



July 19th, 2019

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 24th July 2019** at **10:00 am** in **Boardroom, District Council Offices, Monaghan Row, Newry.**

**Committee Membership:-**

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

# Agenda

**Closing date for speaking rights/written submissions. (Details attached).**

📎 *Closing date for submissions.docx*

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## 1.0 Apologies.

- Councillor Devlin

## 2.0 Declarations of Interest.

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

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### *Minutes for Confirmation*

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## 4.0 Minutes of Planning Committee Meeting held on Wednesday 26 June 2019. (Attached).

📎 *Planning Committee Minutes - 26 June 2019.pdf*

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### *For Discussion/Decision*

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

📎 *Addendum list - 24-07-2019.pdf*

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

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

Rec: REFUSAL

- A request for speaking rights has been received from Tom Stokes, agent; Ciaran Murdock, applicant and Justin Murphy, Chairman Burren St Mary's GAA, Burren in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from Councillor D McAteer, in

support of the application.

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

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📄 *Item 6 - LA07.2018.0073.F.pdf*

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**7.0 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).**

Rec: REFUSAL

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

Rec: REFUSAL

- Removed from schedule due to unavailability of representation from DFI Roads.

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

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**8.0 LA07/2018/0930/F - New-build residential development of 1 No. apartment block consisting of 13 No. 3P2B apartments, 12 No. 2P1B apartments and 1 No. 2P1B wheelchair apartment (26 apartments in total) with 19 No. basement parking spaces 2.0. - 41 Belfast Road, Newry, BT34 1QA. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2018-0930-F- Belfast Road Newry.pdf*

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📄 *Item 17 - LA07-2018-0930-F (support).pdf*

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

**9.0 LA07/2019/0237/F - replacement dwelling - 18 Old Road,**

## **Mayobridge. (Case Officer report attached).**

Rec: REFUSAL

- This application has been formally withdrawn from the planning process

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

[LA07\\_2019\\_0237\\_F- 18 Old Road.pdf](#)

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

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

Rec: REFUSAL

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

[LA07-2019-0149-F Saul Road.pdf](#)

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[Item 10 - LA07-2019-0149-F.pdf](#)

Page 94

## **11.0 LA07/2018/1787/F - proposed extension to existing Materials Recovery Facility Building - 23 Downpatrick Road, Killough. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from MCL Consulting, David McLorinan agent and Gemma Jobling Planning Consultant in support of the application. **(Submission attached)**

[LA07-2018-1787-F MacNabbs Killough.pdf](#)

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[Item 11 - LA07-2018-1787-F.pdf](#)

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## **12.0 LA07/2018/1457/F - proposed new 2 storey dwelling and garage - 12m SW of 111a Derryboye Road, Derryboye, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

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

**13.0 LA07/2017/1176/F - Medieval settlement for re-enactment, education and tourism purposes comprising 6 small medieval structures placed in a timber palisade enclosure (amended plan and car parking layout received) - lands 200m west of 7 Drumcullen Road, Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List
- Michael Good is not seeking speaking rights but wishes the Committee to consider the attached submission in objection to the application (**Submission attached**)

**14.0 LA07/2018/1975/0 - dwelling - to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road, Rossglass. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Joanna Groves, (submission attached)

**15.0 LA07/2018/1794/F - new dwelling and garage with associated site and access works - site adjacent to 80 St. Patrick's Road, Downpatrick. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Nicholas O'Neill, agent in support of the application. (submission attached)

**16.0 LA07/2017/0208/F - refurbishment to existing Chambre House with associated site works and landscaping works to create new Interpretive Centre for Slieve Gullion Forest Park - Drumintee Road, Meigh. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List

[LA07.2017.0208.F Chambre House.pdf](#)

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**17.0 LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No, special intervention, 13 No. special trail makers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List

[LA07.2019..0528.F Advertising Derrymore House.pdf](#)

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**18.0 LA07/2019/0762/LBC - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List

[LA07.2019.0762.LBC Derrymore House.pdf](#)

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**19.0 LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of**

**bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. (Case Office**

Rec: APPROVAL

- Addendum List

[LA07.2019.0764.LBC Derrymore House Improvement works.pdf](#)

Page 173

**20.0 LA07/2019/0770/LBC - Improvement works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List

[LA07.2019.0770.LBC Derrymore House Improvement works.pdf](#)

Page 175

**21.0 LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. (Case Office**

Rec: APPROVAL

- Addendum List

[LA07.2019.0531.F New development. Derrymore Improvements.pdf](#)

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**22.0 LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails**

**either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. (Case Officer report attached).**

Rec: APPROVAL

- Addendum List

[LA07.2019.0551.F Derrymore Improvements.pdf](#)

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**23.0 P/2012/0457/F - replacement dwelling (in substitution of previously approved application P/2005/2531/0) (amended proposal/plans and location) - 60m SE of No. 28 Kidds Road, Newry. (Case Officer attached).**

Rec: APPROVAL

[P.2012.0457.F. V2 - replacement dwelling, Kidd's Road.pdf](#)

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**24.0 LA07/2017/0191/F - proposed erection of 5 houses - lands to the rear of No. 4 Meadowvale, Newtownhamilton, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Richard O'Toole, Planning Consultant and Glyn Mitchell, agent in support of the application. **(submission attached)**

[LA07-2017-0191-F Meadowvale Newtownhamilton.pdf](#)

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[Item 24 - LA07.2017.0191.F.pdf](#)

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[Item 24 - Presentation.pdf](#)

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**25.0 LA07/2018/1651/0 - site for 2 No. infill dwellings - lands immediately SE of 71 Carrickbroad Road, Killeavy, Newry. (Case Officer report attached).**

Rec: REFUSAL

A request for speaking rights has been received from Margaret Smith on behalf of Design 3, agent in support of the application. **(submission attached)**



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

Rec: REFUSAL

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

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

Rec: REFUSAL

- This application is being deferred at the request of Councillor Larkin

**28.0 LA07/2017/1618/F - demolish existing piggery building and erect new general purposes agricultural shed - 20 Railway Road, Meigh, Newry. (Case Officer report attached).**


Rec: REFUSAL

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


**29.0 LA07/2017/1804/F - change of house type (previously approved under P/2008/0396/F) - site approximately 300m west of 11 Cranny Road, Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Paddy Murphy Applicant and Stephen Hughes agent in support of the application. **(submission attached)**
- A request for speaking rights has been received from Councillor Terry Hearty in support of the application. **(submission attached)**

 *LA07-2017-1804-F\_11\_Cranny\_Road.pdf*

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 *Item 29 - LA07-2017-1804-F.pdf*

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

Rec: APPROVAL

- Addendum List


 *LA07\_2019\_0575\_F- Annalong.pdf*

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**31.0 LA07/2018/1601/RM - proposed demolition of existing building and construction of 2 No. apartments - 55 Stream Street, Newry. (Case Officer report attached).**

Rec: REFUSAL

- Addendum List


 *LA0720181601RM, 55 Stream Street Newry.pdf*

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**32.0 LA07/2017/1615/F - proposed extension and alterations to existing dwelling house, provision of single storey garage, hard and soft landscaping, increase in domestic curtilage and all associated site works - 30 metres north east of 372 Glassdrumman Road, Annalong. (Case Officer report attached).**

Rec: REFUSAL

A request for speaking rights has been received from Thomas Daly, Dermot Fitzpatrick and Andy Stephens in support of the application. **(submission attached)**

 *LA0720171615, 372 glassdrumman rd.pdf*

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 *Item 32 - LA07\_2017\_1615\_F.pdf*

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

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

*Page 289*

**34.0 June 2019 Planning Committee Performance Report. (Attached).**

 *JUNE 2019 Planning Committee Performance Report.pdf*

*Page 298*

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

 *Record of Meetings report.pdf*

*Page 303*

**36.0 June 2019 Appeals and Decisions. (Attached).**

 *Current Appeals and Decisions June 2019.pdf*

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**37.0 Register of Contacts Q1 April-June 2019. (Attached).**

 *REGISTER OF CONTACTS - Q1 Apr - June 2019.pdf*

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# Invitees

Cllr Terry Andrews	<a href="mailto:terry.andrews@nmandd.org">terry.andrews@nmandd.org</a>
Cllr Gregory Bain	<a href="mailto:gregory.bain@nmandd.org">gregory.bain@nmandd.org</a>
Cllr Patrick Brown	<a href="mailto:patrick.brown@nmandd.org">patrick.brown@nmandd.org</a>
Cllr Robert Burgess	<a href="mailto:robert.burgess@nmandd.org">robert.burgess@nmandd.org</a>
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Mrs Marie Ward	<a href="mailto:marie.ward@nmandd.org">marie.ward@nmandd.org</a>

Ag freastal ar an Dún  
agus Ard Mhacha Theas  
Serving Down  
and South Armagh



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

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## SPEAKING RIGHTS/WRITTEN SUBMISSIONS

### PLANNING COMMITTEE MEETING

**WEDNESDAY 24 JULY 2019**

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

**Friday 19 July 2019 by 3.00 pm**

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

[democratic.services@nmandd.org](mailto:democratic.services@nmandd.org)

**PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES (AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED). ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE DISREGARDED.**

**ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION (POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION AT LEAST 5 WORKING DAYS IN ADVANCE OF THE DATE OF THE MEETING AT WHICH THE APPLICATION WILL BE CONSIDERED.**

## NEWRY, MOURNE & DOWN DISTRICT COUNCIL

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 26 June 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor M Larkin

**Deputy Chairperson:** Councillor H Reilly

**In attendance:** **(Committee Members)**

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

**(Officials)**

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Ms L Coll	Legal Advisor
Mr F O'Connor	Head of Legal Administration (Acting)
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**(Others)**

Mr R Laughlin	DFI Roads
Mr J Killen	DFI Roads

**P/056/2019: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Devlin and Councillor Mason.

**P/057/2019: DECLARATIONS OF INTEREST**

Councillor McAteer declared an interest in Item No. 15 – LA07/2018/0073/F and Item No. 16 – LA07/2018/0094/F stating he was a member of St. Mary's GAC.

**P/058/2019:      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 - LA07/2017/0078/F** - erection of 3 light industrial units - 20m east of 223a Newcastle Road, Seaforde - all Councillors can take part in the discussion/decision on this application with the exception of **Councillors Devlin and Harte.**

**MINUTES FOR CONFIRMATION**

**P/059/2019:      MINUTES OF PLANNING COMMITTEE MEETING HELD ON  
WEDNESDAY 29 MAY 2019**

Read:                      Minutes of Planning Committee Meeting held on Wednesday 29 May 2019. **(Copy circulated)**

**AGREED:              On the proposal of Councillor McAteer seconded by  
Councillor Ruane, it was agreed to adopt the Minutes of  
the Planning Committee Meeting held on Wednesday 29  
May 2019 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/060/2019:      ADDENDUM LIST**

Read:                      Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 26 June 2019. **(Copy circulated)**

**AGREED:              On the proposal of Councillor Hanna seconded by Councillor  
Harte it was agreed to approve the Officer recommendation  
in respect of the following applications listed on the  
Addendum List for Wednesday 26 June 2019: -**

- **P/2013/0527/0** - proposed residential development of detached and semi-detached dwellings (to complete Carrickshane Housing Development) with associated site and landscape works - lands at McShane's Road to the west of Carrickshane and to the north of Orior Park, Bessbrook. **APPROVAL**
- **P/2014/0106/F** - retention of glass processing plant and retention of extensions to existing waste transfer and materials recovery facility to provide portacabin/container structures for office, staff welfare and general storage accommodation, film plant, skip and scrap bin storage containers, wheel wash and associated scaffold structure. **APPROVAL**
- **P/2014/0891/F** - information to address condition 07 of planning permission granted under planning ref P/2008/0084/F and modification of



internal municipal solid waste processing equipment layout as permitted under reference P/2008/0084/F (retrospective application). **APPROVAL**

- **LA07/2019/0061/F** - replacement dwelling and domestic garage (in place of LA07/2015/0972/0) - 90m SW of 368 Newry Road, Kilkeel. **APPROVAL**
- **LA07/2019/0305/F** - proposed site access road widening with footpath for public vehicular access and disabled accessibility purposes to cemetery - Warrenpoint Municipal Cemetery. **APPROVAL**

## **DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**

### **P/061/2019: PLANNING APPLICATIONS FOR DETERMINATION**

#### **(1) LA07/2017/0078/F (Audio recorded - YES)**

(Councillor Harte withdrew from the Meeting)

#### **Location:**

20m east of 223a Newcastle Road, Seaforde.

