



September 12th, 2019

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 18th September 2019** at **11:00 am** in **Boardroom, District Council Offices, Monaghan Row, Newry. * MEETING TO COMMENCE AT 11.00AM ***.

Committee Membership:-

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

Agenda

1.0 Apologies

Cllr. Devlin

2.0 Declarations of Interest

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

- **LA07/2017/1182/F** - Strategic roadside services facility - all Councillors can take part in the discussion /decision on this application with the exception of **Cllrs. Bain, Devlin and Mason.**
- **LA07/2018/1913/O** - Infill site for 1No. dwelling, Ballard Road, Lislea - all Councillors can take part in the discussion / decision on this application with the exception of **Cllrs. Clarke and Devlin**

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 21 August 2019. (copy attached).

📎 *Planning Committee Minutes - 21 August 2019.pdf*

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For Discussion/Decision

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

📎 *Addendum list - 18-09-2019.pdf*

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

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

Lands east of the (A1) Belfast Dublin Dual Carriageway (Southbound) off slip signposted towards Newry / Craigavon (A27) and Armagh (A28) at Newry. Lands are south of the link road connecting the (A27)

Tandragee Road and (A28) Armagh Road approximately 300m west of the (A27) Tandragee Road / Carnbane Road / Shepherds Way roadabout, Newry BT35 6QA.

- A request for speaking rights has been received from Eunan Duffy objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from The Dublin Road Services Operators Group, objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from Conor Cochrane on behalf of Five Ways Shop and Service Station, objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from James McKeivitt, Barney McKeivitt and Stephen Hughes, objecting to the application. **(Submission attached)**.
- A request for speaking rights has been received from Eamonn Loughrey (Inaltus), Jim Manelly (Clarman Architects) and Tim Robinson (AECOM) **(Submission attached)**.

Rec: REFUSAL

LA07.2017.1182.F Strategic Filling Station (c).pdf	Page 17
LA07.2017.1182.F - Eunan Duffy - obj.pdf	Page 39
LA07.2017.1182.F - The Dublin Road Services Operators Group - obj.pdf	Page 40
LA07.2017.1182.F - C Cochrane for 5 - Ways Shop Service Station - obj.pdf	Page 46
LA07.2017.1182.F James McKeivitt - obj.pdf	Page 48
Applicant-agent in support LA07-2017-1182-F.pdf	Page 51
LA07.2017.1182.F - Agents Speaking Notes Addendum Sept 19.pdf	Page 78

Development Management - Planning Applications for determination

7.0 LA07/2018/1732/F - Replacement dwelling and re-positioning of access - 16 McKays Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

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

LA07-2018-1732-F - 16 McKays Road.pdf	Page 80
LA07.2018.1732.F .pdf	Page 87

8.0 LA07/2019/0830/O - Erection of 2 no. infill dwellings - Land NW of 11 Wateresk Road, Dundrum. (Case Officer report attached).

Rec: REFUSAL

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

[LA07_2019_830_O NW of 11 Wateresk Road.pdf](#) Page 89

[LA07.2019.0830.O.pdf](#) Page 94

[LA07.2019.0830.O - DEA Cllr Gallagher.pdf](#) Page 96

9.0 LA07/2018/1855/F - Proposed 2 no. infill dwellings and garages - Between No. 124a and 126 Carsonstown Road, Saintfield, Ballynahinch. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Ryan McBirney and Lisa Shannon, Gravis Planning, in support of the application. **(Submission attached)**.

[LA07-2018-1855-F Report 2 infill carsonstown road.pdf](#) Page 97

[LA07.2018.1855.F.pdf](#) Page 106

10.0 LA07/2019/0799/F - Proposed widening and regrading of sections of the existing race course and realignment of existing ambulance track at Downpatrick Racecourse, Downpatrick - Lands at Downpatrick Racecourse, 24 Ballydugan Road, Downpatrick.. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2019-0799-F Racecourse .pdf](#) Page 109

11.0 LA07/2015/1302/F - Proposed new retail development at ground floor with 4 No. 2 bedroom apartments at first floor

level, relocation of existing NIE sub-station and provision of associated car parking and landscaping - Lands to the rear of 11-29 Thomas Street and adjacent to access road to Buttercrane shopping centre. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Richard O'Toole and Ronan Sheehy, Planning Consultants, in support of the application. **(Submission attached).**

📄 *LA07.2015.1302.F Thomas Street.pdf* *Page 118*

📄 *LA07.2015.1302.F.pdf* *Page 140*

12.0 LA07/2017/1235/F - Demolition of No. 31 and erection of two shop units on ground floor with 4 No. apartments on first and second floors - No. 31 Cardinal O'Fiaich Square, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Michael Graham, WYG Planning and Aidan Cole, Cole Partnership in support of the application. **(Submission attached).**

📄 *LA07.2017.1235.F Cardinal O Fiach Square.pdf* *Page 142*

📄 *LA07.2017.1235 .F.pdf* *Page 160*

13.0 LA07/2018/1670/F - Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Rock Road - 30m North East of 6 Main Street, Camlough, Newry. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07.2018.1670.F Main St Camlough.pdf* *Page 162*

📄 *_LA07-2018-1670-F.pdf* *Page 172*

14.0 LA07/2018/1913/O - Infill site for 1 No. dwelling - Site between

33 and 37 Ballard Road, Lislea. (Case Officer report attached).

Rec: REFUSAL

- Speaking rights submission received from Anthony O'Hare, agent, attached.

[LA07-2018-1913-O Ballard Road.pdf](#)

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[LA07-2018-1913-0 \(Lislea\).pdf](#)

Page 178

15.0 LA07/2019/0008/F - Site for infill dwelling and garage - Circa 70m East of No. 14a Ayallogue Road, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07.2019.0008.F Ayallogue Rd, Newry.pdf](#)

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[LA07.2019.0008.F.pdf](#)

Page 184

16.0 LA07/2019/0307/O - Dwelling - Between 125b and 135 Cullaville Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

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

[LA07.2019.0307.O Cullaville Rd, Crossmaglen.pdf](#)

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[LA07.2019.0307.O.pdf](#)

Page 191

17.0 LA07/2018/1543/O - Site for infill dwelling and garage (revised site location plan) - Cullion Road, Mayobridge (immediately adjacent to and South of 6A Cullion Road). (Case Officer report attached).

Rec: REFUSAL

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

[LA07_2018_1543_O-Cullion Road.pdf](#)

Page 193

18.0 LA07/2018/1614/O - Dwelling on a farm - 50 metres South of No. 24 Island Road, Attical, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

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

LA07. 2018. 1614.O Island Road.pdf

Page 200

LA07.2018.1614.O.pdf

Page 205

19.0 LA07/2019/0207/F - Erection of dwelling (change of house type from that approved under P/2013/0631/F) - 70m East of No. 53 Cullion Road, Mayobridge, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

LA07_2019_0207_F- East of 53 Cullion Road.pdf

Page 212

20.0 LA07/2019/0602/F - Retention of 2 No. mobile / containers used as, 1 - changing / shower block and 2 - toilet block & proposed third mobile / containers to be used as a changing / shower block and paladin type boundary fence (amended plans) - Shandon Park Playing Fields, Cloughanramer Road, Newry. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

LA07_2019_0602_F- Shandon Park.pdf

Page 218

21.0 LA07/2019/0620/O - New dwelling and garage - Adjacent and SW of 76 Drumlough Road, Mayobridge. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in

support of the application. **(Submission attached).**

📄 [LA07.2019.0620 O Drumlough Rd.pdf](#)

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📄 [LA07.2019.0620.O.pdf](#)

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

22.0 LA07/2018/0860/F - Proposed replacement dwelling (amended drawings) - 45 metres North East of No. 14 Rath Road, Clonallon GlebeTb. Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

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

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

📄 [LA07_2018_0860_F- Rath Road.pdf](#)

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For Noting

23.0 Historic Tracking Sheet. (Attached).

📄 [Planning HISTORIC TRACKING SHEET - UPDATED 01-08-2019.pdf](#)

Page 235

24.0 August 2019 Planning committee Performance Report. (Attached).

📄 [AUGUST 2019 Planning Committee Performance Report.docx](#)

Page 244

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

📄 [18 September 2019 Committee Report.docx](#)

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26.0 August 2019 Appeals and Decisions. (Attached).

📄 [Current Appeals and Decisions August 2019.pdf](#)

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 August 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

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

(Officials)

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

P/080/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Clarke.

P/081/2019: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

**P/082/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

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

Item 6 - LA07/2019/0149/F – proposed dwelling – adjacent to 11 Saul Road, Downpatrick **REFUSAL** – all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**

Item 7 - LA07/2018/1975/0 – dwelling – to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road **REFUSAL** - all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**

MINUTES FOR CONFIRMATION

**P/083/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 24 JULY 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 24 July 2019. **(Copy circulated)**

**AGREED: On the proposal of Councillor Hanna seconded by
Councillor McAteer, it was agreed to adopt the Minutes of
the Planning Committee Meeting held on Wednesday 24
July 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/084/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 21 August 2019. **(Copy circulated)**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor
Ruane it was agreed to remove the following Planning
Application from the addendum list:-**

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

AGREED: On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 21 August 2019: -

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

road junctions Catherine Street and Irish Street, Catherine Street and Plantation Street, Catherine Street and Shore Street/High Street, Cross Street and Church Hill/Frederick Street, Killyleagh. **APPROVAL**

- LA07/2019/0656/F - change of use of ground floor reception to Narnia themed audio/visual room - Kilbroney Reception Block - Kilbroney Forest, Rostrevor. **APPROVAL**
- LA07/2018/1025/F - Alteration and Extension (two storey side extension) to existing retail premises, all associated site works including demolition of section of market wall and existing trading stall structure - Newry Market, John Mitchel Place, Newry **APPROVAL**
- LA07/2019/0290/F – single storey rear extension (amended plans) – 62 Hennessy Park, Newry. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/085/2019: PLANNING APPLICATIONS FOR DETERMINATION

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

- **LA07/2017/1182/F** – Strategic roadside service facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction / excavation works – Belfast Road, Newry. **REFUSAL**
Deferred to the September 2019 Planning Committee Meeting on the basis of legal advice.
- **LA07/2019/0019/F** - proposed agricultural building, hard standing and all associated site works - approx 150m NW of 5 Church Road, Crossgar. **REFUSAL**
Removed from the schedule at the request of Planning Officers.
- **LA07/2019/0008/F** - site for infill dwelling and garage - circa 70m east of No. 14a Ayalogue Road, Newry. **REFUSAL**
Deferred to the September 2019 Planning Committee Meeting at the request of Councillor Harte.

The following applications were then determined by the Committee:-

- (1) LA07/2019/0149/F**
(Audio recorded - YES)

(Councillors Harte, Reilly and Ruane withdrew from the Meeting).

Location:

Adjacent to 11 Saul Road, Downpatrick.

Proposal:

Proposed dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

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

Power-point presentation:

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

Issues raised:

- The agent considered the split-level style of the proposed dwelling was in keeping with neighbouring properties and the 2metre fence could be erected under permitted development.
- The images contained within the agent's presentation were artists impressions as opposed to actual photographs.
- Planning Officials had based their decision on scaled drawings and considered the proposal to be an over development of the site.
- Planning Officials said the focus for the Committee should be the proximity of the proposed building to the common boundary and the 2metre fence was a mitigating measure.
- Planning Officials considered the individual sites should not be compared as the site context was different for each one.
- Ms Largey said the decision for the Committee was to decide if they considered the application to be acceptable or if its impact to neighbouring properties would render it unacceptable.

Councillor Hanna proposed to accept the Officer's recommendation in respect of Planning Application LA07/2019/0149/F. Councillor Bain seconded the proposal.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

Agreed:

On the proposal of Councillor Hanna, seconded by Councillor Bain it was agreed to issue a refusal in respect of Planning Application LA07/2019/0149/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(2) LA07/2018/1975/O
(Audio recorded - YES)**

Location:

To the rear of 15a Lisoid Road, Rossglass, with access from Ballylig Road

Proposal:

Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

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

Issues raised:

- Planning Officials considered the proposed application only met one of the six criteria set out in Policy CTY2A and the critical issue for the Committee to decide was if the proposed application consolidated existing development or extended it.

Councillor Hanna proposed to accept the Officer's recommendation in respect of Planning Application LA07/2018/1975/O. Councillor McAteer seconded the proposal.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2018/1975/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillors Harte, Reilly and Ruane re-joined the Meeting).

**(3) LA07/2018/1883/O
(Audio recorded - YES)**

Location:

25m west of No. 62 Drumgooland Road.

Proposal:

Proposed dwelling on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin Dalton, agent and Daniel Savage, applicant's father in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- Planning Officials considered there to be non-compliance with the policy as the field where the proposed dwelling was to be located had not been farmed by the farm business for the required six years.
- The agent advised the field had been in the Savage family for generations and the applicants father had farmed it for 50+ years prior to it being handed down to the applicant, additionally, the applicant had an active and established farm business since 1997.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application LA07/2018/1883/O on the basis that the application site was given to the applicant by his father who had been farming it for 50+ years and was therefore actively farmed, by the farm business, for the required six year period.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2018/1883/O contrary to Officer recommendation on the basis that the application site was given to the applicant by his father who had been farming it for 50+ years and was therefore actively farmed, by the farm business, for the required six year period.

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

**(4) LA07/2018/1888/F
(Audio recorded – YES)**

Location:

71a Ballybannan Road, Castlewellan.

Proposal:

Farm dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colm Quinn, agent and David Campbell, applicant detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- The applicant was a full time dairy farmer.
- The farm had been left to the applicant following the death of Mrs Quinn in 2017.
- Planning Officials considered the applicant could not demonstrate the farm business had been active for at least six years.
- The agent advised that although the applicant had taken over the running of the farm in 2008, he was unable to claim single farm payments until after 2015 as the system in place prior to 2015 did not allow a tenant to claim single farm payments.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Reilly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1888/F contrary to officer recommendation on the basis that it was an exceptional case, the applicant had committed his life to farming and he had demonstrated the farm was active.

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

(Break 11.05am – 11.20am)

**(5) LA07/2018/1586/RM
(Audio recorded – YES)**

Location:

Between No. 6 and No. 8 Sturgan Road, Camlough.

Proposal:

2 storey dwelling and detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Feargal Ward, agent and Mr Patrick Allen, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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

Issues Raised:

- Planning Officials said the only issue they had was the hip roof design of the proposed dwelling.
- The applicant said there were a mixture of different types of roofs in the area and there were five dwellings within a short distance from the application site with hip style roofs, however Mr Davidson said there were no houses in the immediate vicinity with hip roofs.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2018/1586/RM on the basis that the applicant had complied with relevant planning legislation and had demonstrated examples of houses with hip roofs in the area. Councillor Hanna seconded the proposal.

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

FOR:	6
AGAINST:	2
ABSTENTIONS:	2

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Reilly, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2018/1586/RM contrary to Officer recommendation on the basis that the applicant had complied with the relevant planning legislation and had demonstrated examples of houses with hip roofs in the area.

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

**(6) LA07/2018/1913/O
(Audio recorded – YES)**

Location:

Between Nos. 33 and 37 Ballard Road, Lislea.

Proposal:

Infill site for 1 No. dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

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

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2018/1913/O to allow for a site visit to take place so that Members could assess the site in more detail.

**(7) LA07/2019/0462/F
(Audio recorded – YES)**

Location:

118 Cullaville Road, Crossmaglen.

Proposal:

Erection of replacement dwelling house, ancillary works and landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

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

Issues Raised:

- The proposed replacement dwelling measured 5000sq ft in size, and included two large rear returns which Planning Officials considered would have a considerable visual impact in the area.
- Some amendments had been made to the original proposal, however, Planning Officials considered there were still areas of concern that needed to be addressed.
- The agent considered the finished ridge height of the proposed dwelling would only be 450mm higher than the building to be replaced.
- Planning Officials considered the proposed site was level with the road.
- The context of design in the immediate vicinity was all single storey dwellings.

Councillor McAteer proposed to accept the Officer's recommendation in respect of Planning Application LA07/2019/0462/F. Councillor Hanna seconded the proposal.

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

FOR:	9
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2019/0462/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(8) **LA07/2018/0901/O**
(Audio recorded – YES)

Location:

74m south of No. 50 Castlewellan Road, Ballyaughian, Hilltown.

Proposal:

Proposed site for farm dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

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

Issues Raised:

- Planning Officials considered the location of the proposed application to be unacceptable in planning terms.
- The agent considered the proposed site would afford better splays and would fall within the justification for clustering visually.
- There were three access points on the opposite side of the road, any of which Planning Officials, believed could be used.

Councillor McKee proposed to issue an approval in respect of Planning Application LA07/2018/0901/O on the basis that the proposed location would have better health and safety benefits due to the splays. The proposal was not seconded.

Councillor Hanna proposed to accept the Officer's recommendation in respect of Planning Application LA07/2018/0901/O. Councillor Trainor seconded the proposal.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed to issue a refusal in respect of Planning Application LA07/2018/0901/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

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

Location:

55 Ballymaginagh Road, Castlewellan.

Proposal:

Replacement dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

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

Issues Raised:

- Planning Officials considered the revised plans submitted were still unacceptable in planning terms.
- The agent said they had addressed many of the issues raised and the amended design was in keeping with other dwellings in the area.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1807/F contrary to Officer recommendation on the basis that it was a high quality replacement dwelling that would fit well within the area and it would be sited on the lower part of the site.

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

(10) LA07/2019/0001/F
(Audio recorded – NO)

Location:

12 Melrose Park, Killeel.

Proposal:

Proposed erection of first floor flat roof front dormer with 2 windows (amended plans).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

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

Issues Raised:

- The application was an amended proposal for a large box dormer to the rear of the dwelling.
- There were five other properties visible from Melrose Park with box dormers.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2019/0001/F on the basis that it did not detract from the scale and design of neighbouring houses. Councillor Hanna seconded the proposal.

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

FOR: 9
 AGAINST: 1
 ABSTENTIONS: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Reilly seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2019/0001/F contrary to Officer recommendation on the basis that the scale and design did not detract from neighbouring houses.

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

FOR NOTING**P/086/2019: HISTORIC ACTION SHEET**

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

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

P/077/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – JULY 2019

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

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

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

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

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

P/079/2019: APPEALS & DECISIONS

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

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

The Meeting concluded at 12.55pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 18 September 2019.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List**Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 18 September 2019**

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

- **LA07/2018/1913/O** – Infill site for 1 No. dwelling – site between 33 and 37 Ballard Road, Lislea – **REFUSAL**
- **LA07/2019/0207/F** – Erection of dwelling (change of house type from that approved under P/2013/0631/F)- 70m East of No. 53 Cullion Road, Mayobridge. – **REFUSAL**
- **LA07/2019/0602/F** – Retention of 2 No. mobile/containers used as, 1 – changing / shower block and 2 – toilet block & proposed third mobile/containers to be used as a changing/shower block and paladin type boundary fence. (amended plans) – **APPROVAL**
- **LA07/2019/0799/F** – Proposed widening and regrading of sections of the existing race course and realignment of existing ambulance track at Downpatrick Racecourse, Downpatrick – Lands at Downpatrick Racecourse. - **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

REVISED Planning Report for Application Reference: LA07/2017/1182/F

Date Received: 02.08.2017

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

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

1.0. SITE AREA AND CHARACTERISTICS

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

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

2.0. SITE HISTORY:

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

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

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

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

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

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

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

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

4.0. STATUTORY CONSULTATIONS:

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

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

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

5.0. OBJECTIONS & REPRESENTATIONS

- 5.1. Details of the application were advertised in the local press on 14th August 2017. Nearest neighbours were notified on 1st September 2017 and again 24th May 2018 (Amended plans)
- 5.2. 4 objections were received (Prior to this application first going to the Planning Committee on 26th June 2019, (including 3 letters the same). The major issues raised were:
 - Application within the countryside;
 - Planning Strategy allows for service stations within the countryside when there is clear indication of need and access arrangements are safe;
 - Not a true trunk road;
 - Proposal likely to prejudice road safety and inconvenience the flow of traffic;
 - Failure to submit an air quality impact report, proposals cause excessive and harmful quantities of pollution;

- NIW advise there is no foul sewer and no details on submitted plan;
and
- High potential for unofficial and unmarked human remains on any part of lands previously owned by The Good Shepard Sisters

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

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

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** In summary the application proposes a strategic roadside service facility incorporating a petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking and bunkering facilities with related works. The proposal incorporates 2.55 hectares of land within the application site, of which 1.64 hectares is dedicated to the sale of fuel and associated activity, including servicing and the parking of lorries. The main building incorporates 987.18 sq metres, of which 212.54 sq metres or 21.5% is dedicated for retail use. The applicant seeks to justify the proposal on the grounds that it is beside a Trunk Road. The applicant also states that the primary retail use is small scale convenience goods associated with a petrol filling station, i.e. café, confectionary etc and has submitted a retail impact assessment in support of the application.
- 6.2.** Based on the nature of the application, the Planning Department considers that the proposed development is principally for a strategic roadside service facility i.e. a petrol station with an ancillary retail element. In this context it has assessed the proposal against the relevant planning policies, including the retained Planning Strategy for Rural Northern Ireland, in particular Policy IC 15, which deals with this type of proposal.
- 6.3.** The sale of fuel for motor vehicles and restaurant services is a *sui generis* use under the Planning (Use Classes) Order (NI) 2015, (i.e. it is not specified in any of the use classes identified in the Use Classes Order). In planning policy terms it may be regarded as being a retail proposal rather than one for economic development. In this regard it is noted that the applicant has submitted a retail impact assessment in support of the application. In this context the Planning Department has also assessed the application against broader retail planning policies. These include the relevant terms of the Banbridge, Newry and Mourne Area Plan 2015, (BNMAP), the statutory plan for the area and the Strategic Planning Policy Statement (SPPS).

- 6.4.** The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

7.0 Banbridge, Newry and Mourne Area Plan 2015.

- 7.1.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as is material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plan, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case, this application is for a strategic roadside service facility. The statutory plan for the area is silent on this particular issue, however the planning application must also be considered against, and must be in accordance with the other statutory provisions of the Plan.
- 7.2.** The site is located outside the development limit of Newry, as identified in the Banbridge, Newry and Mourne Area Plan 2015. It is in the open countryside on a site not zoned for any specific purpose.
- 7.3.** The objectives of the plan place a high emphasis on providing for the needs of each settlement in a sustainable manner, promoting compact urban forms, facilitating appropriate development within existing urban areas, and supporting and developing existing urban areas.
- 7.4.** The plan has designated a settlement limit for Newry intended to provide a compact urban form while providing sufficient land to meet the economic needs of the City over the plan period. The area plan continues to provide the statutory planning framework for the area until a replacement statutory area plan is in place. It is intended to provide certainty for those who live, work and visit the Council Area. It is considered that the proposal is contrary to the overall aims, objectives or policies of the current statutory plan for the area, by virtue of its location outside the designated settlement boundary of Newry

- City, within the open countryside, and on lands not designated for any specific purpose.
- 7.5.** Applications outside designated settlement limits must comply with relevant regional planning policy. The proposal does not comply with prevailing planning policy for the reasons outlined in this report.
- 8.0 A Planning Strategy for Rural NI (PSRNI). Policy IC15 (Roadside Service Facilities)**
- 8.1** The Planning Department accepts that this proposal represents a roadside service facility following consideration of all representations received and based on the fact that it is adjacent to the trunk road network. The Planning Department also considers however that the proposal does not meet prevailing planning policy requirements including Policy IC 15 of the Planning Strategy for Rural Northern Ireland. The Planning Departments assessment of the application against other policies is outlined below.
- 8.2.** Policy IC 15 states that the provision of roadside service facilities on the 'trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need.'
- 8.3.** The whole trust of Policy IC 15 is to balance the need to provide for the needs of travellers using the trunk road network without allowing a proliferation of development resulting in a loss of environmental quality along major routes. In defining the need for such a facility IC15 states that 'in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre (on either side of single carriageway roads). Proposals for new facilities within 12 miles of existing services will therefore not normally be acceptable.' The policy sub text also states that stations should be designed without dangerous right-turning movements across traffic flows and that the pairing of station services on either side of the road is always preferable. The policy sub text also states that there will normally be no necessity to locate petrol filling

stations on routes not forming part of the trunk roads network. Such facilities should be directed to settlements.

- 8.4.** On the issue of need, the applicant states that the A1 has very limited roadside service facilities with no purpose built roadside service facilities on the south bound carriageway between Banbridge and South of Dundalk with nearest purpose- built facilities some 22-30 miles away (Applegreen service stations between Lisburn and Belfast and Dundalk- Drogheda). Within the immediate area petrol filling stations are not designed to meet the needs of strategic highway road users.
- 8.5** The Planning Authority contends that there are a number of strategically located service stations with easy access to the main trunk road offering a wide range of services including toilet and catering facilities. It has not been demonstrated that there is a clear indication of need for a roadside service facility within this context. The policy clearly states that the provision of roadside service facilities on the trunk roads network in the open countryside may be considered acceptable where there is a clear indication of need. With regards to the clear indication of need, it is stated that in normal circumstances it is considered reasonable to expect a driver to travel at least 12 miles along the main traffic route network before reaching a petrol filling station or service centre (on either side of single carriageway roads). Proposal for new facilities within 12 miles of existing services will therefore not normally be acceptable. The 12 mile stated in the policy is provided for guidance purposes and there must be an assessment of existing facilities, both within the 12 mile radius and those slightly beyond the 12 mile radius. Within the 12 mile radius along the main traffic route network there is a variety of services provided including a range of services/ petrol filling stations on the old Dublin Road (now the B 113), a recently opened service station at Junction 20 south of the border, the Tesco site in Banbridge as well as the Fiveways Service station which is within approximately one mile of the site and within the settlement limits of Newry and is designated as a Local Centre within the Plan. The existing filling station (Tesco in Banbridge) is approximately 10.5 to 11 miles to the north of the proposed site and approximately 18 minutes away travel time. The filling station is situated adjacent and south of the existing

Boulevard shopping complex and is located adjacent to the A1 (the main transport route between Newry and Belfast) contained within the development limits of Banbridge. It is accessible to both north and south bound traffic on the A1. Whilst it may be argued that this standalone filling station does not offer the same services as the current proposals in terms of catering facilities, retail and rest facilities these are nevertheless available within the immediate area of the site. Given that this is an established development there is scope within the existing site for future expansion.

- 8.6** Furthermore, there is also planning permission in place for a petrol filling station and shop on lands at Forkhill Road, Newry (P/2009/1041/F). While the development site boundary does not front directly onto the motorway and is accessible to both north and south bound traffic via a roundabout, this facility was approved on the basis of a strategic petrol filling station following the completion of the Newry By-Pass. In this context this facility, when completed, will serve the needs of both north and south bound travellers on the strategic road network and within approximately 2 miles of the application site. Given the existing context, this development will have a lesser visual impact in the landscape than the proposed development. With the principle of planning permission established at this location there is provision within planning policy for the extension of such facilities to be considered. Therefore, this existing site offers an alternative to the current proposals before the Council.
- 8.7** Outside of the 12 mile catchment area there are existing facilities including those at Lisburn (Applegreen services on both the north and south bound carriageways), Sprucefield, a Topaz facility as well as facilities approximately 20 miles south of the site at Castlebellingham (Applegreen Facilities on both the north and south bound carriageways). The existing petrol filling station, Topaz is located approximately 18 miles north of the site between Banbridge and Dromore. This site is situated immediately adjacent and is accessed directly from the A1 and is accessible to north bound traffic and provides comparable catering, rest and toilet facilities for users.
- 8.8** In light of the above, a clear indication of need has not been demonstrated and in such instances the policy states that "facilities will not be permitted." If

approved, this could result in a proliferation of development resulting in a loss of environmental quality along major routes and this is what the policy seeks to avoid. Furthermore, it is stated that where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable but proposals for the extensions of facilities at existing filling stations may be considered. The Planning Department consider that this route is already adequately served by existing roadside service facilities with the potential for extension of some existing centres.

8.9 Under the second bullet point of Policy IC 15, it must be demonstrated that the access arrangements are satisfactory. The Planning Authority accept that this proposal complies with this bullet point and that the proposal represents a roadside service facility. The policy states that " In general, sites adjacent to the main routes but which have access to a minor route may be preferable to sites with direct access, provided the facility is clearly indicated to on-coming traffic." The policy uses the word preferable and does not require there to be direct access to and from a trunk road and therefore the proposal equates to a roadside facility in line with this section of the policy. Furthermore, DFI Roads are content with the access arrangements proposed. However, the proposal does seek access onto a protected route and must be considered under PPS 3, Policy AMP 3 (See below for consideration).

8.10 Under the third bullet point of IC 15, it must be demonstrated that the proposal is satisfactory in terms of location, siting and design as set out in policy DES 5. DES 5 has been superseded by policies CTY 13 and CTY 14 and will be considered below in this report.

9.0 Strategic Planning Policy Statement (SPPS).

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

- 9.2.** The fact that the proposed site is in the open countryside beyond the settlement limit, it is also appropriate to assess the proposal against the policy provisions of the SPPS (and PPS 21). It is also noted that the applicant has also submitted a Retail Impact Assessment (RIA) and Planning Support Statement (PSS) in support of the application. Retail Impact Assessments are dealt with solely within the SPPS and so clearly the SPPS represents a material consideration to be assessed against this proposal.
- 9.3.** The SPPS states that in the absence of a current and up-to-date Local Development Plan, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainability and objectively assessed needs of the local town and taking account of committed development proposals and allocated sites. The SPPS emphasises the importance of town centres in meeting retail provision and sets out a sequential test for assessing all such proposals. The SPPS states that planning authorities will require applications for town centre uses to be considered in an order of preference; primary retail core, town centres, edge of centres and out of centre locations.
- 9.4.** In the supporting RIA and PSS the applicant has stated that the application has been accompanied by an assessment of the suitability of alternative sites within Newry in the choice of site selection. Those available are deemed too small to accommodate the proposal and any that are large enough are concentrated to, the east of the river and canal, edge of centre locations. These have also been deemed impractical due to terrain. Therefore, the choice of a site outside of the development limit was determined by the fact that there are no suitable sites within the development limit of Newry. The proposed development is 'principally a petrol station and retail ancillary to that use'.
- 9.5.** The requirements of a roadside service facility and associated facilities, in terms of space, layout and access is a material consideration in the

assessment of such a proposal. In this context it is considered unrealistic to expect this proposal to locate within a primary retail core or town centre.

- 9.6.** While paragraph 6.279 of the SPPS states that retailing will be directed to town centres, inappropriate retail facilities in the countryside will be resisted. It goes on to provide a list of retail uses that will be considered in the countryside, these include farm shops, craft shops and shops serving tourist or recreational facilities. While this list is not exhaustive the thrust of the policy is that it considers that only small-scale facilities that cater for a rural based enterprise are considered acceptable. A roadside service facility with ancillary retailing of the scale proposed is a much more significant scheme and is not considered to be an acceptable use in the countryside under the provisions of the SPPS.

10.0 PPS 21 (CTY1)

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

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

- 11.1.** The site comprises of an agricultural field surrounded by agricultural land and within a drumlin landscape. It forms part of a much larger roadside agricultural field which is entirely visible from the surrounding road network, in particular the A1 and slipway.
- 11.2.** The existing vegetative boundary along the northern boundary of the site will be entirely removed to accommodate visibility splay requirements along with ancillary works to provide access and a level platform to facilitate development thus employing extensive site works and thus the open and prominent nature of the site will be clearly amplified.
- 11.3.** Any new build at this location will appear dominant in the local landscape, particularly when viewed from the NW/NE, particularly during the winter months. The scale of development proposed on this open roadside site will lead to a change in the rural character of this area. Given the sheer size and scale of the proposal it is difficult to envisage how the development and ancillary works can be adequately integrated into the landscape. From these vantage points the site would not fulfil the criteria of CTY13 due to the prominent and open nature of the site.

12.0 CTY15 - Setting of Settlements

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

13.0. Planning Policy Statement 3 Access, Movement and Parking

Policy AMP 3 Access to Protected Routes (Consequential Revision)

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

14.0 OTHER MATERIAL CONSIDERATIONS.

- 14.1** The applicant states in the supporting statement that the application represents a £6 million pound investment in Newry. This will generate 60 retail and service jobs with 80 jobs involved in construction and a further 60 once opened. This in turn will provide a boost to the local economy through salaries, local suppliers and rates revenue for the local council with the creation of a purpose built roadside facility with nearest roadside facilities over some 22 miles away. Proposals will compete with existing similar facilities on the strategic highway network with approximately 85% made up of bypass trade with a small level of shoppers with the majority of diverted trade to the proposal within a 5 minute catchment which includes impact upon Fiveways, Damolly Retail Park and Newry City Centre although claimed not to be harmful or noticeable to these existing trade areas.
- 14.2.** It is accepted that the issues raised in support of the application in relation to increased investment and job creation, are material considerations in the consideration of this application. However, these are not of sufficient weight to

set aside the provisions of the statutory Area Plan or prevailing regional policy, in particular the SPPS.

15.0 Consideration of matters raised since the application appeared at Planning Committee on 26th June 2019.

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

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

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

15.4 On July 19th 2019, the Planning Department received an objection from Mr. James McKevitt. This letter of objection has been supported by Cllr Michael

Savage. This objection raises 7 issues or areas of concern which will be considered below.

- 1) Firstly, there is no clear indication of need in that there are 3 other facilities within a 6 mile radius of the proposed site and these 3 sites need to be taken into account. The Planning Department does agree that there is no clear indication of need with a number of other strategically located services stations within easy access to the main trunk road offering a wide range of services and facilities.
- 2) It is indicated by the objector that an existing designated service area has been identified on the Old Dublin Road which provides services in a safe and reliable format and the impact on the local community if this scheme was approved must be taken into account as a minimum. It is accepted that the application if approved, may have negative impacts for existing businesses in the wider catchment area. It is also accepted that important services are provided along the Old Dublin Road and these have been considered in the case of need section of the report.
- 3) The objector points that there is plentiful service provision within the Old Dublin Road and that it is not envisioned that the proposed application will provide any real additional benefit to road users and plans for further expansion are currently in place on the Old Dublin Road. As mentioned, the Planning Department accept that services are provided within this area of the road and the agent/ applicant has not clearly demonstrated a clear indication of need.
- 4) The objector argues there is a need to take into consideration the detrimental impact the proposal will have on employment within a high employment rural area particularly on the most vulnerable workers. The Planning Department accept that such a proposal may impact on the vitality and viability of existing centres. The objector has noted the importance of bypass trade and the applicant/developer has stated that 85% percent of trade will be made up of bypass trade which would suggest a negative impact on the businesses

mentioned by the objector. Even though the three sites raised by the objector are not in a town centre or local centre, the Planning Department agree that there may be an impact on existing centres in general and as previously mentioned, the proposal fails to comply with the SPPS which contains the primary policy for retailing in town centres.

- 5) The proposal if approved, according to the objector, will provide greater justification to close or restrict traffic movements and provide Governments with the ability to downgrade the Old Dublin Road. The Planning Department consider that this is not a relevant planning consideration and is not material or pertinent to this proposal.
- 6) The proposal represents unnecessary countryside development according to the objector, with a detrimental impact on the local countryside when more sustainable sites are available. The Planning Department agree that this proposal would have a negative impact on the countryside as identified in the refusal reasons. The Planning Department also agree that there are alternative sites/ facilities available.
- 7) The application, according to the objector, must consider the impact and confusion the requirement for further signage on that section of the road will have upon road navigation by local and motorway traffic. DFI Roads were consulted and raised no issues with regards to signage.

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

- 1) The application it is contended is set at a lower level to the A1 with poor visibility and is accessed via a minor road off the A1 and so does not constitute a true trunk road service station and fails to meet any identifiable need for a dedicated

roadside service along the A1 and local need is provided by the existing Fiveways Store. The objector also points to paragraph 6.290 and the requirements of Retail Impact Assessment's and that under Paragraph 6.279 of the SPPS a roadside service facility and associated retailing should not be considered as an acceptable use outside the settlement limits particularly when a sequential assessment has not been adequately demonstrated. Whilst not agreeing with the first point relating to a true trunk road service station, the Planning Department agrees with the objector with regards to no identifiable need as reflected in the refusal reasons with regards to non compliance with the SPPS, Area Plan, Planning Strategy for Rural Northern Ireland, PPS 21 and PPS 3.

- 2) Under the second area of concern, the objector points to the requirements of paragraphs 6.279 to 6.280 of the SPPS with retailing to be directed to town centres and the development of retail facilities in the countryside must be resisted and that the proposal does not meet any of the exceptions for retailing under this section of the SPPS. The Planning Department agree with the objector in this instance and it is considered that the proposal is contrary to Paragraphs 6.279 to 6.281 of the SPPS in that the site lies within the open countryside and no special need has been demonstrated to justify relaxation of the strict planning controls in the countryside.

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

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

15.6 An objection was received in relation to the potential impact on possible unmarked graves on the site. The Planning Department has considered this matter as part of the proposal and has consulted Historic Environment Division (HED). HED are content with the proposal subject to appropriate conditions and have already considered this matter under a previous objection submitted on the application. If the application is approved by the Planning Committee, appropriate conditions as suggested by HED will be attached to any decision notice which will deal with this matter.

16.0 RECOMMENDATION:

16.1. Fundamentally the proposal put forward does not fall within the requirements of Policy IC15. Given the extent of existing provision servicing the motorway / trunk road along the strategic transport corridor and the particular site

characteristics, as outlined above, the creation of an entirely new service centre is not justified at this specific location.

16.2 The proposal is not satisfactory in terms of location, siting and design for the reasons set out above which have been considered under policy provision of PPS21 (CTY13 and 14) which supersedes DES5 of the Planning Strategy.

16.3 In the light of the above the application is refusal for the reasons now stated.

16.4. REFUSAL REASONS.

1. The proposal is contrary to the current statutory area plan as the application site falls outside the designated settlement boundary of Newry City and areas zoned for retail and economic activity as designated in the Banbridge, Newry & Mourne Area Plan 2015.
2. The proposal is contrary to paragraphs 6.279 - 6.281 of the Strategic Planning Policy Statement in that the site lies within the open countryside and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
4. The proposal is contrary to Policy IC15 of the Department's Planning Strategy for Rural Northern Ireland in that the proposal does not meet the requirements of this policy in that no clear indication of need has been demonstrated for the proposal at this location to justify a relaxation of the planning controls exercised in this area.

5. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 and CTY14 of Planning Policy Statement 21, and Policy IC15 of the Department's Planning Strategy for Rural Northern Ireland of Sustainable Development in the Countryside, in that:
 - the proposed development would be a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the development to integrate into the landscape;
 - the proposed development relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings and the impact of ancillary works would damage rural character;
 - the proposed development fails to blend with the landform, and therefore would not visually integrate into the surrounding landscape.

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

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

Dear Sir/Madam

I have been requested to submit a brief on the issues to which I have been granted Speaking Rights for the forthcoming Council Meeting of Wednesday 21 August 2019 and pertaining to the Planning Application reference LA07/2017/1182/F.

I am one of a number of interested parties who have raised objection to the relevant application. I would like the opportunity to provide historical and contextual information pertaining to the relevant site which is under consideration and which has been recommended for refusal on planning permission. I believe it vitally important to inform all councillors of the infamous and highly controversial nature of the former Mother & Baby/Magdalen institution that operated on the site in question at 132 Armagh Road, Newry from 1946 until 1984 so as they are best equipped to consider any future development proposals.

I have outlined in detail the vast majority of information I have knowledge of in my written objection, most of which I will not have time to relate verbally to the next Council meeting. In summary, I will be speaking of the litany of allegations of human rights violations, crimes and abuses perpetrated on vulnerable girls, women, babies and children whilst incarcerated largely against their will in the former institution as owned and ran by the Catholic religious order of the Good Shepherd Sisters during the afore mentioned period. Allegations specifically include: arbitrary detention; involuntary unpaid labour; forced & illegal adoptions; physical removal of babies, no contact with offspring and non-disclosure of baby/children whereabouts therein; burial malpractices; long periods of solitary confinement; non-consensual and forced daily medication; little and/or no ante/post natal medical care; no access to education; long and lifelong periods of detention; vetted and/or correspondence with the outside world; physical, mental & emotional torture & blackmail; indefinite periods of coercive, punishable and enforced silence; females forced to re-use sanitary towels etc etc

It is also necessary to mention anomalies circa the existent small cemetery which is alleged to have incorporated the human remains of those deceased with an attachment only to the rehabilitation unit owned and ran by Sister Consilio/Cuan Mhuire post 1984 when she took over the site and all the single-named memorials in this cemetery are indeed dated from 1985 and more recently. However this is a major concern and anomaly for surviving women(one of whom was housed as far back as 1966) from the former Mother & Baby institution who testify with conviction that they were paraded on a daily basis on their walk to and from the site chapel from their housing unit which included close proximity to an existent cemetery at the time, in the exact same location and notably observed metal crosses to indicate graves. Some of these surviving women talk about "no-go areas" on the site as some women were convinced that babies died and were buried on the site.

I will also briefly mention the so-called ground " investigation" carried out by archaeologist Toni Maguire and her contracted colleague in 2017 which was to initially last 5-7 weeks but took 9 months and was financed by the site owners who along with Toni Maguire refused to communicate with a victim/survivor group once works were underway and significantly no scientific methods of investigation were employed on the site. Sister Consilio has also refused to consider any memorial on the site which is of huge importance to the victims/survivors, citing the fact that people like me have caused too much trouble already.

