application R/2014/0442/O, as per the Development Management Officer Report.

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

For	7
Against	0
Abstentions	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0130/F, for the reasons recommended as per the Development Management Officer Report.

(4.00pm – Councillor Harte and Councillor C Casey re-joined the meeting)

(8) LA07/2015/0511/0 – Peter McEvoy

Location:
Adjacent to and immediately north of 147 Rathfriland Road, Newry, BT34 1PQ

Proposal:
Dwelling and detached garage

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr Karl Sherry, Agent, presented in support of the application

Councillor Larkin proposed and Councillor Harte seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application LA07/2015/0511/O, as per the Development Management Officer Report.

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

For	2
Against	6
Abstentions	1

The proposal was declared lost.

Councillor McAteer proposed and Councillor Hanna seconded to issue an Approval, contrary to Officer recommendation, in respect of Planning Application LA07/2015/0511/O, on the basis that with regard to CTY2a, it was not clear in this instance that this is uninterrupted open countryside as nearby adjacent buildings are visible.

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

For	6
Against	2
Abstentions	1

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to issue an Approval, contrary to Officer recommendation, in respect of Planning Application LA07/2015/0511/O, on the basis that it complies with CTY2a, ie, that the proposal rounds off the crossroads, this being the intention of policy, and this is not uninterrupted/open countryside.

(9) LA07/2015/1167/F – Brendan and Sharon O'Gorman and Gregory

Location:
80 metres north east of 84 Kiltybane Road, Crossmaglen, BT35 9BH

Proposal:
Replacement dwelling and new garage

Conclusion and recommendation from Planning Official:
Refusal

Speaking rights:
Mr Seamus Murphy, Agent, presented in support of the application.
Mr Eamon Gregory presented on behalf of the applicant.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to defer Planning Application LA07/2015/1167/F, to allow Planning Officers to conduct a site visit with the Agent to review drawings and assess other issues regarding the site and if necessary this application will be tabled at a future meeting of the Planning Committee, as recommended by Mr A McKay Chief Planning Officer.**

P/80/2016 **ADJOURN MEETING**

AGREED: **On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to adjourn the meeting and continue the session on Wednesday 10 August 2016 at 9.30am (Boardroom Newry) to consider the following Planning Applications:**

P/2012/0712/F – Brendan Carragher
Location:
24 New Road, Silverbridge, BT35 9PQ
Proposal:
Extension to Tyre Depot
Conclusion and recommendation from Planning Official:
Refusal
Speaking rights:
A request for speaking rights has been received from Mr James Murphy, in support of the application

LA07/2016/0175/F – Dermot White
Location:
80 metres north west of 15 Molly Road, Jonesborough, BT35 8HY
Proposal:
Replacement dwelling and domestic garage
Conclusion and recommendation from Planning Official:
Refusal
Speaking rights:
A request for speaking rights has been received from Mr James Murphy, in support of the application

LA07/2016/0421/0 – Fiona Doyle
Location:
Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge
Proposal:
Proposed infill dwelling and detached garage
Conclusion and recommendation from Planning Official:
Refusal
Speaking rights:
A request for speaking rights has been received from Mr Barney Dinsmore Agent, in support of the application.

It was also agreed the following Planning Application be considered at the Planning Committee Meeting to be held on Wednesday 31 August 2016:

LA07/2015/1317/0 – Paul and Dianne Kelly
Location:
25 metres south of 162 Tandragee Road, Jerrettspass
Proposal:
1 No. infill 1.5 storey dwelling and garage
Conclusion and recommendation from Planning Official:
Refusal
Speaking rights:
A request for speaking rights has been received from John Richardson Agent, in support of the application.
Representations
DEA Councillor B O Muiri has made representations in support of this application.

FOR NOTING

P/81/2016: PLANNING DEPARTMENT PERFORMANCE INDICATORS

Read: Planning Department Performance Indicators. (Copy circulated).

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to note the Planning Department Performance Indicators Report.

P/82/2016: REPORT – CONTACT FROM PUBLIC REPRESENTATIVES AUGUST 2016

Read: Report regarding record of meetings between Planning Officers and Public Representatives for August 2016. (Copy circulated).

AGREED: **On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to note Report regarding record of meetings between Planning Officers and Public Representatives for August 2016.**

P/83/2016: **CURRENT PLANNING APPEALS**

Read: Report on current planning appeals. (Copy circulated).

AGREED: **On the proposal of Councillor Craig seconded Hanna it was agreed to note Report regarding current Planning Appeals.**

There being no further business the meeting adjourned at 5.20pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 31 August 2016

Signed: ---------- **Chairperson**

Signed: ---------- **Chief Executive**

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 August 2016 (a continuation of the Meeting which was held on Wednesday 3 August 2016) at 11.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

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Chairperson: Councillor W Clarke

In Attendance:

(Committee Members)

Cllr C Casey	Cllr G Craig
Cllr G Hanna	Cllr M Larkin
Cllr D McAteer	Cllr K Loughran
Cllr J Macauley	Cllr M Ruane
Cllr M Murnin	

(Officials)

Mr C O'Rourke	Director of RTS
Mr P Rooney	Principal Planning Officer
Ms N Largey	Legal Services
Ms L Dillon	Democratic Services Officer
Ms S Taggart	Democratic Services Officer

P/84/2016: APOLOGIES/CHAIRMAN'S REMARKS

Apologies were received from:

Councillor L Devlin
Councillor V Harte

P/85/2016: DECLARATIONS OF INTEREST

NOTED: It was noted there were no declarations of interest.

P/86/2016: APPLICATIONS FOR DETERMINATION

The following Applications were then determined by the Committee:

(1) P/2012/0712/F – Brendan Carragher

Location:
24 New Road, Silverbridge, Newry

Proposal:
Extension to tyre depot

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr James Murphy, Agent, presented in support of the application.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to defer application P/2012/0712/F with a direction that the Applicant submit a CLUD to regularise the existing business, which will then allow the Council to consider the application under Policy PED3 of PPS4.**

Abstentions: 0

(2) LA07/2016/0175/F – Dermot White

Location:
80m north west of 15 Molly Road, Jonesborough, Newry

Proposal:
Replacement dwelling and domestic garage.

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr James Murphy, Agent, presented in support of the application.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to defer planning application LA07/2016/0175/F for further negotiations on issues of integration/siting but with a clear direction to Planners that the Planning Committee had accepted that this application met the replacement dwelling policy and that the application should be determined accordingly.**

It was agreed that if the issues of siting/integration were satisfactorily resolved with an opinion to approve, that the application be determined under delegated authority without the need to refer back to Committee.

Abstentions: 0

(3) LA07/2016/0421/0

Location:
Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge, Newry.

Proposal:
Proposed infill dwelling and detached garage.

Conclusion and recommendation from Planning Official:
REFUSAL

Speaking rights:
Mr Barney Dinsmore, Agent, presented in support of the application.

AGREED: **On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to approve planning application LA07/2016/0421/0 contrary to Officer's recommendation, on the basis that it was the view of the Committee that approving this application would not add to ribbon development along the Tamnaharry Hill Road, Mayobridge and that the Committee was satisfied that No. 25a displays frontage along the road and therefore this application meets the exception clause outlined in Policy CTY 8 of PPS 21.**

Abstentions: 0

There being no further business the meeting ended at 11.30pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 31 August 2016

Signed: ---------- **Chairperson**

Signed: ---------- **Chief Executive**

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down **Date 8/31/16**

ITEM NO	**1**			
APPLIC NO	LA07/2015/0253/F	Full	**DATE VALID**	4/10/15
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Jonathan and Fergus Woods 38 Ballytrim Road Ballytrim Killyleagh BT30 9TJ		**AGENT**	Cornett Design Associates Ltd 4 Hartford Place The Mall Armagh BT61 9BJ 02837523330
LOCATION	120m South of 36 Ballytrim Road Ballytrim Killyleagh BT30 9TJ			
PROPOSAL	Erection of 2no broiler poultry houses with 4no feed bins 2no gas tanks, biomass plant room with 1no wood pellet bin, washing collection tank and an office, changing and standby generator building and associated siteworks (to contain 74,000 broilers)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	0	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: LA07/2015/0253/F

Date Received: May 2015

Proposal:
Full permission is sought for the erection of 2no broiler poultry houses with 4no feed bins 2no gas tanks, biomass plant room with 1no wood pellet bin, washing collection tank and an office, changing and standby generator building and associated site-works (to contain 74,000 broilers), on lands 120m south of 36 Ballytrim Road, Killyleagh

Applicant: Jonathan and Fergus Woods

Location:
This site is located in the countryside between Crossgar and Killyleagh, and opposite Ballytrim Cottages as identified in the Ards and Down Area Plan 2015, in an Area of Constraint on Mineral Developments. There does not appear to be any zonings affecting the site.
This area is predominantly rural in character, although also includes several dwellings and holdings, and a row of cottages (Ballytrim Cottages).

Site Characteristics & Area Characteristics:
The site outlined in red extends to include the dwellings of no.34 and 36, associated access, adjoining farm buildings and several fields. It is also noted the adjoining lands beyond are outlined in blue.
The access is located opposite Ballytrim Cottages, whereby the access laneway comprises a single vehicle width concrete surface. The existing dwellings and buildings are set back in excess of 150m from the road. It is noted the lands in this area undulate although those comprising the application site are relatively low lying. While it is noted the red line extends to include several fields, the proposed sheds will be located in the area to the south of the existing buildings, whereby one shed will be removed to facilitate a new access to these proposed sheds.

Site history
A history search has been carried out for the site and surrounds, including farm maps whereby it is noted there has been a recent approval for a new dwelling on

lands within the red line, whereby the applicant was Fergus Woods. No other relevant history was observed.

Representations
None received to date (15-08-16).

As part of the processing of this application, neighbour notification was carried out in June 2015, while advertising was undertaken in May 2015.
(Having account the extent of the red line neighbour notification was undertaken with a number of properties along Ballytrim Road and Cottages).

Consultations-
Having account the nature of this proposal, location and constraints of the site and area, consultations have been carried out with Transport NI, NIW, NIEA, Rivers Agency, Environmental Health, Shared Environmental Services and DARD (now DAERA) as part of this application, who offer no objections in principle.

As the case progressed further information was submitted in response to comments from the consultees, and having account the extent of the red line and ownership/control of the applicants and connection to the associated holding and residential properties, it is considered all concerns/issues have now been resolved. The agents have confirmed that the occupants of both no.36 and 38 are financially involved with this holding. It is also noted there is a no.36a attached to no.36 which is also under the control/ownership of the applicant.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS4, PPS15, PPS21 and supplementary guidance

As stated above the site is located in the countryside thus the principles of PPS21 apply, whereby Full permission is sought for 2 broiler sheds and associated site works.
As part of this application a P1 form, P1C form, farm maps, P1A form, site location, site layout and detailed plans. design and access statement, litter, information, farm management plan, Moy Park Broiler House Expansion Plan, Transport Assessment, Drainage Assessment and Bio-Diversity Checklist have been submitted.

Having account the nature and scale of this development an EIA determination was required to be undertaken, while it is also noted this is a Major application having account the size of the site (site area exceeds 1 hectare).

Policy CTY12 (Agricultural and Forestry Development) states that PP will be granted for development on an active and established holding subject to demonstrating certain criteria.

The applicant of this proposal as indicated on the P1 form is Jonathan and Fergus Woods whose residence is listed as 38 Ballytrim Road.
The P1C form advises the owner of the farm business is John Ferguson Woods whose address is listed as 36 Ballytrim Road.

The business was established 1983 and has a farm business 603975. It is noted the owner of the farm business is different to the applicant. However, the P1c form has been signed by the applicant and the farm business owner.
Further to consultation with DARDNI they responsed stating that the business has been in existence for more than 6 years and that the owner is in receipt of Single Farm Payment.
As such For the purpose of the Policy the business is active and established.

This application seeks Full permission for 2 new broiler houses and associated works.
These broiler houses will each measure approx 85m by 20m and will be approx 5.8m high. The associated works include a wood pellet bin, biomass building, meal feed bins, lpg tanks, and office/changing/WC and generator building. A new stretch of laneway/entrance road and area of hard-standing (concrete apron) are also proposed to serve these units. The development will retain the existing access and laneway from the Ballytrim Road, although will require the removal of one of the small sheds adjacent to the existing dwellings at no.36/38 with a new stretch of laneway running along the rear of the cattlesheds. New drainage channels and wash tank will also be provided for this new development.
This proposed development will be located south of, but immediately adjacent to the existing farm buildings, being set back in excess of 200m from the public road (Ballytrim Road).
In addition it is noted the site is low lying whereby the existing buildings have minimal impact from any public viewpoint.
While it is noted the proposed buildings are large, having account the distance they will be located from the road, and siting immediately adjacent to the existing buildings and low lying nature of the site, it is considered they will visually integrate into the landscape. In addition there are no known registered heritage features in the vicinity of the site which will be impacted upon. It is noted existing boundary hedging and mature screening is to be retained, while new fencing and planting is also proposed to enclose and bound the site, which will assist in integrating the development.
As such it is considered the proposal does not offend policies CTY13 and 14 of PPS21.

It is noted the proposed buildings will be sited some distance from any property not connected with this business, whereby it is considered Environmental Health offer no objections. For the purpose of this report, having account the information submitted in support of this application, it is considered the dwellings of both no.36 and 38 are connected/associated with this business, thus the amenity of these properties has not been considered.

It is noted there are several existing buildings on this holding however having account the current layout and size of the existing buildings and the facilities proposed and required it is considered there are no suitable existing buildings on the holding that can be used, and as advised above the proposed buildings will be sited

immediately adjacent to the existing holdings, while the design and materials are agricultural in form.
In light of the above it is considered the proposal complies with policy CTY12 of PPS21.

Extensive consultations have also been undertaken as part of the processing of this application, whereby the various bodies offer no objections in principle.

While it is acknowledged the development proposed comprises a sizeable operation, having account the applicable policy test, and comments from the respective consultees and supporting information submitted, it is considered the proposal does not offend any policy and will not result in any unacceptable impact or demonstrable harm.
As such approval is recommended subject to conditions.

Recommendation: Approval.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 2

APPLIC NO LA07/2015/0761/F Full **DATE VALID** 8/11/15

COUNCIL OPINION **REFUSAL**

APPLICANT Damian McMahon 79
Drumalane Road
Newry
BT35 8AR

AGENT Collins & Collins
18 Margaret Street
Newry
BT34 1DF
302 66602

LOCATION 79 Drumalane Road
Newry
Co Down
BT35 8AR

PROPOSAL
Extension and alteration to existing terraced dwelling with improvements to access .

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	3	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 EXT 1 (a) of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

2 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy ATC 2 of the Addendum to Planning Policy Statement 6 Areas of Townscape Character in that the proposal does not maintain or enhance the overall character and does not respect the built form of the area.

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

Application Reference: LA07/2015/0761/F

Date Received: 11.08.2015

Proposal: Extension and alteration to existing terraced dwelling with improvements to access

Location: *79 Drumalane Road, Newry, Co Down, BT35 8AR. The site is located within Newry City Development Limit.*

Site Characteristics & Area Characteristics:
The site as defined in red on the site location plan takes in No. 79 Drumalane Road, including the curtilage to the side and rear. No.79 consists of a 3 storey end terraced dwelling bay fronted with stucco finishes, dormer windows with fretted barges and slated roofs. A large tarmacked area exists to the front of the site with a small amenity area to the side and rear. Further extensions dominate the rear of the dwelling. The area is urban in character with residential properties being the most dominant land use.

Site History:
P/2007/1644/F
Erection of residential development comprising 6 No. townhouses, 12 No. apartments and 16 No. duplex apartments (34 No. residential units in total), associated parking provision and ancillary works (with demolition of existing No. 81 Drumalane Road and reduction to the curtilage of No. 79 Drumalane Road (existing No. 79 Drumalane Road otherwise to remain))
Lands at and adjacent to No. 81 Drumalane Road (that extend between No. 79 and No. 83 Drumalane Road and to the rear of No. 79 Drumalane Road
Approval
04.11.2009

P/1986/187PD
IMPROVEMENTS TO DWELLING
79 DRUMALANE ROAD, NEWRY
Approval
25.11.1986

LA07/2015/0050/CA – enforcement case on going.
P/2009/0093CA – enforcement case closed.

P/2012/0512/F
Retention of change of use of vacant land to domestic purposes with retention of access and boundary wall, pillars and gate to front and side of dwelling
No.79 Drumalane Road, Newry
Refused
20.09.2012

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Addendum to Planning Policy Statement 7
Planning Policy Statement 6
Planning Policy Statement 3
DCAN15

Consultations:
Transport NI – request amendments.

Objections & Representations
5 Neighbours were notified of this application. A number of letters have been received on behalf of Cole Partnership and S.C. Connolly Solicitors disputing land ownership to the south of the site. The agent was contacted to respond to these claims, however it appears both parties cannot agree. In any case this is a civil issue between both parties and not a matter for the Planning Authority to resolve.

Consideration and Assessment:
Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for extension to dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of the addendum to PPS7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS The site lies within the development limit for Newry City and a designated Area of Townscape Character. There are no objections with regard to the Area Plan provided the application complies with the relevant policy as listed below.