#### **Proposal:**

Erection of 3 light industrial units.

#### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Speaking Rights:**

Kieran Carlin, Planning Experts, on behalf of objectors Paul and Clodagh Killen, Mr and Mrs Trainor and John Knipe, Seaforde and District Community Association, detailing and expanding upon a written statement that had been circulated to Committee Members.

#### **Power-point presentation:**

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

James Campbell, Environmental Health, was also in attendance for discussion on this application.

#### **Issues raised:**

- Mr and Mrs Trainor who had secured speaking rights had been unable to attend the Committee Meeting, however it was pointed out there was a potential noise impact as their house was located 5 metres from the proposed application site.
- Mr Carlin advised an auto track drawing had indicated the proposed application encroached on the Right of Way to Mr and Mrs Killen's home and yard.

- Right of Way issues were a legal concern and not dealt with by the Planning Department.
- Noise Impact Report submitted by applicant did not allow for sufficient noise.
- Following calculations and based on current information the Noise Impact Report submitted by the objectors indicated there would be an adverse noise impact on neighbouring properties.

Councillor Hanna proposed to accept the officer's recommendation stating there had been insufficient information contained in the Noise Impact Report submitted by the applicant and he considered the proposed application would have an adverse noise impact on neighbouring properties. Councillor Larkin seconded the proposal.

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

FOR:	7
AGAINST:	2

The proposal was declared 'carried'.

**Agreed:**                    **On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0078/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(Councillor Harte re-joined the Meeting)

**(2)**                    **LA07/2016/1606/F**  
**(Audio recorded - YES)**

**Location:**

Cumran Park, Clough.

**Proposal:**

Proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off Main Street for 2 x dwellings (amended proposal).

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

Mr R Laughlin and Mr J Killen, Dfi Roads were in attendance for discussion on this application.

**Issues Raised:**

- Long history connected with the application and had been subject to numerous amendments: the original proposal had been for 10 houses, it had been reduced to 8 houses and the agent advised the Committee the number of houses had further been reduced to 7 houses.
- The amended proposal before the Committee was for 8 houses.
- DFI Roads considered there were intensification concerns, site lines were restricted by car parking and the proposed turning point was not acceptable.

Councillor Reilly proposed to defer Planning Application LA07/2016/1606/F so that all roads concerns could be addressed. The proposal was not seconded.

Councillor McAteer proposed to accept the Officer's recommendation and issue a refusal, Councillor Clarke seconded the proposal.

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

FOR:	7
AGAINST:	3

The proposal was declared 'carried'.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2016/1606/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(3) **LA07/2018/0995/F**  
(Audio recorded – IN CLOSED SESSION - NO)

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

**Location:**

South east of 123b Ballylough Road, Castlewellan.

**Proposal:**

Replacement dwelling previously approved under application R/2011/0332/F with new access.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Issues Raised:**

- Approval for a replacement dwelling had been granted in 2011, however the approval had expired in 2016.
- A condition of the replacement dwelling approval had been to demolish the existing building, which the applicant had done.
- Due to personal circumstances, following the demolition of the existing building, the applicant had been unable to proceed any further with the build.
- The applicant considered that by demolishing the existing building, he had commenced works, thereby complying with planning policy.
- Planning Officers were guided by policy, however the decision was one for the Committee to consider.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2018/0995/F contrary to Officer recommendation, on the basis he considered that by demolishing the existing building, the applicant had commenced work on the site and that genuine hardship would be caused if planning permission were refused. Councillor Reilly seconded the proposal.

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

FOR: 9  
AGAINST: 1

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Reilly it was agreed to issue an approval in respect of Planning Application LA07/2018/0995/F contrary to Officer recommendation on the basis that the applicant, by demolishing the existing building had commenced work on the site and that genuine hardship would be caused if planning permission were refused.**

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

(Break 11.20am – 11.30am)

**(4) P/2010/0904/F  
(Audio recorded – IN CLOSED SESSION - NO)**

**Location:**

45m north of 18 Ballinasack Road, Mullaghbawn.

**Proposal:**

Erection of farm dwelling to include retention of existing foundations.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Owen McGinty, agent in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Speaking rights:**

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

**Power-point presentation:**

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

**Issues Raised:**

- There was a long complex history to the proposed application.
- Planning Officer referred to three areas of concern with the proposed application –
  1. Foundations had not been laid in the position previously approved.
  2. The applicant had failed to commence work on the site by January 2009 which was the approved one year timeframe.
  3. Vehicular access including visibility splays had not been implemented on the site.
- The applicant had commenced work on the site in autumn 2009.
- Approval had been granted in August 2013 by the former Planning Department, however the approval did not issue due to a further review by the former Planning Department.
- Mr O'Callaghan claimed the farm was active with the applicant having had sheep for three years.
- Planning considered there would not be a detrimental impact on the amenity of No. 18 Ballinasack Road if the application was approved.

**AGREED: On the proposal of Councillor Reilly, seconded by Councillor Larkin, it was unanimously agreed to issue an approval in respect of Planning Application P/2010/0904/F contrary to Officer recommendation, on the basis that significant**

excavation works had taken place and the applicant believed he had complied with regulations by commencing works.

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

**AGREED:** On the proposal of Councillor Clarke, seconded by Councillor Reilly it was agreed to come out of 'Closed Session'.

(5) **LA07/2017/0791/F**  
(Audio recorded – YES)

**Location:**

Land to the rear of No. 12 Jonesborough Village, Jonesborough.

**Proposal:**

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

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Kevin McGurran and Shane Carr, agents, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

Mr P Rooney, Principal Planning Officer gave a 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:**

- Amended proposal included an arched entrance to the site thereby retaining the linear frontage of the village.
- The construction of the four dwellings to the rear of No. 12 would result in back land development which would be uncharacteristic to the existing pattern of development and would set an unacceptable precedent.
- The proposed development was located within the development limits of Jonesborough.

Councillor Hanna proposed to accept the Officer's recommendation and issue a refusal in respect of Planning Application LA07/2017/0791/F. The proposal was not seconded.

Councillor Larkin proposed to issue an approval contrary to Officer recommendation on the basis that the proposed development was within the development limits and

the linear frontage of the village had been protected by the inclusion of an archway in the amended plans. Councillor Ruane seconded the proposal.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

**AGREED:**            **On the proposal of Councillor Larkin, seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2017/0791/F, contrary to Officer recommendation on the basis that the proposed development was located within the development limits of Jonesborough and the linear village had been protected by the amended design that had been submitted.**

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

**(6)        LA07/2017/1182/F**  
**(Audio recorded – NO)**

**Location:**

Belfast Road, Newry.

**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.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Issues Raised:**

- The planning permission in place for a petrol filling station and shop on lands at Forkhill Road, Newry (P/2009/1041/F) was seven years old and had not progressed, additionally it was not a 24 hour facility.
- A detailed examination of the site for human remains on parts of the lands previously owned by The Good Shepard Sisters had been carried out at the time the dual carriage way had been constructed. The applicant would agree to further archaeology tests being carried out on these lands.
- Policy IC15 required a distance of at least 12 miles between petrol filling stations or service centres.
- The distance from the nearest existing filling station at The Boulevard Shopping Complex (Tesco) in Banbridge was approximately 11 miles from the proposed site and not 13 miles as stated in the Case Officer's report.
- The Apple Green facilities in the south of Ireland were not comparable to the proposed application as they were strategically placed on both sides of the road and were accessed via a trunk road.
- Tesco in Banbridge was a basic facility that did not provide 24 hour cover and was not a suitable rest area for HGV drivers.
- The agent considered the proposed site had been identified as an ideal location and was designed to comply with policy.
- Planning advised that although the proposed access was uncommon, DFI Roads did not have any objections.

**AGREED:** On the proposal of Councillor Ruane, seconded by Councillor Hanna, it was unanimously agreed to defer Planning Application LA07/2017/1182/F to allow for a site visit to take place so that Members could assess the site and proposed application in more detail.

**(7) LA07/2018/0094/F  
(Audio recorded – YES)**

**Location:**

St. Mary's GAC Carrogs Road, Burren.

**Proposal:**

Proposed training pitch with ball stops and associated fencing including 300m athletic circuit and extension of existing running/walking perimeter path.

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Tom Stokes, agent, Ciaran Murdock, applicant and Paul Fegan, Senior Committee Member St. Mary's GAC, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor McAteer declared an interest in this planning application.



**Power-point presentation:**

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

**Issues Raised:**

- Planning Application LA07/2018/0094/F was closely linked with housing development Planning Application LA07/2018/0073/F in that, for LA07/2018/0094/F to proceed, it would be necessary for an approval to be granted for Planning Application LA07/2018/0073/F.

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0094/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(8) LA07/2018/0073/F  
(Audio recorded – YES)**

**Location:**

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

**Proposal:**

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

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Tom Stokes, agent, Ciaran Murdock, applicant and Paul Fegan, Senior Committee Member St. Mary's GAC, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor McAteer spoke in support of the planning application.

**Power-point presentation:**

Mr P Rooney 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:**

- There was an error in the Case Officer's report in that the proposed site was not located within the AONB and therefore refusal reason no. 6 did not apply.

- The site was not acceptable in planning policy terms in view of its location outside the designated settlement limit leading to urban sprawl and its elevated nature.
- The development of the site was required to enable the delivery of the playing fields.
- Although the proposed application was not within the designated settlement limit, and therefore contravened policy, the Committee could approve the application if they could demonstrate exceptional circumstances.
- The proposed development would make provision for the housing requirement in the Burren area that was a prerequisite of Planning Application LA07/2018/0094F.
- The date of the housing monitor survey, referred to by Officers, was March 2017.

**AGREED:** On the proposal of Councillor Clarke, seconded by Councillor Harte it was unanimously agreed to defer Planning Application LA07/2018/0073/F to allow for a site visit to take place so that Members could assess the site and proposed application in more detail.

**It was also agreed updated information on the current housing need and availability for the Burren area be made available to the Committee.**

**(9) LA07/2018/0930/F  
(Audio recorded – YES)**

**Location:**

41 Belfast Road, Newry, BT34 1QA.

**Proposal:**

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

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

James McConnell, Palcas Homes, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

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

**Power-point presentation:**

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

**Issues Raised:**

- The proposed application had been reduced from 31 units to 26, with provision for 19 parking spaces.
- The proposed development had the support of the Housing Executive due to the need for housing in the area.
- Concerns expressed regarding the over development of the site.
- Road safety issues including access were a cause for concern.
- Car parking provision was inadequate, with some proposed spaces 'unworkable'.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Reilly it was unanimously agreed to defer Planning Application LA07/2018/0930/F to allow for a site visit to take place so that Members could assess the site and proposed application in more detail.

It was also agreed that representatives from Dfi Roads attend the site visit.

**(10) LA07/2019/0024/DCA**

It was noted that planning application LA07/2019/0024/DCA – complete removal of existing office to create unobstructed access to warehouse at the rear of 40 Greencastle Street, Kilkeel, had been removed from the planning process at the request of the agent/applicant.