Best regards

The Dublin Road Services Operators Group

Dublin Road

Newry

7th August 2019

Planning Committee Meeting

District Council Offices

Monaghan Row

Newry

To All Our Representatives,

CO-OPERATIVE OBJECTION TO LA07/2017/1182/F

It was with great concern that we discovered that the Planning Committee conducted a site visit for the proposed "strategic" roadside service facility at lands east of the A1 outside Newry, despite the fact no representative from either the Planning Office nor the Planning Committee has made efforts to identify and recognise the existing established roadside services we provide on the Dublin Road.

Had reasonable steps been taken to become adequately informed of the economic and social impacts this scheme would have on the locale, it would become immediately apparent how damaging this application will be to the local businesses and rural community along the Dublin Road.

Many of the businesses have operated for over forty years on this stretch of the Dublin Road. We have supplied local employment through the worst of the Troubles, we have continually paid Rates to our Council through the toughest of economic periods, and we have never stopped providing service to both the commuter and our local community in all that time.

We believe the application is deeply flawed in regards to the supposed benefits it will provide the locale on numerous points:

- **THERE IS NO INDICATION OF NEED**, with several existing filling stations already strategically located less than 12 miles from the proposed site, with easy access to the A1 road, that already offer a wide range of services including fuel, retail, catering and toilet facilities.
- **IGNORED AN EXISTING DESIGNATED SERVICE AREA** less than 12 miles from the proposed site that has been specifically designated as a Service Area to provide roadside service facilities to motorists travelling along the A1/N1 road.
- **LIMITED ADDITIONAL SERVICE PROVISION** with the proposed application providing no real additional benefit to road users in the future. If anything, the unnecessary geographical spread of Service Areas will result in a dilution of the service quality on offer to the motorist.

- **JOB LOSSES IN A HIGH UNEMPLOYMENT RURAL AREA**, especially of vulnerable workers is a certainty, local contracts for supply being terminated is a certainty, salary incomes for staff in the local community being diminished is a certainty, reduction in rates revenue for the Council is a certainty, and the potential for business closures is a certainty if this scheme is pushed through.
- **DOWNGRADE OF IMPORTANT ROUTE DURING BREXIT** as a direct result of pushing through a duplication of service offering less than 12 miles from the border crossing, either the UK or EU governments will be provided with greater justification to close or restrict traffic movements on the resulting non-primary route. Such restrictions on the old Dublin Road would be devastating to the local community and economy.
- **UNNECESSARY COUNTRYSIDE DEVELOPMENT** when sites within the already established Dublin Road Service Area represent a more sustainable approach to development in the locale. The existing Service Area offers a real alternative to the current proposals before Council and diminishes any justification to relax planning control and push through this scheme, unnecessarily developing and intruding upon our local untouched countryside.

We recognise the enticement such an application presents to the Planning Committee, in regards to headline employment figures, development values, and Rates payable.

But the offer of jobs has no mention of the similar number to be lost in a high unemployment rural area. The issued development value promised has no reference to the resulting losses of capital investments already made by local business people. And the overall Rates value payable to the Council will diminish when rural businesses close as a direct consequence of this scheme. Rather than representing a benefit to the locale, this scheme will in-fact decimate several local businesses and the community around them.

We recognise the importance of providing the modern motorist and HGV driver with the modern expectation of facilities. Subsequently, within the Dublin Road Service Area there is already a scheme for additional services passed and being constructed (P/2013/0401/F), a major roadside service facility at consultation stage (LA07/2019/0325/F), and several significant schemes in final draft with planning applications to be submitted imminently.

The Dublin Road Service Area can create a similar number of jobs in the coming years without cannibalising jobs of the most vulnerable. We can develop upon existing infrastructure sustainably and will make a similar overall financial investment as the application. And, as a direct result of our schemes the Council can expect to receive a collective higher Rates amount from local businesses.

Thank You for your time and we can make ourselves available to the Planning Office and the Planning Committee should they require any further information.

Yours Sincerely

The Dublin Road Services Operators Group

Barry McNeill
 Hannah Hanratty
 Eugene Hamathy
 Cillian Byrne
 SEAMUS DONNELLY

Barry Lynch
 Michael Lynch

Vincent McKeown
 Christopher McKeown
 UBM

McNeill Services Ltd Texaco
 Money Exchange Newry Ltd.
 The Wholesale Home Fuels.

JUNCTION 20 LTD
 DONNELLY'S SERVICE STATION

Symmetrix Personal Training.

Miss Elizabeth

Hillcrest Garden Centre

CMCK Joinery Contracts

S M CARROLL LTD

1. No Clear Indication of Need

There are existing filling stations already strategically located less than 12 miles from the proposed site, with easy access to the A1/N1 motorway/trunk road, that already offer a wide range of services including toilet and catering facilities. These include:

- 5.7 Miles – Donnelly's Service Station
- 6.0 Miles – Morgan Xpress
- 6.2 Miles – Barney's Filling Station

Policy IC 15 states that *'where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable' and 'a spacing of 12 miles between services is considered appropriate'.*

There is existing provision servicing the A1/N1 motorway/trunk road along the strategic corridor. As this existing provision is applicable to application LA07/2017/1182/F whereby the route is **already being adequately serviced by service stations and those service stations are significantly less than 12 miles from the proposed site**, there is no policy based *'clear indication of need'* for the proposal.

Any discussion in regards to application LA07/2017/1182/F and the clear requirement for an justification of need must take into consideration these three existing filling stations in a Service Area significantly less than 12 miles from the proposed site.

2. Ignored an Existing Designated Service Area

As part of the Newry By-Pass scheme, under protest from the local community a section of the A1/N1 Dublin Road was circumvented.

Consequently this section of the Dublin Road became an optimum location for roadside service facilities from a strategic corridor perspective. **This section of road was specifically designated as a Service Area to provide roadside service facilities to the A1 trunk road by DFI Roads.**

In addition to this Service Area already having established roadside service facilities on offer, access was taken from the north and south slip road network so no additional improvements were required to the proposed road layout. **This road layout, and the provision of a Service Area within it, has proven to be a safe and reliable decision since then.**

This application should consider the detrimental impact the proposal will have on the countryside, the road network, and the local community, must therefore take into consideration, an already designated Service Area less than 6 miles from the proposed site.

3. Limited Additional Service Provision

Within the established Old Dublin Road Service Area there collectively continues to be a broad range of services on offer to motorists on the A1/N1 motorway/trunk road, including: 24/7 Fuel Offering, Car Refuel - 16+ Islands, HGV Pumps, Fuel Bunker Facilities, Fuel Card Facilities, LPG Vehicle Supply, Sufficient Car Parking Spaces - 100+, HGV Parking Spaces - 20+, Caravan Parking, Coach Drop-off Points, Retail Sales, Cafes & Seating, Picnic Areas, Bureau De Change Facilities, Toilets & Baby Changing, Car & Truck Wash Facilities, Air & Water Facilities, Rest Facilities and Bus Terminus.

In addition to these services already on offer, there are service enhancement proposals passed, planning applications submitted (LA07/2019/0325/F), and applications in draft that assure the addition of: Vehicle Electrical Charge Points, Additional Overnight Truck Parking, Play Area for Children, Meeting Rooms, Farm Shop & Local Produce Café and Tourist Information Office.

It is therefore not envisioned that the proposed application will provide any real additional benefit to road users in the future. If anything, the unnecessary proliferation of Service Areas will result in a dilution of the service quality on offer to the motorist.

This application should take into consideration that there are already a wide range of services on offer at an existing Service Area less than 12 miles away and genuine schemes within this established Service Area to provide additional and improved services.

4. Job Losses in High Unemployment Rural Area

While also serving the local community, businesses along the existing Old Dublin Road Service Area are enormously reliant on passing trade from the A1 motorway. Economically, the close proximity of the application to the existing Service Area (<12 miles) and the obvious duplication of service offerings will cannibalise the motorway custom.

It is therefore obvious that the sustainability of the filling stations in the existing Service Area will be jeopardised (already a high unemployment area), with **certainty of jobs losses, local contracts for supply being terminated, salary incomes for staff in the local community being diminished, reduction in rates revenue for the Council, and the potential for business closures.**

Retail jobs within the rural locale of the existing Service Area are sparse, and the majority of retail employees within the existing Service Area do not have the capacity to seek work outside of the locale, due to primary-carer status, agricultural commitments, transportation limitations, lack of formal education, etc. **It is therefore essential to defend the employment needs of these vulnerable local workers in a high unemployment area when reviewing the application.**

This application must take into consideration the detrimental impact it will have on employment within an high unemployment rural area, particularly upon the most vulnerable local workers.

5. Downgrade of Important Route during BREXIT

Fears continue to grow that as a result of Brexit the locale could see a return of Road Closures, with both the UK and EU governments strongly stating that some form of border control will be implemented. In order to effectively monitor and control trade it is expected that the number of crossing points will be reduced through Road Closures, affecting many non-primary routes.

The existing Service Area is strategically located alongside the A1 motorway and is presently classified as a primary route that provides a Service Area to motorway traffic, in addition to the local community. Strong opposition locally and nationally to any closure or positioning of a Customs Checkpoint along this stretch of road proactively continues – E.g. Communities Against Brexit.

However the close proximity of the application to the existing Service Area (<12 miles) and the duplication of service offerings would reduce the importance of the Old Dublin Road in supporting the National Road Network and result in its subsequent downgrading to a non-primary route.

As a direct result of any Service Area and duplication of service offering existing less than 12 miles from the border crossing, either the UK or EU governments will be provided with greater justification to close or restrict traffic movements on the resulting non-primary route. Such restrictions would be devastating to the local community.

This application should assess the detrimental impact it will have on the local community by providing both the UK and EU governments the ability to downgrade the Old Dublin Road route.

6. Unnecessary Countryside Development

The application site comprises agricultural land in the open countryside beyond the Newry settlement limit, is quite open in the landscape, and clearly contravenes the NI Rural Strategy.

As identified above there is no clear need for a strategic roadside service facility less than 12 miles from an existing Service Area, and therefore in this case no valid reason to justify the relaxation of planning control to unnecessarily develop and intrude upon our local countryside.

The existing Old Dublin Road Service Area provides for the needs of travellers using the trunk road network without requiring a proliferation of unnecessary development in the Newry area that would result in a loss of environmental quality for the community.

With the principle of planning permission and roadside service facilities established at several locations within the Old Dublin Road Service Area there is provisions within planning policy for the extension of such facilities to be considered, rather than an entirely new service centre.

This Old Dublin Road Service Area is accessible to both north and south bound traffic on the strategic road network, has no traffic flow issues, and is within approximately 6 miles of the application site.

Several alternative sites within the Old Dublin Road Service Area large enough to accommodate the proposal are available, have long established countryside development boundaries, and already form part of the local built landscape.

Given the existing context of roadside service facilities within the Old Dublin Road Service Area, development here would have less negative impact upon the landscape than the proposed application, and yield a greater positive impact upon the local community.

These sites within an already established Service Area represent a more sustainable approach to development in the local countryside. Therefore the existing Service Area offers an alternative to the current proposals before Council, and diminishes justification for the application in untouched countryside.

This application must take into consideration the detrimental and unnecessary impact it will have on the local countryside and community when less intrusive and more sustainable alternative sites exist locally.

7. Complicating A1 Signage

The Service Area was designated by DFI Roads, and subsequent signage was provided to identify it as such. There is established road layout signage on the A1 motorway and established signage

Speaking Rights Request**Objection to LA07/2017/1182/F**

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opportunities through existing in situ signage infrastructure available to direct road users to the strategically located Roadside Service Facilities on offer within the Old Dublin Road Service Area.

The Applicant has stated that the Forkhill Road site cannot benefit from A1 signage, without identifying the signage requirements their proposed site would require. **Either the application site will require no road side signage, or surrounding road signage in the area will become more complicated.**

The Council's recommendation to refuse this application is welcomed in this instance. The negative environmental and economic impacts of approving this application would simply devastate the local community of the Dublin Road. The council is therefore respectfully requested to agree with the Planning Officer's recommendation and refuse this application.

Fiveways Shop & Service Station Ltd

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Ms Patricia Manley
 Newry Mourne & Down District Council
 Planning Office
 O'Hagan House
 Monaghan Row
 Newry
 Co Down
 BT35 8DL

19th July 2019

Dear Ms Manley,

Re: Objections - LA07/2017/1182/F

We wish to object to the above planning application for roadside service facility close to Armagh Road, Newry, on the following bases:

1. The application site is set at a lower level to the A1 with poor visibility from the road and is accessed via a minor road off the A1. On this basis the application does not constitute a true trunk road service station, therefore the Fiveways Local Centre located c.1 mile away from the proposed site already meets the needs of the local area and the application site fails to meet any identifiable need for a dedicated roadside service station along the A1. Under the provisions of the Strategic Planning Policy Statement (SPPS) para. 6.290 makes reference to the requirement of RIA's to have regard to;

'The impact on the vitality and viability of existing centres including consideration of the local context. This should take into account existing retail mix and the diversity of other facilities and activities'

In considering the above, para 6.279 of the SPPS a roadside service facility and associated retailing should not be considered as an acceptable use outside of the defined settlement limit particularly when a sequential assessment has not been adequately demonstrated.

2. Para. 6.279 of the SPPS goes on to state that retailing will be directed to town centres and the development of retail facilities in the countryside must be resisted (our emphasis added). The SPPS goes on to identify some retail facilities which may be considered appropriate, however it is noted that the subject site does not qualify as an exception to this policy provision and therefore is at odds with paras. 6.279 and 6.280 of the SPPS. The Retail Impact Assessment



Fiveways Shop & Service Station Ltd

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submitted by the applicant as part of their original application largely ignores Fiveways Local Centre on the basis of the differing sizes and service offerings between Fiveways and the proposed roadside service station. Additionally, the SPPS goes on to state that when balancing the overall impacts as identified in the criterion listed under para. 6.290 planning permission should be refused. Para 6.2891 of the SPPS requires applications for main town centre uses to be considered in the following order;

- Primary retail core;
- Town centres;
- Edge of centre; and
- Out of centre locations, only where sites are accessible by a choice of good public transport nodes

It is therefore evident that the sequential assessment required must demonstrate that that no alternative sites are available within the hierarchy above and that an out of town location must only be permitted in exceptional circumstances. It is noted that that the RIA submitted does not appropriately demonstrate need and therefore is also in conflict with this policy test.

Given that the proposed site is not a true trunk road service station and that access to the proposed site is along a similar minor road to the existing Fiveways site, the assumptions in the Retail Impact Assessment are ill-informed and the impact of the application on over 200 staff currently in employment at the Fiveways site has not been considered against the current provision of fuel and food services.

I trust this is in order, however please do not hesitate to contact me should any further information be required.

You sincerely,

Director
Fiveways Shop & Service Station Ltd

1. No Clear Indication of Need

There are existing filling stations already strategically located less than 12 miles from the proposed site, with easy access to the A1/N1 motorway/trunk road, that already offer a wide range of services including toilet and catering facilities. These include:

- 5.7 Miles – Donnelly's Service Station
- 6.0 Miles – Morgan Xpress
- 6.2 Miles – Barney's Filling Station

Policy IC 15 states that *'where a route is already adequately served by existing petrol filling stations the creation of entirely new service centres will not normally be acceptable' and 'a spacing of 12 miles between services is considered appropriate'.*

There is existing provision servicing the A1/N1 motorway/trunk road along the strategic corridor. As this existing provision is applicable to application LA07/2017/1182/F whereby the route is **already being adequately serviced by service stations and those service stations are significantly less than 12 miles from the proposed site**, there is no policy based *'clear indication of need'* for the proposal.

Any discussion in regards to application LA07/2017/1182/F and the clear requirement for an justification of need must take into consideration these three existing filling stations in a Service Area significantly less than 12 miles from the proposed site.

2. Ignored an Existing Designated Service Area

As part of the Newry By-Pass scheme, under protest from the local community a section of the A1/N1 Dublin Road was circumvented.

Consequently this section of the Dublin Road became an optimum location for roadside service facilities from a strategic corridor perspective. **This section of road was specifically designated as a Service Area to provide roadside service facilities to the A1 trunk road by DFI Roads.**

In addition to this Service Area already having established roadside service facilities on offer, access was taken from the north and south slip road network so no additional improvements were required to the proposed road layout. **This road layout, and the provision of a Service Area within it, has proven to be a safe and reliable decision since then.**

This application should consider the detrimental impact the proposal will have on the countryside, the road network, and the local community, must therefore take into consideration, an already designated Service Area less than 6 miles from the proposed site.

3. Limited Additional Service Provision

Within the established Old Dublin Road Service Area there collectively continues to be a broad range of services on offer to motorists on the A1/N1 motorway/trunk road, including: 24/7 Fuel Offering, Car Refuel - 16+ Islands, HGV Pumps, Fuel Bunker Facilities, Fuel Card Facilities, LPG Vehicle Supply, Sufficient Car Parking Spaces - 100+, HGV Parking Spaces - 20+, Caravan Parking, Coach Drop-off Points, Retail Sales, Cafes & Seating, Picnic Areas, Bureau De Change Facilities, Toilets & Baby Changing, Car & Truck Wash Facilities, Air & Water Facilities, Rest Facilities and Bus Terminus.

In addition to these services already on offer, there are service enhancement proposals passed, planning applications submitted (LA07/2019/0325/F), and applications in draft that assure the addition of: Vehicle Electrical Charge Points, Additional Overnight Truck Parking, Play Area for Children, Meeting Rooms, Farm Shop & Local Produce Café and Tourist Information Office.

It is therefore not envisioned that the proposed application will provide any real additional benefit to road users in the future. If anything, the unnecessary proliferation of Service Areas will result in a dilution of the service quality on offer to the motorist.

This application should take into consideration that there are already a wide range of services on offer at an existing Service Area less than 12 miles away and genuine schemes within this established Service Area to provide additional and improved services.

4. Job Losses in High Unemployment Rural Area

While also serving the local community, businesses along the existing Old Dublin Road Service Area are enormously reliant on passing trade from the A1 motorway. Economically, the close proximity of the application to the existing Service Area (<12 miles) and the obvious duplication of service offerings will cannibalise the motorway custom.

It is therefore obvious that the sustainability of the filling stations in the existing Service Area will be jeopardised (already a high unemployment area), with **certainty of jobs losses, local contracts for supply being terminated, salary incomes for staff in the local community being diminished, reduction in rates revenue for the Council, and the potential for business closures.**

Retail jobs within the rural locale of the existing Service Area are sparse, and the majority of retail employees within the existing Service Area do not have the capacity to seek work outside of the locale, due to primary-carer status, agricultural commitments, transportation limitations, lack of formal education, etc. **It is therefore essential to defend the employment needs of these vulnerable local workers in a high unemployment area when reviewing the application.**

This application must take into consideration the detrimental impact it will have on employment within an high unemployment rural area, particularly upon the most vulnerable local workers.

5. Downgrade of Important Route during BREXIT

Fears continue to grow that as a result of Brexit the locale could see a return of Road Closures, with both the UK and EU governments strongly stating that some form of border control will be implemented. In order to effectively monitor and control trade it is expected that the number of crossing points will be reduced through Road Closures, affecting many non-primary routes.

The existing Service Area is strategically located alongside the A1 motorway and is presently classified as a primary route that provides a Service Area to motorway traffic, in addition to the local community. Strong opposition locally and nationally to any closure or positioning of a Customs Checkpoint along this stretch of road proactively continues – E.g. Communities Against Brexit.

However the close proximity of the application to the existing Service Area (<12 miles) and the duplication of service offerings would reduce the importance of the Old Dublin Road in supporting the National Road Network and result in its subsequent downgrading to a non-primary route.

As a direct result of any Service Area and duplication of service offering existing less than 12 miles from the border crossing, either the UK or EU governments will be provided with greater justification to close or restrict traffic movements on the resulting non-primary route. Such restrictions would be devastating to the local community.

This application should assess the detrimental impact it will have on the local community by providing both the UK and EU governments the ability to downgrade the Old Dublin Road route.

6. Unnecessary Countryside Development

The application site comprises agricultural land in the open countryside beyond the Newry settlement limit, is quite open in the landscape, and clearly contravenes the NI Rural Strategy.

As identified above there is no clear need for a strategic roadside service facility less than 12 miles from an existing Service Area, and therefore in this case no valid reason to justify the relaxation of planning control to unnecessarily develop and intrude upon our local countryside.

The existing Old Dublin Road Service Area provides for the needs of travellers using the trunk road network without requiring a proliferation of unnecessary development in the Newry area that would result in a loss of environmental quality for the community.

With the principle of planning permission and roadside service facilities established at several locations within the Old Dublin Road Service Area there is provisions within planning policy for the extension of such facilities to be considered, rather than an entirely new service centre.

This Old Dublin Road Service Area is accessible to both north and south bound traffic on the strategic road network, has no traffic flow issues, and is within approximately 6 miles of the application site.

Several alternative sites within the Old Dublin Road Service Area large enough to accommodate the proposal are available, have long established countryside development boundaries, and already form part of the local built landscape.

Given the existing context of roadside service facilities within the Old Dublin Road Service Area, development here would have less negative impact upon the landscape than the proposed application, and yield a greater positive impact upon the local community.

These sites within an already established Service Area represent a more sustainable approach to development in the local countryside. Therefore the existing Service Area offers an alternative to the current proposals before Council, and diminishes justification for the application in untouched countryside.

This application must take into consideration the detrimental and unnecessary impact it will have on the local countryside and community when less intrusive and more sustainable alternative sites exist locally.

7. Complicating A1 Signage

The Service Area was designated by DFI Roads, and subsequent signage was provided to identify it as such. There is established road layout signage on the A1 motorway and established signage

Speaking Rights Request**Objection to LA07/2017/1182/F**

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opportunities through existing in situ signage infrastructure available to direct road users to the strategically located Roadside Service Facilities on offer within the Old Dublin Road Service Area.

The Applicant has stated that the Forkhill Road site cannot benefit from A1 signage, without identifying the signage requirements their proposed site would require. **Either the application site will require no road side signage, or surrounding road signage in the area will become more complicated.**

The Council's recommendation to refuse this application is welcomed in this instance. The negative environmental and economic impacts of approving this application would simply devastate the local community of the Dublin Road. The council is therefore respectfully requested to agree with the Planning Officer's recommendation and refuse this application.

Issues highlight at Committee were :- is this a strategic location; inappropriate access; not needed; Tesco provides an alternative; site doesn't integrate; contrary to roads policy. **(Slide 1)**

Legal Opinion now provided on proper approach to planning law and policy and inconsistency in Case Officer report (Appendix 1).

Is this a Strategic Location? (Slide 2)

Recognised as Strategic Location in RDS

International Border

Hub Location

Gateway to UK/ROI

Proximity to Carnbane Industrial Estate & Warrenpoint Port

Located on the Strategic Transport Network (Slide 3 & 4)

Key Transport Corridor A1/M1 & E01

Link Corridor A28 Newry-Armagh and A27 Newry-Tandragee

Cross border Railway (1.6miles from Newry Train Station)

Clearly a Strategic Site

Alternative Strategic Roadside Service Facilities on A1/M1/E01 (SRSFs) (Slide 5)

Lisburn Applegreen 29miles

Dundalk Applegreen 22 miles

Access to SRSFs

Policy – preferable for access from minor route **(Slide 6)**

Policy plays out in practice – 18 examples of SRSFs taking access from existing highway infrastructure (i.e. slip roads and roundabouts) **(Slide 7)**

Long Distance Traveller (LDT) Needs (Slide 8)

Policy IC15 SRSFs should - *"not only fuel but a wider range of services including :-*

toilet

catering services

picnic sites

adequate car parking"

Proposal Site's Services for the LDT (Slide 9)

Toilets (5 wc female 5 male + urinals and 1 disabled toilet)

5 cafes/restaurants – seating for 100 people

Picnic Area

109 car parking spaces

Other wider services:-

Play Area

Shower facility

2 caravan/RV parking spaces

2 Bus/coach spaces

1 e-charging point

12 HGV parking spaces

2 car maintenance locations

Proposal complies with policy IC15

Does Tesco cater for LDTs? (Slide 10)

Tesco has small shop kiosk, and refuelling canopy and 5 car parking spaces. It does not have toilets, catering facility, picnic site or adequate parking for LDTs.

How is Tesco Accessed? (Slide 11)

Council planners are inconsistent in highlighting Tesco as a SRSF and refusing Maxol when Tesco is also accessed via slip roads and roundabouts. That is a fundamental inconsistency that the Council Planners should acknowledge. **However that is where the comparison between the two sites ends.**

Difference between Maxol and Tesco

The scale of the application site compared with Tesco is clear. (Slide 12)

The Table shows 23 features of a SRSF. (Slide 13)

It shows that Tesco fails to provide 15 of the 23 features identified.

Of the 9 features it does provide it is substantially smaller than the Maxol proposal for all except 1.

Frankly the two facilities are not comparable, which merely illustrates that the two are designed for distinctly different purposes. Tesco is a service for main weekly food shoppers. The proposal is designed for the LDTs.

Objections – two late objections from commercial interests. Neither SRSFs and don't meet LDTs needs (Slide 14)

Integration & Landscaping (Slide 15)

The site sits below the A1 and as such is screened from the A1 by topography, vegetation and the bend in the road.

On the link roads, the site benefits from existing trees that screen the site and the hills and A1 slip road embankments and flyover. The site will not harm the countryside and additional landscaping can be provided.

Protect Route Policy (Slide 15)

Proposal is not contrary to PPS 3 as it does not provide access to a protected route. It provides access to a roundabout – then a slip road- which then links to a protected route.

Does not intensify traffic. It is not a destination. It is a service and therefore caters for existing traffic on the strategic road network.

Support and Economic Benefits (Slide 16)

Proposal is supported by Freight Transport Association. Other economic benefits clear.

Conclusion (Slide 16)

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

Strategic Roadside Service Facility



RDS Strategic Context

- Gateway Location
- Main Hub Location
- Beside Warrenpoint Port
- Cluster with Warrenpoint

Reasons for refusal 1-4 - Is this a Strategic Location?

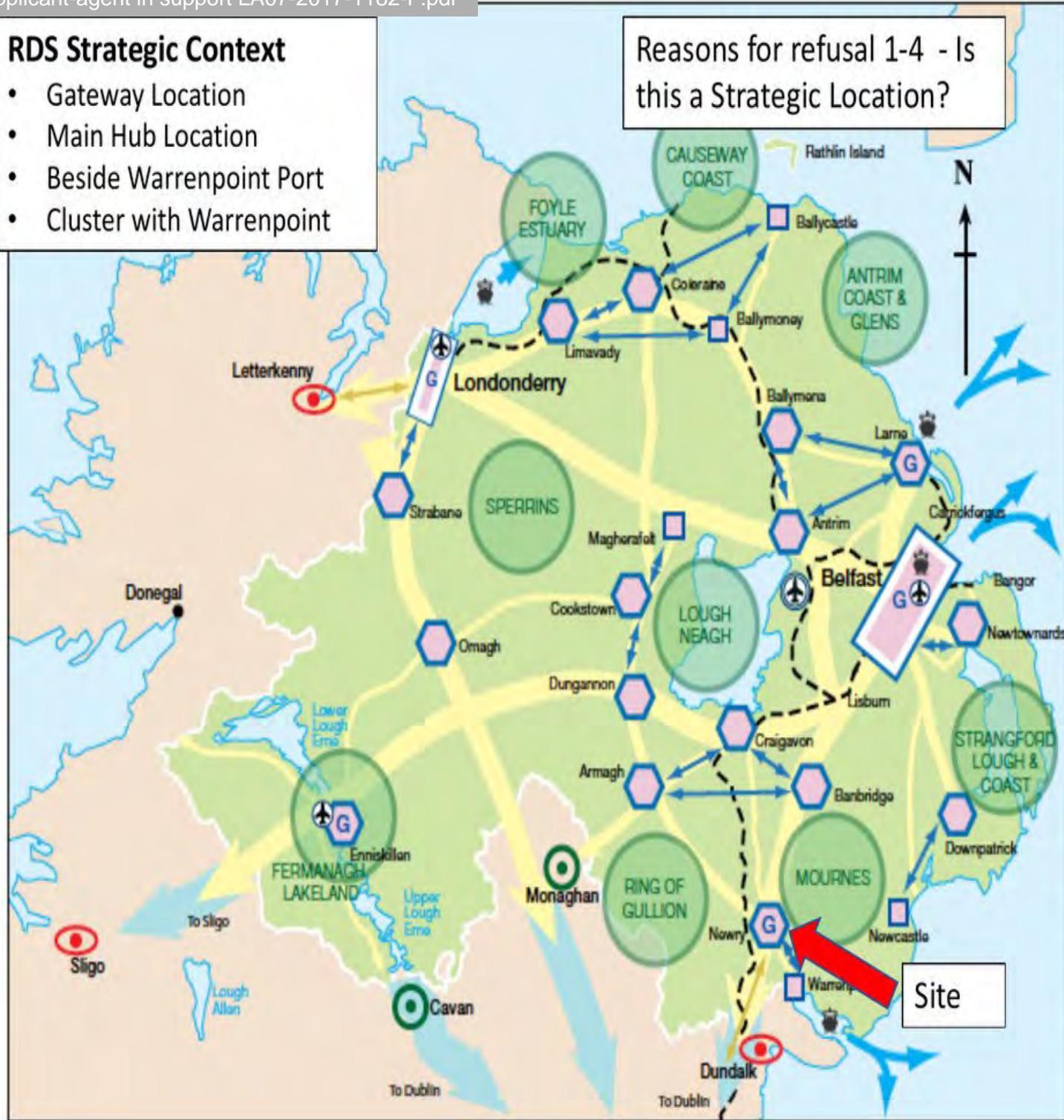


Diagram No. 2.3

Spatial Framework for Northern Ireland

Belfast Metropolitan Urban Area	
Londonderry-North West Region	
Gateways	
Main Hubs	
Local Hubs	
Clusters	
Ports	
Belfast International Airport	
Airports	
Strategic Natural Resource	
Key Transport Corridors	
Link Corridors	
Trunk Roads	
Railways	
NSS - National Spatial Strategy Gateway	
NSS - National Spatial Strategy Hubs	

Located on the Strategic Transport Network

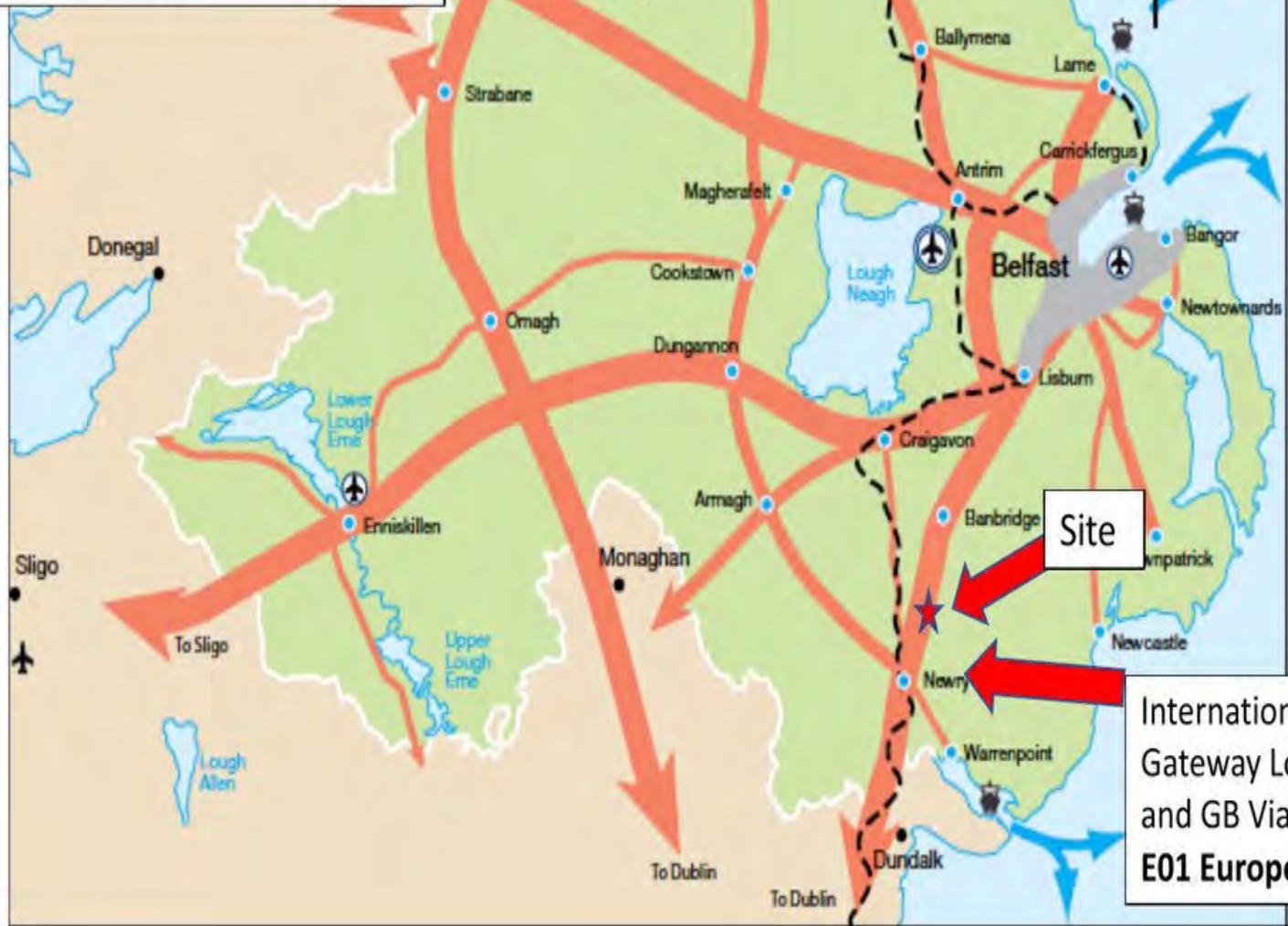
- Key Transport Corridor (A1/M1/E01)
- Link Corridor & Trunk Road (A28 Armagh and A27 Craigavon)
- Cross Border Railway (1.6m)
- Major Freight Port

Reasons for refusal 1-4 - Is this a Strategic Location?

Diagram No. 3.3

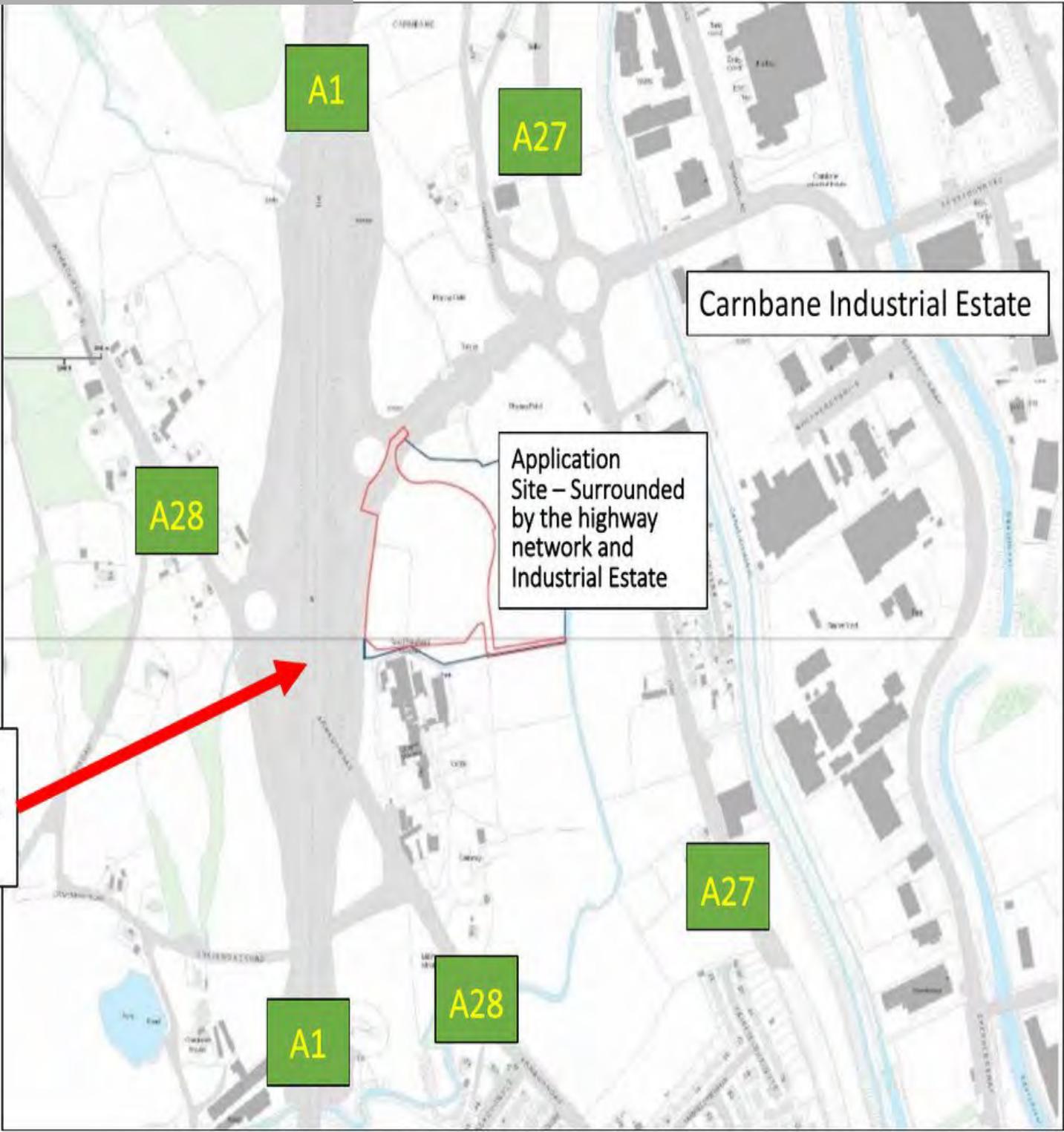
Regional Strategic Transport Network

Ports	
Belfast International Airport	
Airports	
Key Transport Corridors	
Link Corridors	
Trunk Roads	
Railways	
Belfast Metropolitan Urban Area	



International Border
 Gateway Location to ROI via A1/M1
 and GB Via Warrenpoint
E01 European Transport Route

Strategic Location of Application Site



A1/M1/E01
European Route and
Main Dublin Route

Carnbane Industrial Estate

Application Site - Surrounded by the highway network and Industrial Estate

**Alternative Strategic
Roadside Service
Facilities on A1**



Access considerations - Policy IC15 Prefers this Proposal.

of stations/ services on either side of the road is always preferable - on both single and dual carriageways. In general, sites adjacent to the main routes but which have access to a minor route may be preferable to sites with direct access, provided the facility is clearly indicated to on-coming traffic. Where direct access is permitted the

Reason for refusal 1-4 -
What do Long Distance
Travellers need?