Addendum to PPS7 policy EXT1
The proposed extension is proposed to the side of the original dwelling and running flush with the front elevation. The height of the proposed extension is to extend to match the ridge height of the original dwelling. It is noted there are a number of

extensions to the rear of the property that do not have planning history. However the existing floor space as shown on the submitted plans measures approximately 128 sq. m with the proposed floor space measuring approximately 174 sq. m. This is at odds with Paragraph A6 of the Addendum to PPS7 which states, 'The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property'. The proposal is not in scale with existing and adjoining buildings and does not have proportion and balance when you consider it will be over 1 metre wider than the existing front elevation. Paragraph A8 of this policy raises concerns where the extension is proposed at the same height and follows the same buildings line. This will detract from the appearance and character of the existing row of terraced dwellings. As a result the proposal fails to meet policy criteria (a) of policy EXT1 in that the scale, massing and design are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area. The proposal will not unacceptably impact the local environmental quality ort the privacy or amenity of neighbouring residents and on balance when you consider the existing private amenity of the neighbouring dwellings there will be sufficient remaining space within the curtilage of the property for recreational and domestic purposes.

Addendum to Planning Policy Statement 6
The proposed site is included within designation NY113 the Area of Townscape Character at Drumalane Road. This designation makes specific reference to this row of terraced dwellings and as a result policy ATC2 of the Addendum to PPS6 is applicable. In the justification and amplification of this policy it is documented that when assessing the acceptability of proposals, the Department will have regard to the same broad criteria outlined for Conservation Areas in paragraphs 7.6–7.10 of PPS 6. Annex A: Excerpt from PPS6 makes specific reference to extensions and alterations to existing dwellings. This proposal fails to meet this policy as it is not sensitive to the existing building and is not in keeping with the character and appearance of the area. The policy also states that 'extensions should be subsidiary to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property'. The proposed extension is not considered subsidiary to the building, is not of an appropriate scale and has not been located to the rear of the property. As a result, the proposal fails to meet the policy requirements of ATC2.

Transport NI have requested amendments with regard to Planning Policy Statement 3 due to the access improvements proposed. However this information has not been requested at this stage as the overall scheme is unacceptable.

Recommendation:
Refusal

Refusal Reasons
1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy EXT 1 (a) of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the scale, massing and design are

unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy ATC 2 of the Addendum to Planning Policy Statement 6 Areas of Townscape Character in that the proposal does not maintain or enhance the overall character and does not respect the built form of the area.

Case Officer

Authorised Officer

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 3

APPLIC NO LA07/2015/0776/F Full **DATE VALID** 8/18/15

COUNCIL OPINION **APPROVAL**

APPLICANT Mr John McBride 55 Oldtown Road
Annalong
BT34 4TU

AGENT Brian Payne
Architects Ltd 7 College Avenue
Bangor
BT20 6HJ

NA

LOCATION To the rear of 83 & 85 Kilkeel Road
Annalong
BT34 4TJ

PROPOSAL Construction of 1 no. 2-storey dwelling with associated landscaping and car parking (revised description)

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**	**SUP Petitions**
	11	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: **LA07/2015/0776/F**

Date Received: **18th September 2015**

Proposal: Construction of 1 no. 2-storey dwelling with associated landscaping and car parking

Location: To the rear of 83 & 85 Kilkeel Road, Annalong, BT34 4TJ

Site Characteristics & Area Characteristics:
The site is currently vacant and in an unkempt state adjacent to no.89 Kilkeel Road. It is surrounded by residential properties on all sides including those currently under construction within the new Thorn Hill development. It is has a slightly uneven topography and contains a number of whin bushes and other overgrown vegetation. Its boundaries consist of a 1.8m high rendered wall which steps down over the course of the north western boundary with no.27 The Hawthorns; overgrown vegetation, a wall approximately 1.6-1.8m high along the north eastern perimeter; a timber fence approximately 1.8m and the gable end of an outbuilding along the south eastern border and the gable wall of 89 Kilkeel Road, an outbuilding and overgrown vegetation covering natural stone wall (approx. 2m high) along the south western border.

The surrounding housing pattern is predominantly 2-storey semi-detached with no.89 Kilkeel Road being the only detached property within the immediate vicinity – the others located across the Kilkeel Road south east of the site. There is a mixture of house styles within the locality both new and old however the finishes are mainly rendered. The site accesses onto a protected route and a right of way (as highlighted in green on the site location map) joins the site with the public road.

Site History:
On site there is previous planning history including:
P/2008/1268/F – Erection of 2 no. 2-storey dwellings at lands to the rear of 83 and 85 Kilkeel Road, Annalong – ***Approval***

P/2013/0236/F – Erection of 2 no. 2-storey dwellings (semi-detached) for private dwelling - at lands to the rear of 83 and 85 Kilkeel Road, Annalong – ***Refusal*** – contrary to PPS 7 on the grounds of its inappropriate scale, proportions, massing and appearance of the buildings on the character and topography of the site as well as having a detrimental impact on the amenities of nearby residents. It was also refused under DES 2 as it would be out of scale and unsympathetic with adjacent buildings within The Close by reason of its size and form and; contrary to PPS 1 as it would harm the living conditions of residents in no. 20 The Hawthorns by reason of overlooking and a consequent lack of privacy.

Land immediately adjacent to the site/north east:
P/2004/1559/F - Erection of 8 No dwellings on existing approved housing development with minor amendment to previously approved road layout - Opposite 29 Moneydarragh Road and to the rear of 89 Kilkeel Road, Annalong – approval 17/01/2005

P/2011/0670/F - Proposed residential development consisting of 17 units, comprising of 12 no semi-detached dwellings and 5 no detached dwellings with private parking and landscaped gardens - Lands between 75 & 83 Kilkeel Road, Annalong, BT34 4TJ – approval – 31/10/2013

P/2014/0737/F - Erection of 17 dwellings (5 detached houses and 12 semi-detached houses) - Lands between 75 & 83 Kilkeel Road, Annalong, BT34 4TJ – Approval – 13/01/2015

P/1988/0080 - Site for Housing Development - BETWEEN NO75 AND NO83 KILKEEL ROAD ANNALONG – approval 10/03/1988.

Planning Policies & Material Considerations:
SPPS – Strategic Planning Policy Statement
PPS 2 – Natural Heritage – NH 6 – AONBs
PPS 3 – Access, Movement and Parking & supplementary guidance
PPS 7 – Quality Residential Environments
Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
PPS 12 – Housing in Settlements
DES 2 (Planning Strategy for Rural Northern Ireland) - Townscape
Banbridge Newry and Mourne Area Plan 2015
Regional Development Strategy 2035

Supplementary guidance:
Creating Places
DCAN 8 – Housing in Existing Urban Areas

Consultations:
Transport NI – No objections
NIW – standard generic response – informatives attached for the proposed developer/householder/applicant

Environmental Health – no objection subject to connection to main sewerage as proposed.
NIEA – content on the basis that foul sewerage infrastructure from the development connects to the main NIW foul sewer which terminates at Annalong WWTW. They also referred to standing advice for single dwellings.

Objections & Representations
7 neighbours adjacent to the red line of the site notified. Notification letters sent on 3 occasions informing of amended proposal description and amended scheme. Objection letters were however received from 9 addresses (although 1 person has utilised 2 different addresses as they own both). Advertised in 1 local paper 3 times – 24th August 2015; 12th October 2015 (amended proposal description) and 6th June 2016 (amended scheme).

At the time of the site inspection, advertising and neighbour notifications, the properties at Thornhill were unoccupied and still under construction.

Representation concent includes:

From 89 Kilkeel Road (Philip & Carol Shields) in response to 1st advertisement/notification:

- referred to previous objections to earlier planning applications
- referred to error in proposal description as single storey dwelling
- vehicular problems for a proposed 4 bedroom house and the associated increased traffic drawn to the site; entering and exiting the property may also necessitate driving over 3rd party land
- previously told it would only be a single storey replacement
- sewerage issues
- proposal would change the appearance of 'The Close'
- privacy issues being 'tossed' aside for developers to try and squeeze as much as possible into the site
- believe a single storey replacement is more appropriate for this site

No response in relation to amended proposal description notification and advertisement

From 89 Kilkeel Road in response to 3rd Advertisement/3rd Neighbour notification - earlier comments repeated.
****

From 83 & 85 Kilkeel Road (Mr Thomas Girvan Norton and Mrs Irene E.Norton) in response to initial neighbour notification/advertisement:

- object to land being excavated to provide services such as water mains, foul sewers, storm drains etc to the proposed house
- modern 2-storey dwelling out of keeping with the original single storey cottage and character of the neighbourhood
- object to the increased traffic via the private lane – safety, parking and maintenance issues – area for parking does not appear large enough
- concern regarding overlooking onto the rear of 83 Kilkeel Road from the proposed dwelling

- concern over increased noise from the proposed dwelling as well as during construction
- increased run-off and the issue of flooding as a result of the proposed hard landscaping
- large vehicles using lane especially during any construction period which would traverse the private lane and cause problems
- referred to error in describing dwelling as single storey when 1st floor plans shown
- verbally told that a single storey dwelling would be built on site

No response in relation to amended proposal description notification and advertisement

From 83 & 85 Kilkeel Road in response to the 3rd newspaper advertisement and notification - earlier comments repeated.

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From 93 Kilkeel Road (incorrectly identified on OS maps as 91 Kilkeel Road) (David Archer) in response to 1st Advertisement

- refers to error in proposal description
- 50% increase in bedrooms which will lead to similar increase in occupants and vehicles attracted to the site

- Out of character with the neighbourhood – The Close which is within the Mourne AONB guidelines
- Closeness of proposed house to new development at Thornhill
- Overlooking onto Thornhill site and vice versa
- No further planning permission should be given as there is enough development within the area
- Impact on safety and views of the Mourne Mountains

No response to amended proposal description advertisement.

From 93 Kilkeel Road in response to the 3rd advertisement and neighbour notification – stated that amended drawing still does not answer previous objections and his objection still stands. The proposal should have been immediately refused as it's too close to the surrounding housing developments.

****

From 164 Head Road, Ballymartin (Aimi Forgan and Christopher McConnell) in relation to site 7 Thornhill (new development under construction) which the writers are moving into. Objections raised as a result of the 3rd newspaper advertisement include:

- Loss of light and overshadowing
- Overlooking and loss of privacy
- Revised site plan needed to show proposed dwelling and Thornhill
- Increased noise and disturbance
- Design and appearance too dominant and overbearing in terms of the character and design of the surrounding properties
- Increase the density

- Landscaping out of character – raised garden will cause overlooking and proposed planting will cause problems
- Proposal will significantly affect the value of site 7 in the future.

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From Gillian Maybin of 8 Kilkeel Road, Annalong who has purchased site 5 at Thornhill. Her objections were raised as a result of the 3rd Newspaper advertisement and include:

- Proximity to boundaries
- Overlooking
- Loss of light
- Overshadowing
- Privacy
- Noise and other disturbance
- Overdevelopment of unsympathetic housing

****

From Lorna Gordon of 86 Kilkeel Road, Annalong who has purchased site 6 Thornhill. Her objections were raised as a result of the 3rd newspaper advertisement and include:

- Lack of daylight, sunlight and privacy
- Increased noise levels
- Denies potential solar energy generation
- Site context not updated to take account of surrounding properties
- Not compatible with the character of the area

****

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 Annalong. It also lies within a designated Area of Outstanding Natural Beauty (AONB).

Previously a single storey dwelling existed on site. There is a history of planning applications on this site for both approval and refusal of a pair of 2-storey semi-detached dwellings. The approved pair was 8m to the ridge from finished floor level (FFL) with a gable depth of 10m and of simple design. The refused pair were actually 2 ½ storey high with a ridge height of 7.8m from FFL with a gable depth of 11.6m and fussy in design. Permission for the P/2008/1268/F however has lapsed and the developer has applied with this new application for a single dwelling, with a ridge height of 6.6m above FFL within the area of the previous applications. The surrounding context of the site has also changed over the years with what was once an agricultural field immediately to the north east of the site and now a building site with a mixture of detached and semi-detached dwellings under construction.

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

Retained policy includes **PPS 7 policy QD1** which relates to Quality New Residential Development and is more prescriptive. It states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. This policy list 9 criterion to comply with and in relation to this application:

(a) The development involves a single dwelling with a 6.6m ridge height located towards the south eastern part of the site with a return towards the north west. It displays more of a 1 ½ storey appearance, with vertically emphasised fenestration, rendered walls and a natural slate roof all suitable materials for its locality and Annalong's positioning within the Mournes AONB. The garden area is positioned to the sides and rear and parking to the front/south east of the dwelling. The sites gently sloping topography from the north west to the south east and its surrounding built form context can accommodate this dwelling without creating an adverse impact. Previous planning permission was allowing 2 2-storey semi-detached dwellings on the site whereas this application is for 1 dwelling of a lower ridge height and density. The site is surrounded by residential accommodation on all sides and all 2-storey. I consider that the proposal is acceptable to the character and topography of the site in terms of its layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

(b) The proposal will not impact on any features of archaeological or built heritage. No landscape features need protection.

(c) There is ample amenity space for this single dwelling including a fairly level grassed area to the rear of site measuring around 135 sq.m which is in excess of the suggested Creating Places standards. A landscaped courtyard is also proposed to the south western side of the dwelling. A landscape plan has been provided showing new shrub and tree planting including a Scots Pine within the north western corner and Himalayan Birch along the boundary with 89 Kilkeel Road and in the south eastern corner of the site. The existing boundary walls are to remain.

(d) The development is small scale and only involves 1 dwelling. The provision of local neighbourhood facilities is not necessary for this scale of development.

(e) The proposed site within very close to the local transport network and road networks. Its urban location also supports walking, cycling and those with impaired mobility. No public right of way will be hindered by this proposal on land which previously housed a dwelling. No traffic calming measures are necessary due to the scale of the development.

(f) There is sufficient space within the proposed curtilage to provide car parking required for a detached 4 bed house set within PPS 3 supplementary guidance - parking standards.

(g) The site is located not only within an urban area but the settlement of Annalong which also falls within the Mournes AONB. The design, form, materials and detailing are acceptable for this urban location, its siting within the small area known as 'The Close' and the AONB. Although the design may be of a contemporary style in comparison to the older buildings around the site, its form, vertically emphasised windows, rendered walls, banger blue slated roof, PPC aluminium windows and rainwater goods are acceptable to this location.

(h) The representations made all refer to the impact on privacy, loss of light, overshadowing, noise and other disturbance. With regard to privacy, the 1st floor windows (7) are positioned on elevations which benefit from greater separation distances. A lowest distance is between a landing window along the south western elevation which is 8m away from the boundary with 89 Kilkeel Road. A bedroom window to bed 2 has been reduced and positioned 1.8m above floor level. The north eastern elevation has no 1st floor windows proposed only 2 velux roof lights which propose to serve a bathroom and ensuite. The ground floor windows will not cause overlooking onto surrounding properties due to the ground difference and boundary walls. Although the separation distances may be less than 10m from the rear of new houses and the common boundary, Creating Places does also state that greater flexibility will generally be appropriate in assessing the separation distance for apartments and infill housing schemes in inner urban locations or other higher density areas. The designer has alleviated overlooking on the elevation closest the boundary by omitting 1st floor windows on the elevation and proposing velux windows to serve bathrooms. This is a mitigating measure encouraged by Creating Places (para 7.15) where there are small separation distances.

With regard to the loss of light issue, the proposed dwelling has a ridge height of 6.6m above FFL. The surrounding properties ridge heights would be higher than this and the new dwellings under construction immediately to the north east of the site have ridge heights of 8.5m above FFL. The positioning of the dwellings at site 5 and 7 are sufficiently set back and orientated so as not to be demonstrably affected by the proposed dwelling. The dwelling at site 6 is located 12m from the boundary with the application site in terms of its 2 storey element and 10m from the single storey return. The distance between the 2-storey element of the proposed dwelling and the 2-storey element of site 6 is

16m and 12m from the single storey rear return of site 6 and that of the proposed dwelling. Given that the ridge height of the proposed dwelling is 1.9m lower than sites 5, 6 and 7 and the ground levels being similar at this location, I believe the separation distances, between the properties are acceptable within this urban location and would not pose an adverse threat to these properties in terms of loss of day light and dominance. The proposed location and separation distances are also acceptable in terms of loss of light/overshadowing to the other surrounding properties.

Noise and other disturbance was an issued raised by various representations. It should be noted the application site lies within an urban setting, close to the main arterial route through the town and located close to other residential properties and their associated noises. A single dwelling previously occupied this site and planning approval was also previously granted for 2 dwellings. This application is however for only 1 dwelling. Environmental Health was consulted on regarding the application and they raised no issues providing connection to the public sewerage system. I therefore do not believe that 1 dwelling on this site would provide an unacceptable degree of noise and other disturbance for surrounding properties.

I therefore find the proposal compliant with regard to criterion (g).

(i) The location of the site and its design is acceptable to meeting criterion (i) in terms of deterring crime and promoting personal safety.

As this proposal involves a new building within an established residential area, the addendum to **PPS 7 – Safeguarding the Character of Established Residential Areas Policy LC1** is also applicable. This policy provides a further 3 criterion to comply with. In relation to the proposal and these criterions:

(a) The proposed density is not significantly higher than that found in the established residential area – 1 dwelling is proposed on the site and the site is large enough to accommodate a dwelling. The site area measures around 0.05 hectares.
(b) The proposal is in keeping with the overall character and environmental quality of the established residential area. A dwelling previously occupied this site albeit single storey as highlighted through the representations. The proposed dwelling may look fresher and more modern than surrounding dwellings within the area known as 'The Close' however; its design is still respectful of its urban and AONB setting.
(c) The dwelling size more than complies with the standards for a 4 bedroom home (7 person) which is 115/120 sq.m as it proposes floor space of 202 sq.m.

The SPPS (para 6.137 bullet point 1) and PPS 12 – Policy Control Principle 1 – Increased Housing Density Without Town Cramming.

Planning policy supports an increase in the density of housing development in town and city centres and other locations which benefit from high accessibility to public transport facilities providing care is taken to ensure that local character,

environmental quality and amenity are not significantly eroded. The proposed density, together with the form, scale, massing and layout of the new development will also need to respect that of adjacent housing and safeguard the privacy of existing residents.