**(11) LA07/2019/0321/F  
(Audio recorded – YES)****Location:**

Lands to the north and west of and the existing Leode Quarry Leode Road, Hilltown, Newry.

**Proposal:**

Variation of condition No. 6 of planning permission LA07/2016/1092/F.

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Gareth McCallion, agent and Paul Fitzpatrick, applicant presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

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

**Issues Raised:**

- Agent / applicant had met with the original objectors to update them on the variation of condition No. 6 of Planning Permission LA07/2016/1092, however no opinion had been forthcoming from them.
- Agent / applicant fully intended to comply with all previous agreed conditions.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to approve the variation of condition No 6 of planning permission LA07/2016/1092/F to read 'To allow commencement of mineral extractions as approved in Phase 1 Extractions to coincide with the construction of the earth banks prior to the commencement of the approved extraction in Phase 2'**

**FOR DISCUSSION / DECISION**

**P/062/2019 REQUEST FOR DELEGATED POWERS UNDER THE PLANNING ACT (NI) 2011 AND THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NI) 2015 – LA07/2018/16277/F – VARIATION OF CONDITIONS ON PLANNING PERMISSION P/2009/0163/F FOR A FOOD STORE AND INDUSTRIAL / BUSINESS PARK CARNBANE WAY / SHEPPARDS WAY, NEWRY.**

Mr McKay advised the Committee the applicant had requested to commence development before the application expired in August and to vary some of the agreed conditions. Mr McKay requested the Committee's approval in responding to the applicant on its behalf to advise there were no objections to the commencement of works on the site.

**AGREED: On the proposal of Councillor Reilly seconded by Councillor Hanna, it was unanimously agreed to note the content of the report dated 26 June 2019 and agree to the Council conferring delegated powers to the Head of Planning to respond to the forthcoming Notice of Opinion on the current planning application to vary 2 planning**

conditions attached to a previous planning approval for a foot store and industrial/business park at Carnbane Way/Sheppards Way, Newry.

**P/063/2019 REGIONAL PROPERTY CERTIFICATES – PROPOSED INCREASE IN FEES**

Mr McKay advised the Committee the issuing of Regional Property Certificates which had previously been a DOE function, had now been passed to Council and would be subject to VAT. The proposed increase would be necessary to cover the VAT that would be imposed.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Larkin it was unanimously agreed to approve the increase in Property Certificate fees as detailed at paragraph 4.1 of the report dated 26 June 2019 (total proposed fee £60).

It was noted that approval of the revised fees would require the Service Level Agreement between the RPCU and the Council to be updated.

**P/064/2019 NOTICES OF MOTION**

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

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

**In October 2018 the UN announced that we have 12 years to save the planet. UN scientists gave the starkest warning yet that our chances of tackling climate change and averting disaster are slipping away. They said delaying to 2030 would be too late to avoid a 2% rise in global temperatures and climate catastrophe. The UN says action by government actors would need to be taken now. Westminster is paralyzed by Brexit and Stormont is not sitting,.**

**In view of this, and the UN's Climate Change warnings for 2030, Council declares a 'Climate Change Emergency' and will fundamentally revise and**

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

Councillor Enright was not in attendance at the meeting.

Councillor Clarke said it would not be possible to give this Notice of Motion the attention it deserved at the Planning Committee Meeting and it should be referred to the Local Development Plan Working Group and a report prepared by the relevant officer.

Ms Ward replied a report would be prepared and the item would be tabled at a future Local Development Working Group Meeting.

**AGREED:**        **On the proposal of Councillor Clarke, seconded by Councillor McAteer, it was agreed that a report be prepared on the Notice of Motion and it be tabled at a future meeting of the Local Development Working Group.**

#### **FOR NOTING**

**P/065/2019:**        **HISTORIC ACTION SHEET**

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

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

**P/066/2019:**        **PLANNING COMMITTEE MEETING PERFORMANCE REPORT - MAY 2019**

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

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

**P/067/2019:**        **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/068/2019:** **APPEALS & DECISIONS**

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

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

The Meeting concluded at 3.10pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 24 July 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 24 July 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:-

- **LA07/2017/1176/F** - Medieval settlement for re-enactment, education and tourism purposes comprising 6 small medieval structures placed in a timber palisade enclosure (amended plan and car parking layout received) - lands 200m west of 7 Drumcullen Road, Downpatrick. **APPROVAL**
- **LA07/2017/0208/F** - refurbishment to existing Chambre House with associated site works and landscaping works to create new Interpretive Centre for Slieve Gullion Forest Park - Drumintee Road, Meigh. **APPROVAL**
- **LA07/2019/0528/A** - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0762/LBC** - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0764/LBC** - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0770/LBC** - Improvement works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0531/F** - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **LA07/2019/0551/F** - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works - Derrymore Demesne, Bessbrook. **APPROVAL**
- **P/2012/0457/F** - replacement dwelling (in substitution of previously approved application P/2005/2531/0) (amended proposal/plans and location) - 60m SE of No. 28 Kidds Road, Newry. **APPROVAL**
- **LA07/2019/0575/F** - Environmental Improvement Scheme - public footpath from east of Annalong Presbyterian Church including the junction with Majors Hill and



Glassdrumman Road to the junction with Mill Road and Shannagh Drive.

**APPROVAL**

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

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

21

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

**Date Received:** 15.01.2018

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

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

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

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

#### **2.0. Site History:**

- 2.1.** There is no relevant site history on this site.

### 3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS7 – Quality Residential Environments
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS 8- Open Space, Sport and Outdoor Recreation
- DCAN8 – Housing in Existing Urban Areas
- PPS12 – Housing in Settlements
- Creating Places
- PPS 21 – Sustainable Development in the Countryside
- PPS 15?

### 4.0. STATUTORY CONSULTATIONS:

4.1. A number of statutory consultations were issued, following receipt of the application, and their responses were as follows :

**Transport NI** : No objection.

Conditions to be included under the Planning Order and 6 coloured plans endorsed under the Private Streets Order to follow in the post.

**DfC Historic Environment Division (HED), Historic Monuments** : Content the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**DAERA Natural Heritage and Conservation Areas**

**Natural Environment Division** has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns – informatives are provided.

**Water Management Unit** has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to Standing Advice.

**DfC Historic Environment Division HED** : Historic Monuments has assessed the application and on the basis of the information provided and as per our previous comments to LA07/2017/1104/PAD, HED:HM is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**N,M &DDC, Environmental Health** : There are no objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

**NI Water** : No Objections.

Please redirect this consultation as it was sent to the wrong workqueue. It should be sent to NIWMUConsultationsWest@niwater.com

**4.6. DfI Rivers Planning & Advisory Unit (PAU):**

*FLD3 - Development and Surface Water* – The Agents letter states 'it is the client's intention to get costings from NI Water for the laying of the storm pipe from the site to the agreed discharge point'.

DfI Rivers PAU require clarification from the applicant that NIW will proceed with installation of the new pipework from the site to the proposed discharge location, a distance of approximately 350m. Planning Informative to be attached.

## **5.0. OBJECTIONS & REPRESENTATIONS**

- 5.1.** Details of the initial application were advertised in the local press on 30 July 2018, 01 Aug 2018 and 02 Aug 2018. Details of the amended proposal were advertised on 8 October 2018, 10 October 2018 and 11 October 2018. Nearest neighbours were notified about the initial and revised scheme on 1 August 2018, 27 September 2018 and 2 November 2018. It received 10 letters of support and 2 petitions of support from 239 people.

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

- 6.1.** In summary the proposal is for a proposed housing development on land outside the designated settlement limit of Warrenpoint/Burren, as identified in the Banbridge, Newry, Mourne and Down Area Plan (BNAMAP). It is located within the open countryside and is located within the designated AONB as outlined with the area plan maps.
- 6.2.** The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies, including the statutory development plan for the area. The Planning Department has considered the information submitted in support of this application as part of its assessment.

### **Banbridge, Newry and Mourne Area Plan 2015. (BNMAP)**

- 6.3.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.4.** The statutory function of an Area Plan is to provide a framework for the development of the Plan Area over the statutory lifetime of the plan. The Plan

remains a material consideration beyond its end date and until it is replaced with an up-to-date plan document. It was only adopted, as the statutory plan for the area, following the completion of the statutory plan process, including a public inquiry and is intended to provide certainty for those who live, work and visit our Council area.

- 6.5.** BNMAP identified a statutory settlement limit for Warrenpoint/Burren, the purpose of which is to provide a compact urban form, to protect its natural setting and to provide for the development needs of the settlement over the Plan period. The Area Plan also zoned specific areas for particular uses, e.g. housing, following a detailed assessment of need over the Plan period.
- 6.6.** As part of the assessment of this application and the potential impact of the proposal on the Area Plan policies and proposals and the settlement of Warrenpoint/Burren in particular, comments were sought from Local Development Plan Team (LDP). This team, within the Council, is responsible for the preparation of the new Local Development Plan for Newry & Mourne District Council area. The LDP Team examined the basis for the proposed housing development outside the designated settlement limit and also commented on the implications of approving the current proposal for the Local Development Plan (LDP) process and public confidence in the Council's new LDP. Its full response is provided at Appendix A.
- 6.7.** In summary the LDP Team confirmed the statutory plan status of the application site and the fact that it is located outside the statutory development limit of Burren and within the open countryside. It examined the basis of this planning application, i.e. to provide additional land outside the settlement limit to compensate for the loss of housing land, should a related current planning application (LA07/2018/0094/F) for an extension to an existing playing field into an existing Housing Zoning be approved.
- 6.8.** The LDP Team confirmed that the most recent housing land availability data for the District indicates that there is 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units. The related planning application for the extension of the Playing Field and the

associated loss of 0.99 hectares of zoned housing land could, if approved, reduce the potential overall number of units that could be delivered in Burren to 103. On this basis it considered that there will still be an adequate level of housing land provision within Burren to meet current and future needs and in the absence of the inclusion of any additional land outside the designated settlement limit, as is proposed by this application.

- 6.9.** The LDP Team also confirmed that, following publication of the draft BNMAP 2015 in August 2006, the DOE Planning Service received 30 representations seeking the inclusion of additional lands within the Settlement Limit for Burren. A full assessment of these sites was undertaken by the DOE Planning Service and, of the 30 representation sites assessed, 7 sites were considered to be suitable for development.
- 6.10.** While the application site was not subject to a representation and thus was not considered at the Public Examination, adjoining land immediately to the east was subject to a representation. In the Public Examination Report the Planning Appeals Commission (PAC) stated "*development on this land would appear as a prominent protrusion from the existing urban form into the countryside*" and concluded "*it would be unacceptable for inclusion....*"
- 6.11.** The application site entails lands which rise in a westerly direction and are more elevated than the draft BNMAP representation site. The LDP team consider the aforementioned PAC comments would also apply to the application site. In the absence of an open and transparent review of these lands at a public examination the LDP team consider the subject lands to be unsuitable as an extension to the Burren settlement limit.
- 6.12.** The LDP Team also stated that the 7 representation sites previously considered suitable for development, (subject to need being established), remain undeveloped and these sites will be considered as part of any exercise assessing additional housing land for inclusion within the settlement limit. The LDP Team also confirmed it has received a representation from the owner of one of the 7 sites considered suitable, seeking its inclusion for development as part of the new plan for the area. Approval of the subject lands will undermine the ability of the LDP team to bring forward the most suitable

housing lands and will result in a more poorly defined urban form. Approval would disadvantage a significant number of landowners in the Burren area, and in particular those landowners in possession of sites that the DOE Planning Service and PAC considered to be suitable for development. As a consequence, the LDP process would be undermined in the eyes of the general public.