Planning Strategy for Rural Northern Ireland

Regional Planning Policies: Policy IC 15

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It is important to secure the adequate provision of roadside services for long distance travellers using the trunk roads network. As part of the continual upgrading of the network, many settlements have been bypassed. It is not always appropriate for travellers to divert off major routes for services. On the other hand there has been pressure for new

Along the trunk road network the Department considers there is a need not only for fuel provision but also for a wider range of services including toilet and catering services and picnic sites together with adequate parking. Favourable consideration will be given to applications for such service centres which meet the criteria outlined above. Where a route is

Scale of Proposal Site and Facilities



Caravan & RV Parking

109 No. Car parking

10 No. Pumps

2 No. Air/Water/Vac

2 No. Jet wash

Auto Wash

Electric Vehicle Charge

Picnic and Play Area

5 No. Concessions with 100 dining seating

8 No. Parent and Child and Disabled

3 No. HGV pumps

2 No. Bus parking

12 HGV Parking

Basic Tesco Layout

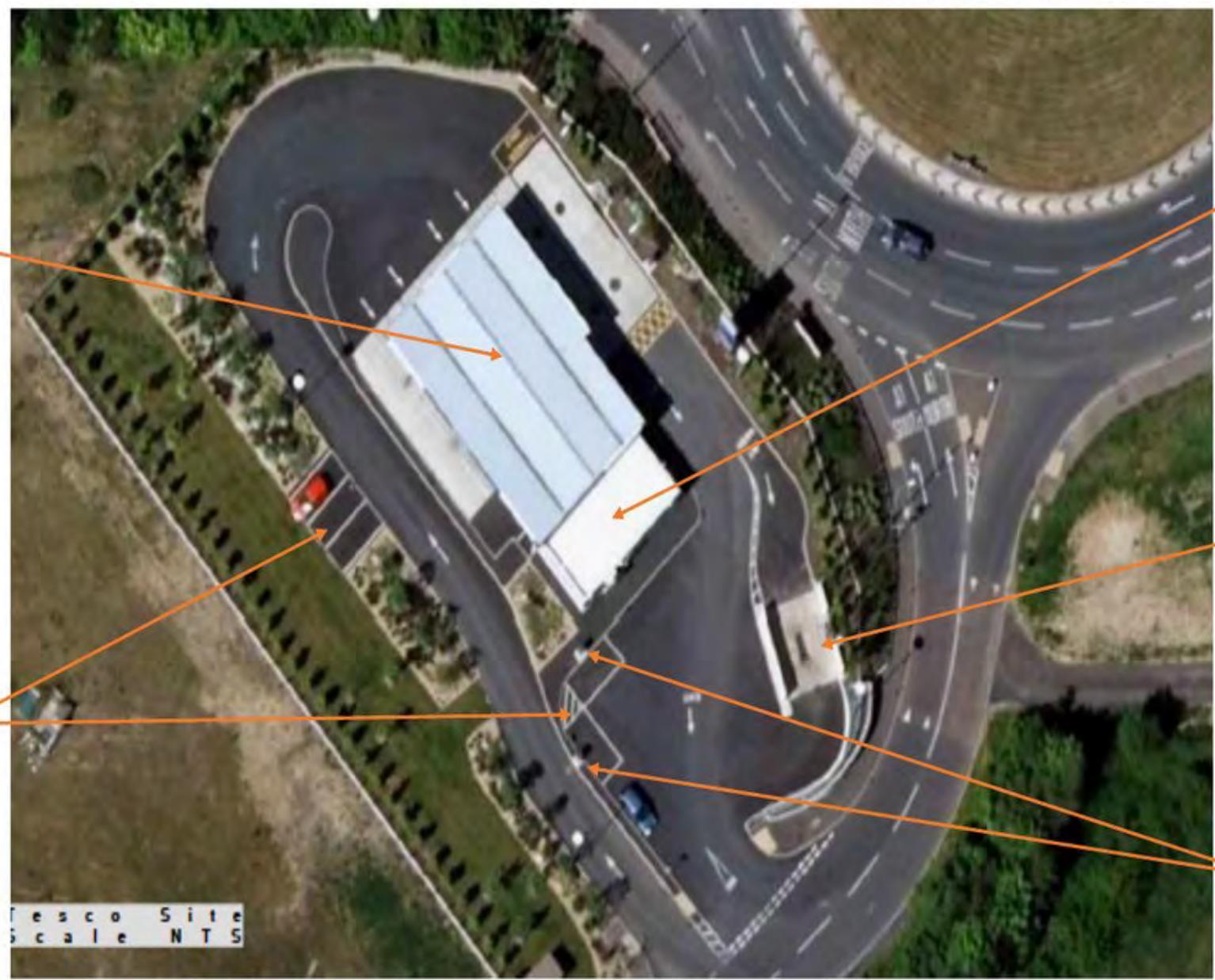
8 No. Pumps

5 Car parking Spaces

Small Kiosk

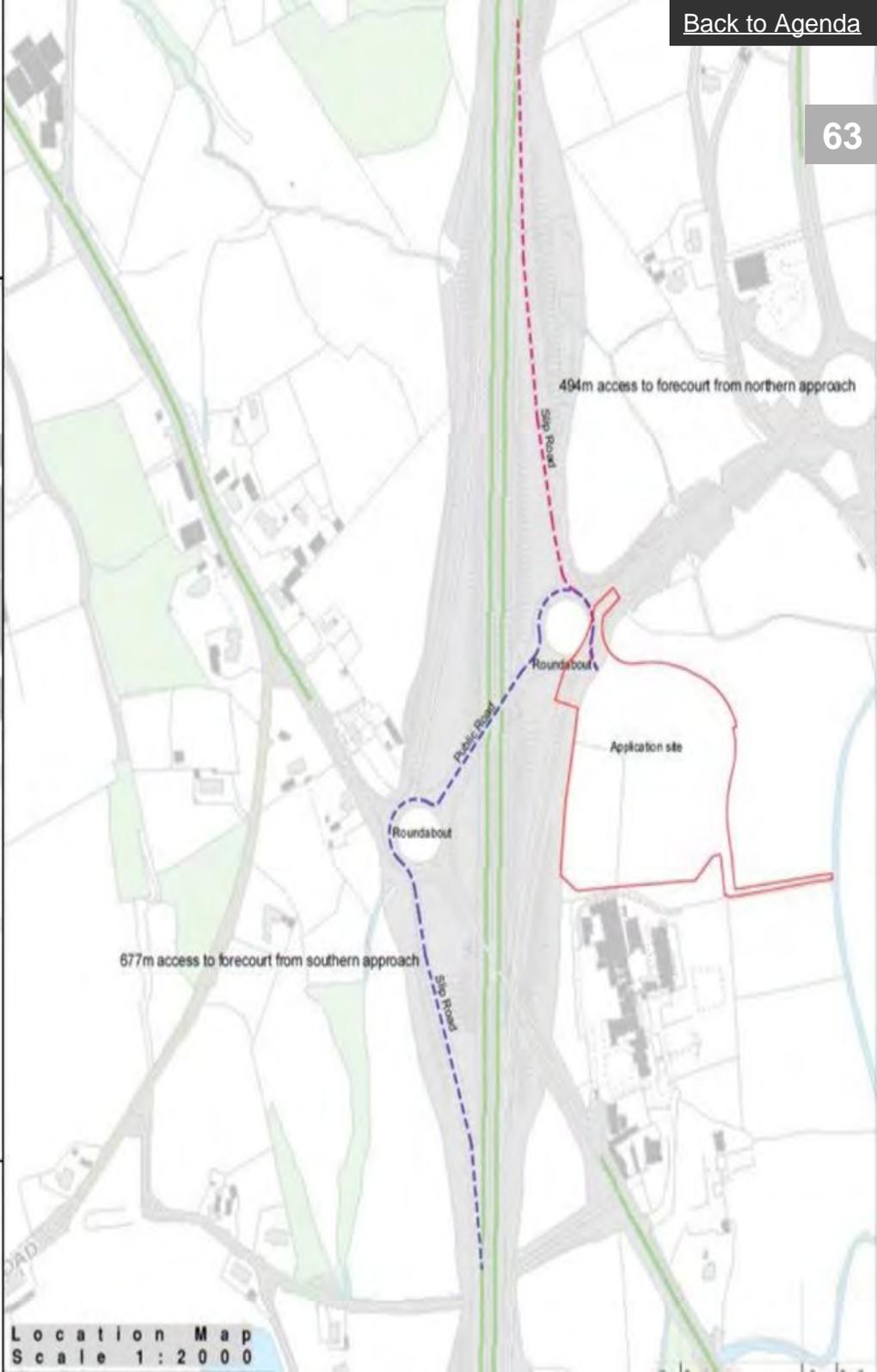
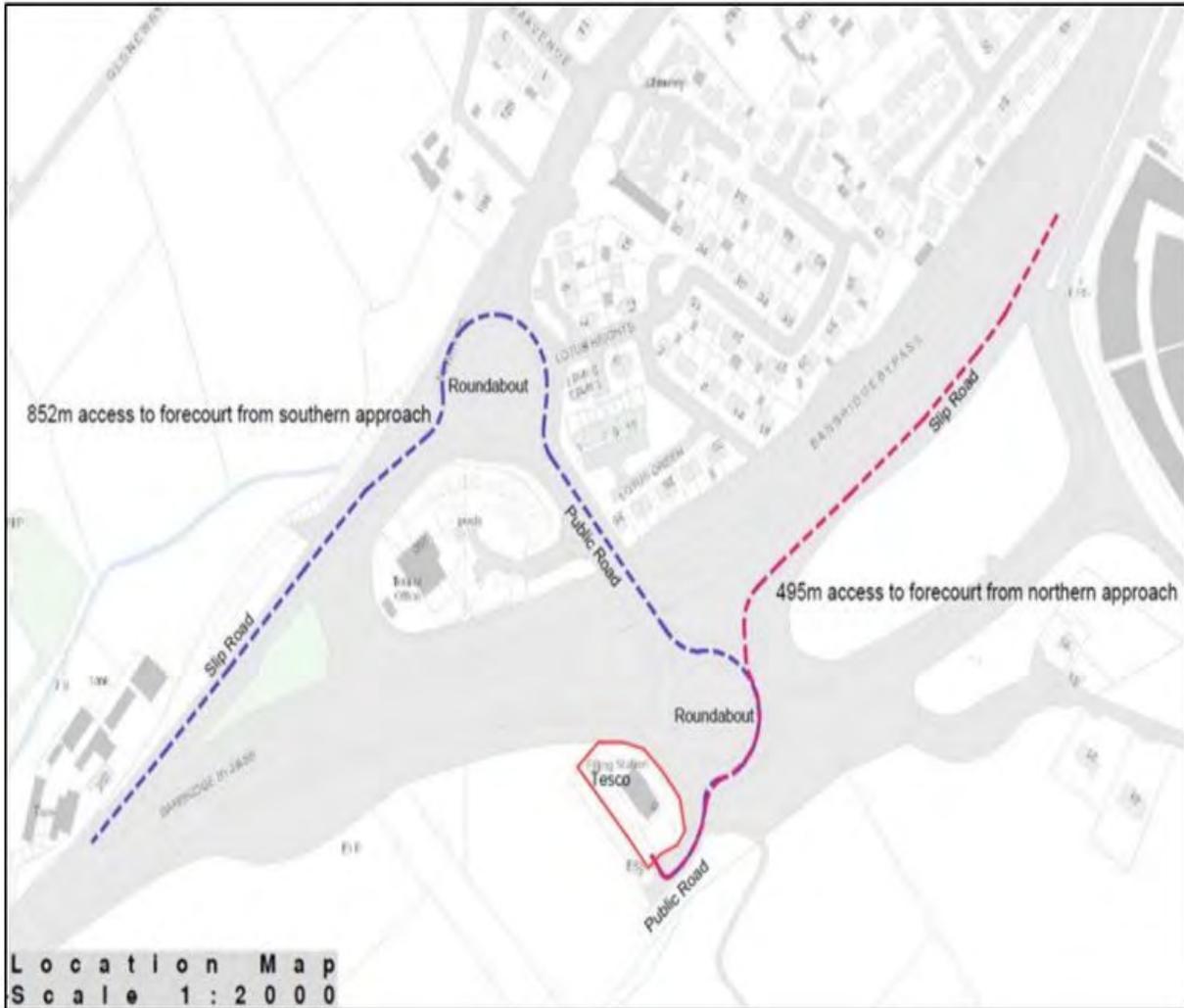
Jet Wash

Air/Water/Vac



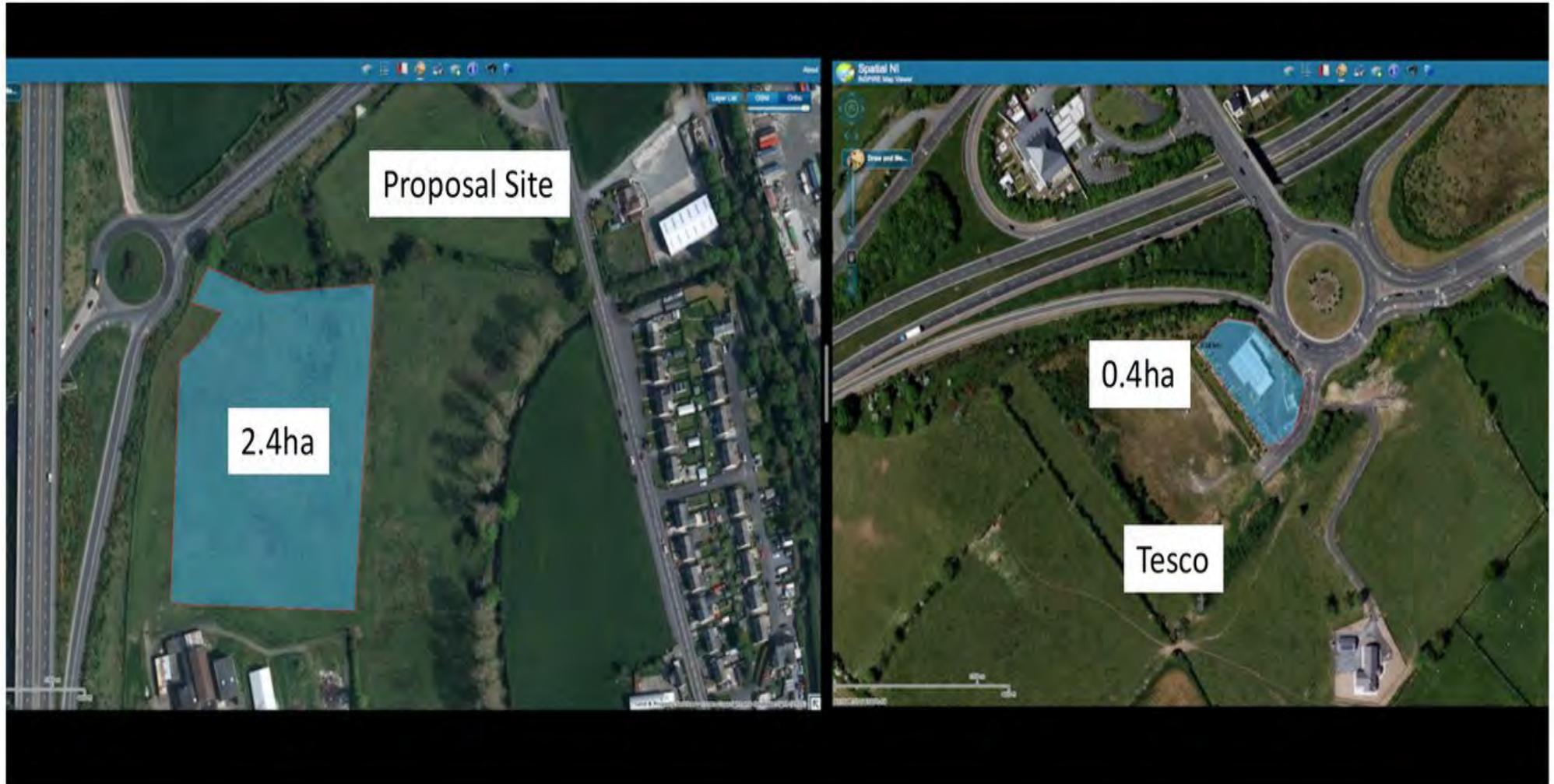
Tesco Site
Scale N T S

Access to Tesco and Proposal Site from Roundabouts



Reason for refusal 1-4 - Is
Tesco and Alternative?

Scaled site comparison between Proposal and Tesco



	Maxol Newry Proposal	Tesco Filling Station	% Tesco smaller than Proposal
Area of site	2.4 Hectares	Approx. 0.4 Hectares	84% smaller
Area of forecourt	750sq.m.	306sq.m.	60% smaller
Number of pumps	10	8	20% smaller
Number of HGV Pumps	3	0	100% smaller
E Charge points	2	0	100% smaller
Car Parking	109	5	95% smaller
HGV Parking	12	0	100% smaller
Bus Parking	2	0	100% smaller
Disabled/Mother Toddler parking	8	0	100% smaller
Car & Caravan Parking	2	0	100% smaller
Auto Wash Units	1	0	100% smaller
Jet Wash Units	2	1	50% smaller
Air/Water/Vac Points	2	2	0
Play area / PICNIC AREA	1	0	100% smaller
Size of Forecourt Building	1037sq.m.	76sq.m.	93% smaller
Area of shop sales	209sq.m.	50 sq.m. (Approx)	76% smaller
Concessions	5	0	100% smaller
Number of dining seats	100	0	100% smaller
Drive thru facility	1	0	100% smaller
Public Ladies Toilet Facilities	5 wc	0	100% smaller
Public Gents Toilet Facilities	4 wc's plus 3 urinals	0	100% smaller
Public Disabled Toilet Facilities	1	0	100% smaller
Public Shower Facility	1	0	100% smaller

New Objectors – 2 years after submission

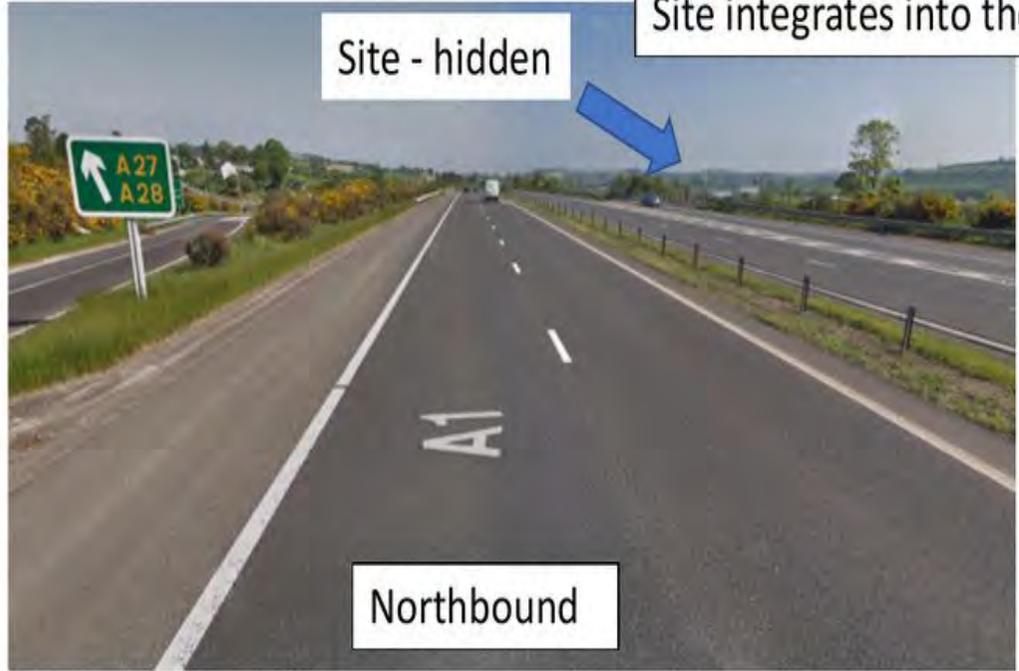
66

McKevitt Objection – Case Officer Addendum petrol stations on Old Dublin Road “*are not strategically located service stations within easy access to the main trunk road*”



Fiveways – not strategic location. It is a Local Centre in LDP. Poor access to petrol pumps, not designed for HGVs or coaches or LDTs.

Site integrates into the Countryside



Site - hidden

Northbound



Site - hidden

Southbound

Site Screen on A1 – well hidden



Reason for Refusal 6 – Integration & Landscaping

Site has existing trees and hills and A1 screening. It integrates and existing landscaping can be augmented to ensure minimal impact on countryside.

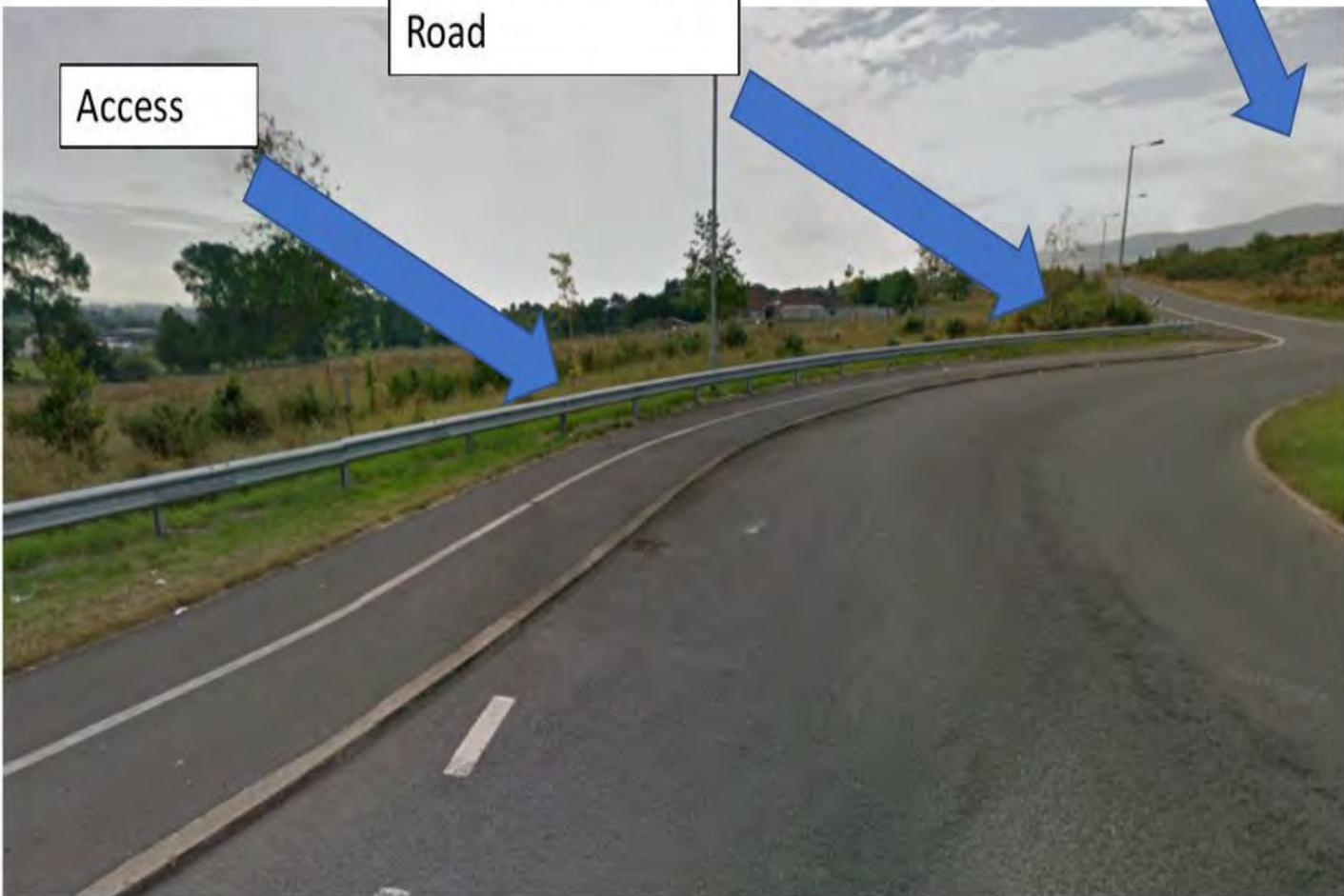
Protected Route

Reason for Refusal 7

Minor Road/Slip Road

Access

Not contrary to PPS 3 as access is not onto a protected route.



SUPPORT & ECONOMIC BENEFITS

Proposal is supported by Freight Transport Association

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



Conclusion

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

SENIOR COUNSEL'S OPINION

**IN THE MATTER OF A PLANNING APPLICATION
FOR THE ERECTION OF
STRATEGIC ROADSIDE SERVICE FACILITY INCORPORATING
PETROL STATION, SHOP AND RESTAURANT SERVICES,
CHILD PLAY AREA, PICNIC AREA, CAR, COACH, LORRY
PARKING, BUNKERING FACILITIES, LANDSCAPING, ACCESS
ROADS AND ASSOCIATED HIGHWAY AND SITE
CONSTRUCTION/EXCAVATION WORKS**

ON BEHALF OF MAXOL OIL LIMITED

**FOR PREMISES AT LANDS EAST OF THE A1 BELFAST/DUBLIN DUAL
CARRIAGEWAY**

STEWART BEATTIE Q.C.

**Bar Library,
Belfast.**

14th August 2019

BACKGROUND:

1. Maxol Oil Limited (hereafter "Maxol") lodged an application pursuant to The Planning Act (NI) 2011 for the erection of a strategic roadside service facility with significant ancillary services on lands east of the A1 Belfast/Dublin dual carriageway.
2. The application has been in the planning system for in excess of two years.
3. I have been furnished with substantial materials relating to the application that include objections to the proposal that have been received at an advanced stage of the process.
4. I have also been provided with the Case Officer's report to Committee on the planning issues, and am asked to advise on the contents of that material and some of the specific issues that are raised therein.

The issues:

5. There are a number of issues relevant to the present position:-
 - (1) What is the approach to the Law?
 - (2) What is the approach to planning policy?
 - (3) Is the approach within the Case Officer's report consistent in respect of material considerations?

What is the approach to the Law?

6. The Council decision requires the exercise of balanced planning judgment. The Law on this point is long established and well understood. In **Tesco Stores Limited -v- Secretary of State for the Environment & Ors**¹, held:

*"If the decision-maker wrongly takes the view that some consideration is not relevant, and therefore has no regard to it, his decision cannot stand and he must be required to think again. **But it is entirely for the decision maker to attribute to the relevant considerations such weight as he thinks fit, and the Courts will not interfere unless he has acted unreasonably in the Wednesbury sense (see Associated Provincial Picturehouses Limited -v- Wednesbury Corp (1947) 2 All ER 680).** In assessing whether or not the*

¹ [1995] 2 All ER 636, Lord Keith (at page 642)

Secretary of State in the instant case wrongly treated Tesco's offer of funding for the West End Link as not been a material consideration in determining the competing applications for planning permission it is necessary to examine both the published policy of the Secretary of State in regard to planning obligations and the terms of his decision letter."

7. It is a settled principle that matters of planning judgment are within the exclusive province as the local planning authority or the relevant minister: see Lord Hoffmann in **Tesco Stores v Secretary of State**².
8. If a planning decision maker makes no inquiries its decision may be illegal on the grounds of irrationality if it is made in the absence of information without which no reasonable planning authority would have granted permission: see Kerr LJ in **R v Westminster Council ex parte Monahan**³. The question for the court is whether the decision maker asked himself the right question and took reasonable steps to acquaint himself with the relevant information to enable him to answer it correctly: see Lord Diplock in **Secretary of State for Education & Science v Tameside Metropolitan Borough Council**⁴.
9. The planning decision-maker's powers include the determination of the weight to be given to any particular contention. He is entitled to attach what weight he judges appropriate to the various arguments and contentions of the parties. The courts will not entertain a submission that he gave underweight to one argument or failed to give any weight at all to another: see Forbes J in **Seddon Properties v Secretary of State for the Environment**⁵. Whilst planning judgments are matters for the decision-maker, there must nonetheless be a rational basis for reaching them and the decision-maker cannot act perversely: also *Seddon Properties*.

The primacy of the development plan:

10. The Case Officer refers to Section 45 of the Act. However the report seeks to frame the application in the context of the local development plan. That plan makes no provision whatever for the provision of a Strategic Roadside Service Facility. It is silent on that issue.

² [1995] 2 All ER 636 at 657

³ [1990] 1 QB 87 at 118(b) – (d)

⁴ [1977] AC 1014

⁵ [1978] JPL 835

11. In that respect the narrative that seeks to persuade the Committee that the proposal is contrary to the local development plan is misconceived. The requirement under the legislation is to have regard to the local development plan "*so far as material to the application*".
12. The report also fails to acknowledge that no provision is made for the development proposed under the Strategic Planning Policy Statement (SPPS). There is therefore no inconsistency with the regional policy framework, and that is not acknowledged either.
13. In respect of the development plan, section 6(4) of the Planning Act (NI) 2011 is also material. This provides:-

"(4) Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise."
14. It is again apparent that the policy context is the Planning Strategy for Rural Northern Ireland, because the local development plan and the SPPS are silent on the issue, and the attempt to place reliance on that local development policy and SPPS is again misconceived.

The approach to planning policy:

15. The principles of the interpretation and application of planning policy are well understood, and have been expressed by the Courts in similar way over a long period of time.
16. The Court has recently provided a succinct statement of several principles which are of relevance in this case:

*"The interpretation of any planning policy is a question of law for the Court; exercises of interpretation should not treat planning policies as a statute or contract or any comparable instrument; a similar approach to the reports of planning case officers is to be adopted; and decisions involving predominantly matters of evaluative judgement are vulnerable to challenge on the intrinsically limited ground of Wednesbury irrationality only."*⁶

⁶ *McNamara's Application* [2018] NIQB 22

17. The Case Officer confirms that the application is to be assessed in the context of the IC15 policy of the Planning Strategy for Rural Northern Ireland. What follows is a parsing of elements of the policy wording that demonstrates the approach, long disapproved by the Courts, of slavishly adhering to the policy and treating it like a set of immutable rules.
18. However the report fails to state the words of the policy and the specific policy position:
It is important to secure the adequate provision of roadside services for long distance travellers using the trunk roads network. As part of the continual upgrading of the network, many settlements have been bypassed. It is not always appropriate for travellers to divert off major routes for services.
19. That policy document was prepared in 1993. It is expressly retained in the SPPS. The context of the upgrading of the network could have been written with the upgrade of the A1 as the template, and it is surprising to see no reference to that policy context. In that context, it is difficult to avoid the conclusion that the road network and link is strategic.

Inconsistency:

20. The most glaring example of the inconsistent approach of the case officer report is in the treatment of the access to the proposed development, and seeking to reply upon the Tesco petrol filling station as meeting a strategic need.
21. The case officer report criticizes the access arrangement as being incompatible with policy. First of all the policy presents no such immutable rule or stringent approach and it is regrettable that the report makes no effort to actually address the meaning of the wording of the policy that is being engaged to properly inform the decision makers on this important task.
22. Secondly, the report prays in aid the Tesco premises when it in fact displays the same access treatment as the proposed development. There is no attempt to reconcile this inconsistency in the report.
23. The policy presents a relatively simple set of tests for the decision maker to consider:-

- (1) Does the development represent a roadside service facility on the trunk road network?

The policy expressly directs these towards the open countryside.

- (2) The test involves a two fold assessment:

- (i) The location of the proposal; and
- (ii) The facilities that are being provided.

In this context the assertion that the need be in some undefined way cumulatively gathered together to "fit" into the policy, as appears to be suggested by the objections, is clearly unsustainable.

Similarly, the Fiveways site is specifically designated in policy terms as a "local centre" in the Local Development Plan, and in functional terms it is designed to meet that local need. It was neither designed nor intended in planning terms to be an IC15 policy proposal, and the attempt to "fit" that development into the policy box fails to have regard for the material policy considerations set out above.

- (3) The assessment then considers the existing facilities:

In the context of the facilities, it is already submitted that the Tesco was not intended to be, and does not have the facilities of a strategic roadside facility. That is a matter for assessment and judgement.

- (4) The 12 mile is a guideline, and that is reinforced by the use of the words "not normally". That is a matter to be weighed against the existing facilities and their physical shortcomings. Where that is done the Committee cannot be said to fall into error.

- (5) The indication of need. The report fails to consider the use of the word "indication". It is an important word for the Committee to weigh. Into that assessment goes the locational and physical issues, as well as the economic considerations.

In this case however, the Committee has no credible evidence that points against the case being made, other than the assertion of "not fitting".

24. The assertion that the proposal "*does not fit with the concept of a strategic roadside facility*" copper fastens the (wrong) approach that is being taken by the Case Officer.

25. These are matters that should be brought to the attention of the Committee rather than the officers in light of the report and its contents.

STEWART BEATTIE Q.C.

Addendum - LA07/2017/1182/F

Council Planning accepts that the proposal is a roadside service facility and that access arrangements for the site are satisfactory (para 8.9)

Council Planning accept there are no alternative town centre or edge of town centre sites for this proposal (9.5).

Council Planning still contends there is no need (para 8.5). As the slide shows there is no strategic roadside service facility within 12 miles of the proposal. The examples the Council have identified are either not designed for long distance travellers, are not located on the strategic road network or are well beyond 12 miles.

Council Planning's policy interpretation is incorrect in respect of policy IC15.

Council Planning's policy interpretation in respect of other locations and protection afforded to them is incorrect.

Council Planning's policy interpretation on retail impact and the SPPS is incorrect. Its approach to retail impact is unsustainable. Notwithstanding this, Council Planning cannot demonstrate any harmful retail impact on any protected centre.

Council Planning approach to alternative locations is unsustainable.

Council Planning now relies on old filling stations on Old Dublin Road to support its case – despite **3 times saying in July 2019 that it was aware of these stations and did not consider them relevant.**

Council Planning's issues in respect of integration into the countryside, effect on the settlement limit and protected routes policy have been dealt with in earlier submissions. Reasons for Refusal cannot be sustained as:

1. The site is compliant with policy IC 15 which requires a countryside location and so the proposal cannot be contrary to the Local Development Plan

2. The need for the proposal has been demonstrated under policy IC15. The proposal cannot be therefore found to be inconsistent with the SPPS which does not contain any policy for Petrol Filling Stations.
3. The compliance with policy IC15 is the overriding reason for this development to be provided in the open countryside. PPS 21 cannot be sustained as a reason for refusal.
4. Clear need for the proposal has been fully demonstrated in the application process.
5. Compliance with IC15 means the proposal must be located in the Countryside. Compliance with PPS 21 policy CTY 13 and CTY 14 must be assessed in this context. The proposal will be landscaped and use existing landform to prevent it being a prominent feature in the landscape. The site uses established boundaries and landform and existing built form to integrate it, it does not rely primarily on landscaping for integration, the ancillary works would not damage rural character, the proposal blends with the landform.
6. The proposal does not mar the distinction between the rural area and the settlement limit. The distinction between the settlement and the countryside is protected through policy and designations. This must be balanced against the need for the proposal at this key location.
7. The proposal complies with PPS 3.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1732/F

Date Received: 7th November 2018

Proposal: Replacement dwelling and re positioning of access.

Location: 16 McKays Road, Castlewellan.



Site Characteristics & Area Characteristics:

The site in question is a roadside site that contains a single storey dwelling finished in a tan brick with some stone clad detail to a section of the front elevation and the roof covering is a brown tile roof and oak effect PVC windows. The main section of the dwelling is a rectangular shape and there is a modest rear return to the rear of the property. There is an associated garden to the front of the dwelling and a stone retaining wall to the front boundary. On the day of the site inspection there was no boundary defined along the road. The site backs onto an existing farm yard and access currently is shared between the two.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is within the Mourne Area of Outstanding Natural Beauty and also within a Countryside Policy Area. The site is also within the sphere of influence of an archaeological site and monument.

Site History:

LA07/2018/0065/F – 16 McKays Road, Castlewellan – renovation of house with side extension and conversion from bungalow to one and a half storey – application withdrawn – 12-06-2018.

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and in addition to this is considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 6 Planning Archaeology and Built Heritage, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

Historic Environment Division was consulted in relation to the proposal and has responded with no objections to the proposal, the application complies with the provisions of PPS 6.

DFI Roads were consulted in relation to the application and have responded with no objections, conditions have been attached to ensure the new access is to the required standards.

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

Objections & Representations:

The application was advertised in the local press on 28th November 2018 which expired on 12th December 2018. Due to the proximity of the site to other dwellings no neighbour notifications were required. One letter of support was received from Colin McGrath MLA and referred to drawings that were e-mailed through for comment but were never formally submitted as the agent was advised they did not address the concerns held in relation to the design.

Consideration and Assessment:

The application is considered against PPS 3 Replacement Dwellings which states that planning will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The building to which this application relates is clearly a dwelling house and is still occupied to date. The principle of replacement is acceptable.

The dwelling is not a listed building and it is not a vernacular dwelling therefore it is considered against all replacement cases.

Proposals for replacement dwellings will only be permitted where the following criteria is met.

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

The dwelling is to be replaced within the existing curtilage of the dwelling and using the existing footprint, this aspect of policy has been complied with.

- **The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.**

The proposal had previously been presented to the Authority for determination during a previous application (LA07/2018/0065/F) on a PHD form as an extension and alteration to the existing dwelling and at this stage the design was not considered acceptable as the level of works was above and beyond that of extensions and alterations and the proposals were not considered acceptable in terms of Addendum to PPS 7 Extensions and Alterations EXT 1. The applicant was made aware that the design is not acceptable. This application is assessed in a different policy context however the same design issues persist.

The overall size of the new dwelling has a visual impact significantly greater than the existing dwelling in terms of size and scale. It is noted that the position of the dwelling is on a highly prominent roadside site that makes no use of planting or vegetation for screening nor are there hard fixed boundaries at present so there is no screening available. The site is highly visible, positioned prominently to the road and is visible for prolonged periods of time when travelling along McKays Road. The proposed dwelling size does not allow for it to integrate into the surrounding landscape due to the size, scale and overall appearance of the proposed dwelling and the proposed works will have a visual impact significantly greater than the existing building.

- **The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.**

The design of the replacement is not of a high quality and is not appropriate for its rural setting, nor the setting of a roadside plot.

The front elevation of the dwelling has no uniformity and has a conflicting mix of design elements that do not complement each other. Despite this application being presented as a replacement dwelling the existing dwellings building lines are to be retained and utilised within this design which is a major constraint to the overall design and not within the spirit of the policy which clearly relates to the replacement of the existing building. The front elevation has two large walled dormers that are in extremely close proximity to the road, this along with the added height, the overall length of the dwelling and the large front return positioned to one side of the dwelling do not constitute a high-quality design. The design is not respectful of its rural location, roadside location or highly visible plot and while it is

acknowledged that there are a mix of designs in the surrounding area including those with dormer windows these are in a different design context and on plots not as prominent or as close and dominating to the road as the proposed dwelling.

In addition to the front elevation not being acceptable the rear elevation also causes concern again due to the use of dormers and also due to the large rear return coupled with the overall length of the dwelling and the proximity to the road. The rear elevation is screened in part on the approach due to the collection of farm buildings to the rear of the site but is not considered acceptable given the design, size and scale in close proximity to the road.

- **All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.**

There is an existing dwelling on the site and it already has the necessary services serving it, therefore the services are at the location to be used. A new access has been proposed to the dwelling to the front of the house itself, this is acceptable as currently the dwelling shares an access with the farm buildings and yard and a separate access would improve health and safety in terms of the farm and visually it will not have any negative impacts.

- **Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.**

DFI Roads has been consulted in relation to the proposal and has responded with no objections to the new access however this is subject to conditions. The access to the public road will not prejudice public safety nor will it significantly inconvenience the flow of traffic.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A building will be unacceptable where:

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

There already is a dwelling on the site and to the rear of this dwelling is an existing farm yard therefore there is already a collection of buildings at this location. The proposed dwelling will have more prominence than the existing building but given the works on the site at present and the back drop of the buildings and higher ground to the rear it would not be considered that the works would be a prominent feature in the landscape.

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

It is noted that this application is a replacement of an existing occupied dwelling and at present the boundaries are either poorly defined or non-existent however as it is the replacement of an existing building within an existing and established curtilage it would not be reasonable to refuse the application on this basis. It is noted that the block plan submitted

as part of this application demonstrated the applicant's attention to include boundary planting and to define all boundaries. The application is considered acceptable in this regard.

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

The Ancillary works proposed will integrate with the surroundings, there are no garages proposed. There is a modest garden area proposed utilising the existing defined curtilage with a new access point created to the front of the dwelling. The ancillary works will not detract from the character and appearance of the area and will sufficiently integrate with their surroundings,

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

As raised previously within this report the design of the building presented is not considered appropriate for the site and its locality. The current dwelling sits gable ended to the road and approx. 7m from the road edge. At present there is no screening and the boundary is not defined and it is also noted that at this separation distance from the road and a character of site of this nature there is no real ability to screen or integrate the building and it is clearly visible at the road side location.

The dwelling replaces a modest single storey dwelling and the increase in size and scale, the length of the projection along the main section of dwelling coupled with the overall bulk of the dwelling is not considered acceptable.

The front façade is of particular concern due to the overall bulk, the lack of character and the conflicting design ideas results in a façade that is not appropriate for this roadside site that is not screened and is so highly visible. The front return, although does not extend to the front by a great deal (1.9m) is detrimental to the overall appearance of the front elevation. It sits to the left hand side and this as well as a collection of other aspects of the design including differing windows, chimney position, overall length and height and mix of finishes results in a façade that fails to appear balanced or in keeping with rural design. The design would require to be simplified and of a scale and design more appropriate to the highly visible road side location and also more respectful of the character and appearance of dwellings in the area.

The rear elevation, although not has highly visible as the front is still visible when travelling downhill on McKays Road and again has similar issues as the front façade in terms of design.

The agent was advised of the concerns held by the Authority and while ample time was provided for the issues to be addressed no formal submission has been made for the proposal, the original submission is not acceptable.

The application is also considered in relation to CTY 14 Rural Character and it is not considered that the application offends CTY 14 in any way.

As the site is within the Mourne Area of Outstanding Natural Beauty NH 6 Areas of Outstanding Natural Beauty. Planning permission for new development within an Area of

Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and if all of the following criteria is met:

- The siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
- 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:
 - 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 application is not considered to be an appropriate design for the locality.

The siting of the dwelling is considered acceptable as policy requires that replacement dwellings are replaced within the existing curtilage however the scale, size and design of the works are not sympathetic to the special character of the AONB. The area is of high scenic value this proposal does not make a positive contribution to the area.

The works do not respect or conserve the character and appearance of the landscape characteristics of the area, the dwelling design is not respectful of the area and it dominates within the area due to its size and scale and close proximity to the road.

The design of the dwelling does not respect the local architectural styles and patterns exhibited throughout the rural area.

Recommendation:

As there are serious concerns held in relation to the design and an acceptable alternative design solution has not been met the application is not considered acceptable therefore a recommendation of refusal is made.

Reasons for refusal:

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2 (PPS2) Natural Heritage Policy NH6 in that the proposal is inappropriate in terms of design and is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the locality.

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



Reference	LA07/2018/1732/F
Location	16 McKays Road, Castlewellan
Proposal	Replacement dwelling and re-positioning of access

Response to Refusal Reasons

The application is considered against PPS3: Replacement Dwellings, which states that planning will be granted for a dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The building to be replaced clearly exhibits the essential characteristics of a dwelling and therefore the principle of replacement is acceptable.

The reduced version of events are as follows:

- The applicant gained pre-app advice in October and November 2017 and was advised to submit a PHD proposal for extension (increase in ridge with walled dormers) which was submitted in Jan 18
- No response received until 8th May 2018 requesting amendments or alternatively to withdraw and submit a full application for replacement dwelling. Applicant advised that the only issues are the walled dormers for the replacement but that this could be considered via a replacement dwelling.
- I then at this point am engaged and assess the surrounding dwellings and character of the local area and realise that the property is surrounded by properties with walled dormers. Photo's of which were sent into the planning office prior to the submission but didn't receive any feedback.

The proposal has been assessed and shaped by local context, planning policies and other design guides. Having assessed the surrounding environs it appears that the surrounding houses have walled dormers and similar design features which form an acceptable precedent.

The applicant's family is growing; therefore, needs a larger dwelling as the current dwelling is sub-standard. The site is constrained in that if the application was to be sited further from the road it would be considered too close to the agricultural buildings, causing health and safety issues for the applicant and their family. Therefore, the proposed front and rear return allow the applicant to make use of the space available. There have been similar dwellings approved with greater returns within close proximity to the site (Farm Dwelling 22 McKays Road).