As discussed at length above, the proposal for 1 dwelling on this plot would not be town cramming and the site can accommodate this dwelling without adversely impacting on the surrounding character and amenities of neighbouring properties.

PPS 2 – Natural Heritage – NH 6 – Areas of Outstanding Natural Beauty
This policy allows for new development where it is of an appropriate design, size and scale for the locality and all the following criteria is met:

(a) *The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality*:- Annalong has been designated in the BNMAP as falling within the Mournes AONB however it also has an urban setting with a variety of building styles and uses within its limits. The site also has an urban setting and is surrounded by housing of differing styles. The proposed scheme however is appropriate for its location.
(b) *It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape*:- the proposal respects the character and appearance of the surrounding built form and will not negatively impact on the heritage and landscape of this AONB.
(c) *The proposal respects the local architectural styles and patterns*; *traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour:-* the proposed siting albeit within a designated AONB but also within an urban setting is respectful of the above criteria.

DES 2 – Townscape
This policy requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal however is acceptable to this policy and will help improve this derelict plot as well as providing quality accommodation.

Recommendation:
For the reasons outlined above, I believe the proposal for 1 dwelling on this site as detailed in the submitted drawings is acceptable and should be approved.

Refusal Reasons/ Conditions:
Time, landscaping including retention of/improvements if deemed necessary to existing boundary walls to secure privacy and amenity for the proposed occupants and those surrounding the site.

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

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 4

APPLIC NO LA07/2015/0881/O Outline **DATE VALID** 9/7/15

COUNCIL OPINION **REFUSAL**

APPLICANT Peter Balchius C/O Agent **AGENT** Martin Bailie 44 Bavan Road Mayobridge BT34 2HS 30351910

LOCATION NW of Junction of Dublin Road with Eilisholding Road Newry (130m South of No 163 Dublin Road)

PROPOSAL Site for dwelling and garage (amended address)

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 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 the Strategic Planning Policy Statement for Northern Ireland and to policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings; the cluster does not appear as a visual entity in the local landspace; the cluster is not associated with a focal point or is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and the dwelling would if permitted significantly alter the existing character of the cluster.

3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 and add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Dublin Road.

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 AONB of the particular locality.

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

Application Reference: LA07/2015/0881/O

Date Received: 07.09.2015

Proposal: The proposal seeks Outline permission for a site for a dwelling and garage in a cluster.

Location: NW of Junction of Dublin Road with Eilisholding Road Newry (130m South of No 163 Dublin Road) The proposal is towards the South East of the Council Area and approximately 1 mile from the development limit of Newry City.

Site Characteristics & Area Characteristics:
The site as defined in red on the site location plan takes in a broadly triangular portion of land located close to a road junction that meets Upper Fathom Road. The topography of the site is flat and the boundaries consist in the main of mature hedging, trees and timber fencing. The area is rural in character with a small build up of buildings north of the site.

Site History:
N/A

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15.
Planning Policy Statement 2.

Consultations:
Transport NI – No objections
NI Water – Standing Advice
Environmental Health – Standing Advice.

Objections & Representations
4 dwellings notified on 7/4/16 and application advertised on 30/9/15. No objections or representations received.

Consideration and Assessment:

Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for cluster dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. The site lies within the Ring of Gullion AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision for a single dwelling in accordance with CTY2a in an existing cluster.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI have no objections to this proposal.

Planning Policy Statement 21 is applicable as the site lies outside the development limit. The principal of dwelling in an existing cluster as contained in CTY 1 of Planning Policy Statement 21 can be achieved where all the policy criteria for CTY 2a are met.

Policy CTY2a is applicable to applications for a proposed dwelling within an existing cluster. 6 tests exist to establish the appropriateness of a proposed dwelling in existing clusters. The application will be assessed against these tests as discussed below. Whilst the proposed cluster lies outside a farm complex it only consists of 3 dwellings which is one short of the minimum 4 threshold. The distance of the site from No. 4 Upper Fathom Road is some 85m and as such is not considered part of the cluster. The proposal fails the first criteria.

The cluster does not appear as a visual entity in the landscape is not located at a cross roads are associated with a focal point. Whilst the site does provide a suitable degree of enclosure it is not bounded on at least 2 sides, with only the northern boundary bounded by development. The proposal therefore fails the policy tests of 2, 3 and 4.

The development does not round off and consolidate an existing cluster and as a result would significantly alter the existing character of the area. This fails policy test 5.

The proposal is unlikely to adversely impact residential amenity in the immediate area and as a result is compliant with policy test 6.

When considering the above point the proposal fails the policy test of CTY2a and also CTY1 as there are no over-riding reasons why this development essential and could not be located in a settlement.

When you consider the strong boundary of the dwelling immediately south of No.17 which consists of tall mature trees the cluster cannot be visually linked and therefore does not appear as a visual entity in the landscape. The cluster is not located at a

A common frontage and continuous building line exists between No.161 and the dwelling immediately north of the site, with this site extending this line of ribboning further. This contrary to CTY8. Despite the mature trees around the site and the sense of enclosure it enjoys, when the site is viewed with existing buildings in the area it will result in a suburban style build-up, which coupled with the extension of ribbon development, would cause a detrimental change to the rural character of the area and consequently is contrary to policy CTY14.

Environmental health were consulted with regard the sewage arrangements. They have no objections to the scheme and in any case a negative condition could be added to a decision notice ensuring a consent to discharge is approved in writing by the Council prior to commencement of development. The proposal is in compliance with policy CTY16.

Planning Policy Statement 2: Natural Heritage policy NH6 is applicable as the site lies within the AONB. With the proposed site contributing to the addition of ribbon development and build up it is therefore contrary to NH6 in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality..

Recommendation: *Refusal*

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 the Strategic Planning Policy Statement for Northern Ireland and to policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and the dwelling would if permitted significantly alter the existing character of the cluster.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and 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 and add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along the Dublin Road.

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 AONB of the particular locality.

Case Officer:

Authorised Officer:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**5**			
APPLIC NO	LA07/2015/1202/O	Outline	**DATE VALID**	11/11/15
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Dermot & Antionette Murphy 5 Lisgarvagh Lislea Newry BT35 9JZ		**AGENT**	Orla Boden 2A Carewamean Road Dromintee Newry BT35 8JQ 07786176180
LOCATION	Site to the rear of 17B Bonds Road Dorsy Silverbridge BT35 9PE			
PROPOSAL	Outline application for a new dwelling on an infill/small gap site			

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 does not constitute a gap site in an otherwise substantial and continuously built up frontage.

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

4 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 AONB of the particular locality.

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

Application Reference: LA07/2015/1202/O

Date Received: 06.11.2015

Proposal: Outline application for a new dwelling on an infill/small gap site

Location: Site to the rear of 17B Bonds Road, Dorsy, Silverbridge BT35 9PE

Site Characteristics & Area Characteristics:
The site as defined in red on the site location plan takes in a broadly square shape of agricultural land with mature hedging, a dry stone wall and timber fencing located on the boundaries. The site sits slightly above road level and is accessed via an existing laneway between Nos 17 and 17b. West and south of the site are dwellings and agricultural buildings amongst a small cluster of development. The area is rural in character with agriculture being the most obvious land use activity.

Site History: No recent site history
P/2013/0743/O
Site for replacement dwelling (in place of existing mobile home)
Adjacent (east) of 15 Bonds Road and to the rear (north) of 17B Bonds Road
Silverbridge Newry BT35 9PE
Refused 17.04.2014

1. The proposal is contrary to Policies CTY 1 and CTY 3 of Planning Policy Statement 21 (PPS 21, Sustainable Development in the Countryside), in that the existing mobile home structure is not of permanent construction and does not exhibit the essential characteristics of a dwelling to meet replacement criteria.
2. The proposal is contrary to Policy AMP 2 of the Department's Planning Policy Statement 3 (PPS 3, Access, Movement and Parking) and Bullet Point 5 of the secondary criteria in Policy CTY 3 in that it would, if permitted, result in the intensification of use of an existing access along Bonds Road at which adequate visibility splays (of 2.0 metres x 45 metres) cannot be provided. The proposal would prejudice the safety and convenience of road users as a result.

P/2006/0601/O
Site for dwelling
10m northeast of no. 17B Bonds Road
Permission Refused: 11.06.2007

1. The proposal is contrary to Policy AMP2 of PPS3 as the proposed development would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide adequate sight lines where the proposed access joins Bonds Road.

Planning Policies & Material Considerations:
Banbridge Newry and Mourne Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3/ DCAN 15
Planning Policy Statement 2

Consultations:
Environmental Health – No objections
Transport NI – Further information required
NI Water – No objections
NIEA – No objections

Objections & Representations
5 Neighbours Notified and the application has been advertised on 02.12.2015. No objections or representations received.

Consideration and Assessment:
Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015
The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS Strategic Planning Policy Statement / Banbridge Newry and Mourne Area Plan 2015. The site lies within the Rural Area / AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. Whilst permission in this area is restrictive the plan does make provision up to 2 dwellings in a gap site where it is in accordance with policy CTY8 of Planning Policy Statement 21 and other planning considerations and policies.

PPS21 – Sustainable Development in the Countryside
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.

With regard to policy CTY 8 an exception can be facilitated for the development of a small gap site to accommodate up to 2 dwellings in an otherwise substantial and continuously built up frontage. The policy requires a line of 3 or more buildings along a road frontage without accompanying development to the rear and a respect of the existing development pattern.

Whilst the site is large enough only to accommodate one dwelling comfortably it does not sit between buildings as there are no properties immediately south east of the site and sharing the same frontage and therefore does not constitute a gap site within an otherwise substantial and continuously built up frontage. The agent submitted information on 21st July 2016 arguing as the proposal does not contribute to ribbon development this application doesn't contravene this policy which is also claimed in the report for planning ref P/2013/0743/O and should be approved. Whilst the previous application was for a replacement dwelling which was subsequently refused I do accept as did the case officer in the previous application this application will not contribute to ribbon development. However, despite this, this does not in itself give credence to the principal of development for an infill opportunity as outlined above the proposal does not meet the policy requirements and consequently the proposal therefore fails this policy test of CTY8 and CTY1.

Given the distance back from the public road, the mature boundaries of the site and the surrounding development integration is not considered to be an issue for this application. When viewed with the surrounding buildings however, the proposed dwelling would contribute to build up and as a consequence have a detrimental impact on the rural character of the area. The proposal is contrary to CTY 14.

Environmental Health was consulted in relation to the sewage arrangements and has responded with no objections in principle. 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.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
Transport NI had requested further information before a decision is made. However given the issues with the principle of development it was unnecessary to request this information.

Planning Policy Statement 2 – Natural Heritage
Policy NH6 is applicable as the site lies within the AONB. With the proposed site contributing build up it is therefore contrary to NH6 in that the siting of the proposal is unsympathetic to the special character of the AONB of the particular locality.

Recommendation:
Refusal

Refusal Reasons:
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 does not constitute a gap site in an otherwise substantial and continuously built up frontage.

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

4. 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 AONB of the particular locality.

Case Officer

Authorised Officer

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	**6**			
APPLIC NO	LA07/2015/1318/O	Outline	**DATE VALID**	12/14/15
COUNCIL OPINION	**REFUSAL**			
APPLICANT	Ellen Ward 11 Chapel Hill Mews Mayobridge Newry BT34 2GZ		**AGENT**	NA

LOCATION 50m East of 20 Lower Carrogs Road Newry BT34 2NG

PROPOSAL New Dwelling House

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 Policy CTY 1 and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and the dwelling would if permitted visually intrude into the open countryside.

2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.

3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape 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: LA07/2015/1318/O

Date Received: 14/12/2015

Proposal:
New Dwelling House.
The applicant seeks outline permission to erect a dwelling house on the basis that the dwelling will be within an existing cluster.

Location:
50m East of 20 Lower Carrogs Road, Newry, BT34 2NG.
The site is located in a rural area approximately 2 miles north-west of Burren and approximately 3.5 miles south-east of Newry.

Site Characteristics & Area Characteristics:
This rural site is currently an agricultural field laid in grass and used for grazing. The site is accessed from a concrete lane off Lower Carrogs Road. The gradient of the site decreases dramatically from west to east. The boundaries of the site are composed of stone walls. A few bushes are located near the western boundary of the site. The gradient of the land to the east of the site levels of before increasing.
The site is located outside of settlement development limits, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site is unzoned and lies outside of the Mourne Area of Outstanding Natural Beauty. There are currently no historic sites or monuments in close proximity to the site. The landscape in the area is undulating and a number of dwellings have been constructed east of the site. There are also a number of dwellings located along the concrete lane which is used to access the site with two dwellings within 100m of the site. No.20 Lower Carrogs Road is located opposite the site although this dwelling is accessed from a lane off the concrete lane used to access the site and is further separated from the site by a field. North-west of the site is no.24 Lower Carrogs Road which abuts the concrete lane used to access the site.

Site History:
There have been no recent nor relevant planning applications submitted on this site. Although in 1974 permission was granted for a 11K.V. overhead line.

Planning Policies & Material Considerations:
- Regional Development Strategy 2035.

- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS 15 (Revised) – Planning and Flood Risk.
- PPS21 – Sustainable Development in the Countryside.
- The Building on Tradition Sustainable Design Guide.

Consultations:

The following were consulted on this planning application:

- NIEA – 04/03/2016 – Refer to standing advice.
- Environmental Health – 07/03/2016 – No objections in principle.
- NI Water – 07/03/2016 – Generic response.
- Rivers Agency – 23/03/2016 – Development is located partially within a predicted flood area. A Drainage Assessment is not required but it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate against these risks.
- Transport NI – 09/06/2016 – No objections in principle.

Objections & Representations

The application was advertised in the local press on 21/12/2015 and 7 neighbours were notified by letter. No objections or representations have been received regarding this application.

Consideration and Assessment:

Banbridge / Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located outside of settlement limits and is unzoned. There are no specific policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21.

PPS21 – Sustainable Development in the Countryside

As there is no significant change to the policy requirements for new dwellings in existing clusters following the publication of the SPPS, and it is arguably less prescriptive, the retained policy of PPS 21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS. With regards to PPS 21, a dwelling on the proposed site would not meet the requirements of Policy CTY 2a for a new dwelling in an existing cluster, which therefore makes it unacceptable in principle under policy CTY 1.

Policy CTY 2a requires six criteria to be met for a dwelling to be granted at an existing cluster:

- The cluster of development is to lie outside of a farm and consist of four or more buildings, three of which are to be dwellings. The laneway along which the site is accessed has a farm and farm buildings located approximately 350m south of the site. As described above, no.20 Lower Carrogs Road is

located opposite the site although this dwelling is accessed from a lane off the concrete lane used to access the site and is further separated from the site by a field and no.24 Lower Carrogs Road, which abuts the concrete lane used to access the site, is located north-west of the site. Further west of no.20 Lower Carrogs Road is no.18 which is separated from no.20 by a field. Therefore the site is not within a cluster, as defined by this policy.

- As discussed above, the site is not part of a cluster and the site and buildings in the locality do not exist as a visual entity in the local landscape. Therefore the planning application fails to satisfy this criterion.

- A cluster should be associated with a focal point such as a social or community building/facility, or it should be located at a crossroads. Neither is a social/community building/facility present in the area nor a crossroads. Therefore the planning application fails to satisfy this criterion.

- The site is enclosed by a stone wall which is the tradition in the locality; however the site should be bounded on at least two sides by other development within the cluster. The site is not bound on any side by development. Therefore the planning application fails to satisfy this criterion.

- As the site is not part of a cluster which the development of the site could be absorbed into, the development of this site would visually intrude the open countryside and therefore the planning application fails to satisfy this criterion.

- The development of this site would not adversely impact on the residential amenity of any other properties as the site does not abut any other property.

The proposed development therefore fails to meet five of the six criteria of Policy CTY 2a. Within the context of evidence submitted as part of the planning application, the proposed development of the site would not be compliant with any of the cases specified in Policy CTY 1 for housing development in the countryside.

Policy CTY 13 discusses that a new building in the countryside will be unacceptable where it is a prominent feature in the landscape. Given the topography of the site and the lack of development surrounding the site, a dwelling on this site would be prominent and is therefore contrary to Policy CTY 13. The development of a dwelling on this site would also further erode the rural character of the area as a dwelling on the site would be unduly prominent in the landscape which makes the proposed development contrary to Policy CTY 14.

Access

Transport NI was consulted and in their response dated 09/06/2016 stated they had no objections in principle to the development although visibility splays of 2.0m x 60.0m are to be provided to ensure safe road access.

Sewerage

The site could accommodate a septic tank and soak-away – subject to obtaining consent to discharge from NIEA. Standard consultation responses were received from Environmental Health (on 07/03/2016) and NI Water (on 07/03/2016).

Flooding
Rivers Agency in their assessment of the proposed development under Policy FLD 3 of PPS 15 discussed that as the proposed development is located partially within a predicted flood area, a Drainage Assessment would not be required but it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate against these risks

Recommendation:
Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling; the cluster does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point and is not located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and the dwelling would if permitted visually intrude into the open countryside.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would therefore further erode the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 7

APPLIC NO LA07/2016/0460/O Outline **DATE VALID** 4/12/16

COUNCIL OPINION **REFUSAL**

APPLICANT Robert White 3b Tyross Gardens
Armagh
BT60 1BE

AGENT Studio 13 Designs
31 Castlekeele
Martins Lane
Newry
BT35 8GH
07872591594

LOCATION Lands between No's 14 and 16 Temple Hill Road
Newry
Co. Down

PROPOSAL Proposed infill site for dwelling and garage at lands 20m South East of No 14 Temple Hill Road, Newry

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 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 would, if permitted, result in the addition of ribbon development along Temple Hill Road.