- 6.13.** For the reasons outlined above the LDP team stated that approval in this instance would establish a precedent that has the potential to undermine the LDP process. The LDP team do not consider that the proposal to develop this site in substitution for housing zoning WB 23 should be given determining weight and the application should therefore be determined in line with the policy provisions of PPS21.
- 6.14.** In the light of the above it is considered that the proposal is contrary to the statutory development plan for the area. It is located outside the designated settlement limit and the area considered suitable for development. The existing development limit is properly identified and the development of the application site for housing would lead to urban sprawl and prominent development in the absence of any demonstrated need. It would blur the distinction between the settlement limit and the rural area.

#### **Prevailing Rural Planning policy.**

- 6.15.** As the proposal lies wholly outside the settlement limit for Burren the relevant planning policy context is contained within Planning Policy Statement 21 (PPS 21): 'Sustainable Development in the Countryside'. Policy CTY 1 of PPS 21 identifies a range of development appropriate in the open countryside, provided they meet all of the other relevant policies in PPS 21. This proposal does not meet any of the criterion for acceptable development within the rural area. Therefore the proposal is contrary to CTY 1.

#### **Ribbon Development**

- 6.16.** Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development. This proposal will create a ribbon of development along Burren Hill Road. The proposal will



result in an additional 4 dwellings located along the road frontage. This will create a ribbon of development within the rural area and would be contrary to CTY 8.

### **Design and Integration**

- 6.17.** CTY13 of PPS 21 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.
- 6.18.** Whilst the site benefits from established boundaries these are not significant or mature enough to provide sufficient degree of enclosure for the scale and massing of development proposed. This is due to the nature of the prevailing topography and the position and location of the application site on this elevated and prominent site. The mass and scale of the buildings individually and when taken cumulatively will be a prominent feature if allowed within the local area and will read as prominent and skyline development when viewed from Carrogs Road and from Bridge Road and Ballydesland Road to the east and the north/north east, in particular. The previous comments by the PAC and the subsequent comments by the LDP Team, as outlined at Paras 6.10 and 6.11 above, are particularly relevant in this context. The application is contrary to CTY 13 of PPS 21.

### **Impact on Rural Character**

- 6.19.** Policy CTY 14 of PPS 21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case as the proposal fails to comply with Policy CTY 8 and CTY 13 of PPS 21 it would lead to an erosion of rural character within the immediate area. Again, the previous comments by the PAC and the subsequent comments by the LDP Team as outlined at Paras 6.10 and 6.11 above are particularly relevant in this context. The application is contrary to CTY 14 of PPS 21.

- 6.20.** The application site is located within an Area of Outstanding Natural Beauty (AONB). The provisions of Planning Policy 2 (PPS 2) Natural Heritage) apply. It is considered that for the reasons outlined above at Paras 6.18 and 6.19 that the proposal is also contrary to Policy NH 6 of PPS 2 which seeks to achieve appropriate development with AONBs.

**Other Material Considerations.**

- 6.21.** In supporting statements, the applicant has sought to justify the release of these additional housing lands, outside the statutory settlement limit of Burren for housing, on the grounds that their development is required to compensate for a planned future partial loss of lands zoned for housing, (Zoning WB 23). This is due to a planned extension to an existing Playing Field as proposed under a related current planning application LA07/2018/0094/F. The development of the application lands for housing is also required to enable the proposed extension to the Playing Fields to occur.
- 6.22.** It has already been demonstrated that there is sufficient housing provision within the settlement limit of Burren to meet its housing needs over the plan period and until the future Local Development Plan for the area is formally adopted, (and even if a portion of the existing housing zoning is lost to accommodate the planned extension of the Playing Fields). In this context, (notwithstanding the unsuitable nature of the lands for housing development as outlined above), there is no justification, in planning terms for the release of these lands for housing.
- 6.23.** The Planning Department considers that the partial release of the existing housing zoning, WB 23, to accommodate the planned expansion of the Playing Fields, is justified based on the unique circumstances surrounding that planning application and associated community benefits that would result. There is no justification, in planning terms, for the development of these subject lands for housing. It is accepted that the issues raised in support of the application are material considerations in the consideration of this application. However, these are not of sufficient weight to set aside the

provisions of the statutory Area Plan or prevailing regional policy, in particular the SPPS and PPS 21.

#### **7.0. RECOMMENDATION:**

- 7.1. This proposal is contrary to the provisions of the statutory development plan for the area. The material considerations advanced in support of the release of these lands, by the applicant, are insufficient to outweigh the valid planning reasons outlined above against this proposal.
- 7.2. The proposal is not satisfactory in terms of location and siting for the reasons set out above which have been considered in the context of the policy provisions of PPS21 (CTY8, 13 and 14 and Policy NH 6 of PPS 2).
- 7.3. The recommendation is for refusal due to issues raised above and for the reasons stated below.

#### **8.0. REFUSAL REASONS.**

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and the current statutory area plan. (BNMAP), in particular Designation WB 01 as the application site falls outside the designated settlement boundary of Warrenpoint/Burren and the area considered suitable for development as designated in the Banbridge, Newry & Mourne Area Plan 2015.
2. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of

Warrenpoint/Burren and the surrounding countryside resulting in urban sprawl.

- 4. The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, 'Sustainable Development in the Countryside', in that:
  - the proposal is a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration;
  - the ancillary works do not integrate with their surroundings;
  - the proposed development fails to blend with the landform and therefore would not visually integrate into the surrounding landscape.
  
- 5. The proposal is contrary to The Strategic Planning Policy (SPPR) and Policy CTY 14 of Planning Policy Statement 21, 'Sustainable Development in the Countryside', in that:
  - It would be unduly prominent in the landscape; and
  - It would add to ribbon development and result in suburban build-up of development when viewed with existing buildings.
  
- 6. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2 in that the proposed siting of the development is not sensitive to the special character of the AONB, given its prominent and open nature outside the designated settlement limit of Warrenpoint/Burren.
  
- 7. The proposal is unacceptable in that it would prejudice the outcome of the Local Development Plan Process and the ability of the LDP team to bring forward the most suitable housing lands and would result in a more poorly defined urban form.

**Case Officer:** .....

**Authorised Officer:** .....

**APPENDIX A: Local Development Plan Team Consultation Response.**

**REF NO:** LA07/2018/0073/F

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

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

**Planning History:** None

**Date:** .....

**This response is confined to the provisions of the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015) which are material considerations to be taken into account alongside other material considerations in the determination of the application.**

***BNMAP 2015 Plan Proposals***

***Designations, Proposals and Zonings***

*The site lies outside the following designation:*

- Designation WB 01 Settlement Limit

**Allocations and Policies**

None

**Consideration**

The proposal lies wholly outside the settlement limit for Burren and falls within the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside.

This response also considers the assessment of additional development lands for Burren at the Public Examination into the draft BNMAP 2015 and the implications of approving the current proposal for the Local Development Plan (LDP) process and public confidence in the Council's new LDP.

### Assessment of Representation Sites for Burren at the Public Examination into draft BNMAP 2015.

Following publication of the draft BNMAP 2015 in August 2006 the DOE Planning Service received 30 representations seeking the inclusion of additional lands within the settlement limit for Burren. A full assessment of these sites was undertaken by the DOE Planning Service and its findings were contained within its Departmental Statement dated the 21<sup>st</sup> October 2009. The application site was not subject to a representation and thus was not considered at the Public Examination.

Out of the 30 representation sites assessed by DOE Planning Service 7 sites were considered to be either most suitable (Category 1) or suitable (Category 2). As stated above no representation was submitted for the application site, its suitability as an extension to the existing urban area has therefore not been considered through a public examination process. How this site compares to those representation sites that were considered at the Public Examination into the draft BNMAP has also not been established.

It should be noted however that adjoining land immediately to the east was subject to a representation (see Appendix 1). In the Public Examination Report the Planning Appeals Commission (PAC) stated "*development on this land would appear as a prominent protrusion from the existing urban form into the countryside*" and concluded "*it would be unacceptable for inclusion in the SDL.*"<sup>1</sup> The application site entails lands which rise in a westerly direction and are more elevated than the draft BNMAP representation site, the LDP team consider the aforementioned PAC comments should also apply to the application site. In the absence of an open and transparent review of these lands at a public examination the LDP team consider the subject lands to be unsuitable as an extension to the Burren settlement limit.

It should also be noted that the 7 representation sites previously considered suitable for development by DOE Planning Service, subject to need being established, remain undeveloped and these sites will be considered as part of any exercise assessing additional housing land for inclusion within the settlement limit. The recent LDP POP consultation saw a representation submitted on behalf of a house builder for a site at Milltown Street in Burren. This site was considered at the Public Examination into the draft BNMAP and was considered to be "*well related to the existing developments*" and would be "*discrete, accessible and developable*". Approval of the subject lands will undermine the ability of the LDP team to bring forward the most suitable housing lands, such as the Milltown Street site, and will result in a more poorly defined urban form.

Given the absence of an assessment of the application site through the public examination issues of equity also arise. All landowners, including those who previously had their sites assessed, should be afforded the opportunity to have their sites assessed for inclusion within the settlement limit, subject to a need being established through the LDP. In this instance the appropriate mechanism for an extension to the settlement development limit is through the LDP process rather than the Development Management system. Approval would disadvantage a significant number of landowners in the Burren area, and in particular those landowners in possession of sites that the DOE Planning Service and PAC considered to be suitable for development. As a consequence the LDP process would be undermined in the eyes of the general public.

### Current Provision of Housing Land in Burren

It should also be noted that the most recent housing land availability data for the District which covers the period up to the 31<sup>st</sup> March 2017, indicates that there is 8.77 hectares of housing land remaining within the settlement of Burren which could deliver 127 housing units (see Appendix 2 & 3). Planning application LA07/2018/0094/F, currently under consideration,

<sup>1</sup> PAC Report page 332 paragraph 3.5.22. 'SDL' refers to Settlement Development Limit.

seeks the partial development (0.99 hectares) of housing zoning WB 23 for sport and recreational use. The loss of 0.99 hectares of housing land at 25 units per hectare (KSR max) would reduce the potential overall number of units that could be delivered in Burren to 103.

At this stage of the plan process the quantity of housing land to be provided on a settlement by settlement basis has not been finalised. However the LDP POP published in June 2018 recommended an allocation to the village settlement tier of 12%. Housing Paper 16: 'Housing Allocation' indicated that an allocation of 12% of the HGI to each settlement within the village tier would result in an allocation of 95 units to Burren. Taking into account what has been constructed since the start of the RDS period, the current level of housing lands and the current HGI allocation to the District, Burren would appear to have sufficient housing lands to meet its needs to 2030.

While this proposal and application LA07/2018/0094/F (as referenced above) appear to be only been linked by the proposal description in a pre-application notice (LA07/2017/1358/PAN), it is understood that the proposed to develop this site would be in substitution for housing zoning WB23 which is subject of application LA07/2018/0094/F. Should the proposal to develop part of housing zoning WB 23 for sport and recreational use be considered acceptable the LDP team would advise that there will still be an adequate level of housing land provision within Burren to meet current and future needs.

### **Conclusion**

For the reasons outlined above the LDP team consider that approval in this instance would establish a precedent that has the potential to undermine the LDP process. The LDP team do not consider that the proposal to develop this site in substitution for housing zoning WB 23 should be given determining weight and the application should therefore be determined in line with the policy provisions of PPS21.