The walled dormer windows are in order to make use of 1st floor living space for the applicant's family. These were introduced due to the fact that along McKays Road, there is 3 separate dwellings which have dormer windows, or similar features which integrate into the landscape. A number of dwellings on the Clonvaraghan Road (within 1km of the site) also have dormer windows along the road frontage, therefore these design features are common for the area.

The backdrop of the site is formed by a number of large 8m high corrugated agricultural buildings, which dwarf the proposal. The proposal therefore would not appear prominent in the landscape which was accepted by the CO's report.

Both the original and revised versions are not offensive at all to the character of the area. Similar schemes have been approved throughout the council area and the Building on Tradition guidance advocates for a variety of dwelling styles. Therefore we respectfully request that the Committee over-turn the Case Officers recommendation and approve the dwelling.



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

Application Reference: LA07/2019/0830/O

Date Received: 22nd May 2019

Proposal: Erection of 2no infill dwellings

Location: Land NW of 11 Wateresk Road, Dundrum



Proposed site location

Site Characteristics & Area Characteristics:

The application site is located on an open agricultural field accessed via a laneway off the Wateresk Road in Dundrum. The access laneway runs parallel to an adjacent lane which it appears to have been opened up to join and runs through the site of no.11 Wateresk Road. The site is fairly flat in topography although begins to decrease in level to wards the rear west of the site. There is tree coverage to the western boundary of the site. The eastern boundary is denoted by a post and rail fence and some hedging which runs alongside the laneway. There is additional hedging along the northern and southern boundary. The southern boundary of the site separates the application site from a new build to the west of no.11 Wateresk Road. The eastern boundary of the site separates the site from no.7b Wateresk Road.

The site is located in the countryside and not within any defined settlement limits as designated in the Ards and Down Area Plan 2015. The surrounding land is predominantly agricultural in use and rolling drumlin type topography.

Site History

No site specific history however there is history relating to the adjacent sites:

LA07/2017/0056/O - GRANTED 02.06.2017

Mr F Flannagan

Single dwelling in Infill site adjacent to 7B Wateresk Road, Dundrum

LA07/2015/0917/F GRANTED 30.11.2015

Mrs Clare Kelly

Change of house type in substitution of R/2004/0077 for a single dwelling adjacent to 11 Wateresk Road, Castlewellan

R/2010/0038/F GRANTED 03.06.2010

Mr Leo Flannigan

Proposed new dwelling adjacent to 7A Wateresk Road Dundrum

R/2007/1249/F GRANTED 07.02.2008

Mr & Mrs L Flanagan

Proposed sunroom extension & bedroom extension to provide disabled accommodation at 7a Wateresk Road, Dundrum

R/2006/0698/F GRANTED 01.06.2009

Mr Hugh Flanagan

Conversion and extension of outbuildings to self-catering holiday apartments and associated site works buildings adj to 11 Wateresk Road, Dundrum

R/2006/0564/F GRANTED 13.04.2007

Mr Eugene Flanagan

Retrospective application for dwelling and garage as built adj to 11 Wateresk Road, Castlewellan

R/2004/2141/O WITHDRAWN 15.12.2005

Mr Sean Gaughan

Two Storey Dwelling adjacent to 7B Wateresk Road, Dundrum

R/2004/0077/F GRANTED 28.01.2005

Ms Claire Flanagan

Erection of new dwelling adjacent to 11 Wateresk Road, Castlewellan

R/2002/0001/F GRANTED 26.03.2002

Mr Hugh Flanagan

New dwelling adjacent to 11 Wateresk Road, Wateresk, Dundrum

R/2001/0449/O REFUSED 19.09.2001

Mr Hugh Flanagan

Bungalow at 11 Wateresk Road, Dundrum, Newcastle

R/2001/1298/F WITHDRAWN 03.12.2001

Mr Hugh Flanagan

New dwelling adjacent to 11 Wateresk Road, Wateresk, Dundrum

R/1977/0814 WITHDRAWN 30.01.1978

Historical Application 3

Cottage at Wateresk, Dundrum

Planning Policies & Material Considerations:

The site is within the countryside and will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS21: Sustainable Development in the Countryside, PPS3 Access Movement and Parking as well as PPS2 Natural Heritage. Planning guides such as Building on Tradition Design Guide, DCAN 15 Vehicular Access Standards, Parking Standards will also be considered.

Consultations:

NI Water Ltd – have responded with standing advice which set out conditions which should be imposed with any permission granted.

DFI Roads – DFI Roads have responded with no objections in principle to the proposal. They have set out advice for the reserved matters application.

Historic Environment Division - HED Historic Monuments has assessed the application and based on the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Objections & Representations

4 Neighbours were notified on 05.06.2019 which expired on 19.06.19. A further neighbour was identified and notified on 28.06 which expired on 12.07.2019. The application was advertised on 12.06.2019 which expired on 26.06.2019. No objections were received.

1 letter of support has been received.

Consideration and Assessment:

The proposal is an outline application for 2no infill dwellings within the countryside, Policy CTY1 of PPS21 identifies a range of development considered acceptable in principle within the countryside that will contribute to the aims of sustainable development. One such avenue is the development of a small gap site within an otherwise substantial and continuously built up frontage in keeping with Policy CTY8 Ribbon Development.

Policy CTY8 Ribbon Development provides an exception to facilitate the infill of a small gap site. The policy identifies the small gap as sufficient to accommodate a maximum of 2 dwellings 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, plot size and meets other planning and environmental criteria. The policy provides further definition which clarifies that a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The Strategic Planning Policy Statement (SPPS) does not conflict with policy relating to the development of infill sites within the countryside.

The site proposed is accessed from the Wateresk Road through a private lane which serves no 7b, No 7c and No.11 Wateresk Road. No.11 has also a separate laneway serving it from the Wateresk Road. The eastern boundary of the application site is shared with 7b Wateresk Road. This property which has a large curtilage which also contains an ancillary building set back and to the rear of the curtilage. Both dwelling and ancillary building are served by a single access onto the laneway. No.7b and its ancillary building have frontage onto the laneway. The southern boundary of the site

is shared with No 7c Wateresk Road which is a detached dwelling within a large curtilage. The northern and western boundaries of the No.7c are shared with agricultural fields. No.7C adjoins the laneway through an access point. No part of the curtilage of the dwelling at 7c provides a frontage to the laneway. Therefore for the purposes of policy this property at No.7C does not have a frontage onto the laneway. Similarly, No11 does not have a frontage to the laneway.

It is not possible to define a substantial and continuously built up frontage of 3 buildings along this laneway, only No7B and its ancillary building provide frontage to the laneway. No 7d at the road front, has dual frontage to the lane and the Wateresk Road, there is however a considerable visual break between No.7d and No.7b, therefore No.7d cannot form part of a continuous frontage.

Therefore, for the purposes of policy CTY 8 there are only 2 buildings sharing a common frontage along the laneway namely No.7b and its associated outbuilding. There is no substantial and continuous built up frontage. The examination of the proposed infill site in terms of its respecting the development pattern along the frontage in terms of size, scale, siting and plot size is somewhat meaningless given there is no only 2 buildings fronting onto the laneway at No.7b.

The proposal must also be considered against CTY14 Ribbon Development. The proposed development would result in the creation of a ribbon on development along the laneway and is therefore contrary to this policy.

Recommendation

A recommendation to Refuse is offered.

Refusal Reason:

The proposed development would fail to comply with the SPPS, PPS21, Policies CTY1 CTY8 and CTY14 in that there is not a substantial and continuously built up frontage at this location therefore the proposal would result in the creation of ribbon development and impact on rural character by reason of suburban build-up.

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



Reference	LA07/2019/0830/O
Location	Land NW of 11 Wateresk Road, Dundrum
Proposal	Erection of 2no infill dwellings

Response to Refusal Reasons

- The application is considered against PPS21: CTY8 Ribbon Development provides an exception to facilitate the infill of a small gap site. The policy identifies the small gap as sufficient to accommodate a maximum of 2 dwellings 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, plot size and meets other planning and environmental criteria. The policy provides further definition which clarifies that a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear
- PPS 21 sets out policies which offer advice on what is considered acceptable in terms of development within the countryside. Within PPS21, policies CTY1 sets out the range of types of development considered acceptable, including CTY8 Ribbon Development which considers it acceptable to infill a small gap within an otherwise built up frontage within the countryside. This gap should be suitable to accommodate a maximum of 2no. dwellings, while respecting the scale and siting of the surrounding area.
- The case officer has determined that the dwelling at 7c does not have frontage to the dwelling, and the dwelling and garage at 7b both have frontage, and as the gap needs to be in a line of 3 or more buildings, the proposed site does not represent an infill opportunity.
- However the dwelling at 7c does have frontage to the laneway, due to the fact it is on the bend of the historical laneway which runs through the buildings at 11 Wateresk road. Previous appeal decisions(2013/A0037) have found that irrespective of the bend in the frontage, the site reads as a small gap between the subject buildings. Furthermore, the historical laneway running through 11 Wateresk road, shows the garage to have frontage to the laneway, previous appeal decisions (2018/A0133) have shown that even though a road is no longer used by traffic, it is still a road, or at least a private laneway.



- The case officer stated that the application site was accessed through a private laneway which serves the dwelling and garage at 7b Wateresk Road, the dwelling at 7c as well as the dwelling and other buildings at 11 Wateresk Road. The case officer then went on to say that the dwelling and garage at 7b had frontage to the laneway however, no part of the curtilage at number 7c had frontage to the laneway.
- As shown in the location plan, the frontage is shown at the building at 11 Wateresk Road, 7c Wateresk Road, and the dwelling and garage at 7b Wateresk Road. The dwelling at 7c has frontage to the laneway which is constituted by the access point and northern section of the garden, both of which both adjoin the laneway thus representing frontage.
- In conclusion, it is apparent that number 7c has frontage to the laneway, it does in fact demonstrate a substantial and continuously built up frontage with a line of three buildings, as the dwelling and garage at 7b Wateresk Road, the dwelling at 7c Wateresk Road have frontage.

From: Gallagher, Hugh
Sent: 11 September 2019 15:13
To: democratic.services@nmandd.org
Subject: LA07/2019/0830/0

Categories: Planning

To whom it may Concern,

I am writing in support of Mr Sean Flannagan

Re: LOCATION OF LAND: NORTH WEST OF 11 WATERESCK ROAD DUNDRUM.

LA07/2019/0830/0

The site is a purpose for 2 infill dwellings.

As Stated I am supporting this applicant as it will be a family member living in the new dwelling who will then be closer to her family network for support and work.

The site would not impact on the land, as it will be infill.

Please feel free to contact me.

Hugh Gallagher
Slieve Croob Coucillor
07793983552

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1855/F

Date Received: 28.11.2018 (valid 04.12.2018)

Proposal: Proposed 2no infill dwellings and garages

Location: Between No 124a & 126 Carsonstown Road, Saintfield





The site is located within the countryside.

Site Characteristics & Area Characteristics

This roadside site is comprised of a large agricultural field. The western boundary of the site abuts the Carsonstown Road. The south and eastern boundary abuts a shared lane which serves as access to detached dwellings, outbuildings and agricultural lands. The west, south and eastern boundaries are defined by a mature hedge measuring approx. 1.2m in height during site inspection and is well maintained. The northern boundary is shared with an outbuilding and is defined by a hedge that varies in height and species, with stock proof fence. The site is relatively flat with a slight decrease in ground level moving from south to north and west to east within the field.

Site History:

There is no planning history on the site.

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) and PPS3 Access, Movement and Parking.

Guidance documents will also be considered. This will include Building on Tradition A Sustainable Design Guide for the Northern Ireland Countryside, DCAN 15 Vehicular Access, and Parking Standards.

The list of planning policy and guidance documents is not exhaustive. Should any additional document form part of the assessment for the proposal it will be referenced within the report.

Consultations:

NI Water – generic response with information for the applicant's benefit.

Transport NI – responded with no objection and detailing planning conditions relating to access as shown in the submitted plans and access gradients.

DAERA Drainage and Water (WMU) – referenced generic advice provided in DAERA Standing Advice Multiple Dwellings

DAERA NED – referred to guidance relating to hedgerows

DAERA Land Soil and Air – advised the proposal is approx. 250m from the boundary of PCC Part B Permitted site which is regulated by the Industrial Pollution and Radiochemical Inspectorate. Due to the proximity of the site to the proposed development there is potential for the occupants of the development to suffer periodic loss of amenity due to noise, dust etc.

Environmental Health Unit NMD Council – no objections subject to an informative advising the applicant of the close proximity of the existing agricultural building. No objection subject to conditions relating to access which would require visibility splays of 2m with full frontage setback and a minimum radius of 5m entry and exit with sightline to be levelled 150mm-250mm above the existing road and kept free from all obstruction as well as gradient of access highlighted.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on the 19.12.2018 and statutory expiry 02.01.2019.

A total of 8 Neighbours notified in letter dated 10.12.2018 with statutory expiry 24.12.2018.

No representations received prior to completion of the case officers report.

Consideration and Assessment:

The proposal is a full application for 2 dwellings with a shared access onto the Carsonstown Road. The dwellings proposed are orientated to face west onto the Carsonstown Road and stand at 7.2m high providing 2 storey dwellings in a chalet style design.

The dwellings include ground floor living space with 1st floor accommodation to provide 4 bedrooms. The dwelling includes a 2 storey rear projection, a single storey front porch, side projection and 2 car garage which is attached to the dwelling by a

car port. The materials and finishes proposed detail blue/black concrete interlocking tiles on the pitch roof, dashed render with slate grey natural stone cladding on the front elevation for porch, side projection and garage. The walls will also include raised smooth plaster on external corners, door and window openings.



The principle for 2 dwellings on a site within the countryside is considered in relation to the SPPS and PPS21. Policy CTY1 of PPS21 identifies a range of development considered to be in keeping with the principles of sustainable development in the countryside. The proposal description refers to Infill Dwellings and this is considered within the SPPS and within Policy CTY1 of PPS21 if the proposal accommodates development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 refers to ribbon development whereby planning permission will be refused for a building which adds to or creates a ribbon of development. The policy also defines an exception 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 and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot sizes and meets other planning and environmental requirements.

Policy CTY8 provides the definition, for the purposes of the policy, of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site is a large agricultural field that shares a frontage of approx. 106m with the Carsonstown Road. The site is located within a gap that measures approx. 180m measuring between the detached dwelling of No 130 and the next building that shares its frontage with the Carsonstown Road, the dwelling of No 124a.

The agricultural building that sits north of the site, between the site and the detached dwelling No 124a is an agricultural building that is ancillary to No 124a. This building has no independent access and it doesn't share a frontage with the Carsonstown Road.

The development along the Carsonstown Road, that I consider to share frontage onto the road includes No 12 Carson Park, a pair of semi-detached dwellings Nos 134 and 132 Carsonstown Road, detached dwelling at No 130 Carsonstown Road and No 124a Carsonstown Road.



The semi-detached dwellings of Carson Park, a short distance to the south of the site, do not all share a frontage with the Carsonstown Road. The side boundaries of Nos 1 and 12 Carson Park share a frontage with the Carsonstown Road while the green area between Nos 1 and 12 separate Nos 2-11 Carson Park from the Carsonstown Road and provide a break in development. Therefore, I consider No 12 Carson Park to form part of the consideration for the development pattern with a frontage along the road.

The detached dwelling, No 126 Carsonstown Road sits to the rear of No 130 and is accessed through a shared lane, rather than the Carsonstown Road.

The agricultural outbuilding, north of the site, is accessed through No 124a Carsonstown Road and does not share a frontage with the site. The dwelling of No 130 and the agricultural outbuilding of No 124a do not share a frontage with the Carsonstown Road.

There is a planning approval, originally granted as an off-site replacement, immediately north of No 124a Carsonstown Road.

- R/2004/1932/O 100M North of 124A Carsonstown Road, Saintfield. Off-site replacement of no.111 (due to encroachment of quarry). PERMISSION GRANTED 11.06.2005
- R/2008/0218/RM 100m North 124a Carsonstown Road, Saintfield Off site replacement dwelling and attached garage of 111 Carsonstown Road, Saintfield PERMISSION GRANTED 03.09.2008

The recent planning approval, planning reference LA07/2017/1026/F, granted permission 13th of December 2017 for a single storey dwelling, providing a change of house type to the previously approved off-site replacement granted as a result of encroachment of the Quarry

The site of the recent planning approval reference LA07/2017/1026/F has foundations however there is no building present to be considered for the purposes of this proposal.

In terms of the existing development pattern between No 12 Carson Park and 124a Carsonstown Road is largely defined by a mix of detached and semi-detached dwellings with a varied development pattern. To the south of the site dwellings of 12 Carson Park and numbers 130, 134 and 132 Carsonstown Road are small in size, with narrow road frontages and are of a high density of development within this section of Carsonstown Road. However, the dwelling of No 124a to the north of the site has a stark contrast from the development more than 180m south, as it has a large plot and a large frontage of 50m along the Carsonstown road.

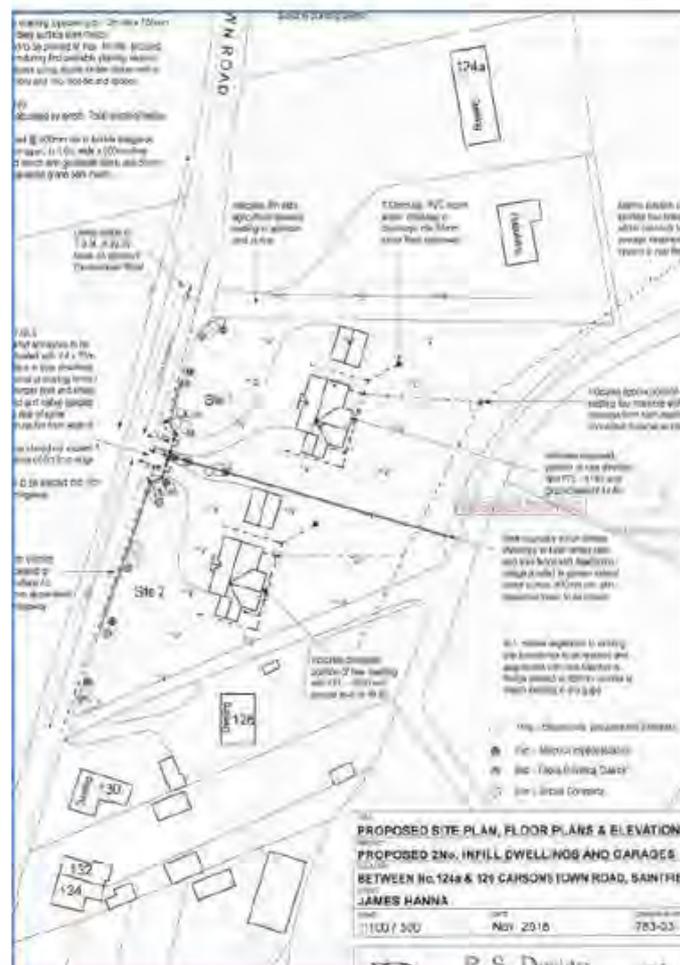
Site/Address	Frontage shared with Carsonstown Rd (m)	Plot Sizes (Hectares)
No 124a	55m	0.6 Ha
No 130	30m	0.1 Ha
No 132	6m	0.1 Ha
No 134	20m	0.1 Ha
No 12 Carson Park	17m	0.08Ha
AVERAGE	25.6m	0.2 Ha
SITE	107m	0.8 Ha

The table demonstrates the measurements as averaged from Spatial NI.

The site represents a break in the development pattern from the small plots and dwelling footprints of development to the south which has a high density to the large plot of the detached dwelling (No 124a) to the north of the site. Development of the site would be detrimental to the rural character of the area and add to the of ribbon development along the Carsonstown Road. The proposal is contrary to Policy CTY8.

To the south of the site the development pattern from 12 Carson Park, to and including No 130 Carsonstown Road, is characterised by small plot sizes with an average of 0.1Ha and share a limited frontage, that varies from 30m to just 6m with the Carsonstown Road. The north of the site is No 124a Carsonstown Road which has a substantial plot size, measuring 0.6Ha and sharing 55m of frontage with the Carsonstown Road.

The site is a large field that measures 0.8Ha and shares 107m with the Carsonstown Road. The plans submitted with the application, drawing reference LA07/2018/1855/02 stamp received 10DEC2018 illustrates the block plan within its details which has been included within the report for reference:



Considering the details of the proposal in relation to the established development pattern the proposal would reflect the large plot, measuring 0.6Ha and substantial

frontage, approx. 55m of No 124a Carsonstown Road. However, No 124a does not reflect the established development pattern to the south of the site.

Considering the average plot sizes and frontages within development along the Carsonstown Road the proposal would not adhere to the average 0.2Ha plot and 26m frontage. In conclusion the proposal would fail to respect the existing development pattern along the Carsonstown Road and is contrary to CTY8.

I would highlight that if the dwelling permitted under planning approval LA07/2017/1026/F to the north of No 124a Carsonstown Road was built and present on site, this would not result in a change of opinion relating to the planning application for 2 infill dwellings on this site. The site is too large to accommodate a development that respects the dense pattern of development south of the site on Carsonstown Road and too big to accommodate one dwelling while respecting the development of No 124a north of the site..

Development of the site would create a ribbon of development rather than take advantage of a small gap site. The proposal remains contrary to planning policy even if the planning approval LA07/2017/1026/F was considered to be part of the frontage.

Policy CTY13 (a-f) permits a building in the countryside that can be visually integrated into the surrounding landscape and it is of an appropriate design. The site has the benefit of a mature roadside hedge. Transport NI has agreed the details of the block plan LA07/2018/185502 Date stamped 10DEC2018. This demonstrates the removal of the hedge however the applicant has detailed a new stockproof fence with native species hedge planted to the rear of the visibility splays. This can be conditioned. The dwellings proposed include a new hedge to divide the site between the two dwellings. The design of the dwellings largely reflects dwellings within the larger area however, if principle was accepted the removal of the car port attachment to reduce the bulk and disproportion of the dwellings on site and support the planting detailed through conditions.

Policy CTY14 (a-e) permits a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal would not respect the traditional pattern of settlement when comparing the site with the established development pattern. The dwellings proposed would result in the addition ribbon of development along the Carsonstown Road and damage the rural character. Should 2 dwellings be accommodated on site this would result in a suburban style build-up when viewed with the existing development. The proposal is contrary to Policy CTY14 as it would result in a detrimental change to the rural character of the area.

Policy CTY16 permits development relying on non-mains sewerage, or where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has provided details of the sewage discharge method proposed and I would recommend a planning condition relating to ensure the applicant has sought and been granted a consent to discharge prior to commencement of the development if the proposal was considered acceptable under policy.

Recommendation:

Refusal – the site fails to satisfy Policy CTY8 for infill development, it would add to the ribbon of development, no need has been demonstrated to justify the dwellings proposed within the countryside. The proposal would fail to respect the established development pattern and would result in suburban style build up when viewed with the existing dwellings.

No additional information has been provided and the proposal has been assessed in relation to current planning policy. The proposal fails to meet the exception to Policy CTY8 of PPS21 and there is no need to justify the proposed dwellings within this rural location. The proposal is contrary to the SPPS and Policies CTY1, CTY8 and CTY14 of PPS21.

Refusal Reasons/ Conditions:

Refusal Reasons as recommended by the case officer. Reasons can be subject to editing prior to issuing decision.

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not respect the existing development pattern and would, if permitted, result in the addition of ribbon development along the Carsonstown Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it adds 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:

**Speaking Note for Newry Mourne and Down
Planning Committee on 18.09.2019**

**Planning Ref: LA/07/2018/1855/F
Proposed 2 No. Infill Dwellings and Garages
Between No. 124a and 126 Carsonstown Road,
Crossgar**



Gravis Planning
1 Pavilions Office Park
Kinnegar Drive
Holywood
BT18 9JQ
T: 028 90 425222
F: 028 90 422888

September 2019

Chairman and members of the Planning Committee, thank you very much for the opportunity to speak here this afternoon on behalf of the applicant Mr Hanna.

In summary, as members, you have been presented with a recommendation by your officers to refuse the application. It is however your duty to consider this recommendation alongside other viewpoints raised today.

By their very nature, the assessment of infill planning policy applications is highly subjective; the policy wording is not straight forward and interpretations of the site on the ground situation often differ. The purposes of the policy is to prevent unnecessary development into the open countryside that would erode or have a negative impact upon its existing character.

Policy CTY1 of PPS21 states that there are a range of developments, in which are acceptable in the countryside and contribute to sustainable development. One of these is the development of a small gap site for up to 2 no. dwellings, within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 'Ribbon Development'

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

We consider the site to represent a small gap site with infill opportunity in line with Policy CTY8 as housing development exists both to the north and south of the site creating a small gap between buildings. We have reviewed the case officers planning committee report and there are a number of inconsistencies that warrants further scrutiny by the Planning Committee. The case officer considers that five buildings share a frontage with Carsonstown Road and has discounted No. 126, as it is accessed through a shared lane rather than Carsonstown Road. However, we disagree and believe No.126 should be included in the case officer's assessment.

We believe the case officer has not applied policy CTY8 correctly in their consideration and incorrect separation distances have been reported. It is clear to see from site photographs, that the agricultural shed located directly south of no. 124a Carsonstown Road is associated with and ancillary to no. 124a and therefore shares its frontage with 124a. The fact it does not have its own independent access does not mean it is not part of the frontage. It should form part of the assessment.

As identified on OS Mapping, No. 126 Carsonstown Road clearly fronts over the road, and although its actual frontage onto the road is limited to one of its common boundaries it still forms part of the frontage. On the basis that infill policy is partly a visual assessment it is irrational to omit no. 126 from the assessment given its clear and obvious frontage to the road.

That being the case the 'gap' to be measured is not between the dwelling at 124a and No. 130 (which equates to 180m), instead the gap is more akin to circa 112m, a significantly smaller gap than what the officer has assessed, this is a considerable difference. This is measured from the corner of the agricultural shed located due south of and associated with 124a, to the NE corner of the outbuilding in the garden of no. 126. 'The Gap' should be measured 'building to building', the outbuilding at no. 126 meets the definition of a building as set out in the 2011 Planning Act.

The guidance in Building on Tradition indicates that as a general rule of thumb, gap sites with a continuous build up frontage exceeding the local average plot width may be considered to constitute an important visual break. However, we would remind committee members that Building on Tradition is a guidance document and not planning policy. The use of indirect language such as 'generally' and 'may' in the document suggests that the guidance is not clear cut and sites should be considered on their own merits. It is our view that the site should be read as it is on the ground rather than considered under generalised scrutiny.

In regard to Policy CTY14, the case officer suggests that the proposal does not respect the traditional pattern on settlement, would result in additional ribbon of development and damage the rural character. If the proposal is considered a 'bona fide' infill development the rural character reason falls away.

The case officer recognises that the existing development pattern varies between No.12 Carsons Park and 124a Carsonstown Road, given that the dwellings to the south of the site are within small plots with limited frontage and provide a high density development, whereas No.124a to the north provides a 'stark' contrast as it has a large plot and large frontage to Carsonstown Road. However, the case officer fails to mention that the site before us represents an infill opportunity to create an appropriate transition in density in the creation of two dwellings on the site. By dividing the gap site and providing two dwellings the site will integrate well into to the surrounding context and existing character.

Other matters within the case officers report that warrant scrutiny include the failure to acknowledge the importance of the emerging context within the recent planning approval (LA07/2017/1026/F) for single storey dwelling immediately north of No.124a Carsonstown Road, which once complete will also have extensive frontage on Carsonstown Road.

This site comprises a large plot with a site area of approximately 2ha with a frontage of over 300m along Carsonstown Road. We acknowledge that construction of this dwelling is still underway and the building is not an existing at present. However, the case officers report states that even if it was built and present, this would not result in a change of opinion relating to this application.

We believe that this is incorrect as the approval has the potential to impact on the average plot widths along Carsonstown Road. The approved layout shows the lawns associated with the dwelling down to the road frontage and once built it will become part of the existing character along Carsonstown Road, which should be considered as a material consideration by planning officers. Therefore, we would remind committee members of the emerging context of Carsonstown Road in their consideration of the application.

To conclude, I would ask the Committee to approve the application given that the proposals meet the requirements of infill policy. The proposals are of a high-quality design and if approved would integrate well into the surrounding context and complement the existing character of Carsonstown Road.

Thank you.



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

Application Reference: LA07/2019/0799/F

Date Received: 16th May 2019

Proposal: Proposed widening and regrading of sections of the existing racecourse and realignment of existing ambulance track

Location: Downpatrick Racecourse 24 Ballydugan Road Downpatrick

Site Characteristics & Area Characteristics:



The site is comprised of a 15.1-hectare site accessed from Ballydugan Road, Downpatrick. The track is characterised by the undulating drumlin landscape. The levels within the site slope down from south to north and points of the track to the east and southwest are narrow.

The site is located to the south of Downpatrick and approximately 1.5km south of the town centre. To the north-east of the site lies the residential development of Racecourse Road, while it is noted that within the track there lies a dwelling, farm house with outbuildings and agricultural lands.

Proposed Development

The purpose of the application is to amend the width and grading of the track in order to improve health and safety for horses and jockeys. The application proposes to 'cut and fill' across the track area. The illustration below shows the areas in green to be filled and those in red which will be cut.



In addition to the application forms and drawings the application has also been supported by a Topographical Survey, Illustration of Cut and Fill, Contamination Land Risk Assessment, Design & Access Statement, Pre-Application Community Consultation Report, Preliminary Ecological Appraisal, Flood Risk Assessment and Construction Environmental Management Plan.

Site History:

There are no previous applications of this nature on the site. However, it is noted that an application for Retrospective Equine Exercise Gallop and associated stone access track was approved on the agricultural lands adjacent the racecourse and associated with Kingsfield 39 Racecourse Road was approved under R/2017/1890/F.

Planning Policies & Material Considerations:

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

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

When submitted the application was supported by a PACC Report outlining how the process has met the legislative requirements. The report notes that 5 No comment cards were completed during the public consultation event, 4 of which were supportive of the proposed development and 1 was neutral.

Consultations:

In assessment of the proposal consultations were carried out with

Transport NI – No objections

NIEA- No concerns subject to conditions

Rivers Agency – No objections in principle, however they advise the Flood Hazard Map (NI) shows the site to be within an area of predicted surface water flooding – a competent professional should be appointed by the developer to carry out their own flood risk assessment and construct in a the appropriate manner that minimises flood risk to the proposed development and elsewhere

Shared Environmental Services. - No objections in principle subject to condition

Neighbour Notification

The relevant neighbours of the site were notified of the proposal on 29.05.19

Advertising

The application was advertised in the local press on 05.06.2019

Objections & Representations

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

Policy Context

In assessment of this proposal regard shall be given to the

Strategic Planning Policy Statement (SPPS),

Ards Down Area Plan 2015,

Planning Policy Statement 8, Open Space and Outdoor Recreation

Planning Policy Statement 15 Revised Planning and Flood Risk

Planning Policy Statement 21 Sustainable Development in the Countryside

Local Development Plan Context

Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning application regard must be had to the requirements of the

local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

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

The application site lies outside the settlement limits of Downpatrick and within the Area of Outstanding Natural Beauty (AONB) as identified in the ADAP 2015. The site is located outside the Town Centre Boundary.

Consideration and Assessment:

Principle of development

Strategic Planning Policy Statement (SPPS)

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

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

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

PPS 21 CTY 1

The policy context for this application is therefore provided within Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with PPS 8 Open Space, Sport and Outdoor Recreation

PPS 8 Open Space, Sport and Outdoor Recreation

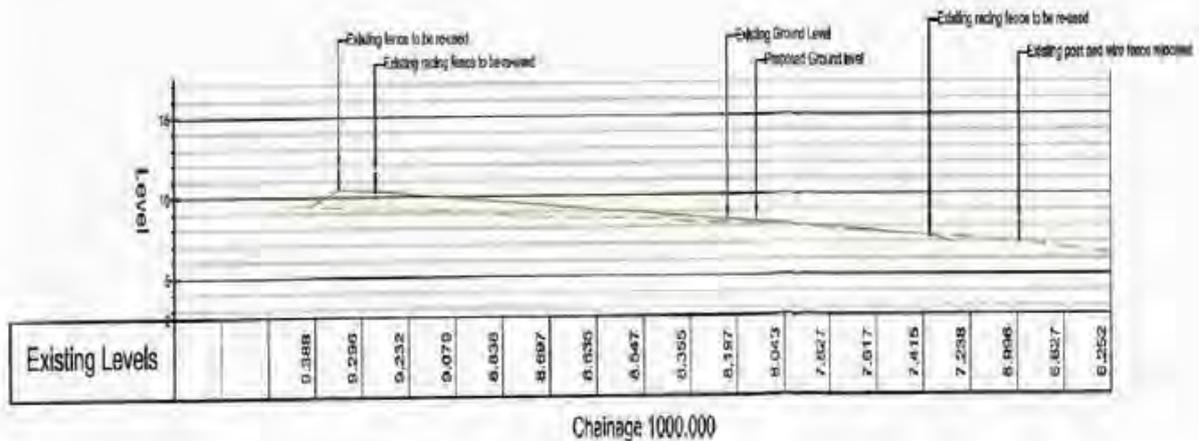
Policy OS 3 Outdoor Recreation in the Countryside states that proposals for outdoor recreational used in the countryside will be permitted where criteria (i) – (viii) are met. In assessment of these criterion it is considered that the

Proposal will not adversely impact on features of importance to nature conservation, archaeology or built heritage – see PPS 2 consideration below for more detail on the natural environment assessment.

The proposal does include some encroachment onto existing agricultural land, however, it is not considered to be at a level where an unacceptable impact on agricultural activities would occur.

In consideration of the visual amenity of the proposal and its impact on the character of the local landscape it is noted that the proposal involves the widening of an existing grass racecourse into an adjoining agricultural field which is also laid out in grass and the realignment of an existing bitumen road. It is considered therefore that there will be no adverse impact on visual amenity or the character of the area as the development could easily be absorbed into the surrounding landscape.

Several properties along Racecourse Road, Racecourse Close and Kingsfield Avenue have rear gardens which adjoin the site. It is noted from the proposal that some cut and fill is proposed to the north-east of the site adjacent these dwellings, however, it is considered that the works will not result in an unacceptable impact on the amenities of these residents given the minimal change in levels which are shown in the relevant section below.





In terms of public safety, Downpatrick Racecourse is a long-established racecourse and the proposed works would not impact on public safety. The racecourse is considered to be compatible with other countryside uses in terms of nature, scale, extent and frequency or timing of the recreational activities proposed.

There are no ancillary buildings proposed therefore criterion on (vii) is not applicable in this case.

In assessment of the proposals impact on people with disabilities it is considered that the proposal will not negatively impact on their needs and the site will remain accessible by means of transport other than cars.

In consideration of the proposals impact on the road network, it is considered that it will not impact on the road network or car parking. With regard to Drainage, the Flood Risk Assessment will be assessed below. The proposal does not include any increase in capacity of the racecourse or the number of race meetings it can host, therefore there are no expected impacts on the waste disposal of the site.

It is considered therefore on the basis of the above that the proposal complies satisfactorily with CTY 1 of PPS 21 and Policy OS 3 of PPS 8.

PPS 15 – Planning and Flood Risk

The Racecourse Drain, which is designated under the terms of the Drainage (NI) Order 1973, flows within a culvert under a portion of the race track. The site is affected by various undesignated field drains also. Policies FLD 1 and 3 of PPS 15 are therefore applicable. In assessment of the proposal with regard to these policies, it is noted that a Flood Risk Assessment has been submitted for information. This FRA has been assessed by Rivers Agency on behalf of the Council and has advised that with regard to FLD 1 DfI Rivers as no reason to disagree with its conclusions.

DfI Rivers also advise that the Flood Hazard Map (NI) shows the site to be within an area of predicted surface water flooding. Consequently, the developer is advised to appoint a competent professional to carry out a assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

On this basis it is considered that the proposal complies satisfactorily with the requirements of PPS 15.

Land and Groundwater

Given the nature of the work proposed it is important to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water.

A Contaminated Land Risk Assessment has been submitted to enable assessment of this issues and NIEA have considered it on behalf of the Planning Authority and advised that the report includes both preliminary and generic quantitative risk assessment (PRA and GQRA). Intrusive site investigations have been undertaken and hydrocarbon contamination of groundwater was detected, potentially associated with the off-site railway land. There is therefore potential for unforeseen contamination to be uncovered during the cut and fill operations, however Regulation Unit Land and Contamination Team offer no objections to the proposal subject to conditions which are listed below.

Natural Heritage

In assessment of the proposal impact on the natural environment a Biodiversity Checklist, Preliminary Ecological Assessment and Design and Access Statement have been submitted in support of the application.

NIEA Natural Environment Division (NED) have considered these assessments and advised that the site has a hydrological connection to Hollymount Area of Special Scientific Interest (ASSI) and Hollymount Special Area of Conservation (SAC), hereafter referred to as designated sites, which are of international and/or national importance and are protected by the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended) and or the Environment (NI) Order 2002 (as amended).

NED has considered the impacts of the proposal on designated sites and other natural heritage interest and on the basis of the information provided has no objections.

Shared Environmental Services (SES) also considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (natural Habitats etc) Regulations (NI) 1995 (as amended) and having considered the nature, scale, timing, duration and location of the proposal, concluded that provided the appropriate mitigation is conditioned to any forthcoming approval that the proposal will not have an adverse effect on the site integrity of any European site.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable in planning terms and approval is recommended subject to the following conditions.

Recommendation: Approval

Conditions

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

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

- A Final Construction Environmental Management Plan must be submitted by the appointed contractor for agreement with the planning authority and NIEA WMU prior to work commencing. This shall include site specific method statements for all works within or adjacent to watercourses and reflect all the mitigation and avoidance measures outlined in the Construction Environmental Management Plan (McCloy Consulting May 2019) including a final Surface Water Management Layout. The approved Method Statements and CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing with by the planning authority. Reason: To ensure that the appointed contractor undertaking the work is fully appraised of all the risks associated with the proposal and to provide effective mitigation ensuring there are no adverse impacts on the integrity of Hollymount SAC and Strangford Lough SAC/SPA/Ramsar.
- If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the

Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Prior to development all site investigation and geotechnical boreholes must be fully decommissioned and in line with SEPA guidance document Good practice for decommissioning redundant boreholes and wells (UK GroundwaterFoWMM). Evidence for the decommissioning will be provided in the verification report required for Condition 5.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

After completing the remediation works under Condition 3; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

Signed

Date

Signed

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1302/F

Date Received: 26.11.15

Proposal: Proposed new retail development at ground floor with 4 No. 2 bedroom apartments at first floor level, relocation of existing NIE sub-station and provision of associated car parking and landscaping.

Location: Lands to rear of 11-29 Thomas Street and adjacent to access road to Buttercrane shopping centre

Site Characteristics & Area Characteristics:

This site is a small portion of flat land adjacent to the access road into Buttercrane Shopping Centre situated to the rear of residential properties 17 - 29 Thomas Street and 13 - 15 Pool Lane in Newry City Centre the surrounding area is a mix of residential and commercial properties.

Site History:

P/2011/1020/F - Variation of Condition 4 of P/2009/0003/F to allow the sale of convenience goods and internal alterations to building to facilitate alternative access arrangements. Land to rear of 11 - 29 Thomas Street and Pool Lane and adjacent to access road to Buttercrane Shopping Centre. Approved 11.06.12 (Application site)

P/2010/1563/A - Erection of 9 no bill board advertisements. Land to rear of 11-29 Thomas Street and pool lane and adjacent to access road to Buttercrane Shopping Centre, Newry. Approval 06.04.11 (Application site).

P/2010/0319/CA - Unauthorised use of land for car park. Thomas Street Ballinlare, Newry. Case closed (Application site).

P/2009/0003/F - Erection of new retail building to include relocation of NIE Sub-Station. (Amended scheme). Lands to rear of 11-29 Thomas Street and Pool Lane and adjacent to access road to Buttercrane Shopping Centre, Newry. Approved 19.02.10 (Application site)

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015 - Site is inside the development limits of Newry City and an area of archaeological potential (The site is outside the town centre boundary and primary retail core).

Consideration of Policy and Advice: Strategic Planning Policy Statement (SPPS), PPS3, PPS5, PPS6, PPS7, PPS12, PPS15, PSRNI (DES2), Creating Places, DCAN 8, DCAN 11, DCAN15 and Parking Standards.

Planning History

The planning history associated with this site is of material consideration, planning approval was given in 2010 (P/2009/0003/F – Approved 19.02.10) for the erection of a retail unit comprising of a 9.6m high two storey building which occupied the entire site with relocation of the substation proposed. The retail space is located on the ground and 1st floor comprising 737sqm of retail space with ancillary storage on the ground floor (66.4 sqm). The front elevation completed entirely in glazing with rear elevation brick façade with no glazing.

A subsequent application submitted in 2011 (within the timeframe of the original application P/2009/0003/F and approved 11.06.12 – expiring 11.06.17) sought to vary condition 4 of the previous approval but also to allow for internal changes of the proposed building, the substation was also shown to be relocated to the SW portion of the site.

The current application was submitted on 26.11.15 (P/2011/1020/F - submitted within the 5 year timeframe of the previous approved application), the electricity substation at this stage has now been relocated in accordance with previous plans.