3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

4 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;
the building would, if permitted create or add to a ribbon of development;
and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

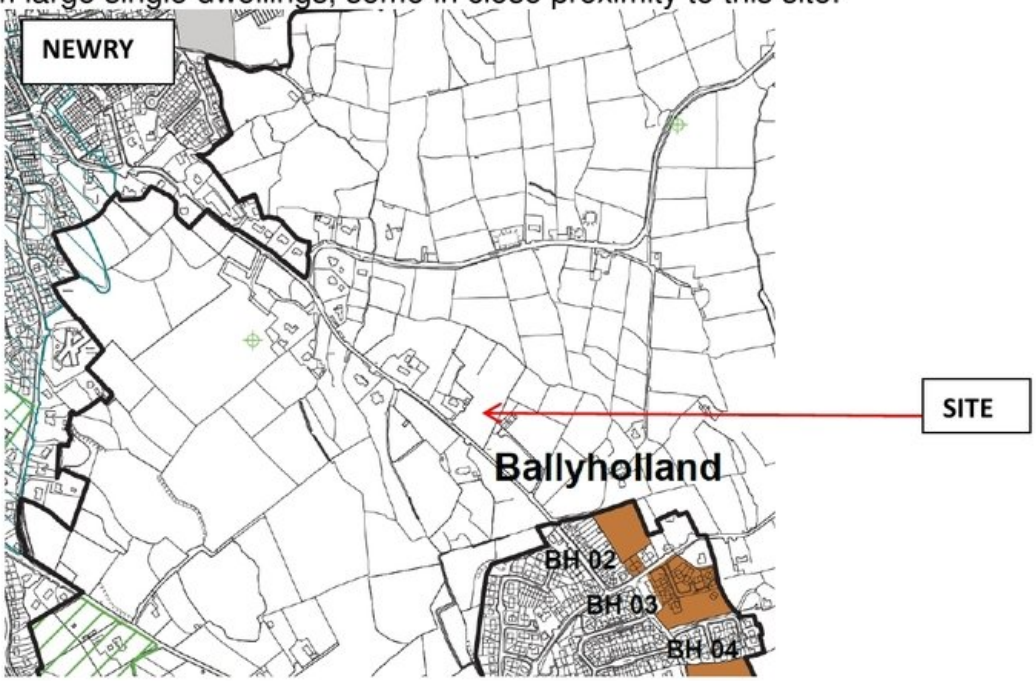
Application Reference:
LA07/2016/0460/O

Date Received:
12/04/2016

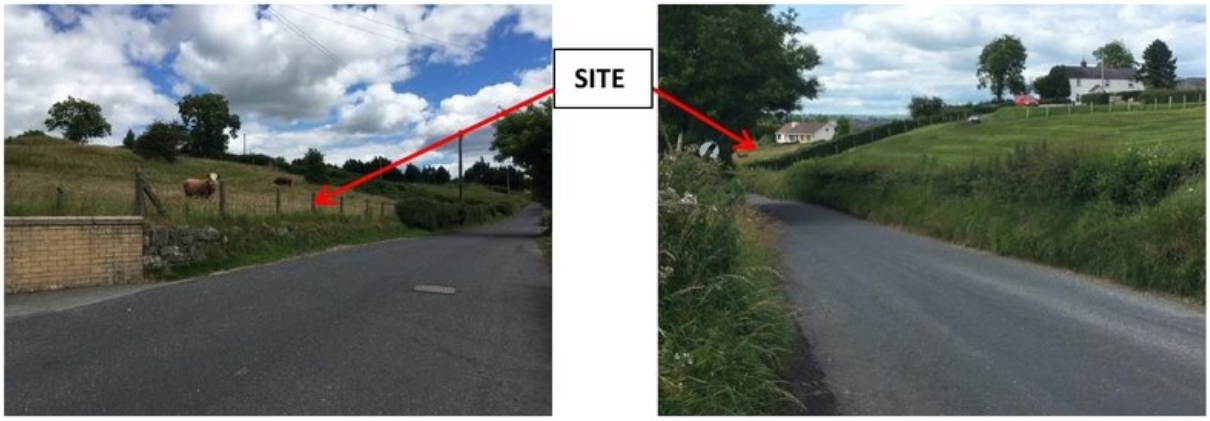
Proposal:
Proposed infill site at lands 20 metres South-East of No.14 Templehill Road, Newry

Location:
Lands between No's 14 and 16 Temple Hill Road, Newry

Site Characteristics & Area Characteristics:
The site is located approximately 1.5 miles south east of Newry, in a rural area between the settlement limits of Ballyholland and Newry (close to Ballyholland settlement limit) as identified in the Banbridge / Newry and Mourne Local Area Plan 2015. Due to its location, the protection of rural character is particularly important in this area, to prevent coalescence of the countryside with Newry. Temple Hill Road's rural character and dispersed settlement pattern has faced development pressure particularly from large single dwellings, some in close proximity to this site.



The site itself is located between No's 14 and 16 and comprises 0.677 hectares of land currently used for grazing. The site rises steeply from the southern boundary towards the central part of the site, where it sits level with the adjacent No16. Boundaries are defined as follows: to the south and roadside by indigenous hedgerow, together with a wire and post fence supported on a 0.5m high stone wall towards No. 14; to the east by a timber and wire post fence with mature hedgerow set behind which provides natural screening towards No.16; and to the west by the stone wall of adjacent No. 14, with wire fencing further back. The rear boundary was not visible at the time of site inspection though from aerial imagery appears as mature hedgerow. There is currently no access to the site from Temple Hill Road. Adjacent and west of the site is No.14, a modest bungalow with side projection with a small field to the front. The site abuts a large open field to the east, in front of No. 16 a two storey traditional farm building set back from the road and accessed off a private laneway. Opposite the site sits No.19, which is almost completely screened from the road. Further along Temple Hill beyond the site are No's 11, 12, 15 and 17 - , the history of which are considered below.



Planning History:

Subject Site:
P/1996/0736 – Temple Hill road newry (south east of no 14) Site for dwelling, permission refused.
P/1981/0435 – Temple Hill Road, Newry - Proposed erection of shed

Relevant Surrounding Sites:
There is a varied range of architectural styles in the immediate surrounding area of the site. The relevant pprovals in the surrounding area are shown on the aerial overview image below. No'11 was granted approval as a retirement farm bungalow, whilst No. 15 was granted approval for the erection of a dwelling and a garage prior to PPS 21. No.17 is the developmen outcome of a replacement dwelling opportunity, approved in 2003.


No.11


No's15, 17

Aerial image showing relevant surrounding approval history

Planning Policies & Material Considerations:
The planning policies material to the consideration of the proposal include:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS 3 Access, Movement and Parking
- PPS 6 Planning, Archaeology and Heritage
- PPS 21 Sustainable Development in the Countryside
- 'Building on Tradition,' a Sustainable Design Guide for Northern Ireland

Consultations:

- Transport NI – In their original response requested that an amended 1:500 scale plan clearing showing 2.0m x 60m sight visibility splays in both directions. Following amendments, Transport NI were re-consulted on 27th July who has advised they have no objections in principle to the proposal provided conditions are met and as such the proposal satisfies PPS 3 Access, Movement and Parking.
- NI Water - generic response
- Environmental Health – no objections, with informatives
- Department for Communities Historic Environment Division (HED) were consulted as the proposed site is in proximity to an ecclesiastical site (DOW046:015.) HED are content that the proposal meets the requirements of the SPPS and PPS 6 archaeological requirements.

Objections & Representations

2 Neighbour notifications issued on 09/05/2016
No responses received

Consideration and Assessment:

Planning History

A previous application was made on the site 20th June 1996 the site under planning reference P/1996/0736 for a dwelling, which was refused for the following reasons:

1. *"The proposed development is in a Green Belt being outside the planned limits of Newry and in consequence would be contrary to the Department's rural policy and to the planning objectives for this locality in that it would not merit being treated as an exceptional case as the needs are not considered to be of sufficient weight to justify a relaxation of the stricter planning control exercised in this area. "*

2. *"The proposed development is unsatisfactory in that it would, by addition to those dwellings existing in the vicinity, lead to an undesirable change in the character of this rural area, and would open up further development opportunities which would result in unacceptable ribbon development."*

Banbridge / Newry and Mourne Area Plan 2015

The site lies out with the settlement development limits as identified in the Banbridge / Newry and Mourne Area Plan 2015 in an area of undesignated countryside. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and PPS 21.

SPPS

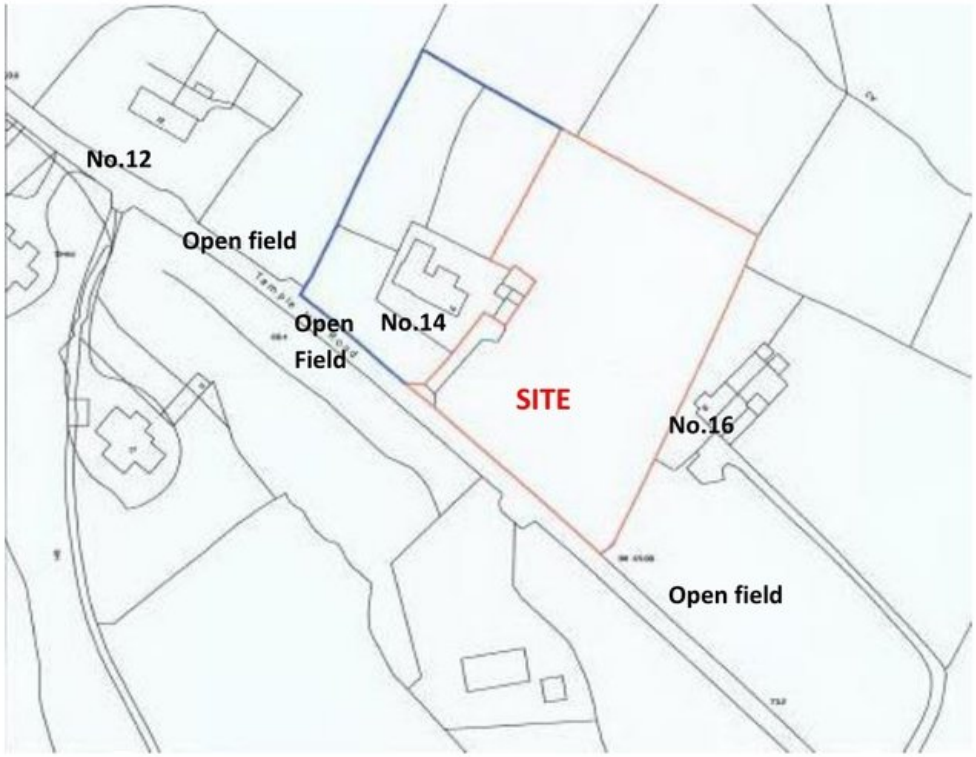
As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of this proposal in accordance with paragraph 1.12 of the SPPS.

PPS21 Sustainable Development in the Countryside

Under CTY1 planning permission will be granted for an individual dwelling house that is in accordance with CTY8.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, but qualifies this by stating that *"an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage 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 clarity, a 'substantial and built up frontage' includes a line of three or more buildings along a road frontage without

accompanying development to the rear. Para 5.33 under CTY8 further clarifies that 'road frontage' includes a footpath or private lane. In considering whether this site meets the exception above, the following is noted when moving from East to West along Temple Hill Road:



No.16 is set behind an existing field and is accessed via a private laneway and is not therefore considered to display road frontage. This is followed by the subject site. This is followed by No.14 which is accessed off a smaller private laneway which also has a smaller open field in front. No. 14 is not therefore considered to display road frontage. This is then followed by an additional gap, which includes an adjoining open field to that in front of No. 14. Following this is No.12, which displays clear frontage onto the road, with its garden and access directly onto the road. This existing pattern does not constitute a substantial and continuously built up frontage. Given this is the case; the proposed development is not considered to be an exception to policy CTY 8 and development on this site would therefore create or add to a ribbon of development.

Policy CTY 13 'Integration and Design of Buildings in the Countryside' allows for new development in the countryside where it can be visually integrated into the surrounding landscape and where the design is appropriate. In this case, the site is exposed from critical views along Temple Hill Road, which is emphasised by the rising topography of the site. Although excavation and levelling works can be carried out to aid integration, the site does not provide a suitable degree of natural enclosure to integrate a new dwelling unobtrusively, resulting in a prominent feature in the landscape.

Policy CTY 14 'Rural Character' allows for new development in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The surrounding area as aforementioned has faced development pressure from large single dwellings which are not considered to be typically 'rural.' Development on this site would result in a suburban style build-up of development when viewed with theses existing buildings. In addition, CTY 14 states that a new building will be unacceptable where it creates or adds to a ribbon of development. As considered under the assessment of CTY8, the application site is not an acceptable gap site and would allowing development in this location would add to a ribbon of development.

Recommendation: Refusal

The proposal is contrary to PPS 21 CTY1, CTY8, CTY13 and CTY14

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 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 Temple Hill Road

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

4. 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; the building would, if permitted create or add to a ribbon of development; and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer Signature: **Date:**
Appointed Officer Signature: **Date:**

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 8

APPLIC NO P/2009/1336/F Full **DATE VALID** 10/26/09

COUNCIL OPINION **REFUSAL**

APPLICANT Mr JC Campbell C/O Agent **AGENT** Milligan Reside
Larkin 56 Armagh Road
Newry
BT35 6DN
028 30 253755

LOCATION 52, 68 to 72 and 74 Shore Road, Rostrevor

PROPOSAL Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with siteworks and parking and 41 apartments with site parking and basement parking.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that
the applicant has failed to demonstrate that the proposal would create a quality residential development;
adequate provision has not been made for open space and landscaped areas as an integral part of the development;
the design of the development does not draw upon the best local traditions of form, material and detailing; and
the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.

2 The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
The proposed density is significantly higher than that found in the established residential area; and
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 Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.

4 The proposed development is contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

5 The proposed development ids contrary to 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 architectural styles and patterns, local materials or design.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: The site is located within the settlement limit of Rostrevor Village on the southern extremity of the village. It fronts onto the Shore Road on its western boundary with the public access to Kilbroney Forest Park, on its northern boundary.

SITE CHARACTERISTICS AND AREA CHARACTERISTICS:

The site, which covers an area of 1.273 hectares, appears as an outlier to the main village core. The site is largely open with good views to the forest to the rear.

A portion of the site contains an existing car showroom and garage, Campbell's Garage, and 2 detached dwellings in single family occupation. The remainder, containing a tennis court, is largely open space. The garage complex consists of a flat roofed 2 storey structure in uniform white rendered finished. The dwellings are largely 2 storey, one, on the north eastern boundary point, in brick finish and the southern unit in render.

There is an existing 2 storey detached dwelling, (Number 50 Shore Road) just beyond the north west corner of the site. It is located 1 – 3 metres from the boundary

of the application site, which is formed by a rendered ivy clad wall, approximately 6 ft in height. This dwelling has a row of 7 first floor windows on its south eastern elevation to the application site, overlooking the wall.

There is a low single storey cottage, (No 56), beyond the north east corner of the application site, accessed by the entrance drive to Kilbroney Forest Park. There are a number of detached houses in individual plots beyond the southern site boundary, accessing onto Shore Road.

The site rises generally from the Shore Road towards the forest just beyond its eastern boundary. Its boundaries are landscaped. It appears very open, situated as it is, on the shores of Carlingford Lough. As a consequence there are distant views of it from nearby Warrenpoint. The views become more pronounced in the vicinity of the Rosses Point monument, a nearby public amenity area.

The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI), and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and Area of Scientific Intertest (ASSI). It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty.

SITE HISTORY:

P/2008/0558. Proposed Residential development. Shore Road, Rostrevor Determined 13/06/2008.

P/2006/0458/F. Construction of new access to dwelling (to include closure of existing access) Oakwood House, 71 Shore Road, Rostrevor. Determined 12/12/2006.

P/2005/0303/F. Refurbishment of existing dwelling 56 Shore Road, Rostrevor. Determined 02/08/2005.

P/2002/0296/F. car showrooms and workshop together with refurbishment of existing building Shore Road, Rostrevor. Determined 16/07/2002.

P/2000/1418/F. Extension to dwelling. 52 Shore Road, Rostrevor. Determined 04/10/2000.

CONSULTATIONS:

Transport NI: No objections subject to planning conditions.

NI Water: No objections subject to planning conditions.

Rivers Agency: No objection subject to planning informatives.

DCAL Inland Fisheries & Waterways: Loughs Agency should be consulted.

Loughs Agency: No objections subject to planning conditions.

N&MDC Environmental Health: No objections subject to planning conditions.

NIEA (Water Management Unit): No objection subject to conditions.

NIEA (Natural Heritage) (Land Resource Management): The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and ASSI. NIEA has undertaken a Habitats Regulations Assessment (HRA) Stage 2 Appropriate Assessment on this proposal. It has concluded there will be no likely significant effects on the integrity of the site. Standard conditions and informatives to be attached to the Decision Notice.

NIEA (Historic Buildings Unit): has key concerns regarding the scale, massing and height of the development. Advise that the former tram shed at Rostrevor Quay is the subject of a listing query.

NIEA (Historic Monuments Unit): The historic landscape of the adjacent Historic Park and Demesne is afforded protection under BH 6 of PPS 6 and it would have concerns to any development that would have an adverse impact upon the setting of this registered demesne. It has concerns regarding the scale, massing and height of the development.

The application site is located in an area of historic interest within Rostrevor and once was the site of the Great Northern Hotel, approx 250 metres to the west of the site is the conservation area of Victoria Square and Shore Road (RR08) within which is a number of listed buildings.