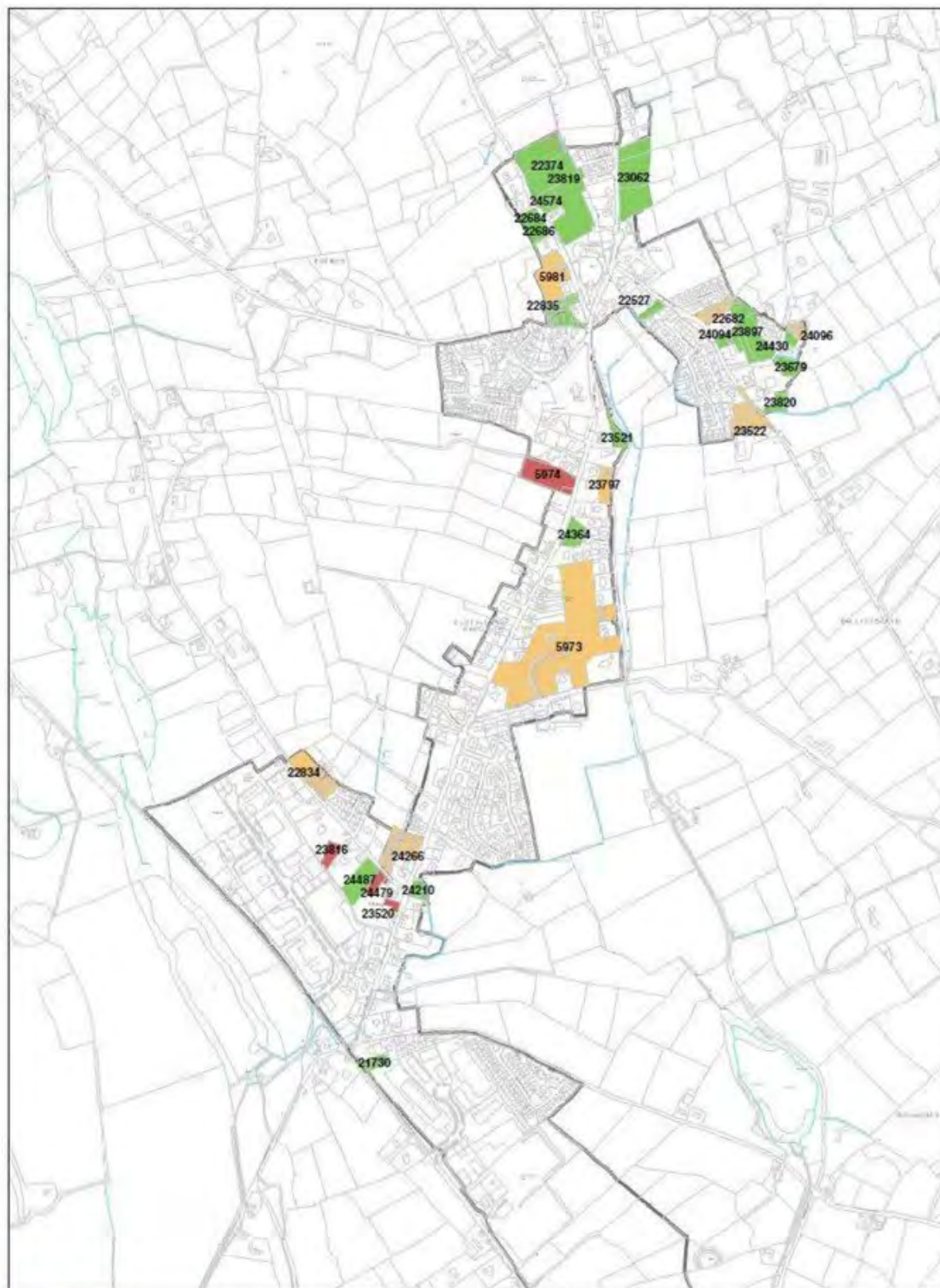
It should be noted, as highlighted above, that this consultation response is confined to the provisions of the BNMAP 2015 and does not address the need for the proposal to comply with all other material considerations.

Appendix 1: Draft BNMAP Burren Representation Site 1727

Appendix 2: Map of Burren showing status of Housing Monitor Sites in 2017

Appendix 3: Table showing Burren Housing Monitor Sites Status 2017

### Appendix 1 – Map of Burren showing status of Housing Monitor Sites in 2017



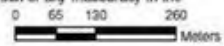
- STATUS**
- COMPLETE
  - DEVELOPMENT ON-GOING
  - NOT STARTED
  - Settlement Development Limit



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**Burren**  
Housing Land Availability Monitor 2017





**Appendix 2 – Table showing Burren Housing Monitor Sites Status in 2017****NORTHERN IRELAND LAND USE DATABASE****HOUSING SITES**

## DEVELOPMENT STATUS OF ALL MONITORABLE SITES IN BURREN

AS OF 1 APRIL 2017

Site Ref	Site Name Development	Date of Survey Completion	Units	Remaining	Area	Area
			Complete Remaining	Potential	Developed Date	
<b>Status</b>						
<b>5972</b> COMPLETE	NORTH & EAST OF THE JUNCTION 01/08/1998  BETWEEN UPPER BURREN ROAD &	01/08/1998	51	0	3.65	0.00
P70001						
<b>5973</b> DEVELOPMENT	MILLTOWN STREET, EAST	01/04/2017	5	23	0.6	2.73
ON-GOING						
P70002						
<b>5974</b> COMPLETE	OPPOSITE AND 60 METRES WEST OF 77 01/04/2016  MILLTOWN STREET	01/04/2016	1	0	0.5	0.00
P70003						
<b>5976</b> COMPLETE	OPPOSITE AND NORTH OF ROSALEEN 01/08/1997  VILLAS	01/08/1997	16	0	0.69	0.00
P70005						
<b>5977</b> COMPLETE	CARRICK CLOSE 01/08/1997	01/08/1997	11	0	0.46	0.00
P70006						
<b>5979</b> COMPLETE	DONAGHAGUÏ CLOSE 01/08/1999	01/08/1999	7	0	0.41	0.00
P70008						

<b>5980</b> COMPLETE	OPPOSITE AND WEST OF 49-55 01/08/2003  BALLYDESLAND RD	01/08/2003	38	0	2.02	0.00
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Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>5981</b> DEVELOPMENT	REAR OF 73 CARROGS ROAD  CARROGS ROAD, ON-GOING	01/04/2017	4	2	0.32	0.16
P70010						
<b>5982</b> COMPLETE	SITE TO THE REAR OF & BETWEEN 69 & 01/08/2003  71 MILLTOWN STREET &	01/08/2003	8	0	0.56	0.00
P7004#						
<b>21080</b> COMPLETE	SITE 70M N/W OF JUNCTION BETWEEN 01/08/2002  MILLTOWN STREET &	01/08/2002	11	0	0.55	0.00
<b>21412</b> COMPLETE	DONAGHAGUY ROAD 01/08/2007	01/08/2007	48	0	1.86	0.00
<b>21421</b> COMPLETE	LAND ADJACENT TO 64 UPPER DROMORE 01/08/2005  ROAD	01/08/2005	1	0	0.08	0.00
<b>21730</b> NOT STARTED	LANDS ADJACENT TO 64 UPPER  DROMORE ROAD	01/04/2017	0	1	0	0.11
<b>22011</b> COMPLETE	LANDS OPPOSITE 3 CLONTAFLEECE ROAD 01/08/2003	01/08/2003	5	0	0.19	0.00
<b>22012</b> COMPLETE	LANDS OPPOSITE 70 CARROGS ROAD 01/08/2004	01/08/2004	1	0	0.15	0.00
<b>22373</b> COMPLETE	SITE NUMBERS 37 TO 41 CARRICKDESLAND 01/08/2003	01/08/2003	7	0	0.52	0.00
<b>22374</b> NOT STARTED	CARROGS ROAD	01/04/2017	0	35	0	1.75

Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>22527</b> NOT STARTED	LAND ADJACENT TO AND SOUTH EAST OF 58 BALLYDESLAND ROAD	01/04/2017	0	1	0	0.09
<b>22595</b> COMPLETE	330M NORTH WEST OF JUNCTION OF 01/08/2004 CORRAGS ROAD & BRIDGE ROAD	01/08/2004	1	0	0.15	0.00
<b>22681</b> COMPLETE	BALLYDESLAND ROAD 01/08/2006	01/08/2006	15	0	0.48	0.00
<b>22682</b> DEVELOPMENT	BALLYDESLAND ROAD (SOUTH)	01/04/2017	3	1	0.15	0.05
ON-GOING						
<b>22683</b> COMPLETE	ADJACENT TO 18 MILLTOWN STREET 01/08/2007	01/08/2007	1	0	0.09	0.00
<b>22684</b> NOT STARTED	240M FROM THE JUNCTION WITH BRIDGE ROAD CORRIGS ROAD	01/04/2017	0	1	0	0.13
<b>22685</b> COMPLETE	270 M FROM THE JUNCTION WITH 01/08/2007 BRIDGE ROAD CORRAGS ROAD	01/08/2007	1	0	0.13	0.00
<b>22686</b> NOT STARTED	210M FROM THE JUNCTION WITH BRIDGE ROAD CORRAGS ROAD	01/04/2017	0	1	0	0.13
<b>22834</b> DEVELOPMENT	40 METRES NORTH WEST MILLTOWN CLOSE, UPPER BURREN ROAD ON-GOING	01/04/2017	8	1	0.38	0.04
<b>22835</b> NOT STARTED	SITE AT 77 CARROGS ROAD	01/04/2017	0	6	0	0.37

Site Ref	Site Name	Date of Survey Completion	Units	Remaining	Area	Area
Development			Complete	Potential	Developed	
			Remaining		Date	
<b>Status</b>						
<b>22836</b> COMPLETE	IMMEDIATELY WEST AND TO THE REAR 01/08/2007  OF 81 CARROG ROAD	01/08/2007	6	0	0.35	0.00
<b>23062</b> NOT STARTED	OPPOSITE NO'S. 18 BRIDGE ROAD & 1 &  2 CARRICK CLOSE	01/04/2017	0	5	0	0.92
<b>23063</b> COMPLETE	22 UPPER BURREN ROAD 01/08/2008	01/08/2008	1	0	0.14	0.00
<b>23373</b> COMPLETE	200 METRES NORTH OF THE JUNCTION 01/08/1999  OF THE AVENUE AND DONAGHAGUY ROAD	01/08/1999	3	0	0.38	0.00
<b>23374</b> COMPLETE	110 METRES NORTH OF THE JUNCTION 01/08/1997  WITH THE AVENUE, DONAGHAGUY ROAD  (SITE 7)	01/08/1997	1	0	0.13	0.00
<b>23375</b> COMPLETE	AT JUNCTION OF THE AVENUE AND 01/08/1997  DONAGHAGUY ROAD	01/08/1997	1	0	0.41	0.00
<b>23376</b> COMPLETE	SITE 4 THE AVENUE 01/08/2002	01/08/2002	1	0	0.19	0.00
<b>23377</b> COMPLETE	ADJACENT TO 55 MILLTOWN STREET 01/08/2000	01/08/2000	1	0	0.11	0.00
<b>23520</b> COMPLETE	24 MILLTOWN STREET 01/04/2016	01/04/2016	1	0	0.06	0.00
<b>23521</b> NOT STARTED	NORTH OF 81 DONAGHAGUY ROAD	01/04/2017	0	1	0	0.12

Site Ref	Site Name	Date of Survey Completion	Units	Remaining	Area	Area
Development			Complete Remaining	Potential	Developed Date	
<b>Status</b>						
<b>23522</b> DEVELOPMENT	46 BALLYDESLAND ROAD	01/04/2017	2	5	0.12	0.29
	ON-GOING					
<b>23679</b> NOT STARTED	ADJACENT TO AND SOUTH OF 3 CLONTAFLEECE ROAD	01/04/2017	0	5	0	0.17
<b>23680</b> COMPLETE	65 METRES WEST OF 16 UPPER BURREN 01/08/2011 ROAD	01/08/2011	1	0	0.22	0.00
<b>23797</b> DEVELOPMENT	TO THE REAR OF 77 TO 79 MILLTOWN STREET ON-GOING	01/04/2017	1	1	0.09	0.10
<b>23816</b> COMPLETE	74 METRES SE OF 18 UPPER BURREN 01/04/2016 ROAD	01/04/2016	1	0	0.13	0.00
<b>23819</b> NOT STARTED	SITE ADJACENT TO 5 CARRICK CLOSE	01/04/2017	0	1	0	0.02
<b>23820</b> NOT STARTED	40 METRES E OF 47 BALLYDESLAND ROAD	01/04/2017	0	1	0	0.13
<b>23897</b> NOT STARTED	90 METRES N.W. OF 3 CLONTAFLEECE ROAD	01/04/2017	0	19	0	0.58
<b>23898</b> COMPLETE	34 MILLTOWN STREET 01/08/2010	01/08/2010	7	0	0.13	0.00
<b>24094</b> NOT STARTED	IMMEDIATELY NORTH AND ADJACENT TO 50 BALLYDESLAND ROAD	01/04/2017	0	1	0	0.14