Proposals presented still include retail use at ground floor level with ancillary storage with residential use (4 apartments) now proposed at 1st floor, the scheme presented takes up less footprint than original proposals and includes incurtilage parking for proposed residents. The retail space occupies 230 sqm representing only 30% of original committed retail space. The height of the building and external finishes remain the same from previous and areas of glazing on the front elevation are somewhat reduced, the elevational treatment and areas of glazing offer variety and an improvement on the visual aspect particularly when viewed from Thomas Street.

PPS3: Transport NI in comments dated 20.07.16 have no objection, private parking has been provided for proposed residents whilst the commercial unit has access to public car parking directly opposite the site.

SPPS (Retailing)

The principle of retailing has been established at this location through the granting of planning applications P/2009/0003/F and P/2011/1020/F. However since the grant of planning permission at the site the SPPS has superseded PPS5 and is now a material consideration in the assessment of the application. The proposed development abuts the existing town centre boundary although not located within it.

The thrust of the SPPS is to promote town centres as the primary location for retailing however it does not appear to preclude development within the limits and that it meets the sequential tests for such development within this urban setting.

Proposals for retailing are well sited in terms of transportation and Transport NI have raised no concern with regard to access. The retail element of the proposal has been reduced back from the original approvals covering a lesser footprint and the design has a less dominant appearance than previous. On this basis proposals are generally acceptable in this regard and compliant with this policy.

PPS 6

Site is within an area of archaeological potential, however given that the site was formerly developed and in use as a play park it is unlikely that there are any archaeological remains. HED in their consultation response dated 14.11.16 are also content with proposals and have raised no objections.

PPS7 (QD1)

The original planning permission was solely for a retail application. The current application submitted is a mixed use retail and residential application. During the course of processing the residential element was amended to provide social housing on the 23rd August 2018.

The site is located between established residential housing (Thomas Street, Pool Lane and Cleary Crescent), commercial premises (Buttercrane) as well as mixed commercial with living accommodation over and flats on Bridge Street. Proposals for retailing and residential are in keeping with land uses found within the area.

The proposed building is somewhat reduced in scale from original proposals and two storey form is in keeping with surrounding development. The use of brick, render and glazed areas are reflective of existing built development within the immediate area. The apartments are set back approximately 23m away from nearest properties at Thomas Street located within recommended separation distance parameters (See Creating Places).

Whilst previously the western elevation was that of a blank brick wall (P/2009/0003/F and P/2011/1020/F) current proposals offer a better aesthetic appearance particularly when viewed from Thomas Street and the position of habitual rooms on the south, north and west elevations allowing for informal surveillance of the public path and areas of public assembly which will promote safety and deter antisocial behaviour within the area.

The scheme provides private open space in the form of terraced areas which are well located and will not result in privacy loss to nearest neighbours, proposals also include a communal landscaped area and overall open space provision is within the recommended guidance. Although no dedicated area for bin storage has been shown there is adequate space within the layout to provide such without adverse impact. The areas of landscaping along the entrance to the private car park will assist in softening the visual appearance of these areas.

Although in an area of archaeological potential, given that the site was previously developed (as a play park) there is unlikely to be any archaeological artefacts at the site. The site is well located in terms of access to local neighbourhood facilities as well as public transport. Private car park facilities have been provided for the proposed development whilst there is on street car parking directly opposite the retail unit. Provision has been made within the site including access to apartments for those whose mobility is impaired.

The overall scheme and layout will not create conflict with adjacent land uses or impact to amenity in terms of overlooking, loss of light etc.

PPS12 (PCP 1, 2, 3 and HS1)

The proposed residential land use is in keeping with surrounding land uses and is well located in terms of access to public transport and will encourage sustainable development. Proposals have been assessed and found to adhere to the criteria of PPS7 QD1.

The overall development occupies a lesser footprint and mass from previous approvals, although now introducing and incorporating a residential use from previous. Given surrounding land uses this use is deemed acceptable at this location. The proposed development has been designed to reflect existing form found within this locality, there is adequate separation distances between the existing and proposed properties and private open space areas and windows have been positioned to avoid any loss of amenity to existing residents and promote safety within the area. Proposals also fully meet the provisions for living over a shop (LOTS) with adequate space provision on site for refuse storage (although not indicated on plan) and adequate car parking.

SPPS and PPS15 (Flood Risk – FLD1 and FLD5)

Although the SPPS is a material consideration for this application, there is no significant change in policy requirements for development within a flood plain following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS15 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

FLD1 (Development in Fluvial Flood Plain)

FLD1 states that development will not be permitted within the flood plain unless the proposal constitutes an exception to the policy. Where the development is accepted as meeting the exceptions test the applicant is required to submit a Flood Risk Assessment. Planning permission is only forthcoming if all sources of flood risk to and from the development have been identified and there is adequate measures to management and mitigate any increase in flood risk arising from the development

Rivers Agency in comments dated 12.10.16 identify the site as falling within the fluvial flood plain, the policy sets out that no development will be permitted unless the applicant can demonstrate that the proposal constitutes an exception to policy.

The agent in an email dated 24.10.16 outlines that the site has a commenced planning approval, is on developed land within an area protected by a flood defence and thus proposals fall within the first exception of policy FLD1. In consideration of such information the site is not within a flood defence area, nor has there been any discharge of conditions or CLUD approvals relating to the previous planning applications to ascertain and demonstrate that the commencement of development has occurred within the timeframe of the former permissions.

Notwithstanding this, the Planning Authority accept that the site was previously developed land albeit as a play park within the city centre and had also a previous planning history for retail development. Considering this the Planning Authority deem that the principle of development is accepted as meeting the 'exceptions test' of Policy FLD1.

Where the principle of development is accepted as meeting the exceptions test the applicant is required to submit a flood risk assessment. Planning permission is only forthcoming if all sources of risk to and from the proposed development has been identified and there are adequate measures to manage and mitigate any increase in flood risk.

The Planning Authority received a flood risk assessment (19.09.16) as well correspondence (22.08.19) relating to issues of FLD1 and FLD5.

Rivers Agency in their comments dated 05.10.18 advised that they had no reason to disagree with the comments set out by Ronan Sheehy in correspondence dated 22.08.18 and had 'no further comments to make with regard to flood risk'.

In correspondence from Sheehy Consulting on the 22nd August 2019, the consultant conceded that they were 'unable to provide like for like flood compensation, during the Q100 Flood event' and whilst they could provide some compensation it was 'not 100% compensation – which can't be provided due to spatial constraints on site'.

The consultant further added that 'it has been accepted that our proposal to provide some underground storage will reduce this figure and a fair assumption would be that half of the displaced water will be contained within our site'. It also noted that previous permission made no allowance for flood compensation and that all of this water would have been displaced which is 3 times more than current proposals. The content of the letter therefore recognises that flood risk cannot be totally eliminated from the site.

Following 14 consultations with Rivers Agency (see consultation replies), the applicant/ agent have been unable to demonstrate that the proposal complies with FLD1 of PPS15 and SPPS. In their final comments dated 05.10.18 Rivers Agency confirm that they have no further comments to make with regard to the application.

Despite the best efforts of the consultant/ applicant to address the flood risk issues which included underground compensatory flood storage tanks. These tanks are nevertheless located within the floodplain and does not offer level for level compensation for the loss of storage relating to the 1 in 100yr fluvial floodplain.

On this basis the flood risk to the development and elsewhere remains a viable threat which cannot be overcome and consequently the application is contrary to FLD1 of PPS15. It is therefore considered that the proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 15, Planning and Flood Risk, Policy FLD1: Development in Fluvial (River) and Coastal Flood Plains in that it has not been demonstrated that adequate measures exist to manage and mitigate any increase in flood risk arising at the site or elsewhere, and no overriding need has been demonstrated to justify the relaxation of the strict planning controls exercised in relation to development within Fluvial (River) Plain.

FLD 5 (Development in Proximity to Reservoirs)

The site already has the benefit of previous planning permissions for retail development under applications P/2009/0003/F and P/2011/1020/F.

The application was received prior to the publication of inundation maps with the entire site lying within the inundation area from Camlough Lake and Bessbrook Pond.

A flood risk assessment had been submitted addressing inundation matters as well as measures of management and mitigation in the event of an inundation including evacuation procedures.

The flood risk assessment was considered by Rivers Agency in comments dated 05.10.18 and in previous comments dated 23.05.18 advised that the Flood Risk Assessment (FRA) provided sound argument regarding mitigation and in Rivers Agency had no reason to disagree with the conclusions of the FRA and they had no further comment to make on this issue in their comments dated 05.10.18.

Following on from this response the Planning Authority further received an email on the 14.02.19 from Rivers Agency confirming that Newry, Mourne and Down District Council owned and managed Camlough Lake and Bessbrook Pond and that the council had submitted documentation to Rivers Agency demonstrating condition, management and maintenance regime of the reservoir which was appropriate to provide assurance regarding reservoir safety as required by FLD5 of PPS15.

The email from Rivers Agency provided confirmation as well as further assurance that the controlled reservoir was in appropriate condition, adequately managed and maintained to enable the development to proceed. Correspondence dated 22.08.19 also provided further detail on change of flow patterns, assessment of the controlled release of water, uncontrolled release and details of evacuation procedures to which Rivers made no further comment. Proposals are now fully compliant with FLD5.

Consultations:**Rivers** (In order of most recent responses)

05.10.18 - Acknowledge additional information. Rivers have no reason to disagree with the comments of Ronan Sheehy in his recent letter. No further comment to make on flood risk.

23.05.18 - FLD1 Comments detailed 20.11.17 remain valid. FLD 5 the Flood Risk Assessment (FRA) provides sound arguments regarding mitigation and has no reason to disagree with the conclusions of the FRA.

12.03.18 - FLD1 Comments detailed 20.11.17 remain valid. FLD5 – Applicant has not provided sufficient information to address FLD5.

05.02.18 - Rivers acknowledge additional provided by agent and note the application is significantly smaller than previous and Rivers Agency have no reason to disagree. However, consideration of an extant planning permission against a current application is for the Planning Authority to consider. Comments detailed 20.11.17 remain valid.

20.11.17:

FLD1 – Additional information relating to updated drainage layout and details of storage tanks. Tanks are within 1 in 100 year fluvial flood plain. Applicant failed to demonstrate how proposals affect current flow direction etc. The likely impact of displaced water and increased runoff from the development may have consequences for neighbouring or other locations flood risk to the development and elsewhere has not been adequately dealt with.

FLD5 – Sufficient assurance is still required.

09.10.17:

FLD1 - Applicant failed to demonstrate how proposals affect current flow direction etc. The likely impact of displaced water and increased runoff from the development may have consequences for neighbouring or other locations flood risk to the development and elsewhere has not been adequately dealt with.

FLD5 - Flood Risk Assessment does not meet the requirements of FLD5.

30.05.17 - Planning Authority consulted Rivers Agency stating that they consider the site an exemption of FLD1.

21.04.17 - Planning Authority consulted Rivers Agency stating that they consider the site an exemption of FLD1.

Rivers Agency would ask Planning to confirm the exception and state which exception the site complies with.

01.02.17 - See previous letter dated 24.11.16.

24.11.16 - Rivers Agency do not find the exception reason to be valid.

14.11.16 - Planning Authority should make a judgement call with respect to PPS15 FLD1 exceptionality or other overriding reason.

12.10.16 - Proposals should be kept out of the 1 in 100 yr flood plain and proposals remain within an inundation area.

25.07.16 - Comments dated 10.05.16 still stands.

10.05.16 - Site within 1 in 100 year flood plain proposals contrary to PPS15, FLD 2 – not applicable, FLD3 – Drainage assessment not required , FLD4 - Not applicable and FLD5 draft inundation map indicate site is an area of inundation

Environmental Health (31.08.16) - The external amenity areas will be exposed to a higher noise level than the upper guidance value within British Standard. The BS recognises that guide values are not achievable in all circumstances where development is desirable and refers to a compromise between noise levels and other factors including convenience of living within a city centre location.

Planning Authority have considered these comments and consider they can be adequately addressed through planning conditions.

Transport NI (20.07.16) - No objections raised, outline of suggested conditions

NIEA (Water Management 25.04.16) – Content with the proposal subject to conditions

HED (14.11.16) - Content

Objections & Representations

16 Neighbour notifications

Advertised 21.12.15

11 Objections (06.05.16)

Issues raised:

- Area well provided for in terms of retail provision with two major shopping centres in the area.
- Traffic congestion and parking problems.
- Development will be built on a major sewer.
- Flooding is already a problem in the area and added development will not help matters.
- Area developed to maximum extent a further building will lead to overdevelopment.
- Unhappy with relocation of electricity substation has attracted antisocial behaviour.

- Relocation of substation is erected close to residential properties.
- Blocking of light due to heights of buildings.

Consideration of issues:

- The proposed retail use is in keeping with surrounding land uses and is in keeping with policy which directs such development towards an urban setting.
- Transport NI have raised no objections, private parking has been provided within the curtilage of the site with access directly opposite a public parking area.
- NIW wrote to the applicant on the 19th February 2007 advising that they had approved in principle a build over the 1200mm foul sewer and that Water Service will permit a letter to the applicant.
- The Planning Authority recognises that the site falls within a floodplain and whilst additional information has been provided proposals fail to meet the requirements of FLD1 of PPS15 and the site remains exposed to flood risk and for this reason the application has been recommended for refusal.
- There are no further buildings proposed at the site, whilst there has been previous planning permission at the site granted for a retail use this occupied the entire application site, current proposals will reduce the overall scale and footprint and replacing the original proposals thus not causing an overdevelopment.
- Whilst the relocation of the electricity substation may have attracted antisocial behaviour the redevelopment of the site and position of proposed apartments will overlook this area which will allow for informal surveillance which hopefully assist in deterring such behaviour.
- The substation was originally approximately 17m away from nearest neighbours but current measurements show this to be approximately 20m away and thus unlikely to cause any further impact to amenity above what was originally experienced at this location.
- Proposed development is set just over 20m away from existing residential properties and is within the parameters of recommended separation distances as outlined in Creating Places, given this set back it is unlikely development will cause loss of light to existing properties.

Consideration and Assessment:

The proposed retail and residential use at the site is in keeping with surrounding land uses at this locality that proposals will not detract from it. The site previously had planning permission for a large-scale retail opportunity (P/2011/1020/F and P/2009/0003/F), on balance the current proposals offer a somewhat scaled down

version of what was previously approved although it now introduces a residential element.

The scheme incorporates incurtilage parking, landscaped areas with external materials reflective of those found in the general area, apartments and terraced areas have been well located to allow for informal surveillance and to deter antisocial behaviour whilst taking account of impact to nearest neighbours and avoiding overlooking, the elevation facing Thomas Street is no longer a blank wall from previous and presents a much more attractive façade from what was originally proposed.

The development is unable to overcome issues relating to flood risk to the site or elsewhere due to its location within the flood plain and the application fails against the SPPS and FLD1 of PPS15 for the reason as set out below (See also pages 4-6).

Recommendation: Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 15, Planning and Flood Risk, Policy FLD1: Development in Fluvial (River) and Coastal Flood Plains in that it has not been demonstrated that adequate measures exist to manage and mitigate any increase in flood risk arising at the site or elsewhere, and no overriding need has been demonstrated to justify the relaxation of the strict planning controls exercised in relation to development within Fluvial (River) Plain.



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APPLICANT'S RESPONSE TO RECOMMENDED REFUSAL REASONS

APPLICATION LA07/2015/1302/F | PROPOSED NEW RETAIL DEVELOPMENT AT GROUND FLOOR WITH 4NO. 2 BEDROOM APARTMENTS AT FIRST FLOOR LEVEL, RELOCATION OF EXISTING NIE SUB-STATION AND PROVISION OF ASSOCIATED CARPARKING AND LANDSCAPING | LANDS TO REAR OF 11-29 THOMAS STREET AND ADJACENT TO ACCESS ROAD TO BUTTERCRANE SHOPPING CENTRE

The case officer has recommended one reason for refusal: *"The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 15, Planning and Flood Risk, Policy FLD1: Development in Fluvial (River) and Coastal Flood Plains in that it has not been demonstrated that adequate measures exist to manage and mitigate any increase in flood risk arising at the site or elsewhere, and no overriding need has been demonstrated to justify the relaxation of the strict planning controls exercised in relation to development within Fluvial (River) Plain"*.

The case officer report has confirmed that the proposed development is an exception to FLD1 and the principle of development is therefore accepted by the planning authority. In correspondence to Rivers Agency, the case officer confirms: *"The Planning Authority considers that the development of the site is an exception in the context of Policy FLD1. This is in view of the previous planning history, the previous planning approval for retail development on the site and its previous use as a play area. Flood risk is a material consideration for this site and consideration of the flood risk assessment, submitted with this application, is now required as part of the assessment of this proposal"*. Thereafter the relevant policy consideration is that adequate measures are proposed to manage and mitigate any increase in the flood risk arising from the development.

The applicants have lodged detailed submissions from flooding experts Sheehy Consulting that confirm the proposal will greatly reduce flood risk compared to the extant approved development on this site. This assessment is accepted by Rivers Agency.

The planning history of the site includes two commenced approvals for similar development:

- P/2009/0003/F: Erection of new retail building to include relocation of NIE Sub-Station, approved 19 Feb 2010; and
- P/2011/1020/F: Variation of Condition 4 of P/2009/0003/F to allow the sale of convenience goods and internal alterations to building to facilitate alternative access arrangements, approved 11 Jun 2012.

Only one pre-commencement condition was attached to the above approvals – Condition 11 of approval P/2009/0003/F required: *"The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted"*. The applicant's solicitor submitted a letter to the Council on 13 Feb 2015 containing photographs of the implemented access and an implemented strip of foundation on site. In response to this material, Roads Service wrote to the applicant's solicitor on 11 Feb 2015 to confirm: *"That the works carried out under Planning Application Reference P/2009/0003/F, in relation to the vehicular access and visibility splays, meets the requirements of Conditions 11, 12 and 13 of the Planning Approval"*.

The above confirms that the pre-commencement condition 11 of approval P/2009/0003/F was discharged and that development commenced prior to the approval's 19 Feb 2015 date of expiry. This approval is therefore retained in perpetuity and can lawfully be completed at any time.

On 6 Jun 2017, the applicant's agent also wrote to the Council enclosing photographs of an additional section of foundation implemented on site at that time. This was done to confirm the commencement of development in accordance with approval P/2011/1020/F:



The case officer's report for this application also confirms that the substation on site was relocated in accordance with the permissions.

An email from Senior Planner Pat Rooney dated 11 Sept 2017 also confirms that there is an extant planning approval for retail development on this site.

An application for certificate of lawfulness was also submitted to the Council on 28 Jun 2019 to remove any doubt that the previous consents have been implemented and constitute a valid fallback. This Certificate of Lawfulness has not been determined and has been entirely omitted from the case officer's report.

The flood risk assessment submitted by the applicant confirms that the proposed development has an overall reduced footprint and incorporates flood mitigation measures that REDUCE FLOOD RISK, when compared to the extant approvals. Rivers Agency do not dispute this.

The above therefore confirms that the proposal satisfies the requirements of PPS15 FLD1, being an acknowledged exception to the FLD1 policy test and because it will reduce flood risk in comparison with the extant approvals on the application site. The refusal reason put forward by the case officer therefore should not be upheld.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1235/F

Date Received: 16.08.17

Proposal: Demolition of No. 31 and erection of two shop units on ground floor with 4 No. apartments on first and second floors.

Location: No. 31 Cardinal O'Fiaich Square, Crossmaglen, BT35 9HG

Site Characteristics & Area Characteristics:

Site comprises of a 2 storey, mid-terrace vernacular building to the south side of Crossmaglen village.

Site History:

No relevant planning history relating to the application site.

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Inside the development limits of Crossmaglen, Area of Townscape Character and Area of Archaeological Potential

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Para 3.5.

Proposals fail to comply with the provisions of policy relating to development within the ATC and therefore fails against the designated plan.

PPS3, DCAN 15 and Parking Standards

Transport NI have raised no objections in their consultation response dated 21.09.17.

DES2 Townscape

The land use for retailing and residential is acceptable in principle and complements existing land uses within the settlement.

The proposed development will result in an imposing, dominant and overbearing impact upon adjacent residents. The proposed rear return is only 5m from the common boundary with No. 32, windows will overlook this property resulting in loss of privacy. The rear return will also give rise to overshadowing and loss of light with the totality of the development giving rise to adverse impact upon amenity for future and existing residents.

The overall design of the development is unacceptable in terms of overall scale, mass and alignment which takes no account of the historic background or existing built form found at this location. Proposals will adversely affect and detract from the distinctive character of this specific part of the ATC (i.e. south side of the village).

Overall proposals fail to meet the requirements of DES2.

SPPS (Retail)

The development is located within an existing settlement and follows the sequential tests of planning policy the use at ground floor level is in keeping with existing land uses at this location.

PPS6: Planning, Archaeology and the Built Heritage

BH1 - 4: Historic monuments in their consultation response 12.09.17 advise that they are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

BH11: HED in their comments advise that the scale, massing and alignment is incongruous to the streetscape, the proposals are sufficiently removed in situation and scale from the listed building as to have no impact.

BH 15: The Re-use of Non-listed Vernacular Buildings and Paragraphs 9.1 - 9.5.

There is provision within policy BH15 for the re-use of non-listed vernacular buildings and approval will not normally be given to a scheme involving substantial demolition,

The applicant had not originally considered the reuse/ conversion as an option and sought to carry out full demolition on the site. The policy directs developers to the retention and reuse of a building of such importance. The Planning Authority sought a structural engineer report to verify that the building could not be retained and reused.

Following the submission of the structural engineer's report on the 12th June 2018 the Planning Authority accept that the building is in poor state of repair and cannot be readily converted or re-used for the proposed development and thus acknowledge the need to demolish the building in these circumstances.

However, were demolition is permitted the design must reflect the scale, massing, and detailing of the existing property as per paragraph 9.3 of PPS 6. It should also be noted that the building is an example of an early building on the Crossmaglen

Square (1st edition map) of vernacular form making a valuable contribution to the street scape and historic form. The design, scale and mass are not reflective of the original form, proposals are therefore contrary to paragraphs 9.2-9.5 of PPS6.

PPS6 (Addendum) ATC

ATC 1 - Demolition Control in an Area of Townscape Character

The policy operates a presumption in favour of retaining any building which makes a positive contribution to the character of the ATC and will only permit demolition where it makes no material contribution to the distinctive character of the area.

In this case the building represents Irish vernacular form which retains greater character than its neighbours on the south side of the square and makes a positive contribution to the character of Crossmaglen. The building is uniquely set apart historically as an early building on the Crsosmaglen Square (1st edition map).

In terms of planning policy, the building in its current state would ordinarily be retained and demolition would not be allowed to proceed. A structural engineers report has been submitted and taken into account by the Planning Authority. It is acknowledged that the building is in bad sate of repair and cannot be retained, there is no other alternative than to permit demolition of the building.

In terms of a redevelopment proposal put before the council the overall scale, mass, design and finishes are not reflective of the original form and is incongruous in the street scheme making no positive contribution to the ATC and for this reason is contrary to planning policy. The Planning Authority previously raised such concerns with the applicant/ agent in correspondence dated 27.11.17 again on the 21.05.18, and an onsite meeting was held with the applicant, agent and Cllr Hearty in relation to the scheme.

The agent submitted correspondence on the 12.12.17 advising that the 3-storey form is similar to approved and constructed projects within Crossmaglen and that changes in roof levels and height of buildings are not a new feature within Crossmaglen (pictures attached).

Whilst the Planning Authority acknowledge the existing form within the village. This particular site is uniquely set apart due to its history as an early building found on the 1st edition map of Crossmaglen Square. It is also an example of historic vernacular form and makes a positive contribution to the ATC and Crossmaglen village.

Should the building not have been in such bad sate of repair the policy would have directed that demolition would not have been permitted and the building retained.

The proposed land use is acceptable in principle. However, the replacement building has no regard to the original building nor the positive contribution made by the existing built form. The proposed redevelopment is unacceptable in that the scale,

mass and alignment is incongruous to the streetscape and adversely impacts upon the ATC. Proposals do not adhere to the provisions of ATC1.

ATC 2 - New Development in an Area of Townscape Character

Whilst the Planning Authority acknowledge the two/ three storey form found within the ATC. The south side of the village however has a distinct character set apart from the remainder of the ATC which is characterised by two storey terraced properties stepping down from SW to NE, design is simple in form with some buildings displaying vernacular form.

Despite opportunity given to the applicant/ agent to amend the proposed scheme, the redevelopment proposal submitted 23.05.19 remains unacceptable. The scale, mass, alignment are incongruous to the street scheme and does not take account of the design and form of the existing vernacular building. Proposals will adversely detract from the character of the ATC and makes no contribution to maintain or enhance the character and does not respect the existing built form at this particular location.

Proposals do not adhere to the provisions of ATC 2.

SPPS, PPS12 (PCP1, PCP2 and PCP3), PPS7 (QD1), PPS7 (Addendum) Safeguarding Established Residential Areas, PSRNI (DES 4), Creating Places, DCAN 8, DCAN 11, PPS3, Parking Standards and DCAN15:

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3)

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

PPS 12- Housing in Settlements

Planning Control Principle 1 - Increased Housing Density without Town Cramming

Whilst considering an increase in housing density within established residential areas this should ensure that the local character and amenity are protected.

Proposals as submitted will adversely impact upon the local character due to the overall scale, mass and alignment which is conspicuous in the street scheme. Proposals detract from the pattern of existing built form to the south side of Crossmaglen and will adversely impact upon the setting of the ATC at this particular location.

Furthermore, due to the size and scale of the development, proposals will also have adverse consequences upon the amenity of existing and proposed occupants. The

development is incapable of maintaining the local character or amenity interests, is unacceptable and results in an overdevelopment of the site.

Planning Control Principle 2- Good design

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

Planning Control Principle 3- Sustainable forms of development.

The site is within the settlement area, the proposed development would harm the character of the immediate area, therefore it is not considered to be a sustainable form of development. There is further consideration of these issues below.

HS 1 Living Over the Shop

The proposed land use i.e. retail at ground floor level and living over the shop is acceptable in principle and is in keeping with similar land uses at this location. No incurtilage parking has been provided at the site however given its location within the urban settlement there is adequate access to sustainable modes of transport and ample on street parking available within close proximity of the site.

The arrangement of apartments is poorly conceived giving rise to adverse amenity issues including loss of light and overshadowing. Although open space has been provided this is not an integral part of the development and poorly located. Adequate refuse storage space has been provided however it is poorly located causing accessibility difficulties for those whose mobility is impaired but also the link access to the Monog Road requires excessive movements for bin collection within a poorly lit and unsupervised laneway which will create unsafe and unsecure arrangements for occupants of the site. The overall development is not in keeping with the existing building and will adversely impact upon the character of the surrounding area due to its unacceptable design and scale.

Proposals do not meet HS1 of PPS12.

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

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 based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

It is considered that the proposal fails to comply with SPPS, Policy QD1 of PPS 7 and Policy DES2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that it does not create a quality and sustainable residential environment. It is also considered that it would result in unacceptable damage to the local character and environmental quality of the established residential area. In particular the proposal is contrary to criteria A, B C, G, H and I of Policy QD1 in that:

QDI, A – Nature and Context of the Proposed Development.

The development comprises of a mid-terrace property with buildings along this frontage all of two storey form, the elevational form is simple, low ridge pitched roof with some of the buildings displaying vernacular form.

The proposed development includes the demolition of a historic, existing two storey vernacular building which makes a positive contribution to the streetscape. The property will be replaced by a three-storey building which will have apartments at 1st and 2nd floors with retailing on the ground floor. The proposed land use is acceptable in principle and complements existing uses found in the square and thus there is no objection in principle to the use.

It is acknowledged that there is three storey form found within Crossmaglen Sq. However this site is uniquely set apart due to the historic nature of the site, the existing vernacular form of the property to be replaced as well as the nature of the existing built form found to either side of the site.

Proposals are completely at odds with existing built development at this location and as a high-density scheme will have adverse impact upon the local character and amenity.

The agent has attempted to reduce the ridge height to comply with the stepped down nature of development to either side. However, this is of little consequence as the building will still appear dominant in the street scheme. The use of dormers as well as door/ window openings will have a cluttered visual impact in contrast to the simplified elevations found to either side.

As a result of the above, the overall development would not respect the surrounding context and is inappropriate to the character and topography of the site in terms of scale, mass, design, pattern and form. The proposal, if approved would be dominant, overbearing and out of keeping when considered in the context of existing and long-established buildings found at this location. The proposals fail to meet the requirements of the SPPS and PPS7, QD1 (a).

QD1, B - Archaeology and Built Heritage

The site is located within a designated ATC the relationship of the proposed building is clearly out of keeping and out of context within this part of the ATC. Proposals have not taken account the sensitivity of the site, its history or existing built form. Development proposals are clearly in conflict with the designation and do not adequately integrate with the ATC without causing adverse impact.

The development should be in harmony with, or complimentary to its neighbours having regard to the adjoining architectural styles. Development proposals as submitted have taken no account of the site-specific circumstances or the distinct character of this portion that the ATC. Proposals will detract from the appearance and fail to main the character of the distinctive townscape displayed at this part of the ATC. Proposals fail against B of QD1.

QDI, C – Provision of Open Space

Whilst the agent has indicated there is 71sqm of communal open space the actual area of useable space is closer to 42sqm (excluding the access and alleyway) which is just within the minimum standards of provision. The open space is located approximately 10m away situated to the rear of the proposed property located within the S corner and is only accessed via a stairwell and thus is not an integral part of the overall development. The location of this open space is not readily accessible by occupants of the site and is set furthest away from these properties that limits informal surveillance of this area to promote personal safety and deter crime.

The proposals fail to meet the requirements of the SPPS and PPS7, QD1 (c).

QDI, D - Local neighbourhood facilities,

Site is adequately located and within walking distance of all local neighbourhood facilities. Meets the requirement of the SPPS and PPS7, QD1 (E).

QDI, E – Movement Pattern.

No regard has been given to the design and layout of the building to facilitate those whose mobility is impaired. There are no internal lifts for occupiers to allow ease of access to open space etc. and bin storage areas are out of range for occupiers. The proposals fail to meet the requirements of the SPPS and PPS7, QD1 (e)

QD1, F – Parking

As an urban site there is available access to sustainable modes of transport. There is also on street parking available within the vicinity of the site. Proposals meet the requirements of the SPPS and PPS7, QD1 (f)

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

The original building is a non-listed vernacular building which dates back to the 1830s and is found on a 1st edition map of Crossmaglen. The existing two storey property has a unique charm and architectural style with use of simple and traditional external finishes.

The proposals, as presented, will replace the existing property with a 3-storey building which is 4 times the size of the original building. Due to the scale, mass and design of the building the overall development will appear overbearing and dominant on the south side of the square.

The proposed building is of a much greater form, size, scale and higher density and design is not reflective of the original building or adjacent built form and detailing found at this part of the ATC. The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (g)

QD1, H - Conflict with adjacent Land uses.

The design and layout will create conflict with adjacent land uses resulting in an unacceptable adverse effect on existing and proposed occupants due to overlooking, overbearing impact, loss of light and overshadowing.

QD1, I

The rear yard of the site is accessed via an existing alleyway which runs along the rear boundaries of properties at Cardinal O Fiach Square and links to the Monog Road. This alleyway is not lit, has direct access from Monog Road and is not informally surveilled by existing properties as they back onto this area. This alleyway is the only means of access for bin collection and presents an unacceptable and unsafe means of access for future occupiers exposing them to risk of crime. Proposals have not been adequately designed to take account crime and safety issues.

Consultations:

HED (29.07.19):

Buildings - No comment to make under Policy BH 11 of PPS6 and 6.12 of the SPPS.

Monuments - Content is that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

Transport NI (27.06.19) - No objections provided you have no requirements for off street parking and servicing.

Environmental Health (21.08.19) - No objection, subject to conditions.

NIW (23.09.17) - Generic response

Objections & Representations

10 Neighbours notified (August 2017 and June 2019 – Amended Plans)

1 representation made 14.09.17

Advertised August 2017

Representation dated 14.09.17 issues raised:

- Concerns that planning may require access to the lane to the rear of the property and the applicant has no right of way or right of use.

Consideration of Issues:

- Dispute over landownership is a civil matter that is outside the remit of the Planning Authority. The Planning Authority has sought clarification on the matter.

Consideration and Assessment:

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

Recommendation: Refusal**Refusal Reasons:**

1. The proposal is contrary to Designation CM16 (Area of Townscape Character Crossmaglen) of the Banbridge Newry and Mourne Area Plan 2015, the statutory plan for the area, in that the site is within an Area of Townscape Character and proposals if permitted would not maintain or enhance the character of the Crossmaglen ATC and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised at this location.
2. The proposal is contrary to the SPPS and Policy QD 1 (Criteria A, B, C, G, H and I) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, Planning and Planning Control Principles 1, 2 and 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the applicant has failed to demonstrate that the proposal would create a quality residential development in that:
 - The development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, scale, massing, proportions and appearance of the building;
 - The development is within an Area of Townscape Character and would detract from the character, appearance and setting as it is not in sympathy with the characteristic built form, its design, mass and form does not respect the characteristics of adjoining buildings and would interrupt views of the ATC.
 - adequate provision has not been made for private open space as an integral part of the development;
 - a movement pattern has not been provided that meets the needs of people whose mobility is impaired.
 - The design of the development does not draw upon the best local traditions of form, materials and detailing;
 - the design and layout will create conflict with adjacent land uses in that the development will cause adverse impact on amenity due to overlooking, overshadowing and loss of light and will have a dominant, overbearing impact upon residents as well as the existing street scheme
 - Fails to provide a suitable living environment for future occupants
3. The proposal is contrary to Policy LC1 of PPS7 (Addendum) Safeguarding the Character of Established Residential Areas in that the applicant has failed to demonstrate that all of the criteria set out in Policy QD1 of PPS7: Quality Residential Environments has been met and fails to meet all additional criteria (A-C) of Policy LC1.

4. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring developments, scale, mass, design and alignment are out of character of the area as well as its relationship to adjoining buildings and views.
5. The proposal is contrary to the Strategic Planning Policy Statement and Paragraphs 9.1 -9.5 of Policy BH15 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the new build does not safeguard the original form, character, architectural features, and the proposed design and setting will have an adverse effect upon the character and appearance of the area.
6. The proposal is contrary to the Strategic Planning Policy Statement and PPS6 (Addendum), Policy ATC1 in that the development would if permitted have an adverse impact upon the character of the Area of Townscape Character and would not maintain or enhance the Character of Crossmaglen ATC as redevelopment proposal are unacceptable in that its scale, mass and alignment is incongruous to the street scheme and will adversely impact upon the Area of Townscape Character.
7. The proposal is contrary to the Strategic Planning Policy Statement and PPS6 (Addendum), Policy ATC 2 in that the development would if permitted will adversely detract from the character of the Area of Townscape Character and development will not maintain/ enhance the character or existing built form at this location.

Case Officer

Authorised Officer

Photographs





Building to be replaced



Rear yard



Examples of built form to N of site



Proposed development will be forward of the existing rear elevation of Super Bites





Existing rear yard and rear elevation of No.32



Existing rear yard and rear elevation of No.32



Existing rear yard and rear elevation of No.32





Rear elevation



Chair, Members of the Planning Committee, thank you for affording me the opportunity to address you. I am Michael Graham and I am a Chartered Town Planner and Director of **WYG Planning**. I represent the applicant, **E&B Carragher**, having been retained by them on **6th September 2019**. It is our opinion that the submitted scheme should be granted. I now deal, in turn, with each refusal reason cited.

Refusal reason No. 1 relates to Designation CM16 of the Banbridge, Newry and Mourne Area Plan 2015. Regarding this ATC's listed features, the Square's proportions are unaffected, the proposed finishes/materials are reflective of those in the ATC and signage for the two retail units is a separate matter for an advertisement consent application. Thus, none of the key features identified in Designation CM16, are affected. Turning to the 'exceptional circumstances' for demolition, the LPA has accepted (page 3, LPA Report) that: "A structural engineers report has been submitted and taken into account by the Planning Authority. It is acknowledged that the building is in bad sate [sic] of repair and cannot be retained, there is no other alternative than to permit demolition of the building". It therefore falls to consider whether the proposed replacement development will 'maintain' or 'enhance' the ATC, a point I will return to.

Refusal reason No.2 relates to criteria (a), (b), (c), (g), (h) and (i) of Policy QD1 of PPS 7, although I understand from the LPA Report criterion (e) is also a concern. The reference to Planning Control Principles 1, 2 and 3 of PPS12 is misplaced. These are not planning policies and are already covered by Policy QD1 of PPS7, which I now address.

Criterion (a) The development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, scale, massing, proportions and appearance of the building; and Criterion (b) The development is within an Area of Townscape Character and would detract from the character, appearance and setting as it is not in sympathy with the characteristic built form, its design, mass and form does not respect the characteristics of adjoining buildings and would interrupt views of the ATC.

The character of the ATC is dominated by commercial ground floor uses with residential and/or commercial above, with rear courtyards. The proposal reflects this character and layout. The scale, massing, proportions, form and appearance are also reflective of existing buildings in the Square. (see Slides 1, 2, 3, 4 and 5). Views of the ATC are also not interrupted.

Criterion (c) Adequate provision has not been made for private open space as an integral part of the development.

The LPA's consideration contends that it "...is not an integral part of the overall development". The LPA has artificially sub-divided the consideration of private amenity space provision. It is within the overall development of this small site and its location therein is readily accessible by all occupants (10metres from rear door). It is also informally overlooked, gated and walled in, thereby ensuring occupants safety. The guidance at Para. 5.20 of Creating Places for apartments states that such private amenity space provision will be acceptable in the form of courtyards and that it should range from a minimum of 10 sqm per unit. The LPA accepts this guidance provision threshold has been met.

Criterion (e) A movement pattern has not been provided that meets the needs of people whose mobility is impaired.

The LPA's concern is lift provision and the bin storage area being out of reach. Both concerns are misplaced. Para. 12.20 of Creating Places states: "The maximum carry distance will normally be around 25m", which means that greater distances can be acceptable. However, measuring the walking distance along the pathway from the rear elevation of the building, it is circa 22.5metres to the centre of the bin storage area. This meets Creating Places guidance. Moreover, it also meets the requirements of travel distances set out in Technical Booklet J. of N.I Building Regulations, which is 30metres from the building. Regarding lifts, there is no requirement to provide one in a three-storey building.

Criterion (g) The design of the development does not draw upon the best local traditions of form, materials and detailing.

The LPA's consideration summarises: "The proposed building is of a much greater form, size, scale and higher density and design is not reflective of the original building or adjacent built form and detailing found at this part of the ATC". There is no requirement for the 'form' to be reflective of the existing building, a point to which I will return. Regarding adjacent built form, next door is a chip shop with a brick façade and white pvc windows, so to gauge 'form' from it, would be misguided (see Slide 6). The form has been designed to reflect other three storey buildings in the area of The Square and; hence will not, in our opinion, detract from the ATC. Regarding materials and detailing, a simple palette of materials is proposed with a rendered façade, painted timber windows and slate roof, all of which are in keeping with The Square and ATC.

Criterion (h) The design and layout will create conflict with adjacent land uses in that the development will cause adverse impact on amenity due to overlooking, overshadowing and loss of light and will have a dominant, overbearing impact upon residents as well as the existing street scheme.



Loss of light and overshadowing do not occur. Regarding overlooking/loss of privacy, the proposed windows in the rear return (apartments) will not result in overlooking/loss of privacy. There are no windows overlooking No.30 and those facing No.32, whilst being 5m from the boundary (not uncommon in a town centre location), have a view of a pitched roof of the store (see Slide 7). I also note no objections were received.

Fails to provide a suitable living environment for future occupants.

I assume this refers to criterion (i) *"The development has not been adequately designed to deter crime and promote personal safety"*. The concern set out in the LPA Report largely focuses on use of the laneway to Monog Road/Carlingford Street for bin access. There is passive surveillance from existing properties and from Monog Road/Carlingford Street. Of course, this arrangement is the same for the existing building's bin collection and is akin to many alleyways in town centres. I have already addressed the bin storage area distance to the building.

Refusal Reason No.3 relates to the three tests of Policy LC1 (density, pattern of development and apartment unit size) of PPS7's second Addendum. The test for density is not being significantly higher than that found in the established residential area. The density, as shown in (see Slide 8) is below that of others in the established area. There are also other schemes with retail on the ground floor with apartments above in The Square; hence, it is in keeping with the overall character and environmental quality of the area. All apartments meet the thresholds specified in Annex A.

Refusal Reason No.4 relates to Policy DES2 (Townscape) of the Planning Strategy for Northern Ireland. Given it contains similar tests to Policy QD1 of PPS7, which I have already outlined are met, it is also met.

Refusal Reason No 5 refers to Policy BH15: (Reuse of Non-listed vernacular buildings). This refusal reason is misapplied. The LPA's contention at the bottom of page 2 that: *"...were demolition is permitted the design must reflect the scale, massing, and detailing of the existing property as per paragraph 9.3 of PPS 6"* is plainly wrong. What para.9.3 states is: *"...where extensions or external alterations are proposed, these must reflect the scale, massing, materials and detailing of the existing property"* [underlining emphasis]. This applies to existing buildings and, of course, in this case, the LPA has already accepted that the building is to be demolished, so no re-use or alterations occur. Policy BH15 does not apply.