Rostrevor Harbour is adjacent to the site which is recorded in the Industrial Heritage Records and there is a large brick chimney on the site may have been associated with the hotel.

HMU are of the opinion that, due to the location of the application site within this locally important historic landscape, would recommend that the design of the proposed development reflect the detail from the Great Northern Hotel which once occupied the site and from the historic character of the buildings in this vicinity.

No archaeological objection in principle to the development provided:

- There is a revised design to the buildings which front on to the Shore Road, more in keeping with those in the vicinity and drawing upon details of the Victorian character of the area. The buildings should front on to the Shore Road
- The chimney within the application site is retained to ensure that the proposed development into the historic landscape of the Registered demesne of The lodge and the conservation area to the west.

Ministerial Advisory Group: In summary, while the panel agree with the principle of the proposal it pointed to the need for re-design and reducing the scale of development on the site with more open space.

OBJECTIONS & REPRESENTATIONS

Details of the application were advertised on 13 November 2009 and 14 nearest neighbours were notified on 30 October 2009.

Two letters of objection were received. Amended details were advertised on 8 June 2012 and 14 nearest neighbours were notified on 25 May 2012. Concerns were again expressed by a previous objector at an office meeting on 20 June 2012.

The main issues raised were:

- scale, density and height of the proposal which is out of character with this coastal location and setting of great natural beauty;
- proximity and height of proposed building and its impact on privacy, light and solar panels;

- architecture is out of keeping with traditional buildings in the immediate vicinity; and
- increase in traffic levels.

PLANNING POLICY MATERIAL CONSIDERATIONS

The relevant prevailing policy context is provided by:

- **the statutory area plan**, the Banbridge, Newry and Mourne Area Plan 2015;
- **regional planning policy documents**: the Strategic Planning Policy Statement, (SPPS); PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking, PPS 6: Planning, Archaeology and The Built Heritage, PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 12: Housing in Settlements. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that the policy provisions of the documents listed above, amongst others will be retained until each council adopts its own Plan Strategy.
- **supplementary planning guidance**, which includes: DCAN 8: Housing in established areas; DCAN 9: Residential and Nursing Homes; DCAN 10: Environmental Impact Assessment; DCAN 15 Vehicular Access Standards; and 'Creating Places, Achieving Quality in Residential Developments'.

Banbridge, Newry and Mourne Area Plan 2015. The site is within the settlement limit of the village of Rostrevor as designated in the statutory area plan. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

In summary, the application proposes a high density development consisting of a total of 51 apartments and a 70 bed nursing home on a site consisting of 1.273 hectares. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas. , PPS 12: Housing in Settlements,

Policy QD 1 of PPS 7 states, amongst other things, that 'Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas'.

Policy QD 1 of PPS 7 also requires that all proposals for residential development will be expected to conform to a number of specified criteria.

The application site is located in an edge of village setting and a sensitive landscape, as detailed above. The character of the established residential area is derived from single houses in sizeable individual curtillages. Notwithstanding the existing car showroom within the site, the predominant character of the immediate area is one of low density development, predominantly residential in type and scale.

It is considered that the proposal is contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment. The proposal will result in unacceptable damage to the local character, environmental quality and residential amenity in the area. This is due to the fact that:

- The proposed scale of development is totally out of keeping with the existing character of the area which derives largely from individual houses in individual curtillages.

- The proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area. The scale, massing and overall form of the development, based as it is on an double fronted apartment layout around a central courtyard incorporating underground car parking is not in keeping

with this low density edge of village location within an AONB, adjacent to a designated Demesne.

The proposal involves 7 major buildings which, when read together, will fill almost the entire frontage of the site. The resulting visual impact of the proposal is one of continuous mass with no visual break in the overall facade along the site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

The overall massing is also accentuated due to: the proximity of the development to the Shore Road; the absence of appropriate landscaping; the overall height of the proposed units; and the fact that the blocks to the rear project above the ridge height of the blocks fronting the Shore Road and will be seen between the visual gaps in the buildings fronting onto Shore Road. The proposed development also takes up the application site almost in its entirety with limited distances to all site boundaries.

If implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. It is over development of the site.

- The proposed combination of materials based on a combination of brick, cladding and render does not draw on the character and appearance of the surrounding area. The predominant finishes are predominantly uniform and in render.

- Adequate provision has not been made for open space and landscaped areas as an integral part of the development.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

It is considered that insufficient open space and landscaping has been provided to create an attractive, sustainable and varied residential environment. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

- the design and layout will create conflict with adjacent land uses. It will result in an unacceptable adverse effect on existing properties in terms of dominance, overlooking, loss of light and overshadowing. The proposed scheme incorporates a block of residential units ranging in levels between 16.35, 17.60 to 20.45 metres. These are proposed between approximately 3.5 and 6.5 metres from the north western boundary of the site and within approximately 8.5 to 9 metres of an existing property. As mentioned above there are 7 existing windows at first floor on the existing elevation facing the site. This falls far short of the required separation distances as contained in planning policy guidelines, as contained, for example in 'Creating Places' and is unacceptable in planning terms.

  The proposed development will also impact on the residential amenity of an existing single storey dwelling to the rear of the application site beyond its north eastern boundary in terms of dominance and overshadowing.

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.

Planning Control Principle 1 of PPS 12 Housing in Settlements

Policy LC 1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area' states that in established residential area, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites.....to accommodate new housing, where all criteria set out in QD 1 of PPS 7 and all additional specified criteria are met. These include:

- The proposed density is not significantly higher than that found in the established residential area; and
- The pattern of development is in keeping with the overall character and environmental quality of the established residential area....

It states that the Department will not permit proposals for new housing development in established residential areas where there this would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. New residential developments should therefore be sensitive in design terms to people living in the existing neighbourhood and be in harmony with local character.

Planning Control Principle 1 of PPS 12 Housing in Settlements states that when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

The character of the established residential area is one of individual houses in sizeable single curtillages. The density of the established residential area, in the vicinity of the application site, reflects the edge of village location. It is predominantly low density and varies between 5 to10 dwellings per hectare. The proposed scheme is based on 3 elements within the site: assisted living units, apartment development and nursing home. The scheme proposes 10 assisted living units and 41 apartments on a portion of the site amounting to approximately 0.80 hectares. The proposed density for this residential element is approximately as follows.

10 assisted living units on 0.20 hectares – 50 per hectare;

41 apartments on 0.60 hectares – 70 per hectare

A total of 51 units on the total site area of 1.273, discounting the nursing home, represents a proposed density of 40 units per hectare.

The Planning Department considers that this level of development is wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

It is considered that this proposal, due to the reasons outlined above, would be detrimental to the local character, environmental quality and residential amenity of

the established residential area. It is also considered that it would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

In this regard, the proposal is therefore contrary to Policy QD 1 of PPS 7, Policy LC 1 of the Addendum to PPS 7 and Planning Control Principle 1 of PPS 12.

Strategic Planning Policy Statement for NI (SPPS)

It is also considered to be contrary to Para 6.137 of the SPPS, 'increased housing density without town cramming', which states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. This proposal fails to do so for the reasons already stated.

PPS 2: Natural Heritage and PPS 6: Planning, Archaeology and the Built Heritage.

The application site is located within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the proposal is contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above, and does not respect local architectural styles and patterns.

Policy BH 6 of PPS 6 states that the Department will not normally permit development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens and demesnes of special historic interest.

The application site is located on the edge of the early 19th century Historic Park, Garden and Demesne known as The Lodge, designated in the Banbridge, Newry and Mourne Area Plan. NIEA Historic Monuments Unit has confirmed no objections on the basis that there is a revised design to the buildings which front onto Shore

Road more in keeping with those in the vicinity and drawing upon details of the Victorian Character of the area.

In its present form the proposed scheme is contrary to BH 6 of PPS 6 in that the proposed design and layout of the development, as outlined above, is not in keeping with the historic landscape of the Registered Demesne, 'The Lodge'.

PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking.

Transport NI has confirmed no objections to the proposed access arrangements and road layout on the basis that the layout will remain un-adopted.

Future car parking provision is based on the number of proposed units.

PPS 8: Open Space, Sport and Outdoor Recreation.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

RECOMMENDATION:

Refusal.
It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that

    - the applicant has failed to demonstrate that the proposal would create a quality residential development;
    - adequate provision has not been made for private open space and landscaped areas as an integral part of the development;
    - the design of the development does not draw upon the best local traditions of form, material and detailing; and

- the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.

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

    - The proposed density is significantly higher than that found in the established residential area; and
    - 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 Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.

4. The proposed development ids contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.

5. The proposed development ids contrary to 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 architectural styles and patterns, local materials or design.

Case Officer Signature: Date:

Appointed Officer Signature Date:

ITEM NO 9

APPLIC NO R/2012/0545/F Full **DATE VALID** 11/13/12

COUNCIL OPINION **APPROVAL**

APPLICANT CES Quarry Products Ltd
Castlenavan Quarry
131 Newcastle Road
Seaforde
BT30 8PR

AGENT Six-West Ltd 18c
Weavers Court
Linfield Road
Belfast
BT12 5GH
02890 731917

LOCATION Castlenavan Quarry
131 Newcastle Road
Seaforde
Downpatrick
Co Down
BT30 8PR

PROPOSAL

Extension to quarry

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	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: R/2012/0545/F

Date Received: 13/11/2012

Proposal: Extension to Quarry. It is proposed to work the site extracting approximately 250,000 tonnes of hard rock per year to a depth of 15m AOD (bench no.5) with blasting being carried out twice a month. Gritstone is to be extracted and will be done by drilling and blasting. It is expected to have a life expectancy of 15 years. The hours of operation are as per existing 0700 – 1800 Mon to Fri, 0700 – 1200 on Sat, no operations on Sunday.

Location: Castlenavan Quarry is situated on the A24 Ballynahinch – Newcastle Road approximately twelve kilometres south of Ballynahinch.

Site Characteristics & Area Characteristics:

The site is currently an active quarry operating under planning consents R/1992/005, R/1995/0150, R/1999/0895 and R/2005/1415/F covering a total of 12 hectares. The planning consent R/1995/0150/F permits quarrying to a depth of 43m above OS Datum. Planning consent R/1999/0895/F allows quarrying a further 15m below the older consent to 28m above OS Datum. The most recent consent for extraction was granted in May 2007 (R/2005/1415/F) to permit extraction to a depth of 15m above OS Datum.

The proposal entails a lateral extension at the south west corner of the existing quarry. The site is bounded by an overgrown laneway to the west and the existing quarry face to the north. The ground levels of the eastern half of the site have been raised by mounds of spoil from previous works. These mounds are covered by a thin layer of vegetation. The remainder of the site is undulating, with ground levels falling in a southerly direction. An area of poorly drained ground is located to the west with an outcrop of gorse immediately adjacent. An NIE 11,000 v overhead line runs along the southern boundary and crossed a portion of the site at the south west corner.

The quarry is located within the Quoille Valley Lowlands Landscape Character Area, which extends north and south down the former Down District. The key characteristics of this area include drumlins divided by marsh hollows, loughs and bogs.

Site History:

R/1992/0005 – Extension to existing quarry. Approval granted 23.09.92
R/1995/0150 - Extraction of rock with existing quarry boundary, the deepening of the quarry and retention of plant. Approval granted 11.06.96
R/1998/0873 – Free standing sign. Approval granted 9.12.98
R/1999/0895/F – Extension to Quarry. Approval granted 4.11.03
R/2005/1415 - Application for variation to condition no 8 of Planning Approval R/1995/0150 - No extraction shall take place below the levels indicated on the approved cross section. (Drawing No. R/95/0150/15,16 & 17). Approval granted 11.05.07
R/2006/0219/F - Application for variation to condition No.4 attached to planning consent R/99/0895, "No Blasting shall take place within 100m of any occupied dwelling outside the ownership or control of the operator". Withdrawn 10.04.06
R/2009/0421/F – Proposed office/store. Approval granted 29.09.09
R/2010/0794/F – Proposed office/store. Approval granted 05.04.11

Planning Policies & Material Considerations:

Planning Policy

Ards and Down Area Plan 2015
Strategic Planning Policy Statement (SPPS)
Planning Strategy for Rural Northern Ireland (PSRNI)
Planning Policy Statement 2 – Natural Heritage
Planning Policy Statement 3 - Access, Movement and Parking
Planning Policy Statement 6 - Planning Archaeology and the Built Environment
Planning Policy Statement 21 – Sustainable Development in the Countryside

Consultations:

NIEA Water Management Unit
16.07.14
WMU are satisfied that the site drainage discharge consent adequately addresses any surface water quality impacts.
18.02.15:
All groundwater matters dealt though Land and Groundwater Team
WMU has reviewed the water abstraction element of the planning application and the information contained in the Hydrological Assessment. This quarry is currently authorised to carry abstract more than 20 m3/day pending the department being in a position to start the determination process.

NIEA Historic Monuments Unit 12.12.12:
Given that a significant portion of the application site has already been developed and without prejudice to any other material considerations in this case NIEA Historic Monuments Unit has no archaeological objection to the proposal at this time. If the Department determines that a Environmental Statement is required for this proposal NIEA HMU would not require an archaeological section within it.

NIEA Natural Heritage:
12.12.12
NIEA Natural Heritage does not consider that an Environmental Impact Assessment (EIA) is necessary to address natural heritage issues of this proposal.
27.06.16
NIEA Natural Environment Division has considered the impacts of the proposal and on the basis of the information provided is content subject to conditions.

NIEA Land & Groundwater Team 19.05.16:
Waste management has considered the impacts of the proposal on the aquatic environment (groundwater) and on the basis of the information provided is content with the proposal without conditions.

Geological Survey NI 28.11.12:
GSNI has no specific requirement for an Environmental Statement in relation to this development. However there are potential geological related impacts which may require detailed assessment particularly in relation to groundwater and surface water. Responsibility for these matters lies with the Northern Ireland Environment Agency.

Landscape Architects Branch 2.12.12:
LAB advises that as landscape and visual impacts are limited, an Environmental Statement would not be required to accompany this application.

DARD Rivers Agency 7.12.12:
There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within or immediately adjacent to the quarry.
The Strategic Flood Map (NI) – Rivers & Sea indicates that the quarry is not situated within a fluvial flood plain. Whilst some areas of surface water are indicated, they are

not considered to be significant from the drainage aspect since the proposal has to do with the extension of an existing quarry.

DARD Forest Service 14.12.12:
Forest Service has no interest in this application

DARD Agri-Food Inspection Branch 8.04.13:

None of the lands are subject to the terms of a notice served relating to Potato Cyst Nematode (PCN) or Potato Wart Disease (PWD). There are no restrictions in so far as the Plant Health Order (NI) 2006 is concerned on the movement of soil or other material from these lands.

Health and Safety Executive NI 19.12.12:
HSENI has no comment to make in relation to the application. The blasting operations involved in the proposed extension can follow on from the existing quarry operations very easily and will have no adverse effects on the neighbours.

Down District Council Environmental Health 8.07.13:
No Environmental Health objection in principle

Objections & Representations

Under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 the Council must serve notice of the application to any identified occupier on neighbouring land. An 'identified occupier' means an occupier of premises within a 90 metre radius of the boundary of the site. 'Neighbouring land' is land that directly adjoins the application site or which would do but for an entry or road less than 20 metres in width. Council does not operate an extended notification process in respect of quarries.

The nearest residential property is this instance is 1a Rocky Lane which is located 107 metres to the south of the site and does not adjoin the application site.

No neighbour notification letters have therefore been issued in this instance.

No representations have been received to date.

Initially advertised 26.11.12, re-advertised 11.06.14 & 18.02.15

Consideration and Assessment:

The main issues to consider in the determination of this planning application are:

Principle of Development
Impact on the Natural Environment and Built environment.
Visual Impact
Impact on safety and amenity of neighbours

Principle of Development

The Strategic Planning Policy Statement (SPPS) addresses minerals and recognises they are an important natural resource and their responsible exploitation is supported by Government. The SPPS recognises that an enduring successful economy will effectively use natural resources and contribute towards the protection of the environment. There is a particular challenge as they can only be extracted from sites where they occur and there may be milted opportunities for consideration of alternative sites. The SPPS states that the relevant provisions of the Planning Strategy for Rural NI (PSRNI) are retained, these are considered in turn below. The PSRNI acknowledges that minerals are an important resource and their exploitation makes an essential contribution to the nation's prosperity and quality of life. The mineral extraction industry provides employment in rural areas and produces a wide range of products for a variety of purposes in construction, agriculture and industry.

Policy MIN1 is "To assess the need for the mineral resource against the need to protect and conserve the environment." The policy elaborates by stating that mineral exploration may damage or destroy nature conservation sites and structures and remains of historic and archaeological interest. This is an existing and presently operating quarry and the application is for an extension to the quarry. Min 1 further states that extensions to existing mineral workings which minimise disturbance in the countryside will normally be preferred to new workings on green field sites.

NIEA Historic Environment Division have no concerns with the proposal so far as Archaeology and Built Heritage are concerned. NIEA Water Management Unit is content in terms of how surface water will be addressed. NIEA land and Groundwater Team are content with the impact of the proposal on groundwater.

The Council will request mitigation and restoration plans to ensure restoration of the site. The proposed extension is not contrary to this policy.

Policy MIN 2 is "To have regard to the visual implications of minerals extractions." The site is not located within a landscape that benefits from any special protection such as AONB. The site is also located within and immediately adjacent to an existing working quarry. The principle views available are from the A24 Ballynahinch – Newcastle Road and New Line Road. I do not consider that the proposal will have any greater visual impact from these viewpoints than the existing working quarry does at present. The proposed extension is not contrary to this policy.