Site Ref Development	Site Name	Date of Survey Completion	Units  Complete Remaining	Remaining  Potential	Area  Developed Date	Area
<b>Status</b>						
<b>24095</b> COMPLETE	ADJACENT AND SOUTH OF 25 MILLTOWN 01/08/2011 STREET	01/08/2011	1	0	0.11	0.00
<b>24096</b> DEVELOPMENT	7 CLONTIFLEECE ROAD	01/04/2017	1	3	0.03	0.07
ON-GOING						
<b>24210</b> NOT STARTED	27 MILLTOWN STREET	01/04/2017	0	1	0	0.11
<b>24266</b> DEVELOPMENT	3 UPPER BURREN ROAD	01/04/2017	6	2	0.33	0.11
ON-GOING						
<b>24364</b> NOT STARTED	71 MILLTOWN STREET	01/04/2017	0	8	0	0.20
<b>24430</b> NOT STARTED	ADJACENT AND IMMEDIATELY NORTH OF 3 CLONTIFLEECE ROAD	01/04/2017	0	1	0	0.06
<b>24574</b> NOT STARTED	ADJACENT TO AND 12M NW OF 68 CARROGS ROAD	01/04/2017	0	1	0	0.19
<b>SETTLEMENT TOTALS</b>			<b>278</b>	<b>127</b>	<b>16.87</b>	<b>8.77</b>

**Prepared Statement – Planning Committee Meeting of Newry, Mourne & Down District Council on Wednesday 24<sup>th</sup> July 2019**

Planning Ref: LA07/2018/0073/F (Lands adjacent to Burren Hill north of No. 2 Carrickview and No. 6 and 8 Marie Villas, Burren).

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

We wish to address the Planning Committee in respect of the proposal and the following key points:-

- The application proposes a spacious residential development that will deliver new housing for Burren;
- The application is linked with a new playing pitch proposal (ref: LA07/2018/0094/F) for the Club that was approved by the Planning Committee last month;
- The delivery of the new playing pitch is not viable without the approval of the proposed residential development;
- Whilst the application site is situated outside the settlement limit of Burren, the proposal seeks to reallocate zoned Housing lands (ref: WB 23), and there will be no prejudice to the current or future Area Plans as the re-allocation of the zoned Housing lands is merely on a 'like-for-like' basis;
- There are no objections from any statutory consultees;
- The application is supported by the following: Sinead Ennis MLA; Sinead Bradley MLA; Burren Athletics Club; Burren Pastoral Council; Burren Lourdes Committee; St. Vincent DePaul; Burren Parish Finance Committee; Staff and Parents of Carrick Primary School; Young Farmers; and local residents.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1182/F

**Date Received:** 02.08.2017

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

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

## **1.0. SITE AREA AND CHARACTERISTICS**

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

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

## 2.0. SITE HISTORY:

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

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

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

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

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

### 3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

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

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

### 4.0. STATUTORY CONSULTATIONS:

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

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

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

## 5.0. OBJECTIONS & REPRESENTATIONS

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

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

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

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

## **6.0. PLANNING ASSESSMENT & CONSIDERATION**

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

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

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

## **7.0 Banbridge, Newry and Mourne Area Plan 2015.**

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

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



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

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

#### **9.0 Strategic Planning Policy Statement (SPPS).**

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

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

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

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

## **10.0 PPS 21 (CTY1)**

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

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

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

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

## **12.0 CTY15 - Setting of Settlements**

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

## **13.0. Planning Policy Statement 3 Access, Movement and Parking**

### **Policy AMP 3 Access to Protected Routes (Consequential Revision)**

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

## **14.0 OTHER MATERIAL CONSIDERATIONS.**

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

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

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

**15.0 RECOMMENDATION:**

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

#### 15.4. REFUSAL REASONS.

1. The proposal is contrary to current statutory area plan as the application site falls outside the designated settlement boundary of Newry City and areas zoned for retail and economic activity as designated in the Banbridge, Newry & Mourne Area Plan 2015.
2. The proposal is contrary to paragraphs 6.279 - 6.281 of the Strategic Planning Policy Statement in that the site lies within the open countryside and no special need has been demonstrated to justify relaxation of the strict planning controls exercised in the countryside.
3. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
4. The proposal is contrary to Policy IC15 of the Department's Planning Strategy for Rural Northern Ireland in that the proposal does not meet the requirements of this policy by virtue of location and site characteristics, and no clear indication of need has been demonstrated for the proposal at this location to justify a relaxation of the planning controls exercised in this area
5. The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 and CTY14 of Planning Policy Statement 21, and

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

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

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

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

**Case Officer:** .....

**Authorised Officer:** .....

**Date:** .....





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0930/F

**Date Application Received:** 20<sup>th</sup> June 2018

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

**2.0. LOCATION:** 41 Belfast Road, Newry, BT34 1QA

**3.0. SITE AND AREA CHARACTERISTICS:**

**3.1.** The site fronts onto Belfast Road and is currently used as a car wash facility, with a storage container and other related equipment present on site. It is linear and relatively flat, with the landform gently sloping from the Belfast Road to the west. There is an existing stone embankment to the rear of the site, with the land rising steeply beyond this point, with two residential blocks (known as Ashgrove Hall) sited rear of the sight in an elevated position overlooking the site. Existing surrounding development is primarily residential, with some public buildings; including No's 1-8 Millview Terrace to the south (with No.8 in commercial use) and Kingdom Hall religious building to the north of the site.

**3.2** In terms of the residential character along this stretch of Belfast Road, the properties to the south of the application site comprise higher density two storey terrace units (Millview Terrace,) with two and three storey apartments located to the rear and south-east of the site (Ashgrove Hall and Millview Court.) The development beyond these apartment units and further east along Ashgrove Road, comprises lower density detached dwellings. Existing development along the western side of Belfast Road is characterised by detached and semi-detached dwellings, although noted there is a recent and extant permission for the development of 16 units on the site of No.42 Belfast Road, comprising a mix of dwellings including apartments and townhouses.

**3.3.** The site is located within the settlement limits of Newry City, as designated in the Banbridge, Newry & Mourne Area plan 2015 (BNMAP) and not zoned for

any specific purpose. The A1 Belfast Road is also an identified Protected Route as set out in Annex A of Planning Policy Statement 3.

#### 4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:

NI Regional Development Strategy 2035 (RDS)

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI) (Policies DES2 & SP18)

#### Planning Policy Statements / Development Control Advice Notes

PPS 3- Access, Movement and Parking

PPS 7- Quality Residential Environments

PPS7 (Addendum) – Safeguarding the Character of Established Residential Areas

PPS 8 – Open Space, Sport and Outdoor Recreation

PPS12 - Housing in Settlements

PPS15 – Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 11 – Access for People with Disabilities

DCAN 15 – Vehicular Access Standards

#### Further Guidance

Creating Places, Living Places Urban Stewardship and Design Guide.

DOE Parking Standards, 2005

#### 5.0. RELEVANT SITE HISTORY:

**LA07/2018/0182/F:** Temporary planning permission for change of use from filling station and solid fuel sales under P/2013/0034/F to carwash and solid fuel sales including improvements to site drainage - **PERMISSION GRANTED 15/06/2018**

**P/2014/0271/A:** Hoarding and Totem - **PERMISSION REFUSED 05/12/2014** – Note: Enforcement investigation ongoing (P/2014/0177/CA) in respect of unauthorised hoarding and totem

**P/2013/0034/F:** Retention of filling station and solid fuel sales, relocation of car wash and provision of second fuel pump and electrical charging point - **PERMISSION GRANTED 20/08/2013**

**P/2010/1215/F:** Retrospective change of use of first floor flat and ground floor retail unit, with alterations, to form tanning studio /

fitness suite, with associated car parking facilities (7/8 Millview Terrace) - **PERMISSION GRANTED 05/08/2011**

**P/2008/0730/F:** Erection of 5 storey office development with associated site works including retaining structures, road works and park – **PERMISSION GRANTED 27/11/2008**

#### 5.1 RELEVANT SURROUNDING HISTORY:

**LA07/2017/0661/F** No. 42 Belfast Road, Newry - Demolition of existing dwelling and pool house and erection of residential development consisting of 16 No. dwellings: 4 No. apartments, 6 No. townhouses and 6 No. semi-detached with associated road access, landscaping and associated site works) – **PERMISSION GRANTED 05/03/2019**

#### 6.0. CONSULTATIONS:

**NI Water** (04/07/2018) – Conditions, informatives attached

**NI Housing Executive (NIHE)** (21/05/2019) - Any completed social housing units must be transferred to a Housing Association and designed to DfC design guide standards

**NMDDC Environmental Health** (30/11/2018) – Condition attached

**DAERA** (16/11/2018) - Water Management Unit and Regulation Unit Land and Groundwater Team – conditions and informatives attached

**DfI Rivers Agency** (25/02/2019) - Revised DA addressed FLD3 concerns, informatives attached

**DfI Roads** (08/03/2019) – Proposal is contrary to Policies AMP2, DCAN15, AMP3 and AMP7 (refusal reasons below)

#### 7.0. OBJECTIONS & REPRESENTATIONS:

**7.1.** 16 Neighbours were notified, and the application was advertised in July 2018 and re-advertised in November 2018 and February 2019 as the proposal and description have been amended. The statutory neighbour consultation date expired on 19<sup>th</sup> February 2019 and the statutory advertising date expired on 6<sup>th</sup> March 2019. Note this proposal was originally submitted for a total of 31 units and has subsequently been reduced to 26, on which the assessment is made.

**7.2.** 4 Objections have been received to date (10/06/2019) from two differing addresses (including No.40 Belfast Road, Newry and No.16 Millview Court,

Newry.) The objectors raise a number of concerns which are summarised as follows:

- Overdevelopment of the site;
- The design is out of character and would have an adverse visual impact on the area's character;
- Impact on amenity;
- Car parking provision is insufficient;
- Road safety concerns – this includes access / egress of the site (width of access / existing cars parked along Millview Terrace) and wider concerns around the impact on road safety including the impact on the existing residential access opposite this site.

7.3. The issues raised are considered as part of the planning assessment and consideration below

## 8.0. PLANNING ASSESSMENT & CONSIDERATION:

8.1. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Paragraph 3.3.

8.2. The proposal in principle, does not conflict with the current local development plan, BNMAP 2015 and is considered further against operational planning policy and guidance including; SPPS, PPS3, PPS7 (QD1), PPS7 Addendum, PPS8 (OS2,) PPS12 (PCP1, PCP2 PCP3, HS2, HS4), PPS15, PSRNI (SP18, DES 4), Creating Places, DCAN 8, DCAN 11, DCAN15 and DOE Parking Standards;

8.3. The SPPS sets out five core planning principles (Para 4.2) and the need to balance social, economic and environmental matters in decision-taking, to achieve sustainable development. Particularly relevant to this application are the SPPS aims of facilitating sustainable housing growth in response to changing housing need, through the promotion of good design and positive place making, whilst at the same time preserving and improving the built and natural environment. This proposal is considered contrary to the principles set out in the SPPS for reasons set out below:

## 8.4 PPS 12- Housing in Settlements

### 8.4.1 Planning Control Principle 1 (PCP1) – Increased Housing Density without Town Cramming

The proposal is for 26 apartments on a site which measures 0.15 hectares. This equates to a housing density of 173 dwelling units per hectare on an urban site within an Established Residential Area (ERA.) The proposed density, together with form, massing, scale and layout of this development are not considered to respect the existing character. These matters are considered in further detail under PPS7 below.