Refusal Reason No.6 refers to the SPPS and Policy ATC1 (Demolition Control in ATC) and contends it would have an adverse impact upon the character of the ATC and would not 'maintain' or 'enhance' it. Page 3 of the LPA's report states: *"In terms of a redevelopment proposal put before the council the overall scale, mass, design and finishes are not reflective of the original form and is incongruous in the street scheme making no positive contribution to the ATC.."* [underlining emphasis]. This is transposed into the refusal reason. Whilst we accept the existing building contributes to the ATC, again, there is no policy requirement (see para.2.4 under Policy ATC1) to imitate the 'original' form, nor does ATC1 mention the words scale, mass, design or finishes. Moreover, it is not possible to reflect the original form, especially when the scheme will deliver retail units at ground floor level (something which has been accepted by the LPA). It is also not dissimilar to other developments in the ATC. Moreover, it is our position that this proposed development will 'enhance' the ATC, and at worst, 'maintain', the character of it. The applicant expects a planning condition that will only allow demolition once building contracts are signed, to guarantee redevelopment delivery (so nil detriment to the ATC occurs), as per para.2.5 under Policy ATC1.

Refusal Reason No.7 refers to the SPPS and Policy ATC2 (New Development in ATC). Again, the test is one of 'maintain' or 'enhance' overall character of the ATC's and respect the built form of the area. Para.2.8, under Policy ATC2, states: *"In effect, new development in an ATC should seek to reinforce local identity and promote quality and sustainability in order to respect and, where possible, enhance the distinctive character and appearance of the area"* [underlining emphasis]. In assessing the acceptability, the LPA will have regard to the broad criteria for Conservation Areas in paragraphs 7.6–7.10 of PPS6. Notably, at Para.7.7 of it, it states: *"What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"*. Again, in this assessment context, it is our position that this proposed development will 'enhance' the ATC.

Conclusion.

The refusal reasons cited cannot be sustained. I would like to thank the Planning Committee for the opportunity to speak today and I trust Members agree that this application should be granted. Thank you for your time. I would be happy to take any questions.

Michael Graham MRTPI, Director, WYG Planning.



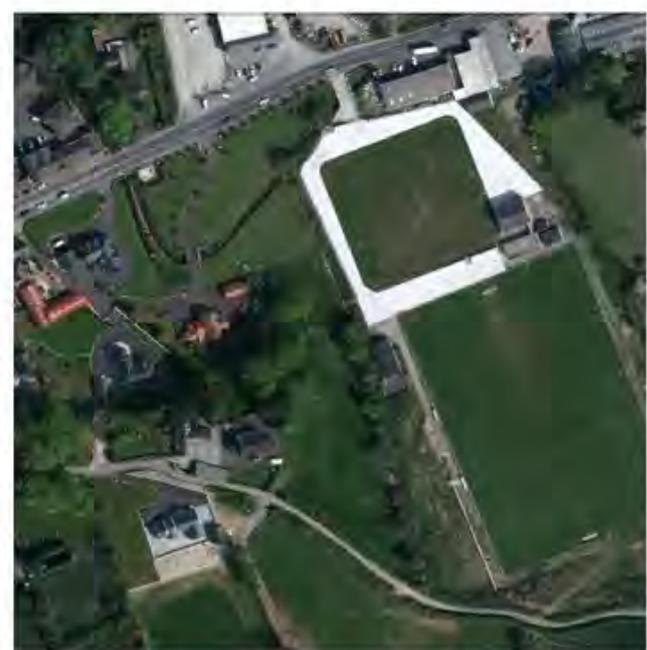
**Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin**
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1670/F

Date Received: 29/10/2018

Proposal: Proposed two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Rock Road

Location: 30m North East of 6 Main Street, Camlough, Newry



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red are irregular in shape located immediately east of no. 6 Main Street and immediately west of playing fields (Shane O'Neill's GFC). The site fronts onto Main street to the north and Church Rock Road to the south. The northern portion of the site consists of maintained grass, then moving towards the centre and southern portion consists of unmaintained grass

rising in elevation as it reaches Church Rock Road. A water course runs directly through the site, and along the entire eastern boundary. Access to the site from Main Street is via an existing laneway which serves no. 06 Main Street. Access from Church Rock Road is via an existing field gate. In terms of site boundary treatments, the northern boundary that abuts Main Street is defined by low metal railing with planting to the inside, the eastern boundary consists of river bank and a number of mature deciduous trees. The western boundary has a mixture of boundary treatments, consisting of mature hedgerow, ranch style fencing, metal railing and a low brick wall. The southern boundary that borders Church Rock Road is defined by a mature hedgerow.

Characteristics of area: The northern portion of the proposed site is located within the settlement development limits of Camlough as designated within the Banbridge / Newry and Mourne Area Plan 2015. The southern portion including proposed access arrangements is located outside the settlement limits. The immediate area is characterised by mixed land use, made up of detached residential dwellings, playing fields and industrial units. The site is within an LLPA and AONB.



Views onto site looking south



Views onto site looking south



Views onto site looking north east



Views of southern site boundary from Church Rock Road

Site History:

LA07/2017/0088/F – Shane O'Neills GFC Newry Road Camlough Newry.
Proposed community walkway with low level soft lighting to walkway. Permission granted. 19.06.2017

LA07/2015/1171/F - 30m North East of No 6 Main Street Camlough Newry Co Down. Proposed two storey dwelling and detached garage. Permission granted. 10.11.2017

LA07/2015/0577/O - Church Rock Road Camlough (approx. 60m south east of 6 Main Street). Proposed dwelling and detached garage. Application withdrawn.

P/2010/0629/F - 30m North East of no.6 Main Street, Camlough, Newry, Co. Down. Proposed erection of two storey dwelling (application in substitution for current approval P/2004/1762/O) and detached garage. Permission granted. 09.11.2010

P/2010/0628/F - 68m north east of no.6 Main Street Camlough Newry Co Down. Erection of dwelling & detached garage (application in substitution for current approval P/2004/1786/O). Permission granted.

P/2004/1762/O - 30 metres north-east of 6 Main Street, Camlough. Site for two storey dwelling. Permission granted.

P/2004/0092/F - 6 Main Street, Camlough. Proposed new vehicular access to dwelling (off Newry-Camlough Road). Permission granted.

Planning Policies & Material Considerations:

Banbridge / Newry and Mourne Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

PPS 3 – Access, Movement and Parking

PPS 2 Natural Heritage

NH6 – Area of Outstanding Natural Beauty

PPS 7 – Quality Residential Environments

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

PPS 21 - Sustainable Development in the Countryside

CTY 1 - Development in the Countryside

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY 14 - Rural Character

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

Consultations:

NI Water - Generic Response.

DFI Roads - No objections subject to compliance with planning conditions

Environmental Health Newry Mourne & Down - No objections

DFI Rivers - No objections subject to planning conditions and recommended informatives

Objections & Representations:

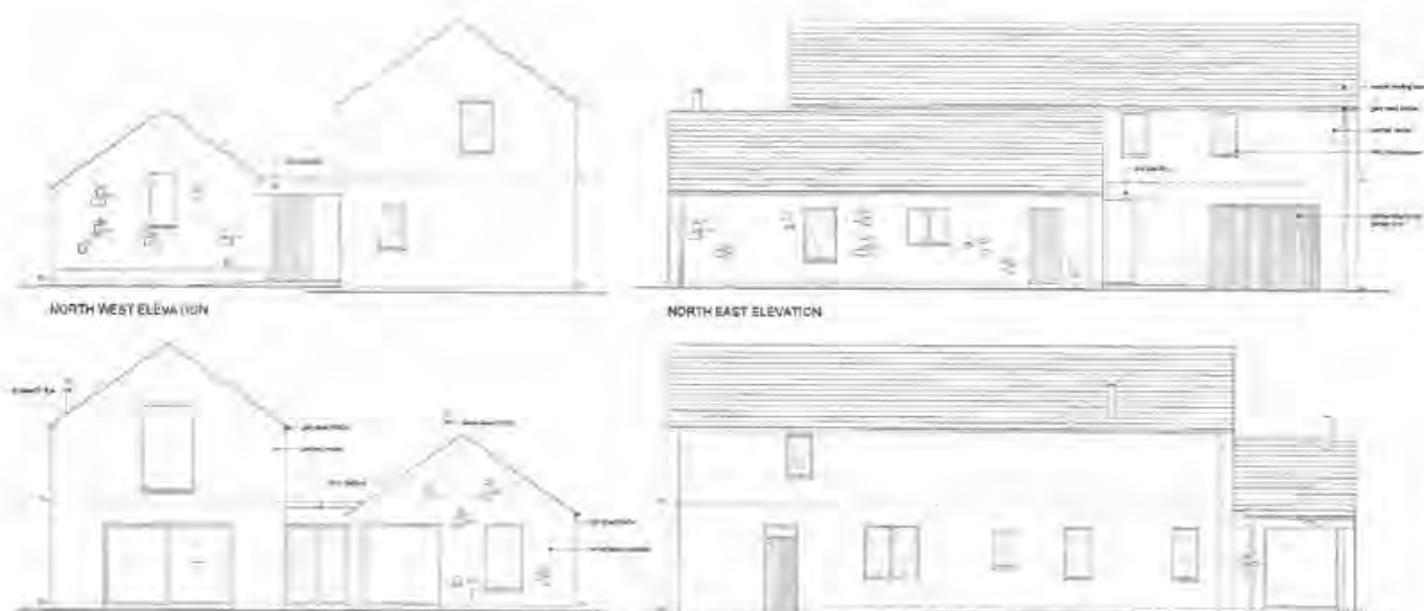
11 Neighbours within close proximity of the site were notified on 20/11/2018. This application was advertised in the local press on 19/11/2018, and 21/11/2018. No objections or representations have been received.

Consideration and Assessment:

The application submitted is seeking full planning permission for the erection of a two storey dwelling with integral garage as a change of house type from approval LA07/2015/1171/F with revised vehicular access from Church Rock Road.

The previous approval was granted a time limit of 1 year on 9 November 2017, therefore expiring on 08/11/2018. This application was submitted to the Council on 29/10/2018, therefore this approval was extant at the time of submission. This application differs from previous application, in that, the red line is significantly larger than previously approved, and the access will be from Church Rock Road. This amended red line and change of access arrangements fundamentally differs from previous approval, as no part of the previous application was outside the settlements of Camlough, thus was assessed under different planning policy. As this application site straddles both the settlement limit and countryside, the proposal will be assessed under additional policy, namely PPS 21 and PPS 2.

The proposal seeks to amend the dwelling design of the previous approval. The proposed dwelling will consist of two rectangular shaped blocks forming the footprint. The orientation of the dwelling will run along the north and south axis with the principal elevation pointing south towards Church Rock Road. One block will have two storeys and one will have a single storey. The dwelling will be relatively simple in design with the gable ends forming the principal and rear elevation. The dwelling will have a standard pitched roof construction with a maximum ridge height of approx. 7.45m above ground floor level. The ridge at this height will run a maximum length of 15.6m. The proposed materials and finishes include natural slate roofing, painted render walls to the main section and natural stone cladding to the single storey section. Windows to be aluminium, galvanised steel RW goods and a painted timber garage door.



Proposed elevations

The proposed access was previously obtained via Main Street which was within the settlement limit. The new proposed access is via Church Rock Road, which is located outside the settlement limits.

PPS 7 – Quality Residential Environments

The footprint of the dwelling will be sited within the settlement limits of Camlough, similarly to previous approval, as such will be assessed under Policy QD 1 - Quality in New Residential Development of PPS 7. Policy QD 1 7 asserts 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. From a site visit it was identified that there is no prevailing house type within the immediate vicinity, with each house varying in design and size. The proposed dwelling has a reduced ridge height of approx. 1.15m from previous approval and the wall dormers have been omitted. Case officer notes that the proposed solid to void ratio is low but given that the dwelling is located within the settlement limits, it is considered acceptable. The proposed dwelling is considered to respect the surrounding context.

Consideration must be given to any potential issues on amenity of existing neighbours. Given the separation distance between the dwellings, the proposal is not expected to result in the loss of light or overshadowing onto neighbouring properties. Case officer must give consideration to potential overlooking caused by the first floor windows. The proposed elevations/fenestration will not cause visual intrusions, given the variety of house types in the immediate area. The materials and finishes are considered acceptable for this form of development.

PPS 21 - Sustainable Development in the Countryside

Planning Policy Statement restricts new development in the countryside. The proposal included amended access must be assessed under the provisions of CTY 1, CTY 13, CTY 14 and CTY 15.

CTY 1 restricts development in the Countryside. As the proposal is for a residential dwelling, the access arrangements are considered ancillary to residential development. CTY 1 states that there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. However, in the case with this application, the planning department conclude that the access arrangements are ancillary to the dwelling, therefore must be considered a residential development.

In a written statement date stamped 23 Jul 2019, the acting agent stated that the reason for the amended access arrangements outside the settlement limit was due to the applicant unable to secure a mortgage for a new building with shared access. The agent was referring to extant permission which was approved, with access

shared with no. 6 Main Street. The agent affirmed that due to the Q100 flood plain, a new separate access was not possible under the provisions of PPS 15 FLD 1. Upon assessing the need for this proposed access, and the extant permission whereby access can be obtained from Main Street, the Department conclude that the justification for the proposed development fails to demonstrate clear overriding why this development is essential in this rural location and could not be located within a settlement. The proposal is considered contrary to CTY 1.

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. The department considers that proposed ancillary works namely the driveway (115m long) fails to integrate with its surroundings, therefore, is considered contrary to CTY 13.

Policy CTY14 requires that buildings in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The proposal must respect the traditional pattern of settlement exhibited in that area. The department is concerned with the proposed length of the driveway (115.0m) which is significantly longer than neighbouring dwellings (outside settlement limit). Furthermore, the impact of ancillary works, will damage the rural character. The proposal fails to respect the traditional pattern of settlement exhibited in that area and will damage the rural character, as such, is contrary to CTY 14.

Policy CTY 15 states that permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As the proposal straddles across both the settlement limit and countryside, when travelling along Church Rock Road, the development mars the distinction between a settlement and the surrounding countryside

Banbridge / Newry and Mourne Area Plan 2015

The southern section application site is located within an Local Landscape Policy Area (keggal Road/ Church Road (CL 12).

Policy CVN 3 of The Plan Strategy and Framework states that;

Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character, as set out in Volumes 2 and 3 of the Plan.

Volume 3 of the Local Development Plan lists the features of this designated LLPA (CL 12) which includes;

- Church of Ireland church ruins, remnants of industrial heritage, associated landform and vegetation

- Hedgerows, woodland copses and associated wildlife value.

Given, that hedgerows will be cleared along the southern boundary for the access and required visibility splays, this will directly impact upon the features of this designated LLPA in particular hedgerows and associated wildlife value. The proposal is contrary to Policy CVN 3 of The Plan Strategy and Framework.

PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) Policy NH 6- requires that the siting and scale of new development within a designated AONB must be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. Given the length of the proposed driveway, the scale is considered un-sympathetic to the particular locality.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted, responding on 24/04/2019, responding with no objections to this proposal, subject to the access being constructed in accordance with the plans submitted. In view of this officers consider access arrangements to be acceptable with regards to Policy PPS 3.

PPS 15 – Planning and Flood Risk

In relation to the flood risk associated with this development the SPPS states that 'development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the floodplains will gradually undermine their functionality.' Rivers Agency flood hazard map has identified that a large part of the site lies within the Q100 year fluvial flood plain and within the inundation area of Camlough Lake.

The previous Flood Risk Assessment by Atkins Consultants dated September 2016 produced a river model establishing the Q100 floodplain of the watercourses relevant to the previous site (shown on the Atkins drawing 5147544/015/dwg/022). This remains valid for this revised site in relation to the change of house type. The latest layout drawing Number 18.08.04 (G) date stamped 08/02/2019 shows that the proposed build development and access will be located outside the Q100 floodplain. DFI Rivers conclude that they cannot sustain any objection in relation policy set out in PSS 15, but as a precaution recommended planning informatives. The proposal complies with this policy.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21 (PPS) Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the ancillary works do not integrate with their surroundings.
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 development;
 - fails to respect the traditional pattern of settlement exhibited in that area, which would therefore result in a detrimental change to the rural character of the countryside, and;
 - the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
4. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Camlough and the surrounding countryside resulting in Urban Sprawl.
5. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2 Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason;

- The scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
6. The proposal is Contrary to Policy CVN 3 of The Plan Strategy and Framework of Banbridge / Newry and Mourne Area Plan 2015, in that the development would if permitted, adversely affect the intrinsic environmental value and character of the designated LLPA (CL12).

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

Planning Committee Statement

LA07/2018/1670/F - Change of House type for approval at 30m NE of 6 Main Street Camlough (LA07/2015/1171/F)

Members - The principle of development is conceded and proposed dwelling is entirely inside the settlement limit of Camlough. The detail of the design is considered to be appropriate to the character of the area and to respect the surrounding context.

The only reason this application is in front of you today is that the officer does not accept that the dwelling can be accessed from the Church Rock Road as this is beyond the settlement limit and the driveway is visually intrusive and would mar the distinction between the village and the open countryside.

I would like the members to note that there is no reference to:

1. The playing fields along the eastern boundary which do form part of the character of the area and should have been weighed in the visual impact of the access;
2. The fact it was previously indicated by the Council that the site could not have its own separate access from Main Street as a consequence of the land being subject to flooding;
3. DfI Roads having no objection to the proposed access on the grounds of road safety or traffic impact; and
4. The commitment to replant the short section of hedgerow (approximately 20 metres) and to mitigate the impact of the access by planting native hedgerow and trees.

I would also bring to your attention that officer makes a distinction in the policy that requires the proposed access to meet an exception test. The test is a visual assessment as described in planning appeal 2018/A0043. The officer offers no detail in the report to explain how or why the access is visually intrusive.

All that said the applicant has a young family and desperately wants to move on with his life. This application was submitted to the Council in October 2018. Almost twelve months have passed and the previous history of approval is now time expired. In order to mitigate any risk and to avoid unnecessarily prolonging the process the applicant has agreed with his father to allow the existing access to be used.

A submission is already with the planning department from 27 August 2019 formally amending the application details and removing the access onto Church Rock Road. I respectfully request that the committee allow the application to be deferred and allow for the submitted changes to be processed. Should this be agreed it will allow the officers to deal with this under delegated authority.

The applicant regrets that this circumstance has arisen and had feedback been given at the submitted justification indicating a direction to refuse the applicant would have amended the detail of the proposal and this would not have come in front of you.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**

District Council

Application Reference: LA07/2018/1913/O

Date Received: December 6th 2018

Proposal: Infill Site for 1 dwelling

Location: *Site between 33 and 37 Ballard Road, Lislea*

Site Characteristics & Area Characteristics:

The site is a cut out of a grazing field located on the northern slopes of Slieve Gullion approximately 3 miles east of the village of Lislea. It is located on a laneway that connects on to Ballard Road approximately a mile to the north, it is very narrow a terminates a short distance to the south west. The site slopes sharply down to the west, a result of its location on a steep mountain slope.





The site is bounded along the road by a low post and wire fence, to the rear of the site are two agricultural buildings



The site is located in between two single storey dwellings, Number 33 Ballard Road is located to its north east;



While Number 37 is located to the south west;



On the other side of Number 33 there is a gap until a group of agricultural buildings are encountered, these are at a significantly lower level than the road. The site's prominent position on the side of a mountain means that there are long range views of it from the surrounding area, especially from the lower part of Ballard Road to the west.



Site History:

There is no previous history on the site

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 21 Sustainable Development in the Countryside.

Consultations:

Transport NI No objections

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:

Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to dwellings in the countryside it is less prescriptive than the retained policy and it is this which has greater determining weight.

Banbridge/Newry and Mourne Area Plan 2015.

The site is located in the countryside east of the small settlement of Lislea, no other provisions of the plan are relevant.

PPS21 Sustainable Development in the Countryside Policy CTY1

The policy sets out 6 categories of residential development which are acceptable in the countryside, the proposal is for an infill dwelling and therefore CTY8 is the most relevant.

Policy CTY8 Ribbon Development and Infill

The policy allows for the infilling of a gap, sufficient only to accommodate a maximum of two dwellings, within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern in the area. To qualify as a substantial and continuously built up frontage there must be a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case there are two buildings along the road frontage, Nos 33 and 37, there are gaps on either side of these dwellings until the next building and they are not visually linked with these buildings due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

In addition, the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

Policy CTY 13 Design and Integration of buildings in the Countryside

The critical view for this policy is the long range one from the west along Ballard Road, from this viewpoint, shown above, a dwelling on the site will appear behind the agricultural buildings with a belt of mature trees to its rear. A modest dwelling, sensitively designed at this location would not appear unduly prominent, care should be taken to ensure that any dwelling does not have a large under-build which could adversely affect the character of the area.

Recommendation:

The proposal is for an infill dwelling situated along a laneway on the slopes of Slieve Gullion. The proposal fails the requirements of CTY 8 in that there is not a substantial and continuous built up frontage in this location and the site has accompanying development to the rear.

Therefore refusal is recommended.

Refusal Reasons:

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

Case Officer**Authorised Officer**

The members of briefing panel have kindly allowed this application to be referred to the planning Committee so the member can decide whether this is an infill site.

I have read the officer's report and understand for this site to be considered an exception under policy CTY 8:-

1. the development must first comprise a small gap site in an otherwise substantially and continuously built up frontage comprised of 3 or more buildings along a road frontage without accompanying development to the rear; and
2. second the proposed development must also respect the existing pattern of development along the frontage in terms of size, scale, siting and plot sizes.

The officer in their report suggests that there are only two buildings along the road frontage, at 33 and 37 Ballard Road and there are gaps on either side of these dwellings until the next building.

The officer then goes on to say that the buildings are not visually linked due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

Finally it is suggested that the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

It is my consideration that full and proper consideration is not given in the report to the other buildings that contribute to the meaning and understanding of what the gap is and that the substantial and continuously built up frontage.

I would ask the members to note as shown in slide one the frontage comprises the dwelling and outbuildings at 29 Ballard Road, the barrel vaulted shed between 29 and 33 Ballard Road, the dwelling at 33 Ballard Road and the dwelling and outbuildings at 37 Ballard Road.

When travelling along Ballard Road you get a perception of a continuous line of buildings and a build-up of development which the dwelling adds to. Contrary to the advice of the officer the fact that the buildings are below the road adds to this perception as any sense of a discernable gap is lost when driving along the road at a slightly elevated position.

There is an awareness of the existing dwellings and the barrel vaulted shed with at least their roofs and upper sections visible along Ballard Road for the entire length of the ribbon of development and beyond where static views are perceptible and from where indivisibility between buildings can be considered and assessed. The views at slides two and three show how the buildings relate to one another when viewed from the entrance to 29 and the gable of 37 Ballard Road.

The officer does not consider the ribbon in its entirety as part of their assessment and it is my consideration that it is clear that there is a sequential awareness of development extending from 29 to 37 Ballard Road from one or more of these static viewpoints.

The buildings to the rear of the application site are also at a much lower level than the ribbon of development to the edge of Ballard Road. They are visually separated and distinguishable and the officer does not provide meaning or context to this in their assessment and I would

argue that there is no accompanying development to the rear of the site and the policy test is satisfied.

The officer does not argue that a dwelling at this site would not respect the existing pattern of development along the frontage in terms of size, scale, siting and plot size. As no reason for refusal is presented it is accepted by that the planning department that the second part of the policy test is met in full.

The site is only capable of absorbing one single storey dwelling that would if sited gable ended to the road fit within the frontage consistent with the pattern of development along this part of the Ballard Road.

The site meets all the criteria of policy CTY 8 and merits being treated as an exception to the policy as a small gap and would not add to the existing ribbon along Ballard Road. I would respectfully request that the committee disagree with the officer's advice and approve this application for the reasons I have set out.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0008/F

Date Received: 19.12.2018

Proposal: Site for infill dwelling and garage.

Location: Circa 70m East of No. 14a Ayallogue Road, Newry.

Site Characteristics & Area Characteristics:

Site History:

P/1999/0724 – Opposite 12a Ayallogue Road, Newry - Site for dwelling- Permission Granted.

P/2000/0686/F - Opposite 12a Ayallogue Road, Newry - Proposed new 2 storey dwelling and detached garage – Permission Granted - 18.10.2000.

P/2006/0540/O - Adjacent to 11 Ayallogue Road, Newry - Site for dwelling and detached garage – Permission Refused - 21.08.2007.

LA07/2018/1571/F - Directly East of 15 Ayallogue Road, Newry - New house on a farm with detached garage – Current Application.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections, conditions suggested.

Objections & Representations:

The application was advertised on 17th January 2019, nine neighbours were notified on 21st January 2019/20th June 2019, no representations or objections have been received.

Consideration and Assessment:**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

Principle of Development

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

The application site has an agricultural building and No 15 to the north, both have a frontage with the public road. No 11 which is located to the south east of the site has its access lane running along the boundary with the application site but No 11 is set some distance from the public road and is not considered to have a frontage with the public road. No 11 when approved did not include the curtilage of the property extending to the public road and as a result it does not have a road frontage. As a result, the application site is not considered to be a gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would add to a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Design, Appearance and Layout

The proposal is for a two storey dwelling large surrounding garden area and a garage set to the rear of the property. Given that the surrounding area includes a variety of different house types including two storey properties the proposed dwelling would be considered acceptable in terms of its design and appearance.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. Given that the proposed dwelling is considered to be of an acceptable design it is considered that the proposal could integrate onto the site and so would comply with CTY13.

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. Given that the proposal is not considered as an infill opportunity it will add to a ribbon of development along Ayallogue Road, this will therefore result in a suburban style build when viewed with existing buildings. The proposal is considered contrary to parts (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

As the proposal lies within an AONB policy NH6 of PPS2 is applicable, the proposal is not considered to have a detrimental impact on the AONB due to the mix of different properties in the area which range in size, scale and design.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal**Refusal Reasons:**

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

in the addition of ribbon development along Ayalogue Road and does not represent an exception of policy.

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

Case Officer:

Date:

Authorised Officer:

Date:

WRITTEN SUBMISSION – LA07/2019/0008/F (Agenda Item 16)

CLIENT : Mr Martin White
LOCATION : Circa 70m East of No.14a Ayallogue Road Newry



1.0 INTRODUCTION

This Written Submission has been prepared in support of a planning application for an infill dwelling and garage on lands circa 70m East of No.14 Ayallogue Road Newry.

The application has been recommended for refusal by Newry Mourne and Down District Council planning officials and the purpose of this statement is to briefly elaborate on the planning issues raised by the Council’s officials in respect of the application and in advance of consideration of same by the Planning Committee at the forthcoming meeting on Wednesday 18th September 2019.

2.0 BACKGROUND

Ayallogue Road is designated as rural / Area of Outstanding Natural Beauty where strict development restraint polices are in operation. Policy CTY 8 – Ribbon Development (PP521 - Sustainable Development in the Countryside) states that planning permission will be refused for a building that creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this submission, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without any accompanying development to the rear.

The lands in question are located on a section of Ayallogue Road where development pressure is very strong and where a substantial and continuously built up frontage is particularly evident as illustrated below :



☆ Indicates approximate position of recently approved farm dwelling

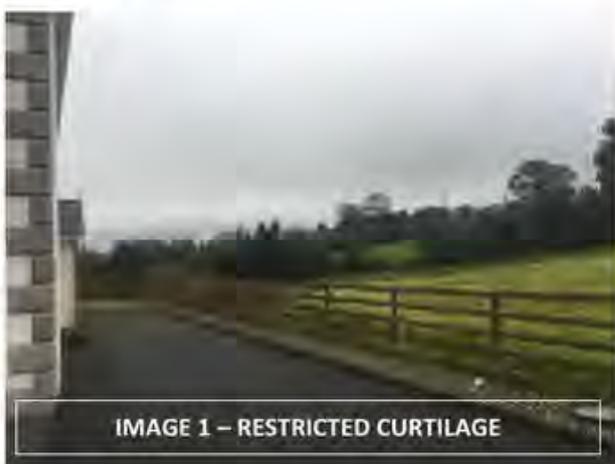
WRITTEN SUBMISSION – LA07/2019/0008/F (Agenda Item 16)

CLIENT : Mr Martin White
LOCATION : Circa 70m East of No.14a Ayallogue Road Newry

3.0 POLICY COMPLIANCE

It can be argued that the site lies within an otherwise substantial and continuously built up frontage. The agricultural building and neighbouring dwelling with an address as No.15 Ayallogue Road (due north of the site) are accepted as having frontage with the public road.

The test as to whether the built up frontage comprising of three or more buildings each with a frontage onto a public road or shared laneway lies with a detailed examination of the dwelling approved at No.11 Ayallogue Road.



The images above (taken of No.11 Ayallogue Road) are presented for two reasons. First of all, the dwelling when it was approved was located away from the public road given that the applicants were seeking a two storey dwelling and its potential impact would have been reduced with a siting away from the public road (given the site topography). It was approved in 2000 at a time when development pressure was less evident in this vicinity. Secondly, the owner of No.15 is a sister of the applicant and the land directly to the west, north and east of the dwelling is family land that remains in the White name. Access to No.15 is via a shared laneway as evidenced in Image 2.

Recent PAC decisions indicate that a building only has a frontage onto a road or lane if the plot on which it stands abuts or shares a boundary with that road or lane. It is evident from an examination of No.15 Ayallogue Road ought to be considered as have a frontage onto the road as the plot clearly shares a boundary with the road / lane.

We strongly contend that the applicant's proposal for infill on lands at Ayallogue Road Newry are not contrary to Policies CTY8, CTY13 and CTY14 of PPS21 - Sustainable Development in the Countryside and we look forward to discussing the application further with the Planning Committee of Newry Mourne & Down District Council.

Mr Barry Owens

11th September 2019



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0307/O

Date Received: 15.02.2019

Proposal: Dwelling

Location: Between 125b and 135 Cullaville Road, Crossmaglen

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015. The application site is an area of land adjacent north east of a one and a half storey dwelling under construction, the site fronts onto the Cullaville Road.

The site is located in a rural area although there are a number of dwellings located in the vicinity of the site.

Site History:

LA07/2017/1802/F - 80m North east of No 50 Malahy Conlon Park, Cullaville Road, Cullaville, Newry - Proposed infill dwelling and domestic garage – Permission Refused 13.04.2018.

The refusal was appealed to the Planning Appeals Commission – Appeal Dismissed - 03.12.2018 (this current application is on the same site as this previous refusal).

P/2014/0105/F - Lands adjacent and south west of 125A Cullaville Road, Crossmaglen, Newry - Erection of in-fill dwelling and detached garage (with access via existing laneway to nos.125 and 125A Cullaville Road – Permission Granted 05.01.2015.

P/2006/0918/RM - 160 metres north east of No 50 Malachy Conlon Park, Cullaville - Erection of dwelling – Permission Granted - 11.08.2008.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)

- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Building on Tradition
- Planning Policy Statement 6 - Planning, Archaeology and The Built Heritage.

Consultations:

DFI Roads – No objections.

Historic Environment Division (HED) – submitted archaeological information was forwarded to HED and in their latest response it is stated that they are content that the proposal is satisfactory with the SPPS and PPS6.

Objections & Representations:

The application was advertised on 25th February 2019, five neighbours were notified on 1st March 2019, no representations or objections have been received.

Consideration and Assessment:**Previous application on site.**

Application LA07/2017/1802/F which was submitted for an infill dwelling was refused by the Planning Authority and then an appeal which was lodged with the PAC was dismissed. The PAC considered the site in terms of an infill dwelling which the Council had also considered, the PAC decided that the proposal was not in line with the requirements for an infill dwelling set out in CTY8. The PAC also considered the proposal in terms of a dwelling in an existing cluster under CTY2a, this was done following the submission of the agent to the PAC. The PAC stated in their decision that the proposed development does not meet all the policy requirements of CTY2a. The planning appeal was dismissed by the PAC on 3rd December 2018.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for infill dwellings in accordance with policy CTY8 and also new dwellings in existing clusters in accordance with policy CTY2a.

Policy Consideration

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

The Statement submitted by the agent states that the site is a gap when read with Nos 125b, 125a and 125 on one side and No 135 on the other side. The Council remain of the opinion that No 135 has a frontage with the public road but that the 3 dwellings Nos 125, 125a and 125b do not have a frontage with the public road. It is considered that the 3 dwellings are separated from the road frontage by an intervening field and they are only connected with the road via a shared access laneway. As such it is considered that the site does not represent a small gap site as there is no line of three or more buildings that constitute a substantial and continuously built up frontage as set out in policy. The proposal is not seen as an infill opportunity and the Council remains of the same opinion as with previous application LA07/2017/1802/F, an opinion the PAC previously agreed with.

Policy CTY2a states that planning permission will be granted for a dwelling at an existing cluster of development provided that all the following criteria are met:

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

The site was previously considered against policy CTY2a as part of the PAC decision and it was considered that the proposal did not comply with all the required criteria, the proposal will again be considered against the above criteria.

It is considered that the group consists of four or more buildings with at least three being dwellings, as such the proposal complies with the first criterion of Policy CTY2a.

Given that a number of the buildings within the group can be viewed when travelling along the public road it is considered that the cluster appears as a visual entity and so the second criterion is met.

It is considered that the cluster is not associated with a focal point such as a social / community building or facility and it is not located at a cross-roads. The statement

submitted by the agent argues that approvals have been granted where this criterion has not been met, all applications must be considered on an individual basis and if this criterion has been set aside in the consideration of other applications it does not mean that it should be set aside in all applications for this type of development otherwise this would not be in the public interest of ensuring that policy is properly complied with. The third criterion is not met.

The application site has development on two sides and a backdrop of vegetation, the site also has some vegetation along its roadside boundary although this had been cut back at the time of inspection. Although it may be considered that the site lacks in the degree of enclosure it offers it does offer a small degree of enclosure and given the development on either side and the backdrop of vegetation it is felt that the proposal meets the fourth criterion of the policy.

It is considered that development on the application site would add to the linear form of development at this location which will further erode the rural character of the area. The proposal would not round off and consolidate development but would unacceptably alter the rural character and visually intrude into the open countryside. The proposal does not meet the fifth criterion of the policy.

It is considered that a dwelling could be designed for the site that would ensure there is no adverse impact on residential amenity.

As two of the above criteria are not met the proposal is considered contrary to policy CTY2a.

The proposal is considered contrary to policies CTY8 and CTY2a, as there are no reasons why the development is essential in this rural location and does not meet any exceptions it is contrary to CTY1.

Integration and Design

Given that the proposal is for outline planning permission no details have been provided regarding the design and layout for a dwelling on the application site. It is considered that conditions could be placed on any approval to ensure that a dwelling would integrate. I would consider that conditions should be included to restrict the height of any dwelling, siting and curtilage condition and also conditions to ensure additional planting is put in place along boundaries of the site.

Rural Character

It is again considered that a dwelling on this site would result in a suburban style build up when viewed with existing and approved buildings in the area and that it would add to a ribbon of development along Cullaville Road. The proposal is considered contrary to Policy CTY14. The previous application on the site LA07/2017/1802/F was also seen as contrary to CTY14 and this was agreed in the PAC decision.

Archaeology

As stated HED has provided comment on information submitted, their latest response states that they are content and as such it is considered that the proposal is in accordance with relevant policy requirements.

Access and Parking

DFI Roads stated in their consultation response that they have no objections subject to 1:500 site plan being submitted as part of any Reserved Matters.

Recommendation: Refusal**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site in an otherwise substantial and continuously built up frontage that respects the existing development pattern, and would, if permitted, result in the addition of ribbon development along Cullaville Road.
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;
 - the dwelling would, if permitted 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 Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster is not associated with a focal point or located at a cross-roads;
 - the dwelling would if permitted significantly alter the existing character of the area and visually intrude into the open countryside.

Case Officer:**Date:****Authorised Officer:****Date:**

Applicant's Written Submission

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Planning Application Number: LA07/2019/0307/O	Description: Dwelling	Address: Between 125b and 135 Cullaville Road, Crossmaglen
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Case Officer Reasons for Refusal:

- 1. The proposal is contrary to the SPPS and Policy CTY1 of PPS21, 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 SPPS and to Policy CTY8 of PPS21 in that the proposal does not represent a gap site in an otherwise substantial and continuously built up frontage that respects the existing development pattern, and would, if permitted, result in the addition of ribbon development along Cullaville Road.*
- 3. The proposal is contrary to the SPPS and Policy CTY14 of PPS21 in that: the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the dwelling would, if permitted 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 Policy CTY2a of PPS21 in that: the cluster is not associated with a focal point or located at a cross-roads; the dwelling would if permitted significantly alter the existing character of the area and visually intrude into the open countryside.*

Response:

There was a previous refusal for a dwelling on this application site, which was also then refused by the planning appeals commission (ref: 2018/A0064). The Commissioner's basis for refusing the appeal was because she considered the application site formed a "visual break in the developed appearance of the locality" and the appeal proposal would visually link the existing buildings on either side to create a suburban ribbon of development and harm rural character. However, site conditions have significantly and materially changed since that appeal was determined and the proposal no longer forms a visual break in the existing development – the Council's case officer has failed to recognise this.

At the time of the previous appeal, much of the roadside along this part of Cullaville Road was formed by substantial hedging that largely screened views of the existing housing – much of this vegetation has since been removed or reduced by the neighbouring residents. The development of the dwelling at 135 Cullaville Road was also not progressed to the extent it is now. The result being that the existing dwellings on either side of the application site are now openly read together as a single cluster and continuous line of development with no visual break between them. That being the case, the proposed dwelling will not visually link these buildings or create a ribbon of development – these buildings are already now visually linked. The proposed dwelling also will not change or erode rural character or visually intrude into the open countryside, because it will occupy a gap site in an identifiable cluster/ribbon of established housing. The photograph overleaf is a recent image showing the current site conditions and confirms that the application site no longer acts as a visual break between the dwellings on either side of it – the reduced vegetation means that the existing buildings are now read together in the landscape as a single cluster and ribbon of development, even without the proposed dwelling:

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The case officer report does now accept that the existing cluster of buildings here are read as one visual entity in the landscape. That being the case, the proposed dwelling cannot create a ribbon of development, or change or erode the character of the area, because an identifiable ribbon of development is now established here. The proposal therefore does not offend PPS21 Policy CTY8.

The proposal also satisfies all necessary PPS21 CTY2a criteria as follows:

- The cluster of development lies outside of a farm and consists of four dwellings – this was accepted at previous appeal and by the case officer;
- The cluster appears as a visual entity in the local landscape – the recent change to site conditions provides that the proposal now meets this criterion, as the existing cluster is now clearly visible from the public road. This is now accepted by the case officer;
- Although there is no focal point here, the following Council approvals and appeal decisions confirm that the lack of a focal point or crossroads is itself, not justification for refusal: LA08/2015/0056/F; LA07/2015/0135/O, which were granted by Newry, Mourne and Down Council; 2010/A0202; 2016/A0095; and 2017/A0222. It should also be noted that the Commissioner for the previous appeal here accepted that the lack of a focal point would not be determining if all other relevant policy criteria were satisfied;
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster – this was accepted at previous appeal and by the case officer;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside - the recent change to site conditions provides that the proposal now meets this criterion, as the existing dwellings on either side of the appeal site are now read together in the landscape and the infilling of the gap between houses therefore will not change the character of the area; and
- Development would not adversely impact on residential amenity – again, this was accepted at previous appeal and by the case officer.



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Application Reference: LA07/2018/1543/O

Date Received: 09/10/2018

Proposal: Site for infill dwelling and garage

Location: Cullion Road, Mayobridge (Immediately adjacent to and South of 6A Cullion Road)

Site Characteristics & Area Characteristics:

The application site is located to the west of Cullion Road and forms part of a larger field. The site rises gently from the roadside towards the west of the site. The roadside boundary is formed by gently rising bank with hedgerow above, the boundary to the north adjoins No 6A is formed by a wire and post fence. The site has no defined western or southern boundaries. The application site is located outside any defined settlement limits.



View of application site from south

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- The Strategic Planning Policy Statement for Northern Ireland
- Banbridge Newry and Mourne Area Plan 2015
- PPS3 Access, Movement and Parking
- DCAN15- Vehicular Access Standards
- PPS21- Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide.

Site History:

P/2010/0060/O- Infill site for dwelling and garage at Cullion Road, Mayobridge, Newry (400m north of junction with Bavan Road). Approval 20th September 2011, a reserved matters application was not submitted following this approval.

The case officers report stated:

"There is a dwelling at site no 2 and the foundations are laid for a dwelling at site 1 on the history map. If permitted this proposal would read as a line of development with these two existing dwellings. There are no other dwellings along this road frontage until no 4 to the south and there is a substantial gap between this site and no 4 so it cannot be considered as reading with this site. There are further dwellings to the north of the site. The dwelling immediately north of site 2 is set back from the road and does not share a continuously built up frontage with site 2. It can be argued that the dwellings at site 1 and 2 are not sufficient to permit this site to be considered as an infill site. However when standing on the roadside at point A on the history map, looking north, the dwellings on sites 1,2,5 and 6 can all clearly be seen and this site is lost among the dwellings so it cannot be said to represent an important visual gap in the landscape...The plot size is smaller than other sites in the immediate area but it can accommodate one dwelling with adequate amenity space and will not impact negatively on the neighbouring dwellings. Approval is recommended."



At Delegated Group on 24th May 2010 the file note states, "Group do not consider that the site falls within a substantially and continuously built to frontage therefore the application is contrary to CTY8 of PP21. Refusal". On 22nd August 2011 the file note states- "Reassessed against the final version of PPS21. Proposal is considered to comply with CTY8. Approval".

It is unclear which buildings were now considered to form part of a substantial and built up frontage and why the opinion has now changed to approval. This permission has since expired. I do not agree with the assessment of this previous application and the approval issued on the site under Policy CTY8. The Council, as a separate planning authority with elected representatives, is not bound by past decisions of central government.

P/2006/1875/RM- Erection of dwelling and garage at Cullion Road, Mayobridge, Newry. Reserved matters following the approval of P/2003/1369/O was approved on 13th August 2007. This dwelling has not been constructed.