Policy MIN 3 is "To identify Areas of Constraint on Mineral Developments." The site for the extension is not part of any designated areas of constraint on mineral development. The proposed extension is not contrary to this policy.

Policy MIN 4 and MIN 5 Valuable Minerals and Mineral Reserves: There is no mineral limited in occurrence in this area. The proposal should not prejudice future reserves of valuable mineral reserves. The proposed extension is not contrary to this policy.

Policy MIN 6 To have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings." The lateral extension brings the quarry operations closer to No. 1a Rocky Lane, but is still beyond the 100m exclusion zone for blasting operations. Both Down District Environmental Health and the Health and Safety Executive NI were consulted and they have advised they have no objection to the proposal.
Should the proposal be considered acceptable conditions can be attached to the planning permission to mitigate against negative amenity associated with blasting and other quarry operations. The proposed extension is not contrary to this policy.

Policy MIN 7 Traffic "To take account of the safety and convenience or road users and amenity of persons living on roads close to the site of the proposed operations." There will be no greater impact on the public road network as there is no intensification proposed. Currently there are a total of 30 vehicle movements at the site on a daily basis and this will remain the case should the proposal be approved. The proposed extension is not contrary to this policy.

Policy MIN 8 Restoration "To require mineral workings to be restored at the earliest opportunity." The applicant has included a restoration and planting plan for the whole site to include previously worked areas. A condition will be included on any planning approval requiring the submission of a detailed restoration scheme, in general conformity with the restoration plan submitted as part of this application. The proposed extension is not contrary to this policy.

PPS4 Natural Heritage
PPS4 describes the statutory framework that helps protect designated areas and outlines the criteria for the planning authority to consider when processing applicstions which might affect nature conservation interests.

The site does not affect any designated site of importance. NIEA Natural Environment Division having reviewed a preliminary ecological assessment for the site and are content with the proposal subject to conditions. A condition in respect of no site clearance during bird breeding season will be attached should the application be approved. A condition requiring additional hedge planting along the southern and south western boundary in accordance with submitted plans will also be attached to any approval.

PPS 6 Planning Archaeology and the Built Environment
PPS6 sets out the main criteria when assessing proposals that may affect archaeological or built heritage and Historic Monuments at NIEA has considered the impacts of the application and on the basis of information provided is content with the proposal.

PPS21 Sustainable Development in the Countryside: This PPS sets out the main planning considerations for the control of development in the countryside. Policy CTY 1 deals in general terms with development in the countryside Planning Permission will be granted for residential development in the countryside for Minerals Development in accordance with the MIN policies of PSRNI (as above).

Down District Council's Environmental Health Department have assessed the contents of the Noise Impact Assessment and have raised to objection to the proposal.

The Health and Safety Executive are content that blasting operations involved in the extension can follow on from the existing quarry operations very easily and will have no adverse effects on neighbours

NIEA Land, Soil and Air Team (Waste Management Unit) have considered the application for the potential impacts of the proposal on the aquatic environment (especially groundwater) and on the basis of information provided are content with the proposal without conditions.

NIEA Natural Heritage and Conservation Areas (Natural Environmental Division) has considered the impacts of the proposal and following the submission of a preliminary ecological assessment have advised they are content with the proposal subject to conditions.

NIEA Water Management Unit have considered the potential impacts of the proposed development on the water environment and on the basis of the information provided in content without conditions

NI Water are content with the proposal and have not raised any objections.

EA Determination

The proposed development falls within Category 2 of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2015 and the Department at the time of the application was obliged under Regulation 9 to make a determination as to whether the planning application should be supported by an Environmental Statement. The consultation process in respect of this determination has been ongoing and was completed in May 2016. The Council has subsequently determined that the proposed development did not require a Statement and a negative EIA was made on the 28th June 2016.

Mine Waste Plan

The Planning (Management of Waste from Extractive Industries) Regulations (NI) 2010 requires consideration of waste arising from extraction activities. Under Regulation 5(4) a WMP is not required under Regulation 6, if the extractive waste is inert and is not deposited in a Category A Waste facility. Supporting evidence in the form of an Extractive Waste Submission and further clarification on the nature of the extractive waste has been received from the applicant. Following consideration of extractive activities, as detailed in the Mining Waste Directive Report, it is my opinion that the extractive waste is inert and is not deposited in a Category A Waste facility. I am therefore of the opinion that the requirements of Regulation 6 (Waste Management Plan) can be waived for this site.

Recommendation:

Approval subject to conditions as detailed below.

Conditions:

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

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

2. No extraction shall take place outside the proposed limit of extraction indicated on the approved plan 03 date stamped 13 Nov 2012.

   Reason: In the interests of public safety.

3. No extraction shall take place within 5 metres of any land which is outside the ownership or control of the operator.

   Reason: In the interests of public safety.

4. No minerals or materials shall be imported into this site for processing.

   Reason: To limit the duration of the planning permission.

5. No scrap plant, vehicles, metal or other waste materials shall be stored at surface level within the area hereby approved.

   Reason: In the interests of visual amenity.

6. Each blasting charge shall be so balanced that a peak particle velocity of 10 mm/second and an air over pressure of 128 dB is not exceeded at any occupied dwelling which is outside the ownership or control of the operator.

   Reason: To safeguard the amenity of residents in the area.

7. No blasting shall take place within 100 metres of any occupied dwelling which is outside the ownership or control of the operator

   Reason: To safeguard the amenity of residents in the area.

8. All blasts which are within 150 metres of 1a Rocky Lane and 11 New Line Road shall be monitored by the operator. The positioning of the vibrograph shall be agreed with the Council, and the results of all monitoring, together with details of blast design, charge sizes etc, shall be made available to the Council on request.

   Reason: To safeguard the amenity of residents in the area.

9. The operator shall, when requested in writing by the Council, monitor levels of ground vibration and air over pressure at specified locations during blasting operations. The results of this monitoring together with any other details relating to the blast design, charge sizes, etc., shall be made available to the Council. In the event that the levels specified in Condition No 06 are exceeded at any blast then no further blasting shall be permitted until the Council is satisfied that these standards will be met in future blasting operations.

   Reason: To safeguard the amenity of residents in the area.

10. Noise levels at the following noise sensitive receptor: 1a Rocky Lane shall not exceed a day time a day time noise limit of 44db LAeq, 1h except for periods of raised noise levels referred to condition number 12.

    Reason: In the interest of amenity.

11. During essential site preparation works and restoration work a day time noise limit of 70 db LAeq, 1h (daytime activities only) shall not be exceeded at the following sensitive receptor: 1a Rocky Lane. This temporary raised noise level shall only be availed of for works bringing about longer-term environmental benefits to the site or its environs.

    Reason: In the interest of amenity.

12. Newry, Mourne and Down Council must be informed in writing of when working at raised noise level of 70 db LAeq, 1h will both commence and end. Temporary raised noise levels are limited to periods of up to 8 weeks in any one year.

    Reason: To aid monitoring the time periods of raised noise level working in the interests of residential amenity.

13. In the event that the Council is informed that noise levels exceed those specified in condition 10 or 11, the operator shall cease all noise generating activities at the site and undertake and submit in writing, a Noise Impact Assessment to the Council within 4 weeks of being notified. The Noise Assessment should measure the noise impact at the identified noise sensitive properties to demonstrate how noise from the site can be attenuated to comply with the limits in either conditions 10 or 11, whichever was exceeded. The Council shall be notified not less than 2 weeks in advance of the Noise Assessment being carried out.

    Reason: In the interests of public amenity

14. There shall be no tree or hedge removal works undertaken during bird breeding season (1st March – 31st August) in any year.

    Reason: To avoid disturbance of breeding birds.

15. Within one year of extraction works commencing on the hereby approved site a native species hedgerow shall be planted along the southern boundary as indicated on approved plan No.1. stamped received 15 August 2016.

    Reason: In the interest of visual amenity

16. All final rock faces shall be left with a series of benches as indicated on the approved plan No 03 date stamped 13 November 2012. Benches shall possess an undisturbed 5 metre wide horizontal ledge.

    Reason: To ensure the restoration of the site.

17. All final rock faces shall be finished smooth wall.

    Reason: In the interests of public safety.

18. The floor of the quarry area shall be so graded that all surface water is directed into a lagoon located in the lowest level of the quarry floor. It shall than be pumped to the settling and separation tanks and before being discharged from the site shall be processed through an oil/petrol interceptor as indicated on previously approved plan Drawing Nos. R/95/0150/01 & 22.

    Reason: To reduce the risk of water pollution.

19. All waste water from the processes of dust supression, wheel or vehicle washing,etc., shall be directed into the settlement facility before being discharged from the site through the oil/petrol interceptor.

    Reason: To reduce the risk of water pollution.

20. Upon the exhaustion of permitted reserves, or, in the event of operations ceasing in advance of the exhaustion of approved reserves for a continuous period of 6 months and within 3 months of a written request from the Council, a site restoration plan shall be submitted to the Council for its approval, in writing. The plan shall be in general conformity to the approved drawing no. 5 , date stamped 13 November 2012. This plan shall include the following: -

    i. the identification of all items of plant, machinery, scrap metal, stockpiles and waste material to be removed;
    ii. the identification of all areas to be levelled or graded;
    iii. the position of all quarry faces, together with details of measures to be used to ensure that all final faces are left in a safe and stable condition;
    iv. the identification of areas which are liable to flood, together with details of proposed measures to ensure public safety;
    v. details of any additional landscaping measures to be implemented; and
    vi. a timescale for the implementation of the restoration scheme.

The restoration scheme shall be implemented in accordance with the agreed plans and within the approved timescale. In the event that agreement is not forthcoming on any issue the Council shall determine the appropriate restoration measures.

Reason: To facilitate restoration of the site.

Informatives

1. This planning permission relates to drawing number 01 date stamped 14th November 2012 and drawing numbers 02, 03, 04 & 05 date stamped 13th November 2012 . This permission also relates to the following documents:
    - Noise Impact Assessment date stamped received by the Department on 12th March 2013.
    - Extractive Waste Submission date stamped received by the Department on the 14th March 2013.
    - Hydrogeological and Hydrological assessment date stamped received by the Department on the 23rd May 2014.
    - Preliminary Ecological Assessment date stamped received by the Council on the 17th June 2016.

2. The site discharge and its existing discharge consent should be reviewed in light of updated Environmental Quality Standards. Please refer to the 'The Water Framework Directive (Classification, Priority Substances and Shellfish) Regulations (Northern Ireland) 2015 for further information.

3. All relevant Pollution Prevention Guidelines should be followed. The guidelines can be downloaded from the following webpage:

    http://www.netregs.org.uk/library_of_topics/pollution_prevention_guides.aspx

4. The applicant should adhere to the advice in 'Guidance for the Wise Use of Water in the Aggregates and Quarry Products Industry Northern Ireland. This document can be viewed at:

    http://www.ni-environment.gov.uk/wise_use_of_water.pdf

    The applicant should also consult the guidance document 'Assessment of Environmental Impact (Water Resources) Minerals Workings – Advice Note' which can be viewed at:

    http://doeni.gov.uk/niea/mineral_workings_advice_note.pdf

5. Should there be any additional discharges resulting from pumping or dewatering, this activity may require an additional discharge consent application if it is going to a different discharge point from the existing, consented site drainage discharge point.

6. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious, or other polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and/or three months imprisonment.

7. The applicant should ensure that measures are in place to prevent pollution of surface water or ground water as a result of the activities on site, both during construction and thereafter.

8. The applicant should ensure all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby dwellings. Broadband reversing alarms should be fitted on dump trucks and other vehicles or site equipment in the interest of amenity.

9. Suitable and sufficient dust suppression equipment should be provided and operated to prevent dust nuisance.

10. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly.

    - Kill, injure or take away wild bird;
    - Take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
    - At any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
    - Obstruct or prevent any wild birds from using its nest; or
    - Take or destroy an egg of any wild bird; or
    - Disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
    - Disturb dependant young of such a bird.

    Any person who knowingly causes or permits to be done an act which is made lawful by any of these provisions shall be guilty of an offence. It should be noted that a raven nest is located within the site. It is therefore advised that works commencing on the cliff face must not be started in the bird breeding season while this nest is in use and any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out

during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding birds.

11. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in the Schedule 5 of this Order, which includes the badger (Meles meles). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place where badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

    Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA.

12. The proposed development must satisfy the requirements of the Health and Safety at Work (NI) Order 1978 and the Regulations made thereunder.

    HSENI would draw the developer's attention to the requirements to keep face heights in hard rock quarries to a maximum of 15m.
    Haul roads should be designed and constructed to remain stable, taking into account their use by heavy traffic and geological factors.
    The operator should ensure that there are appropriate barriers for the purpose of discouraging trespass is placed around the boundary of the quarry and is properly maintained.

13. Any overhead power-lines which cross the proposed site of the extension would require to be relocated to the new perimeter of the quarry. An existing NIE 11,000 v line crosses the SW corner of the site. An alteration to this line will require an application to be made to NIE Networks, consultation with NIE Networks at the earliest opportunity is therefore recommended.

14. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Case Officer Signature:

Date:

Appointed officer Signature:

Date:

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 10

APPLIC NO R/2013/0355/F Full **DATE VALID** 8/7/13

COUNCIL OPINION APPROVAL

APPLICANT Down District Council
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6RA

AGENT

NA

LOCATION Lough Inch Cemetery
1 Riverside Road
Ballynahinch
BT24 8JB.

PROPOSAL
Provision of additional burial plots and associated paths at existing cemetery.

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	2	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: **R/2013/0355/F**

Date Received: **07.08.2013**

Proposal: **Provision of additional burial plots and associated paths at existing cemetery.**

Location: **Lough Inch Cemetery 1 Riverside Road Ballynahinch**

Site Characteristics & Area Characteristics:

The site is located adjacent to Lough Inch Cemetery in the town of Ballynahinch. The site is currently grassed. The land slopes down in a southern direction. There are mature boundaries along the northern and southern boundaries which consist of 8-12m high trees. The eastern boundary consists of some mature planting and hedging along a post and wire fence. The site is situated adjacent to the existing cemetery. There is an opening along the eastern boundary providing access into the site from the cemetery.

The area is a mix of open space, which is mostly consists of in the immediate area, relatively low density housing and community facilities. It is located within the settlement limit of Ballynahinch town. There is an LLPA immediately adjacent to the site.

Site History:

R/1987/0464 New Cemetery with toilets/store/robing room building Adj to 5 Riverside Road Ballynahinch.

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015

Ards and Down Area Plan 2015

PPS 8 Open Space, Sport and Outdoor Recreation

PPS 3 Access Movement and Parking

Consultations:

Environmental Health	No objection subject to NIW Approval
NIW	No objection, WWTW has capacity and services available to serve the development.
NIEA	No objection
Rivers Agency	No objection

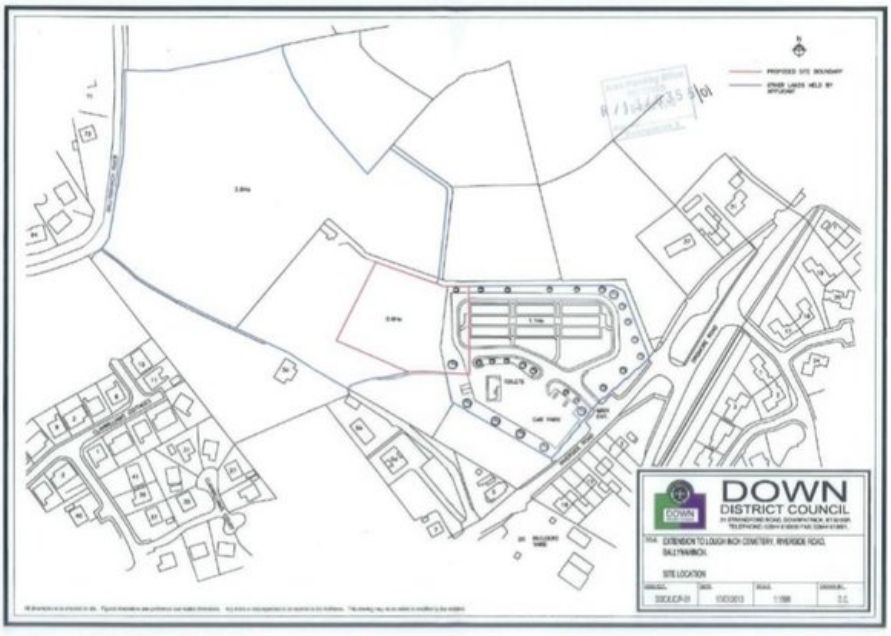
Objections & Representations

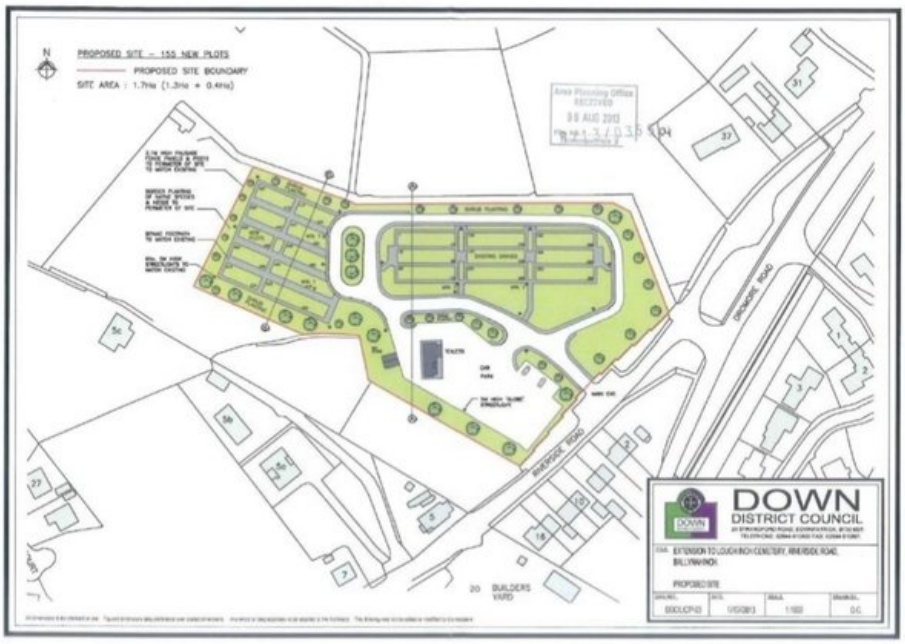
8 neighbours notified and 1 objection received from neighbouring property at 5c Riverside Road. Representation refers to Storm water discharge from the site and flooding to No.5c.