**8.4.2 Planning Control Principle 2 (PCP2) - Good design**

The design, layout and landscaping of the scheme is not considered to successfully respect the overall character, quality and sustainability of the area. These matters are considered in further detail under PPS7 below.

**8.4.3 Planning Control Principle 3 (PCP3) - Sustainable forms of development.**

While the site is within existing urban limits, the development would harm the character of the immediate residential area, therefore it is not considered a sustainable form of development. There is further consideration of these issues below under PPS7.

**8.4.4 HS2 – Social Housing**

The proposal seeks to provide 26 social housing units. This is supported by Northern Ireland Housing Executive and Ulster Housing Association, provided required standards are met. The proposal however remains unacceptable on further grounds, as set out below.

**8.4.5 HS4 – House Types and Size**

HS4 only permits the approval of planning permission for new residential development of 25 or more units where a mix of house types and sizes are provided. Whilst the development of 26 apartments (positioned in one large block) is considered unacceptable on this site, in terms of house types and size, 13 no.3P2B, 12 no.2P1B and 1 no.2P1B wheelchair units are proposed. The proposal does not merit a refusal reason on the basis of HS4 in this regard.

**8.5 SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1****8.5.1** Policy QD1 of PPS 7 states, amongst other things, that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.

It is considered that the proposal fails to comply with SPPS, Policy QD1 of PPS 7 and Policies SP18 and DES2 of PSRNI in that it does not create a quality and sustainable residential environment. It is also considered that this proposal would jeopardise the integrity of the streetscape aesthetically and would result in an unacceptable adverse impact on the local character and environmental quality of the ERA. In particular, the proposal is considered contrary to criteria A, F, G and H of Policy QD1 for reasons detailed below:

**8.5.2 PPS7 Policy QDI, A – Nature and Context of the Proposed Development.**

The existing character and appearance of this stretch of Belfast Road includes Kingdom Hall building and associated grounds to the northern side of the site and two storey terraced developments of Milltown Terrace and Milltown Court apartments to the south / south-east. The lands to the rear of the site also include two and three storey apartments which occupy elevated sites. The existing character to the far side of Belfast Road comprises lower density detached, and semi-detached dwellings located on larger sites, although noted

there is recent permission for residential development at No.42 Belfast Road, as outlined above.

- 8.5.3** The application site comprises a roadside plot which fronts and opens onto Belfast Road and is readily visible for a stretch of this road. Whilst it is acknowledged the character of this stretch of road varies in terms of house types, sizes, densities and there can be no objection to the principle of apartments on this site, the current proposal is considered unacceptable.
- 8.5.4** The proposed development includes the construction of a sizeable three storey apartment block and a basement level for car parking and service provision. It seeks to develop 26 units on a site of 0.15ha. This proposed density equates to 173 units per hectare and is much higher than surrounding development pattern. Existing development, to either side of the application site, is lower density and the proposal, if approved, would have a detrimental impact upon the character and amenity of surrounding development.
- 8.5.5** The previous application for office block on this site (P/2008/0730/F) and associated references are noted. This application was approved in 2008 by the former planning authority and as this proposal was considered against different policy provisions and has since expired, it is not comparable to the current proposal or material to this determination.
- 8.5.6** Externally, the proposed three storey apartment block occupies a large portion of the overall site area; measuring 47.8m in length x 19.6m width (to the maximum,) with a height of 10.25m from finished floor level to ridge level, in addition to under-build of 3m for the creation of a basement level. The incorporating basement level carparking requires the raising of existing ground levels, resulting in the ground floor level of the proposed apartments positioned some 2.75m above the existing ground floor level of adjacent Millview Terrace, which is not considered to be in keeping with the existing character of this area.
- 8.5.7** The proposed raised apartment building block would be set back approximately 3m from the closest point of the front elevation to the pedestrian footway along Belfast Road, with a retaining boundary wall with railings over running along the site frontage, which would dominate the existing streetscape and have a detrimental visual impact when viewed from and along Belfast Road.
- 8.5.8** As a result of the above, the overall development would not respect the surrounding context and would be inappropriate to the character and topography of the site in terms of layout, scale, proportions, massing, design / appearance of buildings, and overall form including structures and landscaped and hard surfaced areas. The proposal would be dominant, overbearing and out of keeping with the streetscape, when considered in the context of existing and established residential dwellings found within the area. The proposed scale and massing of this development would accentuate the existing inappropriate three storey dwelling block east of the site and further erode the character of the ERA. The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (a), PPS 12 (PCP1-3 and DCAN8 in this regard).

### **8.5.9 PPS7 Policy QDI, C – Provision of Open Space & PPS8 Policy OS2 Public Open Space in New Residential Development**

Under Policy OS2, proposals for 25 or more units will only be permitted where public open space is provided as part of the development. An exception applies in the case of apartment developments where a reasonable level of private communal open space is provided. On a small urban infill site such as this, 'Creating Places' requires private communal open space in the form of landscaped areas, courtyards, or roof gardens ranging from 10sqm – 30sqm per unit, with the appropriate level determined by having regard to the particular context of development and overall design concept.

**8.5.10** This development of 26 units includes 13 no. 2 bedroom and 13 no. 1 bedroom apartments. The site is also located approximately 1.5 miles from the city centre. The layout provided indicates the proposed block occupies a large portion of the site and will extend to the adjacent rock face to the rear. The Site Layout Plan includes references to areas of amenity space; however it is considered the strip to the front of the building overlooking the street and the steep embankment / rockface to the rear are not considered usable or appropriate. As such, it is considered only small pockets to the rear and roof terrace are the only areas that can be considered towards providing communal areas of amenity space. While it is considered that communal open space provision is on the lower end of the recommended standards, on balance it is considered sufficient provision has been made for amenity space to serve the proposed units.

### **8.5.11 PPS7 Policy QDI, E – Movement Pattern.**

The proposed layout includes a 2m wide footway along the site frontage leading to the basement level entrance of the proposed building. A crossing point is identified across the 5.5m wide access road leading to a further footway along the frontage of Millview Terrace, including from the side entrance to No.8 Millview Terrace. DfI Roads had raised earlier concerns regarding pedestrian movement patterns in and around the site. These matters are considered in further detail below against the PPS3 assessment.

**8.5.12** Regard has been given to the design and layout of the building to facilitate those whose mobility is impaired, with one wheelchair user unit included as part of the overall scheme, positioned at ground floor level. An internal lift is proposed to allow ease of access to open space etc. It is recognised that the amended layout as proposed in Drawing 09REV2 addresses initial concerns in terms of bin location, which relied on the accessible parking bays for access. Proposed bicycle parking remains positioned rear of the accessible parking spaces however, this is considered acceptable given their nature and use.

### **8.5.13 PPS7 Policy QD1, F – Parking and PPS3 Policy AMP7, DOE Parking Standards**

DOE Parking Standards dictates that 36 (35.75) communal parking spaces are required to serve this development. The proposed parking of 19 spaces (including 4 wheelchair accessible) is significantly below the required figure, and seeks a reduction of 17 spaces. Furthermore, of the 19 spaces provided, 9 of these are below minimum width requirements: This includes spaces 1,4,5,6 which should be 2.4m wide and the wheelchair accessible spaces 7-10 which

when using a paired layout as proposed, should have a minimum width of 10.9m. There is provision under Policy AMP7 to consider a reduced parking capacity. A Transport Assessment has been provided (based on the original proposal for 31 units) and the site is located on a public transport route. Whilst this is recognised, given the significant reduction in parking that is sought, together with the substandard proposed spaces, it is not considered that there is enough justifiable merit in a significant reduction of 17 spaces, which is well below the minimum requirements of one space per unit.

**8.5.14** Policy AMP7 also requires appropriate servicing arrangements to prevent new development from prejudicing road safety or significantly inconvenience traffic flows. The Site Layout presents issues in terms of servicing the site. DfI Roads advise that the scheme is contrary to Policy AMP7 as adequate provision cannot be made clear of the highway for the parking, turning and loading / unloading of vehicles which would be attracted to the site. The proposed parking provision and servicing provision is inadequate and inappropriate and fails to meet the requirements of the SPPS, PPS7, QD1 (f), PPS3 AMP7 DOE Parking Standards, DCAN8 and DCAN11.

**8.5.15 PPS7 Policy QD1, G – Proposed Design compared to local Form, Materials and Detailing.**

The ERA along Belfast Road is characterised primarily by low rise development one to two storeys, with a couple of identified exceptions at three storeys behind. It is considered the proposed development will appear overbearing and dominant when viewed from the Belfast Road. The dominant trend in the immediate area is for dual finish of painted render / red brick external finishes. The proposal incorporates a singular red brick finish, which is not considered appropriate for the scale of block proposed and would detract from the traditional red brick finish of Millview Terrace in particular.

**8.5.16** The design would appear to draw on the form and detailing of the development at Ashgrove Hall, which is not particularly sympathetic to the prevalent urban form or character of the ERA. The proposed building is of a much greater scale and higher density with a design which is not reflective of the prevalent built form, detailing and materials displayed within the immediate area. The overall finish would exacerbate development which is not in keeping with the character of the ERA or prevalent form. The proposal fails to meet the requirements of the SPPS and PPS7, QD1 (g) and DCAN8.

**8.5.17 PPS7 Policy QD1, H - Conflict with adjacent Land uses.**

As previously stated, the proposed block occupies a large portion of the site. The rear boundary is irregular in shape whereby separation distances vary between the proposed block and this boundary. Having acknowledged the information submitted including cross sections, it is considered the development will not result in any unacceptable degree of overlooking or loss of amenity on any existing development to the rear due to the levels, existing boundary treatments and separation distances between the blocks / developments. As such, it is considered that the proposed development would not result in any significant loss of amenity to existing properties.



**8.5.18** The residential amenity of future occupants of the proposed property must also be considered. The separation distance of the proposed block is minimal to the retaining rear embankment (1.8m minimum.) This arrangement would be considered to result in significant loss of light to potential occupiers, in particular to those units located in the rear area of the block, given the lower levels and minimal separation distance to the embankment, with no outlook, which would also be further exacerbated by the planting of mature landscaping as proposed.

**8.5.19** In addition, the proposed development would be directly overlooked by Ashgrove Hall, which is positioned at a much higher level, with the ridge level of No's 1-6 Ashgrove Hall positioned some 7m higher than the ridge level of the proposed building. This relationship is considered unacceptable and would result in a degree of unacceptable adverse impact on the amenity of the residents of the proposed development by way of overlooking (from Ashgrove Hall) and loss of privacy, the proposed layout does not represent a quality residential environment and for these reasons, fails to meet the SPPS, PPS7 QD1 (h) and DCAN8.

**8.6 PSRNI – Policies SP18 and DES2**

Whilst there is no objection in principle to a residential land use on this site, the proposal is not considered to relate satisfactorily to the existing townscape setting and it is the totality of the scheme in terms of design, layout, scale, form, adverse impact on residential amenity and impact on the local character and that deems the proposal to be unacceptable. For these reasons, the proposal fails to comply with policies SP18 and DES2 of PSRNI.