P/2003/1359/O- Site for two storey dwelling and garage at Cullion Road, Mayobridge, Newry (380m north of the junction with Bavan Road). Outline approval granted on 17th October 2013 with a siting condition to the south west of the current application site.

Consultations:

DFI Roads- No objection in principle to this proposal

DAERA- No objections, informatives provided.

NI Water- Generic response provided.

DFI Rivers- No objections.

Objections & Representations:

Two neighbours were notified on 12/11/2018 and the application was advertised within three local newspapers. Following an amended plan, the application was readvertised, the advertising period expired on 05/12/2018. No objections or submissions have been received.

Assessment

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above Plan, and is unzoned. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. This application seeks permission for an infill dwelling and garage. Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development, policy goes on to explain that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception

will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character.

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

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

To the north, the site is adjoined by No 6A, to the north of this is an agricultural entrance, with the entrance to BCG Parts further to the north. To the north of BCG Parts there is a dwelling setback from the road. To the south the site is adjoined by undeveloped land, accessway to farm buildings further south followed by No 4 Cullion Road.



It is not considered that there is a substantial and continuously built up frontage considering of a line of 3 or more buildings along a road frontage without accompanying development to the rear. The gap between the application site and the nearest building to the south (No 4) is c.138m. The site is adjoined to the north by a dwelling but the frontage is then broken by the entranceway to BCG Parts and therefore the buildings further to the north are not part of a substantial and continuously built up frontage.

On 1st February 2019 correspondence was received from the Agent noting that *there is an approved dwelling and garage to the south and immediately adjacent to the site under P/2006/1875/RM and work has commenced on site*. It was also noted that there was an application previously approved on the site.

Whilst there was a previous approval under P/2006/1875/RM to the south, neither the dwelling nor garage approved have been constructed. Foundations do not constitute a building and a future building cannot be taken into account (Appeal References 2018/A0088 & 2018/A0089). As previously outlined within the history of this section, the previous outline approval on the application site has expired and the assessment of the buildings which constitute the frontage and the size of the gap site are not detailed within the case officers report. The Council, as a separate planning authority with elected representatives, is not bound by past decisions of central government.

The application site does not stand within an otherwise substantial and continuously built up frontage as required by policy and the proposal fails to meet the first requirement to qualify as an exception under Policy CTY8. As there is no gap site, it is not possible to make an assessment of size or determine whether the proposal would respect the existing development pattern and therefore fails to meet the second and third elements required to qualify as an exception. The proposal fails to meet Policies CTY 13 and CTY14 (outlined below) and therefore fails to meet the fourth element required by Policy CTY8.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. Travelling from the south, the site is quite open within the larger field and there is little boundary vegetation between the site and No 6A. Whilst I believe a low ridge height dwelling may not appear as prominent, the site lacks a western and southern boundary and the northern boundary consists of a wire and post fence. Building on Tradition states that sites that require more than once new boundary should be avoided. I believe the proposal is contrary to criterion b and c of Policy CTY13 as it lacks long established natural boundaries and would rely primarily on new landscaping for integration.

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I believe the proposal would result in a suburban style build-up of development when viewed with existing buildings and that the proposal would add to a ribbon of development, contrary to criterion b and d of Policy CTY14.

Recommendation: Refusal

Reasons for Refusal:

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

- 2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside as the application site not constitute a small gap site within a line of three or more buildings in the countryside, does not meet other planning and environmental requirements and would, if permitted, result in the addition of ribbon development along Cullion Road.

- 3. The proposal is contrary to criterion b and c Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

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

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

Job No 1997 (18)

PROPOSED INFILL SITE FOR DWELLING & GARAGE AT CULLION ROAD, MAYOBRIDGE FOR RAYMOND FEGAN.

YOUR REF LA07/2018/1543/O

Further to the Councils recommendation to refuse the above application I would like the Committee to consider the following prior to making their decision.

1. The site was previously approved on 20th September 2011 as an infill site and fully assessed under PPS21. Nothing has changed regarding this Policy to prompt this change of opinion and the applicant had a genuine belief that the approval could be renewed. In effect had circumstances allowed they could have made an application on the site before 20th September 2016 and a dwelling would have been approved.
2. The Case Officer in their report refer to the previous Case Officers report on the site who recommended refusal initially and appears to give it **more** weight than the **fact** that Senior Planners and the Group overturned this opinion and approved the site. Clarification is sought as to why the Case Officer now deems the previous approval and Senior Planners opinion to be flawed and incorrect.
3. The Case Officer in her report has referred to 2no Appeals under references 2018/A0088 and 2018/A0089. I have examined both Appeals and in my opinion neither are comparable to the application site. These Appeals were for completely new applications on sites with no history as infill opportunities whereas this site was previously approved as an infill opportunity. Planning must explain to the Committee why these Appeals are comparable specifically to this site.
4. With regard to the proposed reasons for refusal as the site was previously approved Reasons 1, 3 and 4 are not sustainable and should not have been added. The site was previously approved and these issues were never raised so cannot in turn be sustained. The Committee should now ask Planning why these Reasons have been added when they were not an issue in 2011 and as previously stated this site could have been developed if an application for a dwelling was made prior to 20 September 2016.
6. Reason 2 is open to interpretation and it must be a Committee decision as to whether the issue of ribboning is relevant. Substantial weight must be given to the previous approval in 2011.



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**Newry, Mourne
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District Council

Application Reference: LA07/2018/1614/O

Date Received: 19 October 2018

Proposal: Dwelling on a farm

Location: The application site is located 50 metres South of No. 24 Island Road, Attical.

Site Characteristics & Area Characteristics:

The application site is located just outside the settlement limit of Attical within the countryside area. The site comprises a roadside agricultural field located 30m south of the main farm dwelling and buildings at 24 Island Road, Attical. The site is separated from the main farm buildings by an agricultural field (see below). The site is a roadside field enclosed by a mourne dry stone wall. A mourne dry stone wall separates the application site with the adjoining field to the north. The rear and southern boundaries are undefined as the site is cut out of larger agricultural field.



Image 1

Site History: No planning history on application site.

History on farm maps

Field 19:

- X/2003/0568/F Retirement Dwelling & detached garage & loose box block.

130m west of Kilcarn Road, Comber. Permission refused 12 June 2004

- X/2004/1763/F Retirement dwelling with detached garage/stables. Permission granted
- X/2006/1093/F Change of house type from existing design to provide accommodation to rear 1 1/2 storey return. New design to match existing footprint and location 130M West of Kilcarn Road, Drumreagh, Comber. Permission granted 19 December 2006.

The above applications are not relevant to the current application as they are pre 25 November 2008 (i.e. Introduction of draft PPS 21)

Planning Policies & Material Considerations:

This planning application has been assessed against the following policies:

- The Banbridge, Newry and Mourne Area Plan 2010,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland,
- PPS21 Sustainable Development in the Open Countryside,
- PPS 2 Natural Heritage,
- PPS3 Access, Movement and Parking,
- DCAN 15 Vehicular Access Standards, and
- The Building on Tradition Sustainable Design Guide.

Consultations:

DFI Roads – No objection subject to conditions

NI Water – Generic response received

DAERA – Business ID established for more than 6 years and claims made from 2005 – 2018.

Objections & Representations

One neighbour notification was issued on 7 November 2018. The application was advertised in the local press on 7 November 2018. No representations were received.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2010

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the development limits of a designated settlement and it is located within the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS, and the retained policies of PPS 2, PPS 3 and PPS21.

Strategic Planning Policy Statement (SPPS)

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

PPS21 – Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes farm dwellings if they meet the criteria set out in CTY10.

CTY10 – Dwellings on Farms

Criteria A) DAERA has confirmed in their consultation response that there has been an active farm business for over 6 years and payments have been made to the farm business for Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. Sufficient evidence is submitted to satisfy criteria A.

Criteria B) requires that no dwellings or development opportunities have been sold off the farm holding since the introduction of draft PPS21 in November 2008. Having carried out a site history search on the farm holding I am content that no dwellings or development opportunities have been sold off the farm holding, therefore criteria (b) is met.

Criteria C) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. I consider that the siting of the proposed dwelling fails to cluster or visually link with the established farm buildings located 30m to the north of the application site and separated via an agricultural field. In a letter dated 18 April 2019 it was outlined that two alternative sites adjacent to the farm building group would meet criteria C (See images 1 and 2).



The agent has provided further information in relation to the application site, this information has been considered. In rebuttal to the further information submitted I consider that whilst CTY 10 states consideration may be given to an alternative site elsewhere on the farm in exceptional circumstances where there are no other sites available at another group of buildings on the farm, or where there are either demonstrable health and safety reasons, or verifiable plans to expand the farm business at the existing building group. I do not consider that sufficient justification has been provided to demonstrate why the two sites closer to the farm buildings cannot be developed. There is ample separation distance from the main farm dwelling to avoid potential residential amenity impacts in regard to both sites. The site with the overhead cables could position the proposed dwelling further back in the site to avoid this being an issue. I consider both alternative sites would meet criteria C of CTY 10 whilst the application site does not. Criteria C is not met. The agent has not provided demonstrable health and safety reasons or expansion plans as reasons for the development of the application site.

CTY10 also states "the proposed site must also meet the requirements of CTY13 (a-f), CTY14 and CTY16.

I consider that a proposed dwelling on the application site would result in a prominent feature in the landscape as the site is open and there is no screening along the site boundaries with two of the boundaries would relying on new landscaping for integration. The application site is separated by the main farm grouping by an agricultural field, thus resulting in 30m separation distance from the farm grouping. I consider the proposed site does not visually link with the farm grouping and there is not a suitable degree of enclosure for the new dwelling to integrate into the landscape. As a result of the lack of visual linkage and sensitive integration with the farm grouping the application site fails to respect the traditional pattern of settlement exhibited in the area. The proposed dwelling would also create a ribbon of development and would contribute to a localised sense of build up in the area.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Island Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - A) the proposed site is prominent feature in the landscape,
 - B) the proposed site lacks long established natural boundaries,
 - G) the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore, would not visually integrate into the surrounding landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - A) the new dwelling would be unduly prominent in the landscape,
 - C) the new dwelling does not respect the traditional pattern of settlement exhibited in the area,
 - D) the dwelling would, if permitted add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
6. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2 in that the dwelling by reason of its siting is not sympathetic to the special character of the AONB.

Case Officer Signature:
Date: 14 August 2019
Authorised Officer Signature:
Date:

Cole Partnership
Architecture and Project Management
 12A Duke Street Warrenpoint
 Co.Down BT34 3JY

Proposed dwelling on a farm 50m South of No. 24 Island Road Attical. LA07/2018/1614/O

This application is being made on behalf of Mr M.Rice for a dwelling on an established farm which is permitted under policy CTY1 of PPS 21 in accordance with CTY 10. The dwelling is to be located on the Island road Attical, South of the family farm dwelling and farm buildings.

The case officer has given five reasons for refusal:

- Proposal is contrary to CTY1 of PPS 21 no overriding reason development not located in a settlement - This proposal is for a dwelling on a farm which is acceptable under CTY 1 as long as the proposal is in accordance with CTY10 of PPS 21 which I will address later
- Proposal is contrary to CTY8 of PPS 21 causing ribbon development - The case officer raises concerns in regards to the possibility of ribbon development. Ribbon development will not be possible as the second site proposed by the case officer is the only location that would create ribbon development. However this site will not be developed due to large electric pylons being situated within the site. High voltage cables run across the site and would cause a serious health and safety issue during construction if the application was granted in this position. The direction of the overhead cables in the preferred site is ideal as these cause no health and safety issues at this location.
- Proposal is contrary to CTY 10 of PPS 21 - In regards to policy CTY 10 of PPS 21 the case officer is satisfied the proposal meets criteria A and B but has concerns in regards to criteria C that the proposal is not visually linked and access not gained from existing lane - The Case officer states that *'proposed dwelling fails to cluster or visually link with the established farm building located 30m to the North of the application site and separated via an agricultural field'*. CTY10 of PPS 21 does not set out a minimum distance a proposed dwelling on a farm should be from farm buildings. It states the proposal *'when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them.'* See image 1 taken from the proposed site which demonstrates that the proposed site is visually linked with the existing farm buildings.

The case officer maybe indicating that the proposed site cannot be visually linked with existing farm buildings by the landscaping along the boundary of the existing farm dwelling. The policy goes further to state that *'planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.'*

The Building on Tradition documentation provides a map to indicate circumstances in which a dwelling on a farm will be accepted at a location away from farm building but visually linked. Please see attached image 2. Option 6 is clearly located a considerable distance away from farm buildings while this proposal is only 30m away and is clearly visually linked. See image 3 of the entire site with farm dwelling clearly visually linked.

In planning approval P/2009/1403/F dwelling on a farm, which was originally refused, after further consideration it was stated *'house can be justified under CTY 10 - no main farm group but site is adjacent to applicants house and out buildings'* This application is located at the very end of the Moor Road Kilkeel with no farm buildings visually linked to the site. Our proposal is located 30m away from main farm buildings and visually linked to farm buildings.

In regards to access to the proposal, the two sites recommended by the case officer would require new accesses to the public road as would the site that the applicant wishes to building on. The policy states accesses 'should be' not must be accessed from an existing lane. Recently approved dwelling on a farm LA07/2019/0616/F has been granted with a new access to public road.

The case officer has proposed two alternative sites for the proposal. Alternative site one, image 4, is located directly in front the applicants existing farm shed. The applicant has indicated that he intends to extend his farm business in the near future which will include the extension of existing shed and the development of a new shed which will be located in this site. From a practical point of view the site proposed by case officer would not be a suitable, there is active farming directly behind the site and over shadowing would be caused by any proposed shed.

The second site proposed by the case officers has a high voltage pylons mains electricity supply located within the site, which any occupant of the house will look directly at. See image 5. There would be serious health and safety issues during construction if approval was granted on this site. To build on this site will also create dominance and overshadowing on existing farm dwelling. Landscaping has been left out of a section the boundary of the existing dwelling to allow natural light in and views from the dwelling as can be seen from image 1.

- Proposal is contrary to CTY13 of PPS 21 the dwelling would be prominent, not respect traditional pattern of settlement and add to ribbon development - The case officer raise concerns in regards to CTY 13 of PPS 21 in that the proposal will be '*prominent feature in landscape*', '*two of the boundaries would rely on new landscape for integration*' and '*not visually linked*'. See image 6, 7, 8 and 9 of existing dwellings on Island Road which are on raised sites and have no vegetation of any kind providing integration.

In planning approval P/2009/1403/F where there is a '*lack of vegetation*' the case officer states '*I am satisfied that this dwelling integrates within the landscape equally as well as other dwellings in this locality*'. The proposal will have the same integration if not better than dwellings in the locality as it is not on a raised site. As previously mentioned the proposed site is clearly visually linked with the existing farm buildings.

- Proposal is contrary to CTY 14 of PPS 21 in that proposal would be '*prominent in landscape*', '*not respect traditional pattern of settlement*' and '*add to ribbon development*' - the proposed dwelling will be less prominent in the landscape than surrounding dwellings. The proposal will not be visible from critical points of view from the Attical Road due to existing landscape and topography of the surrounding land.

The proposal will respect the pattern of settlement as stated in justification of CTY 14 a new '*building will integrate sensitively along with a group of existing buildings, such as a farm complex.*' Our proposal is located 30m away from existing farm dwelling and buildings and when viewed travelling North on the Island Road will be viewed as integrated with the existing farm buildings.

I have previously shown that ribbon development will not be possible due to the problems that would arise from building in the small gap site between proposal and existing farm dwelling.

Proposal is contrary to SPPS NH 6 siting of the proposal is no sympathetic to the special character of the ANOB - The proposal will have no effect of the special character of the ANOB. The proposal will integrate into landscape with existing farm buildings, the proposal will not be visible from critical points of view and the proposal will respect the current building form of the area.

The site for the proposed dwelling is the most suitable as pointed out previously. The two sites recommended by the case officer are not suitable for the development of a dwelling. The proposal is located where there is a low volume of passing traffic which means that any adverse visual impact will not be obvious to the wider community. The proposed site will allow the occupants to avail of the spectacular views towards Carlingford Lough and Cooley Mountains, image 10. The dwelling would also benefit from solar gain and increase the sustainability of the proposed dwelling.

Image 1



Proposed site

Image 2

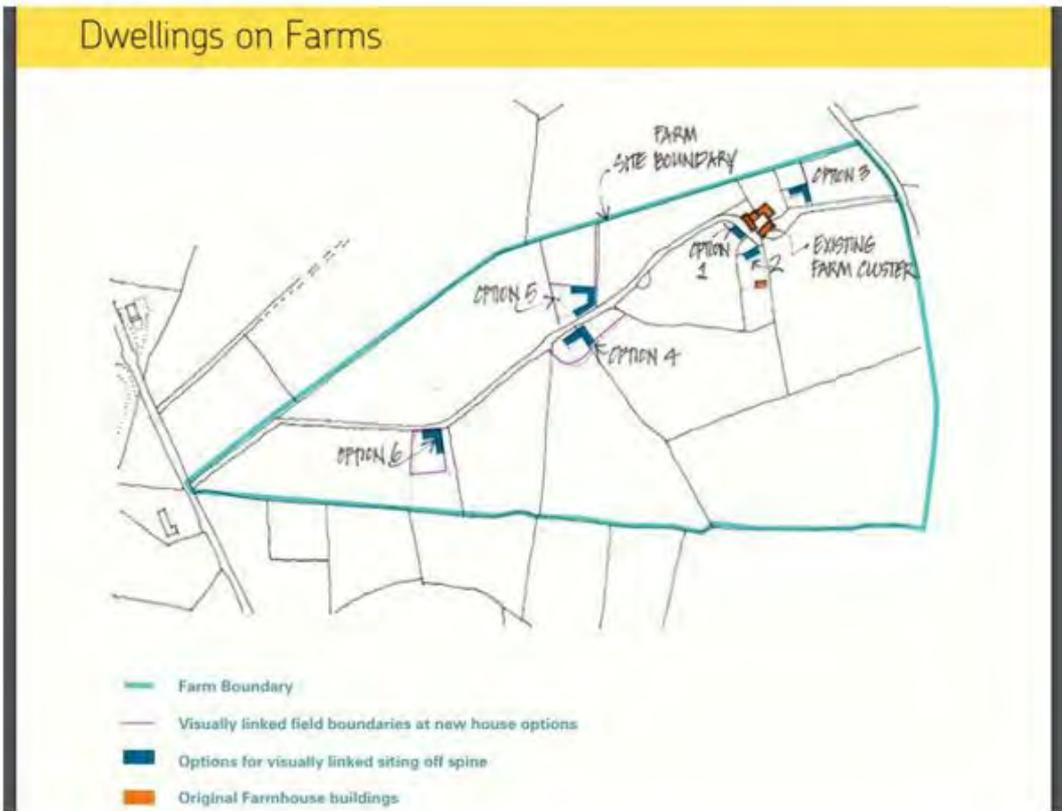


Image 3



Image 4



Image 5



Image 6



Image 7



Image 8



Image 9



Image 10





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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0207/F

Date Received: 25/01/2019

Proposal: Erection of dwelling (Change of House Type from that approved under P/2013/0261/F)

Location: 70m East of No.53 Cullion Road, Mayobridge, Newry, BT34 5BA

Site Characteristics & Area Characteristics:

The application site is located to the east of Cullion Road, set back c.110m from the public road which sits at a higher level than the application site. The access to the site is adjoined to the north and south by single storey dwellings. The site is relatively flat with foundations and brick piles present to the north east of the site. The site boundaries are formed by wire and post fencing. There is a drop in levels to the east of the site meaning the site is visible from Ballykeel Road.



Application Site

Planning Policies & Material Considerations:

The following documents provide the primary planning context for the determination of this application:

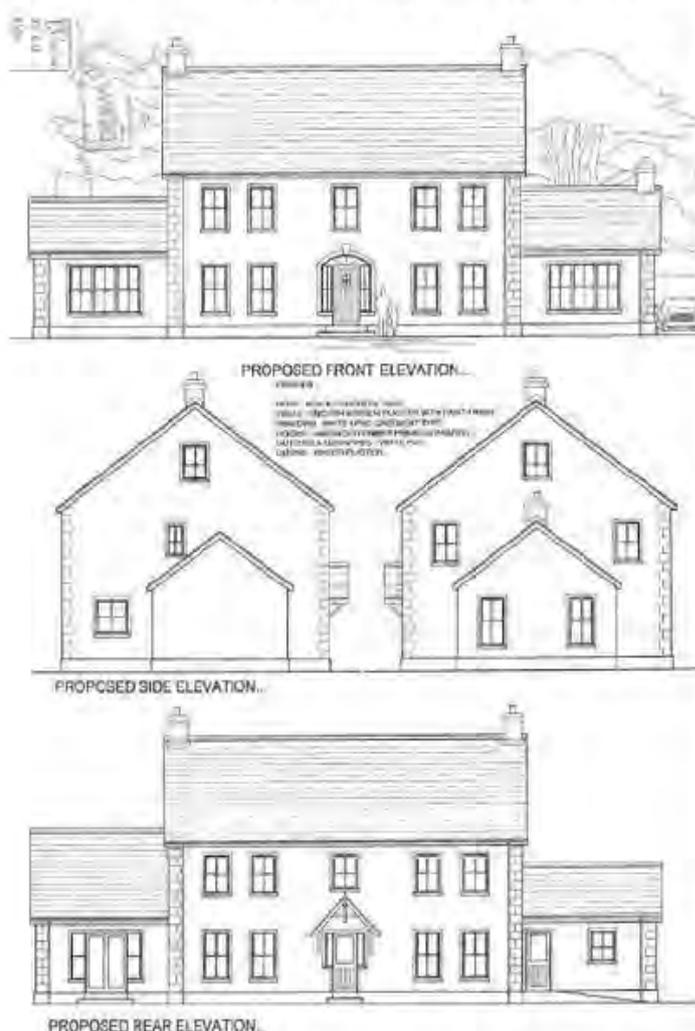
- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Building on Tradition- A Sustainable Design Guide for the Northern Ireland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

Site History:

P/2013/0631/F- Change of house type and garage from that approved under application no P/2006/2122/RM 70 metres east of no 53 Cullion Road, Mayobridge, Newry, BT34 5BA. Approved 13/10/2014 subject to a five year time limit, this permission is presently extant.

During the assessment of this planning application the Case Officer recommended refusal as they did not consider that P/2006/2122/RM was lawfully commenced and fails Policy CTY1 of PPS21. Delegated Group meeting of 20/06/2014 agreed with the recommendation that the previous permission has expired and the proposal fails CTY1. The application was deferred for an office meeting and the Senior Planner was content that the previous approval has commenced and changed opinion to approve.

The dwelling approved is shown below, two storey dwelling with a pitched roof and ridge height of 9.1m.



P/2006/2122/RM- Erection of 2 storey dwelling and garage 70 metres east of No.53 Cullion Road, Mayobridge. Approved 17/04/2008. The dwelling approved had a ridge height of 8.5m with a pitched roof.



P/2003/1407/O- Erection of 2 storey dwelling and garage 70 metres east of No.53 Cullion Road, Mayobridge. Approved 5th November 2003. This decision imposed a ridge height restriction of 8.5m above finished floor level, the existing natural screening along the northern and eastern site boundaries were to be retained to ensure the development integrates into the countryside.

Consultations:

- **NI Water-** Generic response provided
- **HED-** Historic Environment Division: Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- **Transport NI-** No objections to the proposal.

Objections & Representations:

Two neighbour was notified on 15/02/2019 and the application within three local newspaper with a statutory expiry on 13/03/2019. No objections or submissions have been received.

Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant

policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

PPS21- Sustainable Development in the Countryside

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

This application seeks a change of house type on an extant approval, the principle of development has been established. This current application will be assessed under Policies CTY13 and CTY14 of PPS21 and the guidance provided within Building on Tradition.

Policy CTY13

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where the design of the building is inappropriate for the site and its locality and where it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

Correspondence was sent to the Agent on 31st May 2019 acknowledging that whilst ridge height of the proposal is lower than the extant approval, hipped roofs are not considered acceptable in the countryside and it was requested this element was removed and replaced with a traditional pitched roof.

On 14th June 2019 the Council received a covering letter and accompanying map and photographs. The covering letter outlined that the applicant feels the design of this dwelling is acceptable in this part of south down due to the varied house types in the area and the existing dwelling/ buildings in the locality which have hipped roofs. It was also contended that the design is acceptable given it is set back from the road edge.

The map provided covers a large area and whilst a number of the photos have corresponding numbers on the map, not all correspond. Cullion Road is c. 2.42 miles in length, along this length of road only one dwelling has a hipped roof (c. 427 metres south west of the application site). The next closest dwelling with a hipped roof is located along Sandy Road (c. 411m north west of the application site). I do not believe that these two dwellings read with the application site, within a 1.76 mile radius of the site there are only two dwellings with hipped roofs, I do not consider the other buildings highlighted by the Agent set a precedent for the acceptability of hipped roofs in the area. Whilst acknowledged the site is set back from Cullion Road the dwelling will be apparent along Ballykeel Road.



● Application Site ● Location of hipped roof dwellings

I consider the proposal to be contrary to criterion e of Policy CTY13 as I do not believe hipped roofs are an obvious design pattern in this area

Policy CTY14

Policy CTY 14 relates to rural character and states that a new building will be unacceptable in the countryside where it is unduly prominent in the landscape. Given the extant approval on the site the principle of a two storey dwelling on the site has been established and the proposal would not be contrary to Policy CTY14.

PPS3- Access, Movement and Parking

Transport NI have been consulted on this application and are content with the proposal.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and would set an unacceptable precedent in the area.

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0602/F

Date Received: 21/03/2019

Proposal: Retention of 2 No. mobile/containers used as, 1 - changing/shower block & 2- toilet block & proposed third mobile/containers to be used as a changing/shower block and paladin type boundary fence

Location: Shandon Park Playing Fields, Cloughanramer Road, Newry, BT34 1TR

Site Characteristics & Area Characteristics:

The application site is located within Shandon Park Playing Field and presently contains a two existing buildings enclosed by a palisade fence. The site is adjoined to the west by Cloughanramer Road. The application site is located within the settlement limit of Newry.



Application Site

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation

Site History:

- **LA07/2015/0696/F-** Retrospective application for retention of 2.4m high metal palisade fence to site boundary adjacent to mobile containers at Shandon Park Playing Fields. This application remains under consideration.
- **P/2013/0847/F-** Retention of 2no. mobile/containers used as 1-changing/shower block and 2 – toilet block and proposed third mobile/container to be used as a changing/shower block at Shandon Park Playing Fields. Approved 20th February 2014 with the following conditions:
 1. The buildings, hereby permitted, shall be removed on or before 1st March 2019 and the land restored to its former condition.
Reason: This type of temporary accommodation is such that its permanent retention would harm the scenic quality and amenity of the area.
 2. The existing hedgerow as indicated in green on the approved plan date stamped 18 November 2013 shall be retained at a minimum height of 1.5metres.
Reason: To ensure the maintenance of screening to the site.

Consultations:

- **DFI Roads-** No objections
- **NI Water-** No objections, conditions provided.

Objections & Representations:

Three neighbours were notified on 24/05/2019 and the application was advertised in three local papers and readvertised following receipt of amended plans, the statutory expiry date was 19/06/2019. No objections or representations have been received.

Assessment

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015. The application site is located in the settlement development limit of Newry. It is located within an existing playing area of open space. This application seeks a temporary five year permission.

The proposal is considered to comply with Policy ECU 1 Education, Health, Community and Cultural Uses as the proposal will have no impact on amenity or biodiversity, will not prejudice

the comprehensive development of surrounding lands, is in keeping with the character of its surroundings and will have no impact on the access, parking or sewage disposal arrangements. The proposal is considered to be in an appropriate location within the grounds of playing field, however given the temporary nature of the buildings they would not be suitable to be permanently retained.

Policy OS1 of PPS8 states that development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted. 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.

The buildings are located on an area of hardstanding located adjacent to car parking area and will not impact on the amount of playing fields available for use. In addition, the buildings will provide showering/changing and toilet facilities for those using the playing fields which will be a community benefit. The proposal is considered to be in accordance with Policy OS1 as substantial community benefits would result from the proposal.

Recommendation: Approval

Conditions:

1. The buildings, hereby permitted, shall be removed on or before 30th July 2024.

Reason: This type of temporary accommodation is such that its permanent retention would harm the scenic quality and amenity of the area.

2. The existing hedgerow as indicated in green on approved plan 03(REV1) date stamped 16th May 2019 shall be retained at a minimum height of 2 metres.

Reason: To ensure the maintenance of screening to the site.

Informatives:

1. No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland). Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

All services within the development should be laid underground.

Development shall not be occupied until the onsite works have been completed in

accordance with the drainage details submitted to and approved by the relevant authority. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority

2. 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.
3. 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.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0620/O

Date Received: 24.04.2019

Proposal: New dwelling and garage

Location: Adjacent and South West of 76 Drumlough Road
Mayobridge

Site Characteristics & Area Characteristics:

The site is located in a rural area characterised by agricultural fields and single dwellings.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland (SPPS)
Banbridge, Newry & Mourne Area Plan 2015
PPS2 – Natural Heritage
PPS3 – Access, Movement & Parking
DCAN15 – Vehicular Access Standards
PPS21 – Sustainable Development in the Countryside
Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

NI Water - no objections
Historic Environment Division - no objections
Transport NI – no objections subject to conditions

Objections & Representations

1 neighbour notification was issued on the 7 May 2019.
The application was advertised in local papers on 08 May 2019.

No objections or representations have been received in relation to this proposal.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits on the above Plan and is unzoned. There are no specific policies within BNMAP 2015 relating to the site. The application will therefore be considered under the operational policies of the SPPS and PPS 21.

The SPPS and Policy CTY 8 of PPS 21 allow for an infill dwelling where certain criteria are met. Paragraph 6.77 of the SPPS also notes that in all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and must meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. I am satisfied that the proposal meets the criteria set out in the SPPS and Policy CTY 8 of PPS 21 as outlined below.

Policy CTY 8 of PPS 21 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy goes on to say that for the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case I consider that the proposal does not meet the above criteria as there is not a continuous line of 3 or more buildings along the road frontage. The site is bounded to the south by number 84 Drumlough Road with a small garage set behind the main dwelling. Given the position of the garage behind the dwelling, I do not consider that this constitutes a line of two buildings. Number 76 is located to the north of the site and consists of one detached dwelling. There is further development to the north of number 76 - numbers 72, 74 and another new build dwelling to the rear of these buildings. However, these are separated from number 76 Drumlough Road by a gap of around 8 metres which is a break in the line of buildings along the road. A new dwelling on the application site would therefore create a ribbon of development along the Drumlough Road.

It is also considered that the proposal is contrary to Policy CTY14 of Planning Policy Statement 21 as it would create a ribbon of development which would erode rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

DfI Roads has been consulted on the proposal and have no objections to the proposal subject to conditions. Adequate parking could be provided within the curtilage of the dwelling.

HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Recommendation:
Refusal

Refusal reasons:

- 1. *The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 8 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 Drumlough Road.*

- 2. *The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create or add to a ribbon of development and would add to a build-up of development which would erode rural character and would therefore result in a detrimental change to (further erode) the rural character of the countryside.*

Case officer:

_____ 16/8/19

Authorised officer:

_____ 16/08/19

1. The above-mentioned application has been submitted as a dwelling in a gap site. Refusal has been recommended on the basis the proposal is deemed not to comply with planning policy (CTY 8 of PPS 21).
2. This policy provides for *"the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements"*.
3. At the outset, what we must point out is that the said planning policies are mere guides as to what will likely be deemed acceptable. Planning case law confirms the long-standing principle that a decision-maker is not obliged to apply policies as if they were singular rules with immutable meanings. What cannot be ignored is the thrust and the intention of the Policy, in deciding planning applications.
4. In this case there is disagreement as to whether or not there are the requisite three qualifying buildings. Professional officers have discounted one building, a garage at 84 Drumlough Road. Officers made reference to No. 84 Drumlough Road, *"with a small garage set behind the main dwelling"*. *"Given the position of the garage behind the dwelling, I do not consider that this constitutes a line of two buildings"*. While the garage is indeed partially behind the dwelling, the majority of the garage's footprint is located to the side of No. 84.
5. Our position on this matter is that officers handled this application inconsistently with others approved in this District of late. These include LA07/2018/1991/O at the corner of Finnegans Road and Adavoyle Road, Drumintee (illustration presented in attached imagery).
6. Further justification can be found in the PAC's handling of planning appeals, for example 2018/A0208. A very important point was clarified in that appeal: *"Irrespective of the orientation on the plot, a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road"*. In that case, a shed was located directly in front of a dwelling, obscuring the dwelling from views. The PAC still recognised the two buildings on that plot, based upon the aforementioned clarification.
7. In planning appeal 2016/A0040 it was decided that *"A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road. Section 250 of the Planning Act (NI) 2011 Act defines a building as including any "structure or erection". Policy CTY 8 makes no reference to whether buildings are subsidiary to other buildings or stand on individual planning units"*.
8. Since the garage at 84 Drumlough stands on a plot that has frontage to Drumlough Road, it follows that it must be regarded as a *"qualifying building"* for the purposes of Policy CTY 8. As the PAC acknowledged, there is no requirement within the Policy that indicates that a *"qualifying building"* must occupy its own plot, and it certainly does not require any judgement as to whether the building is subsidiary to the main dwelling. Officers dismissed the garage's relevance *"given its location"*. However, it did not indicate what aspect of its positioning made it ineligible as a *"qualifying building"*.
9. Based upon previous experiences, we believe that officers' concerns might have been that the garage was of limited visibility; that it was partially behind the dwelling (even though for the most part it projects from its side) or that it was a subsidiary outbuilding. The assessment of the application is deficient owing to the absence of any analysis of this issue, however we trust the Committee will



recognise the absence of any rational reason why the garage at 84 ought to be discounted. That being the case, we trust it will be recognised as a “qualifying building”.

10. In appeal 2018/A0186, a planning authority refused an application because a garage was sited so close to the main dwelling that it visually read as a part of the house. The PAC ruled that the garage was distinguishable from the house, notwithstanding that *“this garage is linked to the dwelling by an iron gate and covered walkway which provides access to the rear garden”*. The decision read as follows: *Whilst acknowledging that the dwellings at Nos 35 and 31 each have a frontage onto Spring Road, the Local Planning Authority (LPA) considers that the garage at No. 35 is attached to the dwelling and does not therefore represent a third building along that frontage. Whilst I acknowledge that this garage is linked to the dwelling by an iron gate and covered walkway which provides access to the rear garden, the building itself is distinguishable from the adjacent pitched roof dwelling as it has a hipped roof with a different ridge line. Although the front elevation of the garage sits 4m behind that of the dwelling house, it visually reads not as an integral unit but as a separate building which has a frontage onto Spring Road. In this evidential context, I am satisfied that the appeal site and the adjacent plot form part of a line of three buildings along that section of road frontage.*
11. Officers found it significant that *“There is further development to the north of number 76 - numbers 72, 74 and another new build dwelling to the rear of these buildings. However, these are separated from number 76 Drumlough Road by a gap of around 8 metres which is a break in the line of buildings along the road”*.
12. Aforementioned planning appeal 2018/A0208 also addressed the issue of a “gap” in the built-up frontage and confirmed that this would not always constitute a “break” in the frontage: *“Whilst an approximately 5m wide part of the field next to the rockery falls outside the red outline of the appeal site, I consider that this narrow gap would not represent a further infill opportunity given the gradient of this part of the field in juxtaposition to the sloping rockery of No.35”*. That was the PAC’s view in relation to a 5 metre gap yet in this case officers are concerned regarding an 8 metre “break” in the frontage.
13. In planning appeal 2011/A0235 the application was rejected because there was a gap of approximately 20 metres between two of the plots in the frontage. It was this gap that meant the built-up frontage was not continuous. In this case, there is a significant difference in context between a 20 metre gap, and an 8-metre strip. This 8m strip does not in any way provide visual relief between the existing ribbon of buildings on this road. The perception is that of sequential / continuous roadside development and in that respect this proposal is in keeping with policy.
14. We believe that refusal has been recommended only on the basis of two “technicalities”.
15. We assert that even if one were to regard these issues as defects, as long as regard has been given to the policy, and in particular its thrust and intent, then a degree of pragmatism would be sufficient to accept that this proposal does not represent an unacceptable form of development in the open countryside.





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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/0860/F

Date Received: 12/06/2018

Proposal: Proposed Replacement dwelling

Location: 45 Metres North-East of No 14 Rath Road, Clonallon Glebe Tb., Warrenpoint, Newry, BT34 3RX

Site Characteristics & Area Characteristics:

The application site comprises two parts, one part contains the dwelling to be replaced located to the north of 27 Moygannon Road and the other part is located 45m north east of 14 Rath Road. The dwelling to be replaced is located with an existing farm complex and the proposed replacement dwelling is to be sited at the top of an elevated agricultural field. The two sites are approximately 590m apart as the crow flies but c. 1,024m travelling along the road network. The application site is located within an Area of Outstanding Natural Beauty and is in close proximity to Rathturret (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.



Dwelling to be replaced



Planning Policies & Material Considerations:

This application will be assessed under the following planning policies:

- Strategic Planning Policy Statement for Northern Ireland
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage

Site History:

No previous history on the application site.

Consultations:

- **NI Water**- Generic response provided
- **DFI Roads**- No objection, conditions provided.
- **Historic Environment Division**- *"HED Historic Buildings has considered the impacts of the proposal on the listed building and advises it exerts no greater harm on the setting than currently exists when considered under policy. As advisors on the historic environment, HED requested additional information on the dwelling on the Moygannon Road to be demolished as part of this application for a replacement dwelling. This has not been provided – HED:HB advise council that the first addition Ordnance Survey map shows a building in this location and it is therefore possibly of historic interest. It is for*

council to determine if the replacement proposal fulfils relevant policy requirements". Conditions were provided. If this application were to be approved it could be retained or further information provided on the possible historic interest raised by HED.

Objections & Representations

Two neighbours were notified on 04/07/2018 and the application was advertised within three local newspapers with a statutory expiry date of 12/07/2018. Neighbours were notified of amended plans and the application was readvertised. Two objections were received outlining the following summarised concerns:

- Concerns with the precedent set in building so close to and outside of the settlement boundary of Warrenpoint
- Precedent for continuing ribbon development along Rath Road.
- A replacement dwelling should be sited 'nearby', the site is not visually adjacent nor visually linked to the existing dwelling
- In the case of this planning submission as a proposed replacement dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. The application site is adjacent to the settlement limit of Warrenpoint/ Burren but within the countryside. The SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

On 21st August 2018 correspondence was sent to the Agent outlining the following:

- *"The principle of this development is considered contrary to Policies CTY1, CTY3, CTY8, CTY13, CTY14 of PPS21 and NH6 of PPS2 for the following reasons:*
 - *The proposal is not considered to meet the initial test of CTY3 in that the Planning Department are not persuaded the subject building was a dwelling;*
 - *Should you wish to submit evidence to demonstrate otherwise, the principle of off-siting is fundamentally unacceptable, and it has not been demonstrated how this proposal is an exception under CTY3 in terms of siting;*
 - *The proposal is considered contrary to Policy CTY8 in that it would create a ribbon of development along Moygannon Road*

- *The proposal is considered contrary to Policies CTY13 and CTY14 in that the dwelling would be an unduly prominent feature in the landscape, the development would result in the creation of ribbon development and there would be a detrimental change to the rural character of this area.*
- *The proposal is considered to be contrary to Policy NH6 of PPS2 in that the proposal is of inappropriate design, size and scale for the locality and is unsympathetic to the special character of the Mourne Area of Outstanding Natural Beauty”.*

Following issuing this correspondence, a meeting was facilitated between the Agent, Senior Planner and Case Officer. On 25th October 2018 supporting evidence, photographs, amended plans were received. The supporting information outlined the following:

- The applicant does not have ownership or control over existing farmyard or buildings adjacent to replacement building and therefore it is not possible to replace on the site
- Griffiths valuations information and census forms have been provided to demonstrate the building was a dwelling
- Personal information was provided in relation to CTY6. This information outlined:
 - The applicants current dwelling is on a steep incline and surrounded by perimeter walls with mature tree boundaries nearby preventing further development.
 - The current dwelling is three miles from local amenities, public transport systems and family support.
 - The proposed site is the only ground owned by the applicant and would provide the applicants the opportunity to live in a fully accessible home within walking distance to the applicant's niece at 27 Moygannon Road who is their main carer and works part time as a pharmacist assistant.
 - A doctor's letter was provided outlining medical conditions recommending that a single storey dwelling would be required.
- CTY8- any future development on the adjacent land and in close proximity to Rathurret, Listed Building, will result in DFC HED not being content at such future development and therefore contrary to CTY8.
 - To develop other lands on Rath Road was result in an exorbitant expenditure prior to any construction.
 - Presence of high tension electricity wires on other lands is incumbent to further development
 - Precedents of possible ribbon development are apparent at the junction of Clonallan Road and Ballymaconaghy Road and on Donaghaguy Road.
- Examples of nearby dwelling which could be considered as unduly prominent are provided
- The design characteristics: slated simple pitched roof, white rendered exterior, small area of local stone works, no overhanging eaves, fascia's and barged with simple straight lines are incorporated into the proposed dwelling
- Well established natural hedge boundaries are preserved.