Application advertised on the 28.08.2013

Consideration and Assessment:

The application is for an extension to an existing cemetery. The site is located on Whiteland within the settlement limit of Ballynahinch. Cemeteries are classed as Open Space under PPS 8 Open Space, Sport and Outdoor Recreation. The proposal is for an extension of 0.6ha to an existing cemetery of 1.1ha and proposes an additional 155 new burial plots. This is in addition to the 396 plots existing. Access to the development is from the existing Riverside Road. No alterations are being proposed to the access.





It should be noted, however, that existing open space, regardless of whether it is identified on plan maps or not, benefits from the protection afforded by Policy OS1 unless the site is identified for an alternative use in the plan itself.

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015

There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.
There is no policy conflict between the SPPS and the provisions of PPS 8

PPS 8 -Open Space, Sport and Outdoor Recreation

This site would be classed as an area of open space in accordance with Annex A in PPS 8 Policy OS1 - Protection of Open Space states that the Department will not permit development that would result in the loss of existing open space. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It continues by stating that an exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area.

The Department has assessed the application against this criteria, however the current proposal does not involve the loss of open space rather an increase to an area of existing open space ie the existing cemetery. It is accepted that the proposal will result in a community benefit as it is essentially providing a service for the community. Therefore there is a need for an extension to the existing facilities. It will utilise a portion of the available land. The layout of the cemetery is similar to the existing cemetery. No impact is anticipated in relation to the integrity of the features of the LLPA as identified in the ADAP 2015. No objections were raised by any of the consultees.

No alterations are being proposed to the access or car parking arrangements. The P1 indicates an increase of 4 vehicles daily to the premises. It was not considered necessary, given the nature of the proposal, to consult TransportNI on the anticipated increase in vehicular movements. It is obvious that demand will only be high on car parking during burials but apart from these occasions, it would be unlikely to attract significant numbers.

One representation was received in respect of this application. With regard to the issue in relation to flooding, Rivers Agency was consulted and have advised that the site lies outside the 1 in 100 floodplain. There are no designated watercourses on site and that small underground watercourses are the responsibility of riparian landowners.

Storm water discharge, the application proposes storm water discharge to the public main sewer. NIW have considered that there is available capacity at the receiving WWTW.

Consent to discharge to the public sewer requires consent and this is covered by NIEA under a separate consent process. SUDS measures will be included in the approval notice.

NIEA Waste Management Unit and Land and Ground Water Team were consulted on the application. A Tier III Assessment was carried out and was based on a burial rate of 17 no. per year with a designated burial area of 3,731.9m2.

NIEA Water Management responded with no objection to the proposal based on impacts on the surface water environment.

NIEA Waste Management considered the impacts on the aquatic environment especially Groundwater and offered no objection.

Recommendation: Approval

Signed *Date*

Signed *Date*

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 development hereby permitted requires the following

   - No burial should take place if there is standing water at the bottom of the burial pit.
   - No burial should take place if bedrock is encountered at the depth of the burial pit (or before)
   - No burials should take place within 250 m of any spring, boreholes, wells used for drinking water.
   - No burials should take place within 50 m of any wells, boreholes and springs.
   - No burials should take place within 10 m of any field drains
   - No burials should take place within 50 m of any river, canal, lake, wetland or coast down-gradient of the site.

   Reason: Protection of the aquatic environment

3. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. 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 Council gives written consent to any variation.

   Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

Council Newry, Mourne and Down **Date 8/31/16**

ITEM NO	**D1**			
APPLIC NO	R/2011/0632/F	Full	**DATE VALID**	9/5/11
COUNCIL OPINION	**APPROVAL**			
APPLICANT	Mr M Trainor c/o Newline Architects		**AGENT**	Newline Architects 48 Main Street Castledawson BT45 8AB 028 7946 8396
LOCATION	900m West Of 77 Ardglass Road (Former Airfield Bishopscourt) Ballyhornan Down			
PROPOSAL	Erection of 2 no. wind turbines with a hub height of 62m, 3 no rotary blades of 26.5m. (Amended proposal/plans received)			

REPRESENTATIONS	**OBJ Letters**	**SUP Letters**	**OBJ Petitions**		**SUP Petitions**	
	46	3	1		0	
			Addresses	**Signatures**	**Addresses**	**Signatures**
			48	60	0	0

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: R/2011/0632/F

Date Received: 05.09.2011

Proposal: Erection of 2 no. wind turbines with a hub height of 62m, 3 no rotary blades of 26.5m.

Location: 900m West Of 77 Ardglass Road, (Former Airfield Bishopscourt), Ballyhornan, Co. Down. This site is located in the east of district, between Downpatrick and Ardglass.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a portion of lands towards the northern end of the former/dis-used airfield. These lands are generally flat, while lands further north and inland are more elevated. The runway surface and ancillary taxi ways of the airfield are still intact, with grasslands centrally located and surrounding the runway. These lands can be accessed by both the Ardglass Road and Lismore Road.

View north towards application site area and former Bishops Court airfield from aside The Fairways estate. The Castlemahon ridge is on the northern skyline.

The site is located in the countryside, comprising a portion of the former airfield in Ringwaddy, between Bishopscourt and Ballyhornan. This site is outside the AONB although it is within an Area of Constraint on Mineral Developments. It is noted the line of the AONB boundary runs along the western side of the road connecting Ballyhornan and Kilclief. There do not appear to be any other zonings affecting the site, however, the site does lie within 2km of the southern boundary of Strangford Lough Special Area of Conservation (SAC). Strangford Lough is one of the most important nature conservation sites in Northern Ireland and has also been designated a 'Ramsar Site' under the Ramsar Convention, a Special Protection Area (SPA) under the EU 'Birds' Directive (79/409/EEC), a Special Area of Conservation (SAC) under the EU 'Habitats Directive' (92/43/EEC) and a Marine Nature Reserve (MNR). The application site is completely outside the boundary of the designated site and is separated from it by 2km.

This area is largely rural in character but also includes a group of buildings adjacent to the airfield and a number of other scattered dwellings and holdings in the wider area. It is also noted part of this air field is currently used as a race track.

Site History:

A history search has been carried out for the site and wider locality, whereby it is noted there have been a number of applications for turbines including:

R/11/0669/F- Donard View, Ballyhornan, Erection of wind turbine with a 40m hub height and maximum output not exceeding 250kw, Full, Approval, 31-10-13, Applicant: Aircore Bishopscourt Ltd, ·&
R/14/0191- Donard View, Change of wind turbine previously approved under R/2011/0669/F to EWT with 40m hub height and 52m rotor diameter. Turbine to remain in same location and with output not exceeding 250kw, full, pending, Applicant: Aircore Bishopscourt Ltd,

R/12/0481- Crew road, Single wind turbine of 250kw maximum output with a tubular site tower of 30 metres and blade diameter of 30m. Total height 45m, full, withdrawn, 04-10-13, Applicant: Mr J Kerr, ·&
R/13/0411- Crew Road, Single wind turbine of 250kw maximum output with a tubular steel tower of 30 metres height and blade diameter of 30m total height 45 metres, full, pending, Applicant: Mr J Kerr,

R/11/0636/F- Lismore Road, Bishopscourt, Erection of 1no Vestas A29 40 metre hub height wind turbine, Full, Withdrawn, 23-08-12, Applicant: Mr N Morrow.
Although withdrawn this application had been recommended for refusal being contrary to RE1 of PPS18.

R/11/0089/F- Crew Road, 30m high hub, 250kw, full, Approval, 07-09-12, Applicant: C/O Agent Breen Architects,

R/11/0675/F- Church Road, Wind turbine with 31m hub height, Vestas A29, full, Refusal (Appeal pending), Applicant: Mr John Convery,

R/13/0069- Ballyhornan Road, Erection of 250kw wind turbine (32.3m hub height, 32m blades), full, approval, 10-09-13, Applicant: Mr R Maxwell.
R/14/0095- Tullynaskeagh Road, 225kw turbine with 30.4m hub and 14.55m blades, full, pending, Applicant: Mr R Maxwell

Planning Policies & Material Considerations:

Full permission is sought for the erection of 2 no. Wind Turbines with a hub height of 62m, 3 no rotary blades of 26.5m, on lands 900m west of no.77 Ardglass Road, Ballyhornan (within the grounds of the dis-used airfield).

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS2, PPS3, PPS18, and supplementary guidance Best Practice Guidance to PPS 18 and Wind Energy Development in Northern Ireland's Landscapes (August 2010), PPS21.

Consideration & Assessment

Given the sites rural location, PPS21- Sustainable development in the countryside, provides the policy context which lists in Policy CTY 1 a range of development types which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Renewable energy projects are one such example and Planning Policy Statement 18 deals with these specifically.

PPS 18 - Policy RE 1

Development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

a) Public safety, human health or residential amenity,
b) Visual amenity and landscape character,
c) Biodiversity, nature conservation or built heritage interests,
d) Local natural resources, such as air quality or water quality, and
e) Public access to the countryside.

Wind Energy Development
Applications for wind energy development will also be required to demonstrate all of the following:

(1) That the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;
(2) That the development has taken into consideration the cumulative impact of existing wind turbines, those of which have permissions and those that are currently the subject of valid but undetermined applications;
(3) That the development will not create a significant risk to landslide or bog burst;
(4) That no part of the development will give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunications systems;
(5) That no part of the development will have an unacceptable impact on roads, rail or aviation safety;
(6) That the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and
(7) That above-ground redundant plant (including turbines), buildings and associated infrastructure shall be removed and the site restored to an agreed standard appropriate to its location.

Assessment

Policy RE1:

(a) Public safety, human health or residential amenity

In terms of public safety, the location of the turbine has been deemed outside the critical 'fall over' distances required by Roads Service as detailed in the accompanying best practice guidance (BPG) for PPS18. The BPG indicates that a safe separation distance for a single turbine is considered to be the height of the turbine to the tip of the blade plus an additional 10% which in this instance would equate to a recommended separation distance of approximately 97.3m.

The issues regarding telecommunications, aviation and military / security safety have been assessed via consultation with the relevant bodies. Their comments have been noted and it is concluded that they have no objections in principle to the proposal.

In assessment of the proposals impact on human health or residential amenity, issues relating to noise and shadow flicker are applicable.

In consideration of the issue of Noise, an acoustic assessment has been carried and assessed in detail by Environmental Health. It has been concluded that there are no objections to the proposal subject to conditions relating to noise limits and reasonable complaints.

With regard to Shadow Flicker, PPS 18 states that in this region, only properties within 130 degrees either side of north, relative to the turbines, can be affected by shadow flicker. The policy also states that at distances greater than 10 times the rotor diameters from a turbine, the potential for shadow flicker is very low. An analysis of the amended plans and as detailed in the amended ES there are two dwellings located within a distance of 10 times the rotor diameter (530m) in the area 130 degrees either side of north relative to the proposed turbine. The amended ES notes that these turbines will have some negative impact on 2 properties in terms of shadow flicker. The most significant effect will be to the property at 77a Ardglass Road which is an interested party in this proposed development. In assessment of this, the impact while negative on the dwellings affected, relates to a small number of properties and therefore the proposal could be recommended for approval subject to mitigation measures which monitor the affected properties, with curtailment of turbine operation should the effects become particularly adverse.

(b) Visual amenity and landscape character

With regard to visual amenity and landscape character, Wind Energy Development in Northern Ireland's Landscapes (Supplementary Guidance) is applicable. The site falls within LCA 92- Ballyquintin and Lecale Coast which describes the area as having an open, low lying and relatively gentle topography. Due to these characteristics the area is in theory suitable for wind energy development particularly in areas of brownfield land such as Ringawaddy airfield.

However a significant portion of this landscape is valued for its scenic quality and the openness of the area, wide ranging views and high concentration of natural and cultural sites of interest, make it highly sensitive.

It is considered that the proposal for 2 no. 800KW wind turbines with hub heights of 62m and a rotor blade diameter of some 26.5m, will be readily visible from the immediately surrounding landscape and also further afield with short, medium and long distance views likely to result.

Below are a number of critical views from the surrounding area, which compare existing and proposed views of the turbines.

Existing View from Ardglass Road Ballyhornan

Proposed View from Ardglass Road Ballyhornan

Existing View from West of 77 Ardglass Road Ballyhornan

Proposed View from West of 77 Ardglass Road Ballyhornan

Existing View from Lismore Road, Ballyhornan

Proposed View from Lismore Road, Ballyhornan

Existing View from Lismore Road Ballyhornan

Proposed view from Lismore Road Ballyhornan

Existing View from Ballyhornan Caravan Park

Proposed View from Ballyhornan Caravan Park

Existing View from Castle Place Ardglass

Proposed View from Castle Place Ardglass

Clearly the proposal creates a prominent impact when viewed from localised points given the open nature of the immediately surrounding landscape and the size and

scale of the proposal. These views, however, are currently affected by the nature of the existing land use; therefore the extent of change and the level of harm to the context of the area is not considered to be significantly detrimental. When viewed from more medium and long distance points, the visual impact of the turbines will have varying degrees of significance. The Addendum to the Environmental Statement submitted by the applicant states that "from the coastline area between Strangford Lough and Killough, topography and low hedges ensure effects are of a limited nature despite the relatively close proximity. Areas such as the Ballyhornan Coastal Path will have a higher sensitivity as users are in the area specifically to enjoy the landscape character and views. The significance of effect on the shoreline areas will be of a generally slight nature as the turbines would be part of the backdrop to any panoramic view and not form a significant part or be the focus of the key views north and south along the coast or out to sea". Long distance views are afforded from the National Trust lands at Ballyquintin Point to the southern tip of the Ards Pennisular. The turbines will be visible on the Lecale lowlands and become part of the panoramic backdrop that includes the coastline, the Narrows and the distant Mournes. The reduced height however, will lessen the impact on these areas.

View from Slieve Patrick on the Castlemahon Ridge looking south-east over the Lecale lowlands with application site located in mid to distant ground at the "•" symbol.

It is unrealistic to expect screening or concealment of such large pieces of infrastructure and the supplementary guidance specifically makes reference to this airfield as being suitable (in theory) to wind energy development. It has been considered therefore on the basis of all of the above that the turbines are acceptable at this location.

(c) Biodiversity, nature conservation and built heritage interests

The site is vacant at present, as the airfield is no longer in use. The site does not fall within any area designated under Northern Ireland nature conservation legislation. However, the site does lie within 2km of the southern boundary of Strangford Lough

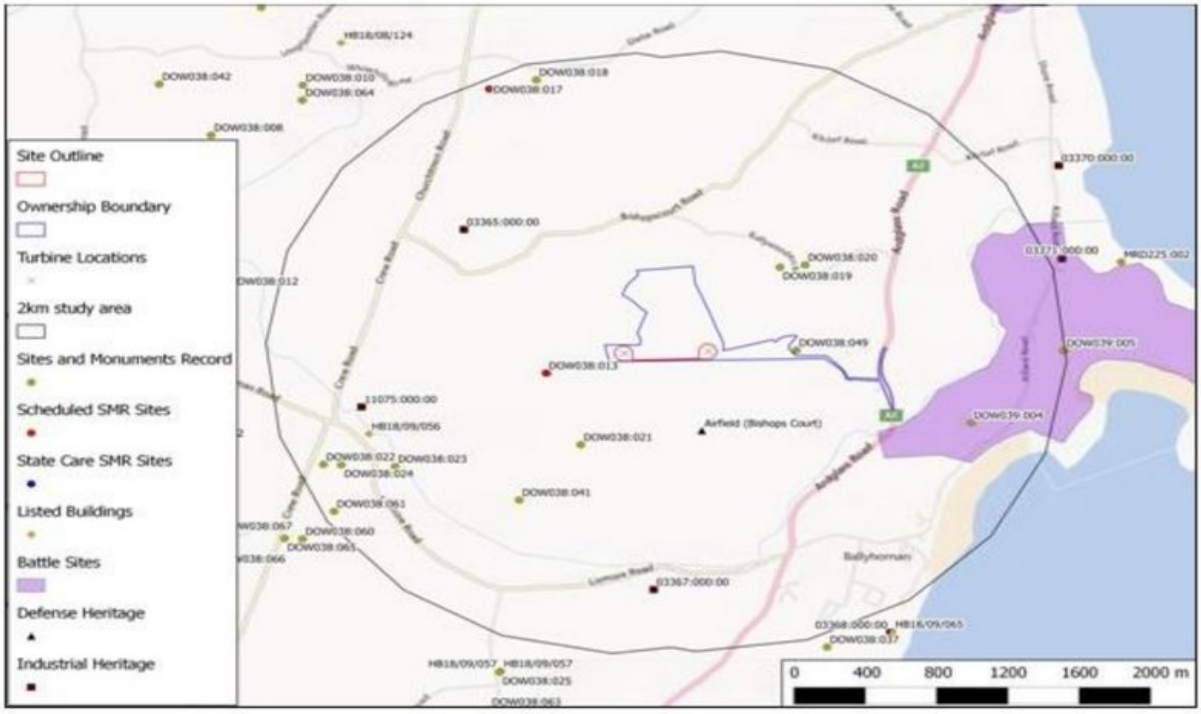
Special Area of Conservation (SAC). Strangford Lough is one of the most important nature conservation sites in Northern Ireland and has also been designated a 'Ramsar Site' under the Ramsar Convention, a Special Protection Area (SPA) under the EU 'Birds' Directive (79/409/EEC), a Special Area of Conservation (SAC) under the EU 'Habitats Directive' (92/43/EEC) and a Marine Nature Reserve (MNR). The application site is completely outside the boundary of the designated site and is separated from it by 2km.

The site is located over 1km from Killard and Sheepland Coast Areas of Special Scientific Interest (ASSIs). These sites have been designated for their coastal conservation interest.

It is noted from the area plan that the site is outside the extent of the AONB.

Built Heritage Interests

There are number of Archaeological sites and monuments in the vicinity of the site. An extract from the submitted Environmental Statement shows existing heritage within 2km of the site



In assessment of these features, NIEA: Historical Monuments Unit were consulted and it was concluded that the proposal would not have a significant detrimental impact on the archaeology features in the wider area subject to conditions relating to conditions relating to mitigation, observation, recording etc.

NIEA Protecting Historic Buildings have, however, expressed concerns regarding this proposal, stating that the turbines could become intrusive features in this highly sensitive setting and may act as a competing focus to the listed structures within the area and the scenic skyline. However, in assessment of this it is considered, that

despite the obvious prominent height of the turbines locally, the proposal and listed buildings in the wider context would not be seen in juxtaposition and therefore, the impact of the proposal is not considered to be significantly detrimental.

Ecology

In consideration of this issue, it is noted that protected species such as bats, badgers, otters and smooth newts have the potential to exist within the area of the site. A study of these species has concluded that

- The proposed development is unlikely to have an impact on badgers since none of the badger setts identified during the ecological assessment are located within the development area.

- The proposed development is unlikely to affect the activity of otters as no signs of an otter holt were noted within the survey area during the investigation.

- The proposed development is unlikely to affect smooth newts since none of the water bodies assessed as having potential for newts will be affected by the proposed development.

- Impacts on roosting bats are likely to be low since no evidence of roosting bats was noted during either day-time, visual inspections of mature trees and buildings or during the crepuscular survey of the application site using bat detectors.

- Impacts on foraging and commuting bats were assessed as low since no bat activity was detected in the area surrounding the location of the wind turbine in the western section of the application site and little foraging activity was detected by small number of bats in eastern boundary of the site.

In short therefore, the proposed development is unlikely to have an impact on any of the existing habitats or habitat features of conservation importance since they will be retained and only areas currently sown in oat crop or consisting of concrete / tarmac surfaces are likely to be lost during the construction phase.

A consultation with NIEA: Natural Heritage concurs with the above assessment, provided the necessary measures of mitigation occur where appropriate.

Wintering Birds

Given the sites proximity to designated areas of Special Conservation and Scientific Interest, it is well-known that the area attracts a variety of protected birds to the area, the following have been noted Whooper Swans, Mute Swans, Greglag Geese (WaterFowl), Kestrel, Buzzard, Merlin, Sparrowhawk, Peregrine (Raptors) and Lapwing, Redshank, Dunlin, Ringed Plover, Curlew, Golden Plover (Waders). Consideration has been given to the potential hazards the proposal could pose for

these birds i.e. collision, disturbance, barrier effects and loss or damage to habitats or temporary disturbance and in consultation with NIEA Natural Heritage it has been concluded that there are no objections to the proposal on this basis and that mitigation measures should be conditioned to minimise the impact of the proposal on protected species of bird.

Geology and Hydrology

It is considered that the design, construction and operation of the proposed development in line with relevant guidance and regulations should act to sufficiently mitigate any negative impacts upon the geological and hydrological environments.

(d) Local natural resources

It is considered that the proposal will result in minimal impact on local natural resources, although Rivers Agency have advised that a portion of the site lies within the 1 in 100 year fluvial floodplain. The Rivers Agency flood maps online appear to confirm this. In consideration of this however, the site is brownfield – previously development land and therefore these comments while material can be set aside.

(e) Public access to the countryside

As the turbine is located on private lands, owned by the proposer, it is felt that the proposal will not impact on any rights of way, public access or public roadway. This proposed turbine will be accessed via the existing laneway and on to Ardglass Road. It is also noted Roads Service offer no objections.

Consultations:

An extensive consultation process was carried out in assessment of this proposal between 2011-2015. Consultations were sent to the following bodies, Belfast International Airport, NIEA: Natural Heritage, Protecting Historic Buildings & Monuments, Land Resource Management, Water Management Unit, Transport NI, Environmental Health, Vodafone, Council for Nature Conservation, Countryside Management, Inland Fisheries Group, DETI Energy Branch, Geological Survey, Down District Council, NIE Enniskillen, NITB, RSPB, Health & Safety Executive, Everything Everywhere, CAA, Arqiva, OFCOM, UK Crown Bodies, NATS, Ulster Flying Club, Fisheries Division, Forestry Division, Rivers Agency, NI Water Windfarms, PSNI, Cable & Wireless.

Many of the responses are discussed above, however, it was general consensus that the proposal is acceptable subject to the noted conditions.

Objections & Representations

The proposal was initially advertised in the local press on 21.09.11, amendments to the proposal (reduction in height) were advertised on 13.05.15 and a more accurate address was advertised on 29.06.16.

Neighbours of the site were notified of the proposal initially on 09.09.11, subsequently on 26.09.11 (regarding amendments), 08.07.13 (regarding submission of Environmental Statement), 28.04.15 (amendments – height reduction) and 23.10.15 (additional ES information), following which 46 objections were received, 1 petition of objection with 60 signatures and 3 letters of support.

The issues raised in the objections generally related to the following; noise, vibrations, shadow flicker, wind turbine syndrome, visual impact, traffic, maintenance, impact on local wildlife, impact on community and safety.

These issues have been noted, considered and assessed in detail as discussed above.

Recommendation:
Approval

Conditions:

Time
Noise conditions
Monitoring of Whooper Swans
Land Management Plan
Hazard tape duration construction
Identification of contamination
Identification & recording of archaeological remains
Inclusion on Aviation Charts

…… Date……

…… Date……

PLANNING (NI) ORDER 1991

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO D2

APPLIC NO R/2014/0449/F Full **DATE VALID** 8/26/14

COUNCIL OPINION **REFUSAL**

APPLICANT Ronan McVeigh 13
Tullybrannigan Road
Newcastle

AGENT Donnan Ward Ltd
12 Malory
Gardens
Lisburn
BT28 3JX
02892603871

LOCATION

13 Tullybrannigan Road Newcastle

PROPOSAL Demolition of existing dwelling. Construction of 2 detached dwellings and 4 apartments in one 2 storey block. New Private driveways gardens parking spaces and fences (renewal of previous planning permission R/2007/0503/F)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	3	0	0	0

Addresses	Signatures	Addresses	Signatures
0	0	0	0

1 The proposal is contrary to the SPPS and Policy QD1 (a) of the Department's Planning Policy Statement 7 in that the development would, if permitted, cause unacceptable damage to the local character of the established residential area.

2 The proposal is contrary to the SPPS and Policy QD1 (h) of the Department's Planning Policy Statement 7 in that the design and layout of the proposed development, inparticular the parking provision and associated vehicular movements will create conflict with adjacent neighbouring properties by reason of noise and disturbance.

3 The proposal is contrary to Policy LC 1 (a) and (b) of the Department's Addendum to Planning Policy Statement 7:Safeguarding the Character of Established Residential Areas in that the development would, if permitted, cause unacceptable damage to the local character of the established residential area by reason of creating a density which is significantly higher than that found in the locality and that the pattern of development is not in keeping with the overall chatacter and environmental quality of the existing residential neighnourhood.

Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: **R/2014/0449/F**

Date Received: **26.08.2014**

Proposal: **Demolition of existing dwelling. Construction of 2 detached dwellings and 4 apartments in one 2 storey block. New Private driveways gardens parking spaces and fences (renewal of previous planning permission R/2007/0503/F)**

Location: **13 Tullybrannigan Road Newcastle**

Site Characteristics & Area Characteristics:

The application site is located at 13 Tullybrannigan Road, Newcastle.

The site contains a large detached 2 storey dwelling set in a large garden to the front and rear of the property. The site is located within a wider residential area. This property is one of a number of similar properties along this NW side of the Tullybrannigan Road which include Nos 9-29. The site is defined by hedging and some mature planting along all boundaries. The area is generally defined by either detached or semi-detached dwellings in moderate to large plots.

The site is located within the settlement limit of Newcastle as defined within the Ards and Down Area Plan 2015. The area is residential in nature with the area being characterised by a mixture of large detached and semi- detached properties set in a mixture of substantial and large plots.

PROPOSED HOUSING DEVELOPMENT, 13 TULLYBRANNIGAN ROAD, NEWCASTLE, Co DOWN | PAGE 4

LOCATION MAP

Site History:

R/2007/0503/F Demolition of existing dwelling. Construction of 2 detached dwellings and 4 apartments in one 2 storey block (amended plans) at 13 Tullybrannigan Road Newcastle approved 28 August 2009.

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015
Ards and Down Area Plan 2015
PPS 3 Access Movement and Parking
PPS7 Quality Residential Environments
PPS7 Addendum
PPS12 Housing in Settlements
Creating Places: Achieving Quality in Residential Developments

Consultations:

Transport NI – no objections subject to conditions - 26th Aug 2014

NIEA – WMU – no objections – 16th Sept 2014

NIW – no objections - 16th Oct 2014

Rivers Agency – no objections - 22nd Sept 2014

Objections & Representations

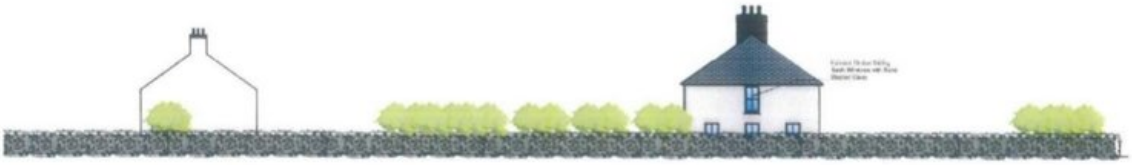
27 neighbours notified and 3 objections received. Application advertised on the 10.09.2014

Concerns have been summarised into the following headings:

- Erosion of local character and amenity of residents
- Overshadowing and overlooking on neighbouring properties
- Increase in housing density
- Impact on water and sewerage infrastructure
- Road safety issues due to additional traffic generated by proposal
- Impact on existing boundary planting
- Increased impact on refuge storage and collection services

Consideration and Assessment

The development proposes the demolition of the existing dwelling at No.13 and its replacement with a 2 storey apartment block with an additional 2 detached dwellings to the rear of the garden. This proposal replicates a previous approval granted on the site in 2009 for the same development.



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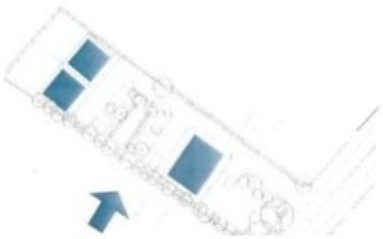

Since that approval the policy context has changed with the introduction of the addendum of PPS7 – Safeguarding the Character of Established Residential Areas which was adopted in August 2010 and the Strategic Planning Policy Statement 2015.

The current application was presented to the meeting of the legacy Down District Council in December 2014 and deferred for an office meeting which was held on the 11 April 2016. A supporting statement was submitted in the 8 April prior to the meeting and is been considered below. The purpose of this assessment is to examine the proposal against the changed policy context.

SPPS – Strategic Planning Policy Statement for Northern Ireland 2015

Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.

There is no policy conflict between the SPPS and the provisions of PPS 7 and its Addendum and PPS12.

Addendum to PPS7, Safeguarding the Character if Established Residential Areas.

PPS7 sets out the main planning considerations that the planning authority will take into account in assessing the quality for proposals for new residential development. The Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas (APPS7) provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements and must be read in conjunction with PPS7. Both these policy documents are retained under the SPPS and provide the pertinent policy tests to consider the proposal. Additional supplementary planning guidance is provided in Creating Places: Achieving Quality in Residential Developments (CP). This guidance document along with the PCPs in PPS12 must be considered in the context of the main policy set out in PPS7 and the additional policy tests set out in APPS7.

Paragraph 2.3 APPS7 indicates that its Policy LC1 is an amplification of Policy QD1 and is intended to strengthen existing policy criteria to ensure that the quality of these areas is maintained, if not enhanced. Criterion (a) of Policy LC1 requires that the proposed density is not significantly higher than that found in the established residential area whilst criterion (b) requires that the pattern of development is in keeping with the character and environmental quality of the established residential area. The issue of density is reiterated in paragraph 6.137 of SPPS and indicates that within established residential areas it is imperative that the proposed density of new housing development will respect local character.

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

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

The proposed development seeks to introduce 6 units onto the site which measures 0.2047 hectares. When the density calculation has been carried out this equates to a density of 29.3 per hectare on the site while the sites current density reads at 4.8.

A comparative analysis has also been carried out on adjacent properties along the Tullybrannigan Road with the current density equating to 7.6 and along the Slievecorragh Road the density appears to be approximately 9 units per hectare.

Though the Tullybrannigan residential area is characterised by a wide variety of dwellings with considerable diversity in the scale, proportions, massing and appearance, there is a noticeable contrast in the form and density along the this specific road frontage compared to

the more densely developed housing surrounding. Whilst the proposed building's disposition from the road frontage and its extent across the site are similar to that of the existing dwelling on site, it is acknowledged that the proposed block is being pulled forward on the site to respect the adjacent properties building lines, areas of amenity space are retained to the front and rear, the proposed scheme entails extensive areas of hardstanding denoting the intensification of the residential use. Whilst the building will screen a number of the parking spaces to the rear, the driveway with other shared surfaces would be visible from the road frontage at the widened access into the site. When viewed from the Tullybrannigan Road, the layout of the scheme would depart significantly from that of the existing single dwelling on site and other individual dwellings in the immediate area.

Within the supporting statement for this application reference has been made to the density within Drinahilly Gardens which is situated to the south west of the application site. It is considered that this development which was approved pre PPS7 was developed as a comprehensive redevelopment of a site. The site housed one of the original properties in Tullybrannigan before the wider development of housing in the Tullybrannigan area, this site was exceptionally large and was in no way reflective of the surrounding character. I do not consider this site to form part of the existing residential character for consideration of this proposal. The consideration of character relates to the properties No.9 -29 Tullybrannigan Road.

The agent also makes reference to the redevelopment of the site of Tullybrannigan stores (corner of Slievemoyne Park and Tullybrannigan Road), however it is unclear how this is of relevance to the current proposal, representing as it does a local shop with hair dressers

with living accommodation above. There was always a shop on this site and that use remains with the addition of living accommodation above. The context for this development is not similar to the current proposal. There is no policy that would preclude apartment development within this residential area so long as the development created a quality residential environment in accordance with PPS7 and APPS7

A development of 2 dwellings and 4 no apartments with ancillary areas of hardstanding would be a visibly more intensive form of development (approximately 29dph) out of character with the more loose density of development apparent along this stretch of the Tullybrannigan Road which is markedly different to the transitional density and layout of development that is evident in the remainder of development in the Tullybrannigan area.

It is considered that the layout of the proposal when viewed from Tullybrannigan Road would be at odds with the prevailing pattern of development in the area. The proposal would set an undesirable precedent for more intensive development on other sites along this road frontage and the plan area generally without having due regard to the prevailing character and density of the surrounding area. It is considered that the proposal would not satisfy criterion (a) of Policy QD1 or criteria (a) and (b) of Policy LC1 of APPS7.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A

The proposal meets this specific criteria.

Criterion (h) of PPS7 Policy QD1 indicates that new residential development should not have an unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The concerns under this criterion principally relate to noise and disturbance associated with the 10 car parking spaces and the shared hard surface to the rear of the proposed development. The proposed parking provision would result in significant increase in vehicle movements per day in close proximity to the rear amenity space of the adjoining properties of No.11 and No.15 Tullybrannigan Road and 4,6 and 8 Slievenamaddy Avenue. It is considered that the consequent increase in noise and disturbance associated with multiple vehicle movements would have an unacceptable impact on the amenity of the existing dwellings. Though the boundary vegetation if retained and augmented would provide screening, it would not effectively mitigate any adverse effect in terms of the increased noise and disturbance. It is therefore considered that the proposal would unacceptably impact on the residential amenity of the existing dwellings contrary to the provisions of criterion (h) of Policy QD1. This represents an additional reason for refusal.

To conclude the proposal does not meet criteria (a) and (h) of Policy QD1 or criteria (a) or (b) of Policy LC1 and would therefore not provide a quality and sustainable residential development.

Compliance with planning policy is in the public interest and is a matter of acknowledged importance and the failure of this proposal to meet the requirements of policy outweighs the presumption in favour of permitting sustainable development set out in paragraph 3.8 of the SPPS even in light of the previous approval on the site.

Recommendation:

Refusal

Signed ..... Date .....

Signed ..... Date .....

Standard Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
   i. The expiration of a period of 5 years from the grant of outline planning permission; or
   ii. The expiration of a period of 2 years from the date hereof.

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

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with ... [Drawing Reference No.'s]. 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. The existing boundaries to the site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

4. 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.
   Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

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

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

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

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