A second letter was issued on 7th June 2019 stating that *“the additional supporting information will be considered in the assessment of this application. However, concerns remain in terms of the siting of the off site replacement (CTY3), creation of ribbon development (CTY8), prominence, change to the rural character and creation of ribbon development (Policies CTY13 and CTY14).*

Please note, if you wish the application to be considered under Policy CTY6 additional information will be required to demonstrate that there are compelling and site specific reasons to justify this location. The justification and amplification for Policy CTY6 states that: "Applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.
- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.
- any other information considered relevant to the particular case".

The Agent responded to this correspondence and provided a layout plan for 131 Clonallon Road to try to demonstrate why an extension is extremely problematic at the site due to the high surrounding ground and retaining walls. Also stated an extension would undermine the existing root system of mature trees on northern boundary. It was also stated that genuine hardship would result in comparing the travel distance to medical assistance in Havelock Place from the present dwelling and the proposed site.

In order to comply with Policy CTY3, applications must meet the following criteria:

- *Dwelling to be replaced must exhibit the essential characteristics of a dwelling (as a minimum all external structural walls substantially intact)*
Following the submission of additional information, the Planning Department are content that the building to be replaced exhibits the essential characteristics of a dwelling and is fully intact.
- *Proposed dwelling must be sited within the established curtilage of the existing building (Curtilage is defined as the immediate, usually defined and enclosed area surrounding an existing or former dwelling house).*
The Agent has provided justification as to why a replacement dwelling could not be located within the curtilage of the existing dwelling. The dwelling is adjoined by an agricultural building and located within an existing farm yard which the applicant states he does not own. On this basis I do agree the established curtilage would be too restrictive to facilitate the erection of a modest sized dwelling.
- *The overall size of the new dwelling must integrate into the surrounding landscape and have no significantly greater visual impact than the existing building.*
The dwelling to be replaced is located at the end of a long laneway within a farm yard, set back considerably from the public road. The existing dwelling has limited visual impact on the landscape.

There is no visual relationship between the replacement dwelling and the proposed site given the separation distance and location on different roads. As such, there would be no concept of the proposed dwelling on Rath Road being a replacement for the existing dwelling on Moygannon Road. Even a single storey modest dwelling would introduce built development to an elevated agricultural field in the countryside. The proposal would draw the eye in a way that the existing small dwelling located within a farm yard does not. As such the proposal would have a significantly greater visual impact than the existing dwelling which is contrary to Policy CTY3. The lands may be the nearest lands in the applicants control but there are no overriding reasons why it is essential.

- *The design of the replacement dwelling should be of a high quality appropriate to its rural setting.*

A storey and a half dwelling is proposed with a ridge height of 6.5m. The dwelling is proposed to be finished in white rendering, with a stone porch with a zinc roof, a dark grey stonework garage and grey zinc cladding dormer box window. To the rear three velux windows are proposed along with lantern lights along the ridge of the rear projection. Whilst the design is modern, I think it would be difficult to sustain a reason of refusal based on the design proposed.

- *All necessary services must be available or can be provided without significant adverse impact on the environment or character of the locality*

Necessary services could be provided without significant adverse impact on the environment or character of the locality.

- *Access to the public road must not prejudice road safety or significantly inconvenience the flow of traffic.*

DFI Roads are content with the access proposed and that it will not prejudice road safety or significantly inconvenience the flow of traffic.

The proposal is considered to be contrary with the criterion of Policy CTY3.

Policy CTY6

Throughout the processing of this application information has been provided for the application to also be considered as a CTY6 application even though the application sought approval for a replacement dwelling. The Agent was requested to provide additional to include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.
- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.
- any other information considered relevant to the particular case

A letter from a doctor has been provided supporting the erection of a single storey dwelling to assist with one of the applicant's mobility problems in the future. It was also stated the applicant niece is the main carer and the proposed site would be within comfortable walking distance to the carer who lives at 27 Moygannon Road. It was further stated that an extension of the applicant's current property is extremely problematic at the site due to the high surrounding ground and retaining walls. It was also contended that an extension would undermine the existing root system of mature trees on northern boundary.

I do not believe that sufficient information has been provided to details the level of care required in relation to any medical condition along with an explanation why the care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused. I do not believe that sufficient details have been provided to demonstrate that there are no alternative options to alter the current dwelling. The proposal is fails to meet the criterion of Policy CTY6.

Policy CTY8

Planning permission will be refused for a building which creates or adds to a ribbon of development. It is detailed within the justification and amplification that a ribbon does not necessarily have to be served by individual access nor have a continuous or uniform building line. It is considered that if this proposal were granted, the additional two buildings would create a ribbon of development with existing buildings along Rath Road which is contrary to Policy CTY8.

Policy CTY13

Policy CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The application site is a highly elevated and visible travelling along Rath Road from the south east and Moygannon Road. A dwelling on this site would be a prominent feature in the landscape and whilst there are existing natural site boundaries they would not be sufficient to screen a dwelling of this size with such open views. The proposal is contrary to criterion a of Policy CTY13.

Policy CTY14

Policy CTY14 relates to rural character and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As detailed above, it is considered that a building on the application site would be unduly prominent in the landscape and would create a ribbon of development along Rath Road. The proposal is contrary to criterion a and d of Policy CTY14.

Planning Policy Statement 2- Natural Heritage

Policy NH6 relates to areas of Outstanding Natural Beauty and states that planning permission will only be granted where it is of an appropriate design, size and scale for the locality. The siting and scale of this proposal would not be sympathetic for this open elevated site and would not be sympathetic to the surrounding area or the sites located within the AONB. The proposal is contrary to Policy NH6.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been compellingly demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
4. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Rath Road.
5. 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
6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
7. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 09 MAY 2018			
LA07/2017/1326/F	Peter Morgan – dwelling and garage on a farm – 30m south of 28 Bog Road, Kilcoo	Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted	Annette McAlarney	Application considered at August 2018 meeting – agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent. Further meeting on site, siting agreed awaiting amended drawings from agent. Amended Drawings received on 16 April 2019. Currently being processed.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1721/F	Millvale Services Ltd – proposed parking for neighbouring Millvale Service Station – Millvale Road, Bessbrook	Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.	Pat Rooney	21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18. Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity	N
PLANNING MEETING – 6 JUNE 2018					
LA07/2018/0398/0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	Application removed from the schedule for further consideration by Planners	Andrew Davidson	Application deferred at Pl. Meeting on 29-08-2018 to allow for further discussions between applicant/agent and planning officers re: potential for other in-fill or agricultural	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				opportunities. Awaiting information from the agent in terms of sites owned by the applicant so that the Planning Department can assess the potential for any planning approvals on these sites.	
PLANNING MEETING – 1 AUGUST 2018					
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 29 AUGUST 2018			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneywabane, Ballynahinch.	Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting	Annette McAlarney	Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before returning to consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.</p> <p>No application submitted to date 04/06/2019</p> <p>Application for poultry houses received LA07/2019/0953/F on 13/06/2019</p>	
		<p>PLANNING MEETING - 13 FEBRUARY 2019</p>			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site between 54	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and 58 Edenappa Road, Jonesborough				
LA07/2018/0820/F	Erection of a semi-detached pair of dwellings and associated car parking – lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.	A McAlarney	Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee – DEFER	N
		PLANNING MEETING – 13 MARCH 2019			
LA07/2017/1458/F	Proposed woodland burial site to include new entrance to Ballyculter Road: vehicle parking and turning, extensive native species planting; new dry-stone walling and pedestrian pathway network – 150m west of 40 Ballyculter Road, Ballyalton, Downpatrick	Defer to consider new information submitted by applicant	A McAlarney	Deferred and Planning office consulting on late info submitted. Additional info submitted 23 May 2019 and out to consultees Application WITHDRAWN from the Planning Process	Y
LA07/2018/0753/F	Proposed new "Sure Start" nursery building, with	Defer to allow further discussion regarding access and parking to	P Rooney		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook	take place with Planning Officials; Dfi Road and the applicant			
		PLANNING MEETING – 29 MAY 2019			
LA07/2018/1807/F	Replacement dwelling – 55 Ballymaginaghy Road, Castlewellan	Defer for a revised design to be considered and conditions to be delegated to Officers	A McAlarney	Return to August Planning Committee REFUSAL	N
		PLANNING MEETING – 26 JUNE 2019			
LA07/2017/1182/F	Strategic roadside service facility, incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction/excavation – Belfast Road, Newry	Defer for a site visit	A Davidson	Site visit held – 08-07-2019 – application returned to August Committee Meeting	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2018/0930/F	New build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2PIB apartments and 1 No. 2PIB wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0 – 41 Belfast Road, Newry	Defer for a site visit	M Keane	Site visit held – 08-07-2019 – application returned to July Committee Meeting – agreed to defer for further discussions between applicant/planning officers to see if an acceptable proposal can be agreed and decision making powers be delegated to Planning Officers	N
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2019/0149/F	Proposed dwelling – adjacent to 11 Saul Road, Downpatrick	Defer for a site visit	A McAlarney	Proposed date for site visit – 02-08-2019	N
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee	N
LA07/2018/1975/0	Dwelling – to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road, Rossglass	Defer for a site visit	A McAlarney	Proposed date for site visit – 02-08-2019	N

Newry, Mourne & Down District Council – August 2019

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1. Live Applications

MONTH 2019/20	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	177	1,173	269
May	192	1,196	266
June	155	1,184	264
July	139	1,157	250
August	127	1,108	249

2. Live Applications by length of time in system

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	1,173
May	718	212	81	61	124	1,196
June	718	202	86	57	121	1,184
July	664	243	76	51	123	1,157
August	632	227	77	44	128	1,108

3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79
June	73
July	76
August	76

Newry, Mourne & Down District Council – August 2019

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4. Decisions issued per month

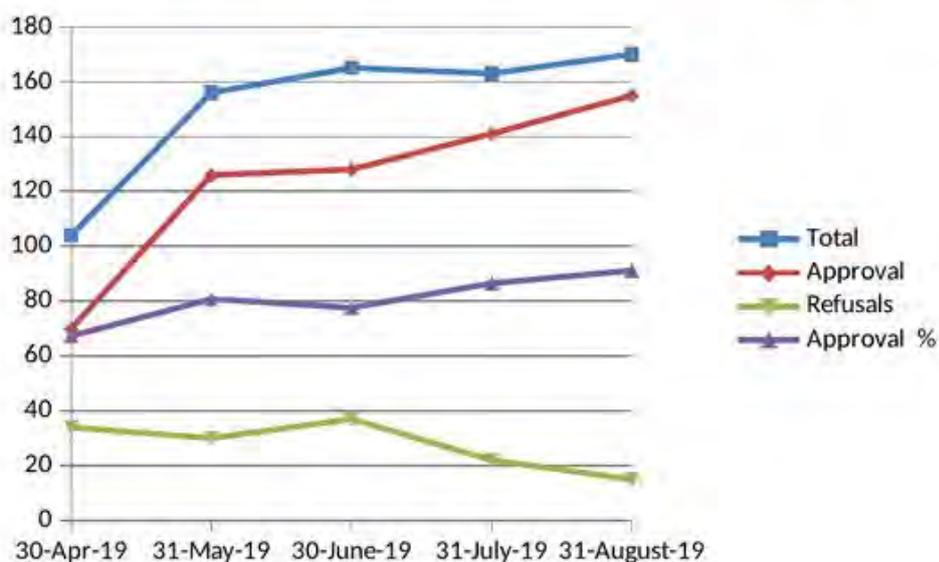
Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152
June	165	148
July	163	157
August	170	142

5. Decisions Issued YTD

Month 2019/20	Number of Decisions Issued	Breakdown of Decisions	
April	104	Approvals (70)	67%
		Refusals (34)	33%
May	260	Approvals (196)	75%
		Refusals (64)	25%
June	425	Approvals (324)	76%
		Refusals (101)	24%
July	588	Approvals (465)	79%
		Refusals (123)	21%
August	758	Approvals (620)	82%
		Refusals (138)	18%

Newry, Mourne & Down District Council – August 2019

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6. Enforcement Live cases

Month 2019/20	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ yrs	Total
April	329	230	183	79	63	179	1,063
May	308	247	174	85	62	178	1,054
June	286	249	171	83	61	174	1,024
July	283	261	166	83	60	170	1,023
August	264	256	179	81	55	175	1,010

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting
10 April 2019	17	11	6
29 May 2019	15	12	3
26 June 2019	16	13	3
24 July 2019	27	18	9
14 August 2019			
Totals	75	54	21

Newry, Mourne & Down District Council – August 2019

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8. Appeals

Planning Appeal Commission Decisions issued during August 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	21	1	1	0	1
Down	27	1	0	1	0
TOTAL	48	2	1	1	1

Newry, Mourne & Down District Council – August 2019

Statutory targets monthly update – July 2019 (unvalidated management information)

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ²	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	3	1	51.8	0.0%	162	81	22.0	22.2%	28	66	192.0	30.3%
May	1	1	600.0	0.0%	150	138	21.1	28.3%	29	36	85.4	44.4%
June	2	3	230.8	33.3%	121	145	24.6	22.1%	25	48	114.7	37.5%
July	0	-	0.0	0.0%	107	151	20.0	36.4%	41	43	168.6	30.2%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	5	230.8	20.0%	540	515	21.8	28.0%	123	193	134.4	34.7%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued, or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Record of meetings between Planning Officers and Public Representatives 2018-2019

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
05/04/2019	A McAlarney	Cllr Curran
22/05/2019	A McAlarney	Cllr Curran
04/06/2019	A McAlarney	Colin McGrath MLA
04/06/2019	A McAlarney	Colin McGrath MLA
06/06/2019	A McAlarney	Cllr Andrews
11/06/2019	A McAlarney	Colin McGrath MLA (Dominic O'Reilly)
12/06/2019	A McAlarney	Cllr Walker
18/07/2019	A McAlarney	Cllr Doran
06/08/2019	A McAlarney	Cllr Walker J Shannon MP
12/08/2019	A McAlarney	Cllr McEvoy
13/08/2019	A McAlarney	Cllr McEvoy

Current Appeals

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ITEM NO	3	PAC Ref:	2018/A0231
Planning Ref:	LA07/2018/0270/	DEA	The Mournes
APPELLANT LOCATION	Conquer Fitness Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
PROPOSAL			
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure		Date Appeal Lodged	05/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4	PAC Ref:	2018/A0238
Planning Ref:	LA07/2018/0963/	DEA	Slieve Croob
APPELLANT LOCATION	Miss L Patterson Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
PROPOSAL	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5	PAC Ref:	2018/A0251
Planning Ref:	LA07/2018/0015/	DEA	The Mournes
APPELLANT	Gordon Graham		
LOCATION	Between 20 And 22 Ulster Avenue Annalong		
PROPOSAL	^{Co Down} Proposed change of house type and integrated domestic garage (Amended scheme)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	29/03/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2019/A0007
Planning Ref:	LA07/2018/1756/	DEA	Slieve Croob
APPELLANT	Mr & Mrs Wilson		
LOCATION	150m SE Of 59A Drumsnade Road Ballynahinch		
PROPOSAL	Proposed off site replacement dwelling with retention of existing for ancillary use of dwelling at no.59		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

253

ITEM NO	7	PAC Ref:	2019/A0008
Planning Ref:	LA07/2018/0340/	DEA	Downpatrick
APPELLANT	Mr Rea		
LOCATION	100m SE Of 71 Killyleagh Road Downpatrick		
PROPOSAL	BT30 9RN Farm dwelling with associated hard and soft landscaping and alterations to existing vehicular access onto public road		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8	PAC Ref:	2019/A0009
Planning Ref:	P/2014/0107/F	DEA	Crotlieve
APPELLANT	Paul McAlinden		
LOCATION	53 Rostrevor Road Hilltown Newry BT34 5TZ		
PROPOSAL	Erection of dwelling (change of house type on site where works have commenced)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 9
Planning Ref: LA07/2018/1417/ **PAC Ref:** 2019/A0011
APPELLANT Ellen Brennan **DEA** Slieve Croob
LOCATION Between 84 Cumber Road And 80 Drumnaconagher Road
 Crossgar Downpatrick
PROPOSAL Proposed 2 No Dwellings on an infill site under Policy CTY8 of PPS21

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 17/04/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 10
Planning Ref: LA07/2018/1273/ **PAC Ref:** 2019/A0012
APPELLANT Ms A Dunford **DEA** Crotlieve
LOCATION Lands Adjacent And North Of No. 104 Burren Road
 Burren
 RT34 3XT
PROPOSAL Two storey detached dwelling

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 19/04/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	11		
Planning Ref:	LA07/2018/1412/	PAC Ref:	2019/A0014
APPELLANT	Christopher Brown	DEA	Crotlieve
LOCATION	Adjacent To And West Of No.40 Ballygorian Road Ballygorian		
PROPOSAL	Hilltown Proposed replacement dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	30/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2018/0185/	PAC Ref:	2019/A0016
APPELLANT	Michael Doran	DEA	Slieve Croob
LOCATION	Opposite 37 Carricknab Road Downpatrick		
PROPOSAL	Proposed new dwelling on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO 13
Planning Ref: LA07/2018/1635/ **PAC Ref:** 2019/A0017
APPELLANT James Morgan **DEA** The Mournes
LOCATION 87 Head Road
 Ballymartin
 RT34 APIJ
PROPOSAL Alterations and extension to dwelling in substitution to approval
 LA07/2016/0646/F

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure Written Reps **Date Appeal Lodged** 01/05/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 14
Planning Ref: LA07/2018/0085/ **PAC Ref:** 2019/A0020
APPELLANT William Lindsay **DEA** Rowallane
LOCATION Land Opposite And To The South Of 18 Ringdufferin Road
 Rathcuuvingham
PROPOSAL ^{Tova} Single dwelling under CTY 6

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 02/05/2019
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

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ITEM NO	15	PAC Ref:	2019/A0023
Planning Ref:	LA07/2018/0264/	DEA	Downpatrick
APPELLANT LOCATION	Steven Skelly 36 Demense Heights Downpatrick		
PROPOSAL	Extension to dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	07/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2019/A0025
Planning Ref:	LA07/2017/0707/	DEA	Crotlieve
APPELLANT LOCATION	Mr John Annett 75m North East Of 29 Rath Road Warrenpoint		
PROPOSAL			

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	13/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17	PAC Ref:	2019/A0027
Planning Ref:	LA07/2018/1663/	DEA	Downpatrick
APPELLANT LOCATION	Mr & Mrs Cyril Hamilton Between 153 & 157 Strangford Road Downpatrick		
PROPOSAL	Dwelling (infill Site)		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	13/05/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2019/A0028
Planning Ref:	LA07/2017/1849/	DEA	Rowallane
APPELLANT LOCATION	Mr N Graham 6-10 Fairview Saintfield Parks Saintfield		
PROPOSAL	Erection of 9 no domestic dwellings (Townhouses)		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	13/05/2019
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2018/0128/	PAC Ref:	2019/A0031
APPELLANT	Paul Scott	DEA	Rowallane
LOCATION	Lands 195m SSE Of 95 Cahard Road Cahard		
PROPOSAL	Rallvnahinch New private access to dwelling previously approved under LA07/2017/1210/RM		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2018/0672/	PAC Ref:	2019/A0032
APPELLANT	Marc Morgan	DEA	The Mournes
LOCATION	Approx 50m North West West Of 53 Tullyree Road		
PROPOSAL	Kilron Infill dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	17/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21		
Planning Ref:	LA07/2018/1266/	PAC Ref:	2019/A0035
APPELLANT	Mr S O'Hare	DEA	Slieve Croob
LOCATION	Lands Approx. 200m SW Of 59 Demesne Road Seaforde Ballynahinch		
PROPOSAL	Proposed farm building and animal handling facility (amended plans)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22		
Planning Ref:	LA07/2018/1371/	PAC Ref:	2019/A0037
APPELLANT	Mr Christopher Rea	DEA	Slieve Croob
LOCATION	Between 52 & 52A Magheralone Road Ballynahinch		
PROPOSAL	Single dwelling house and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2018/0787/	PAC Ref:	2019/A0038
APPELLANT	Maria Morgan	DEA	Crotlieve
LOCATION	Approximately 30 Metres North East Of 75 Benagh Road Newry		
PROPOSAL	RT34 2IF Erection of dwelling and garage (gap site)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	20/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2017/1799/	PAC Ref:	2019/A0041
APPELLANT	H Lynch & E Ferguson	DEA	The Mournes
LOCATION	Land East Of 2 Castle Place Newcastle		
PROPOSAL	RT33 0AA 2 No Apartments with associated parking and amenity		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	25		
Planning Ref:	LA07/2017/1488/	PAC Ref:	2019/A0049
APPELLANT	Blackgate Developments Ltd	DEA	The Mournes
LOCATION	Lands Approximately 60 Metres East Of No. 4 Beach Side Harbour Road		
PROPOSAL	Kilkeel Proposed demolition of existing building and erection of 2 No. dwelling houses, retaining wall, landscaping and ancillary site works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	29/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	26		
Planning Ref:	LA07/2019/0164/	PAC Ref:	2019/A0050
APPELLANT	Mr & Mrs N Crean	DEA	Slieve Croob
LOCATION	38 Lighthouse Road Ballyward Castlewellan		
PROPOSAL	Replacement dwelling with retention of old dwelling as agricultural storage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	29/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	27		
Planning Ref:	LA07/2019/0018/	PAC Ref:	2019/A0051
APPELLANT	Mr Cavan Johnston	DEA	Downpatrick
LOCATION	Approximately 220m North East Of 51 Shore Road Strangford		
PROPOSAL	Retrospective agricultural building on footprint of existing agricultural building utilising existing rear wall		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28		
Planning Ref:	LA07/2018/1677/	PAC Ref:	2019/A0052
APPELLANT	BB&M Developments	DEA	Rowallane
LOCATION	1-4 The Hill Clay Road Shrinlev		
PROPOSAL	Removal of the old remains of the four properties and building one new split level house with integral garage and parking		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	29	PAC Ref:	2019/A0058
Planning Ref:	LA07/2018/1451/	DEA	The Mournes
APPELLANT LOCATION	G Hancock 64 Drummanmore Road Maghery		
PROPOSAL	^{Kilkeel} Proposed retention of 2 No outbuildings within curtilage of existing dwelling for purposes ancillary to the enjoyment of the dwelling house.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	11/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30	PAC Ref:	2019/A0059
Planning Ref:	LA07/2018/1343/	DEA	Crotlieve
APPELLANT LOCATION	Mr M Hills Lands South And Adjacent To 7 Benagh Road Newry		
PROPOSAL	Erection of a dwelling and garage and associated site works (Infill site)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	17/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2019/A0062
Planning Ref:	LA07/2019/0488/	DEA	Slieve Croob
APPELLANT	Brenda Rooney		
LOCATION	Approx 60m NE Of No 82 Bann Road Castlewellan		
PROPOSAL	Single storey dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	32	PAC Ref:	2019/A0064
Planning Ref:	LA07/2018/0785/	DEA	Crotlieve
APPELLANT	Mr W McMahon		
LOCATION	Approximately 50 Meters North West Of 78 Upper Dromore Road Warrenpoint		
PROPOSAL	Proposed dwelling and detached garage (infill site)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	26/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	33		
Planning Ref:	P/2014/0920/F	PAC Ref:	2019/A0065
APPELLANT	Mr Brian Mulholland	DEA	Crotlieve
LOCATION	To The Rear Of 37A Ballyholland Road Ballyholland Lower		
PROPOSAL	Newry Retention of existing agricultural shed, hardstanding, agricultural laneway and earthen embankments		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	27/06/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	34		
Planning Ref:	LA07/2018/0496/	PAC Ref:	2019/A0069
APPELLANT	Eugene Stranney	DEA	Slieve Croob
LOCATION	149 Ballydugan Road Downpatrick BT30 8HH		
PROPOSAL	Change of use of existing garage, study & games room to a dwelling as ancillary to the main existing dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	35	PAC Ref:	2019/A0082
Planning Ref:	LA07/2019/0013/	DEA	Slieve Croob
APPELLANT LOCATION	Niall Branniff 50 Drumkeeragh Road Ballynahinch		
PROPOSAL	Replacement dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	19/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	36	PAC Ref:	2019/A0090
Planning Ref:	LA07/2018/1946/	DEA	Slieve Croob
APPELLANT LOCATION	Mr & Mrs J McAteer 21 Drumboy Road Dromara		
PROPOSAL	Dwelling and garage on a farm		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	01/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	37	PAC Ref:	2019/A0093
Planning Ref:	LA07/2018/1995/	DEA	The Mournes
APPELLANT LOCATION	Mr N Dodds West Of 133 Tullybrannigan Road Newcastle		
PROPOSAL	2 Infill dwellings between 133 & 135 Tullybrannigan Road		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	38	PAC Ref:	2019/A0094
Planning Ref:	LA07/2017/1068/	DEA	The Mournes
APPELLANT LOCATION	Mr And Mrs M Pedan Between No's 42 And 46 Fair Road Greencastle BT34 4L S		
PROPOSAL	Erection of dwelling on gap site		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	39	PAC Ref:	2019/A0096
Planning Ref:	LA07/2017/1064/	DEA	The Mournes
APPELLANT	Mr Pat McCartan		
LOCATION	60 Metres South East Of No. 77 Tullyframe Road Kilkeel		
PROPOSAL	BT34 4R7 Site for dwelling and garage on equestrian holding		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	40	PAC Ref:	2019/A0097
Planning Ref:	LA07/2017/1845/	DEA	Downpatrick
APPELLANT	Mrs Celine McMullan		
LOCATION	Between 4 And 8 Ballintogher Road Saul		
PROPOSAL	Downpatrick 2no new dwellings and garages and associated site and access works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	08/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	41	PAC Ref:	2019/A0106
Planning Ref:	P/2014/0427/O	DEA	Crotlieve
APPELLANT LOCATION	Joseph McGivern To The Rear And South Of 2 Berkley Grove Warrenpoint		
PROPOSAL	Site for dwelling (amended plans)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/08/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	42	PAC Ref:	2019/E0001
Planning Ref:	LA07/2019/0210/	DEA	Crotlieve
APPELLANT LOCATION	Chris Kennedy 9a Moneymore Road Newry		
PROPOSAL	Private Dwelling and Garage		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	02/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	43		
Planning Ref:	LA07/2018/1792/	PAC Ref:	2019/E0002
APPELLANT	Mr William McDonnell	DEA	Crotlieve
LOCATION	Aughnagon Road Opposite To 60 Derryleckagh Road Mayohridge		
PROPOSAL	Confirmation sought that construction works undertaken were lawful under planning reference P/2011/F and P/2007/0735/RM and therefore constituted a material start to the dwelling approved under P/2011/0124/F.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	16/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	44		
Planning Ref:	LA07/2018/1381/	PAC Ref:	2019/E0004
APPELLANT	Copart Uk LTD	DEA	Rowallane
LOCATION	39 Junction Road Saintfield Co Down		
PROPOSAL	Vehicle storage, dismantling and sales operation		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	17/04/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	45	PAC Ref:	2019/E0010
Planning Ref:	LA07/2019/0277/	DEA	The Mournes
APPELLANT LOCATION	Mr Kieran Campbel 1a And 1b Greenhill Park Newcastle		
PROPOSAL	Use of building as 2 separate residential properties comprising 1A and 1B Greenhill Park		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	29/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	46	PAC Ref:	2019/E0025
Planning Ref:	LA07/2019/0459/	DEA	Slieve Gullion
APPELLANT LOCATION	Roger And Simon Foster 165m North West Of 20 Barkers Road Newtownhamilton		
PROPOSAL	Newry To confirm that the works which were undertaken to construct a building to accommodate heating boilers, associated plant and staff welfare facility and the erection of a vertical storage silo were lawful.		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	18/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	47	PAC Ref:	2019/E0026
Planning Ref:	LA07/2019/0460/	DEA	Slieve Gullion
APPELLANT LOCATION	Roger And Simon Foster 65m SW Of 8 Blaney Road Newtownhamilton Newry		
PROPOSAL			
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	18/07/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	48	PAC Ref:	A07/2018/0128/F
Planning Ref:	LA07/2018/0128/	DEA	Rowallane
APPELLANT LOCATION	Paul Scott Lands 195m SSE Of 95 Cahard Road Cahard Rallvnahinch		
PROPOSAL	New private access to dwelling previously approved under LA07/2017/1210/RM		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/05/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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Appeal Reference:	2018/A0243
Appeal by:	Jim Mc Cabe
Appeal against:	Refusal of Full Planning Permission
Proposed Development:	Conversion of extension to barn previously approved under R/2014/0654/F with additional extension to form new domestic dwelling
Location:	Approximately 250m south of 60 Killyleagh Road Downpatrick
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2017/1485/F
Procedure:	Written Representations with Commissioner's Site Visit on 2 nd August 2019.
Decision by:	Commissioner Helen Fitzsimons on 14th August 2019

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The Ards and Down Area Plan 2015 (ADAP) is the local development plans which operates in the area where the appeal site is located. In ADAP the appeal site lies within a Green Belt as designated by the plan.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing Planning Policy Statements (PPS) one of which is Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21). The preamble to PPS 21 says that the PPS will take precedence over the policy provisions of a number of stated designations one of which is Green Belts.
5. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It goes on to say that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. One of the acceptable types of development is a dwelling in accordance with Policy CTY 4 'The Conversion and Reuse of Existing Buildings'. This policy states that 'planning

- permission will be granted to proposals for the sympathetic conversion of, with adaptation, if necessary, a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention.' Subject to proposals meeting seven stated criteria. The Council raised objections under criteria (b) and that the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality; and (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building.
6. Paragraph 5.22 of the policy says that 'the Department would stress the importance of good design in all such cases and in particular care needs to be taken for proposals involving the conversion of traditional buildings to ensure that their character is not lost to the overall scheme of redevelopment. Whilst paragraph 5.23 of the policy states 'In addition it should be noted that this policy relates only to schemes of sympathetic conversion.'
 7. Building on Tradition 'A Sustainable Design Guide for the Northern Ireland Countryside' is supplementary planning guidance to PPS 21 (SPG). Paragraph 3.5 of Chapter 3 'Reuse and Conversion' sets out a number of Conservation Principles for the conversion and reuse of buildings in the countryside. Paragraph 3.7.0 says Maintaining and enhancing building form, character and architectural features is a central concern of Policy CTY 4. The policy requires a design approach that respects and reinforces the signature characteristics and architectural traditions of the area whilst paragraph 3.7.2 advises that extensions should be designed to become an integral part of the property both functionally and visually, well-proportioned and in balance with the shape of the existing property. The height, width and general size of an extension should be integrated so as not to dominate the character of the existing structure. Inherent in the Policy and SPG is the objective of retaining traditional buildings through maintaining or enhancing their specific form and character.
 8. The appeal site is comprises an irregular shaped plot of land within the open countryside. It is set back some 200 plus metres from Killyleagh Road and is not readily visible in the landscape. The structure to be converted comprises a stone barn and the remains of an adjacent dwelling laid out in linear form. Extant planning permission R/2014/0654/F allows for the sympathetic conversion of the existing structures to form a dwelling which maintains the form and character of the existing structure and takes in the footprint of the remains of the adjacent dwelling, thereby respecting what was on site. It would be laid out to create two bedrooms, a bathroom, a utility room a sitting/dining room and a kitchen with an overall floor area of some 121.5 sq.m in size.
 9. The drawings submitted with the appeal show a linked extension perpendicular to the front of the existing stone barn some 87 sq.m in size, measured externally with a ridge height of 5.8m which is 0.3m higher than that of the existing stone barn. The 6m wide proposed extension would dominate the 10m long front of the stone barn obscure much of it from view. Such an arrangement has not been designed to become an integral part of the property visually, and it is not in balance with the shape of the existing property. The proposed development would not meet those elements of criteria (b) and (c) which relate to form, character, scale and massing of Policy CTY 4 of PPS 21 or the principles set out in Chapter 3 of BoT

10. I accept that BoT advocates an innovative contemporary approach which can involve new shapes and materials however, whilst the proposed scheme may be a contemporary approach involving new shapes and materials this of itself is insufficient to reason to grant planning permission. The appellant referred me to other schemes for the conversion of existing buildings which have been granted planning permission in support of his case. He provided the drawings for those examples. I note that none of those examples lie within the same Council area as the proposed development. The submission of such evidence, is unhelpful as the Council could not be expected to comment on it as it could not be privy to the circumstances surrounding those cases. In any event all cases must be determined upon their own merits taking into account the specifics of the site and its surroundings. Having looked at the plans and without knowledge of the specifics of those sites and their surroundings and any other matters which may have informed those decisions I do not consider those cases justify allowing this appeal. Matters of how the Council acted during the processing of the application for planning permission and the appeal are not for me to comment upon in this appeal. The absence of objections from any other statutory body or third party is of limited weight. None of the appellant's other arguments either individually or collectively are of sufficient merit to persuade me to allow the appeal. The council has sustained its only reason for refusal which is based on Policy CTY 4 of PPS 21.

This decision relates to the following drawings :- 1:2500 scale site location plan; 1:500 scale proposed site plan; 1:500 scale road access plan; the 1:50 scale east and west elevation plan ; 1:50 floor and north and south elevations plan and the drawing showing planning permission R/2014/0654/F.

COMMISSIONER HELEN FITZSIMONS

2018/A0243

List of Documents

Planning Authority: -

C1 Written Statement and Appendix
C2 Comments

Appellant: -

A1 Written Statement and Appendix
A2 Comments



Appeal Decision

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Appeal Reference:	2018/A0198
Appeal by:	Mr Joseph Walls
Appeal against:	The refusal of full planning permission.
Proposed Development:	2 no. farm buildings (retrospective)
Location:	Existing farm buildings located 140m SE of 26 Sandbank Road, Hilltown Newry.
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/0403/F
Procedure:	Written representations and accompanied site visit on 15 May 2019
Decision by:	Commissioner Mandy Jones, dated 11 August 2019.

Decision

1. The appeal is allowed and full planning permission is granted subject to the condition set out below.

Reasoning

2. The main issues in this appeal are;
 - the principle of development in the countryside and
 - whether the buildings are visually integrated into the surrounding landscape.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Banbridge, Newry and Mourne Area Plan 2015 (BNMP) is the local development plan for the area where the appeal site is located. The site lies in the countryside and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (ANOB) and outside any settlement limit identified in the plan. The plan contains no material policies for the type of development proposed.
4. The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) which came into effect in September 2015, is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until a new Plan Strategy for the whole council area has been adopted. There is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21

'Sustainable Development in the Countryside' (PPS 21). Therefore, PPS 21 provides the policy context for this appeal.

5. Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that contribute to the aims of sustainable development. One of these is agricultural and forestry development in accordance with Policy CTY 12.
6. Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where a number of criteria are met. These include criterion (a) which requires that it is necessary for the efficient use of the agricultural holding or forestry enterprise; criterion (b) which requires that in terms of character and scale it is appropriate to its location and criterion (c) which requires that it visually integrates into the local landscape and additional landscaping is provided as necessary. The Council considers that the proposal fails to meet these first 3 criteria.
7. The Council raised concerns regarding additional information provided by the appellant within his statement of case. I find the matters to be further clarification on the appellant's farming case and commercial activities. Further clarification on issues raised is a normal part of the appeals process and I do not consider this to be at odds with Section 59 of the Planning Act.
8. This appeal is in relation to a retrospective application for 2 no farm buildings. The appeal site is situated in the south eastern corner of a large farm complex and commercial yard located on the eastern side of Sandbank Road. The 2 buildings consist of a steel portal framed grain store which is connected to a steel portal framed cattle shed which has a slatted floor and underground tanks. The floor area of the grain store is 17.4m x 30.00m with a ridge height of 12.0m and an eaves height of 9.0m. The roof and part elevations are finished in corrugated agriclad cladding. It has roller shutter door on the long side elevation. The floor area of the lean-to cattle shed is 30.0m x 18.0m with a ridge height of 7.0m. It is part finished with vertical timber cladding. It has a sliding door on the gable elevation. Both appear as agricultural buildings.
9. The farm business ID is registered to Mr Joseph Walls and the farm is approximately 48.85 hectares. Consultations with DEARA established that the agricultural business has been established for at least 6 years and in that time the appellant has claimed single farm payments demonstrating that the business is active. The Council considers that the initial policy test has been met.
10. All of the farm buildings are located within the Sandbank Road complex and are adjacent to the farm dwelling. The appellant also runs an agri – sales and supplies business that has operated from the site for many years. There is a clear distinction on the site between the farm buildings and the commercial buildings. The appeal buildings are directly adjacent to the existing farm buildings and farmyard.
11. The retail sales part of the business is to be relocated to a site on the Newry Road just outside Hilltown approved under applications P/2011/0832/O in March 2014 and P/2014/0820/RM in January 2015. I was told by the Council that the outline approval was accompanied by an Article 40 Agreement that all retail sales would cease at the appeal site. The Council therefore considers that full implementation of this approval

and relocation of the retail sales away from the appeal site would mean that the existing buildings in the complex would become redundant and could be suitable for re – use.

12. The appellant argues that the 2 appeal buildings are necessary for the continued expansion of the long established farm business. Although the herd numbers have slightly decreased (to 157 animals in May 2018 from 165 animals in May 2015), his farming practices have changed in line with advice from DEARA, that winter housing of livestock and feeding with meal and supplements is the preferred option for productive and profitable animals and better for animal husbandry and welfare. Previous farming methods of feeding animals in the open fields during the winter has now ceased. The appellant stated that this method of feeding animals in the open fields resulted in many fatalities within his herd during the winter of 2010.
13. I was told by the appellant that although the approved commercial development on the Newry Road has commenced it may be some until the re location of the business takes place due to the financial uncertainty of Brexit and its impact on the farming industry. In any case, it was argued that the buildings associated with the commercial activity are unsuitable for the current needs of the farm complex. It was proposed that when the relocation takes place the commercial buildings will have to be replaced with new modern farm buildings and not the adoption of redundant commercial buildings. From my observations on site of the existing commercial buildings I concur with the appellant that they would not be suitable for the specific agricultural use required. I accept the timeframe for relocation is unknown to the appellant at this present time and this was unchallenged.
14. The animal shed is used to winter animals and has a slatted floor to large underground slurry tanks. The grain store is a multi purpose farm building used for the storage of straw, animal feeds, bulk fertiliser, machinery and is also used as an animal housing unit when the animal shed is at capacity. The roof height is required to accommodate machinery such as telehandlers and tractors. At my site visit, there was no doubt that both buildings were in agricultural use. All the other buildings within the complex also appeared to be fully utilised.
15. Given the evidence presented by the appellant regarding his farming practices, the design parameters of the appeal buildings specifically for agricultural use, their location relative to the other farm buildings and yard and my observations on the site of the use of the buildings on the complex, I am persuaded that the appeal buildings are necessary for the efficient use of the agricultural holding. I consider that criterion (a) has been met.
16. Policy also requires that new agricultural buildings are sited beside existing farm buildings and the design and materials to be used are sympathetic to the locality and adjacent buildings. The appeal buildings are located to the rear of the existing cluster of buildings and sited directly adjacent to the existing farm buildings and farm yard. The external materials of corrugated cladding and timber cladding are sympathetic to the existing cluster and wider agricultural area.
17. The grain store has a ridge height of 9.0m, and the Council argue that the height and scale appears excessive and it is a prominent feature that fails to integrate satisfactorily into the landscape when viewed from Sandbank Road and Newline.

18. The Sandbank Road is a straight and relatively fast stretch of road. Given the set back of the overall cluster from the Sandbank Road, the location of the appeal buildings to the rear of the cluster and the peripheral nature of views from the road, I consider the appeal buildings to be satisfactorily integrated into the local landscape. Given the screening effect provided by other buildings within the cluster in front of the appeal buildings, I do not consider them to appear prominent and excessive in terms of height and scale.
19. Newline is up to ½ mile away from the appeal site. Given the nature of this long distance view, intervening vegetation and topography, mountainous backdrop, and the siting of the appeal buildings within and to the rear of the existing cluster, I consider the appeal buildings to be satisfactorily integrated into the local landscape. I consider that criterion (b) and (c) have been met. As the proposal complies with Policy CTY 12, it is one of the types of development which in principle are considered to be acceptable in the countryside and Policy CTY 1 has been met. Accordingly, the Council's first reason for refusal has not been sustained.
20. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding countryside and it is of appropriate design. The Council argue that the appeal proposal is (a) a prominent feature in the landscape; (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and (c) it relies primarily on the use of new landscaping for integration. As already concluded, I consider the appeal buildings to be satisfactorily integrated into the countryside and to be of appropriate agricultural design for the locality. Although the appellant did not propose any landscaping, the existing complex of buildings provide adequate enclosure to visually integrate the 2 appeal buildings. The proposal does not rely on the use of new landscaping for integration. I consider that the appeal buildings meet the policy tests of Policy CTY 13. The Council's second reason for refusal has not been sustained.
21. Policy CTY 12, paragraph 5.55 states that all permissions granted under this policy will be subject to a condition limiting the use of the building to agriculture. It is therefore necessary to impose such a condition.
22. In conclusion, as all of the reasons for refusal have not been sustained the appeal is allowed and full planning permission is granted subject to the following condition :

Condition

- 1) The buildings hereby approved shall be used solely for the purposes of agriculture.

This appeal decision is based on the following drawings:

PAC 1: Site Location Plan, scale 1:2500: Council ref: 01

PAC 2: Site Layout, Scale, scale 1:500: Council ref: 02

PAC 4: Farm Building Plans, scale 1: 200: Council ref: 04

PAC 5: Elevations, scale 1:200: Council ref: 05

COMMISSIONER MANDY JONES

List of Documents

Planning Authority: 'A' Statement of Case with appendix
'B' Rebuttal

Appellant: 'C' Statement of Case with appendices
'D' Rebuttal

Appearances

Newry Mourne and Down

Planning Authority: Mr G Murtagh

Appellant: Mr G Tumelty, agent
Mr C Walls