**8.7 Planning Policy Statement 3 – Access, Movement and Parking Policies AMP2, AMP3 and AMP7 and DCAN11, DCAN 15 – Vehicular Access Standards.**

There are two existing access points to this site directly off Belfast Road, which is a Protected Route. The proposed development seeks to utilise an existing access point off Belfast Road to serve as the primary access / egress point to the site. This access currently serves the rear of buildings Millview Terrace and is not used in connection with the proposal site. Policy AMP2 dictates the requirements for access to public roads. The proposed drawings seek to achieve the required 2.4 x 90m visibility splays as set out by DCAN15. In reality however, the proposal cannot achieve the required 10m radii or visibility splays at this access point and in addition the area required for such purposes to the south would appear to be out-with the applicant's control and is frequently obscured by parked cars relating to Millview Terrace.

**8.7.1** The site is currently in use as a car wash. Figures provided in the Transport Assessment indicate 4 car journeys per unit per day to the site – 104 car journeys plus taxis, HGVs / services vehicles. The agent has made an attempt to address matters raised by Roads Service in January 2019 via a written response from Lisbane Consultants dated 28<sup>th</sup> January 2019. These comments have been considered however given the above matters remain to be overcome and given Roads Service further comments dated 8<sup>th</sup> March 2019, the scheme is considered to result in an intensification of use of the site from its present form (since the proposed access does not currently serve this site) in terms of

vehicle movements and as such fail against the merits of the SPPS, PPS3 policies AMP2 and AMP3 in addition to DCAN15.

- 8.7.2 Policy AMP7 has been discussed above under PPS7 QD1(F). Given the insufficient parking availability to serve the proposal, there is risk that cars will park along the site frontage and for reasons outlined, the proposal fails to meet the requirements of SPPS, PPS3 Policy AMP7 and DOE Parking Standards.

**8.8 Planning Policy Statement 15– Planning and Flood Risk Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains.**

The proposed development seeks to connect to mains water supply and mains sewage infrastructure. NIW advise that separate consents including an Article 161 Agreement are required with capacity available to serve the proposal. In the event of an approval, these matters would require a negative condition. DAERA Water Management Unit also would require the provision of a detailed Construction Method Statement should be submitted to Water Management Unit at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment, in addition to the standard conditions surrounding multiple dwellings.

- 8.8.1 The revised Drainage Assessment includes the required Schedule 6 agreement from Rivers Agency. Rivers Agency are content the requirements of FLD3 are met through the revised information. In the event of an approval, standard informatives would be required.

**8.9 Land Contamination**

The history of the site as a former petrol filling station with underground tank lends it open to issues of land contamination. Both DAERA Regulation Unit Land and Groundwater Team and the Council's Environmental Health Department have considered the contents of the Closure Report for Rockfoot Service Station and are content with the proposal in this regard, subject to attached negative conditions being met in respect of any potential new contamination risks encountered during development works.

**9.0 CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

- 9.1 The material issues when considered in full against prevailing planning policy have been addressed as follows:

- Overdevelopment – Following a full assessment of the proposal the planning department consider the density of the proposal to be unacceptable on this site;
- Design - The proposed design is unsympathetic to the Established Residential Area (ERA) and would create an adverse visual impact on the area's character;
- Residential Amenity – The proposal would result in an unacceptable level of residential amenity to the future occupants of the proposed residential

development by way of loss of natural light, dominance and privacy issues;

- Carparking – The proposed level of car parking (including standards) is insufficient in this site-specific context and to support this proposal;
- Road Safety – The proposal would prejudice the safety and convenience of road users as the radius / visibility of the existing access renders it unacceptable for intensification of use, adequate provision cannot be made clear of the highway for the parking, turning and unloading / loading of vehicles which would be attracted to this site and the proposal would result in the intensification of use of an existing substandard access onto a Protected Route thereby prejudicing the free flow this includes access / egress of the site (width of access / existing cars parked along Millview Terrace) and wider concerns around the impact on road safety including the impact on the existing access at 40 Belfast Road opposite this site.

## 10.0 RECOMMENDATION: Refusal

Whilst the principle of residential development (including social housing) on this site is supported, this application is recommended for Refusal for the following reasons:

### 10.1 REASONS FOR REFUSAL

1. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria A of Planning Policy Statement 7 (PPS7): Quality Residential Environments and DCAN8 as the development does not respect the surrounding context and is not appropriate to the character of the site in terms of layout, scale, massing, proportions and appearance of buildings and landscaped and hard surfaced areas;
2. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria F of Planning Policy Statement 7 (PPS7): Quality Residential Environments, DCAN8 and DCAN11 as adequate and appropriate provision has not been made for parking;
3. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy QD1 Criteria G of Planning Policy Statement 7 (PPS7): Quality Residential Environments and DCAN8 as the design of the development does not draw upon the best local traditions of form, materials and detailing;
4. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 Criteria H of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and DCAN8 in that the proposed building will be directly overlooked by existing development at Ashgrove Hall and the occupants of the proposed building will be subjected to a poor outlook by way of loss of privacy and would result in an unacceptable degree of adverse amenity to future occupants;

5. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 Criteria H of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and DCAN8 in that the proposed siting would result in significant loss of light to occupants of the proposed building and would result in an unacceptable degree of adverse amenity to future occupants;
6. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 1 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing density represents overdevelopment of this site and would result in town cramming;
7. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 2 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing development does not demonstrate a high quality of design, layout and landscaping;
8. The proposal is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Control Principle 3 of Planning Policy Statement 12 (PPS12): Housing in Settlements as the proposed housing development is not considered a sustainable form of development;
9. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies SP18 and DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the character of the surrounding area by reason of its adverse effect on the amenity of neighbouring developments, scale, layout, design and materials which are out of character of the area as well as its relationship to adjoining buildings and views;
10. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy AMP2, of Planning Policy Statement 3: Access, Movement and Parking and Development Control Advice Note 15 (DCAN15), in that it would, if permitted, prejudice the safety and convenience of road users since the radius/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.
11. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) and Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

12. The proposal is contrary to Paragraph 6.297 of the Strategic Planning Policy Statement for Northern Ireland (SPPS,) Policy AMP7, of Planning Policy Statement 3: Access, Movement and Parking and Development Control Advice Note 11 (DCAN11) Access for People with Disabilities, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.

**Case Officer**

**Authorised Officer**

**SITE PHOTOGRAPHS**  
(Taken April 2019)



Views of the site along Belfast Road



Views on and around the site, Ashgrove Hall behind



Millview terrace to the south of the site



Description of the application -

Proposed New-build residential development of 1 No. apartment building consisting of 13 No. 3P2B apartments, 12 No. 2P1B apartments and 1 No. 2P1B wheelchair apartment (26 dwellings total) with 19 No. basement parking spaces including disabled parking plus bicycle parking (Amended Proposal)

**THE PROPOSED SOCIAL HOUSING SCHEME HAS THE FULL SUPPORT OF NIHE AND SOUTH ULSTER HOUSING ASSOCIATION WITH FUNDING IN PLACE TO START IMMEDIATELY UPON RECEIPT OF PLANNING PERMISSION.**

Valid and credible planning reasons why this application should be Approved:

At the Newry social housing conference on Tuesday 25th February 2019 the social housing crisis was highlighted by the fact that 2000 housing units are required within Newry city.

This high quality residential development occupies white zoned lands and is intended to make a significant contribution towards alleviating the severe social housing shortage in Newry. It has been designed as per current Planning Policy, NIHE Guidelines as well as Living Places and Creating Places and will make a significant contribution to housing stock in the City.

1. QUALITY **PPS7 – Quality Residential Environments**

**Policy QD1;** Proposal carefully designed to comply with all 13 sections of **Policy QD1**.

As a developing City it is strategically important for Newry that gateway sites are developed as is the case in nearby Lisburn. In its current form the site resembles an open quarry with a sheer and unsightly rock face to its rear. This does not currently create a visually appealing impact when arriving into Newry City along its principal arterial route from Belfast City. In contrast the proposed scheme will infill the site, align the streetscape, eliminate an eyesore site and also eradicate the existing non desirable uses of fuel sale and car wash.

**Policy LC1;** In accordance with **LC1** a 'Design led' approach has been taken during the design stage of this scheme to ensure the building is appropriate to this location. It will add significantly to the visual quality of the local built environment. It is also important to note the contribution that will be made by this building to the infilling and strengthening of the streetscape at this prominent location.

2. PARKING South Ulster Housing have requested that 19 car spaces are sufficient based on their experience since 1978. In similar schemes operated by South Ulster Housing Association, South Ulster encourage tenants to use public transport and chose this site partly because of its excellent location along a well serviced Bus Route.

Newry, Mourne and Down Local Development Plan 2030 Preferred Options Paper Infrastructure: "2.31 With nearly one in five households in the district not owning a private vehicle, the availability of public transport is a key consideration particularly for those who are elderly, or economically or socially disadvantaged."

South Ulster Housing Association previously received planning approval for 15 houses and apartments on Canal Street P/201010187/F approved with 7 carparking spaces. (Ratio = 0.47 spaces per unit)

It is our assessment that a reduced standard of parking of 19 spaces (Ratio = 0.73 spaces per unit) is consistent with the average parking uptake in similar schemes operated by Housing Associations elsewhere in similarly regional towns and cities and would be more than sufficient in this case.

3. DESIGN **DCAN 8;** Sustainable, design led approach to design, fully complies with **DCAN 8 – Housing in Existing Urban Areas**. The scheme is located along the Belfast Road, which rises gently from south to north. The scheme is designed to sensitively integrate the scheme into its surroundings and provide undercroft parking hidden from view. This avoids having a large area of exposed hard surface car parking in this residential area. The scheme is entered from ground level at both sides. The elevation adjacent to Millview Terrace has been reduced in height to respond to this existing context. The scheme is within the limits of Newry City. It is of a similar overall density to other urban infill schemes in City locations.

4. OVERLOOKING Due to the c.7m (23ft) change in level between the proposed site and higher existing dwellings at Ashgrove Hall to the rear, the proposal will have minimal visual impact on existing dwellings. Site Context drawing SK14 was prepared and submitted to illustrate how the proposed scheme will sit comfortably within its immediate built environment. It is located at the base of a rising slope and therefore doesn't impact on existing views or affect existing residential amenity as per **Policy LC1**

5. LIGHT / VIEWS Living spaces within apartments to the rear of the site have all been designed to face south and north, to avoid any loss of light and increase the quality of the space.

6. DENSITY Our scheme has been reduced in scale twice at the request of the planners and is c. 50% lower than the DPP office block approved for the site. Our scheme will blend harmoniously into the site, will be professionally landscaped and will represent a visually attractive addition to the traditional architectural style of the area. It is key for us to measure our scheme against that which was previously approved by the planners in 2008; i.e. 5 storey office block for the DPP with undercroft less car parking and 13 objections. In addition and separately another scheme was approved at 7 & 8 Millview Terrace for demolition of the end terrace houses and erection of a 3 storey block with retail on ground and 2 floors of apartments above. This scheme was higher than that which we are proposing.

7. RESIDENTIAL AMENITY PPS8 – Open Space, Sport and Outdoor Recreation

**Policy OS 2** states that Open Space of at least **10%** is required for residential schemes of 25 units or more – this scheme provides Open Space of c.**30%**. This is a 200% over provision of open space.

8. SUSTAINABILITY The proposed scheme has the full support of NIHE and has been designed to meet a specific and actual need. The scheme has been designed in full compliance with Lifetime Homes Standards to ensure sustainability of use for people of varied ages and abilities. There are 2,000 people on an urgent waiting list for social housing in the Newry City area. There is an urgent need for residential units of this type.

9. LOCAL CHARACTER The proposed elevational treatment of the building has been amended in order to ensure the building sits comfortably within its setting. Design cues have been referenced from the immediate local environment which has resulted in a traditional hipped roof proposal with dormer windows. A simple palette of high quality materials has been selected for this building. This will result in the creation of a building which is attractive and has a durable, high quality finish.

The building has been amended significantly from the initial proposal, at the request of the Planning Authority:- It has been changed from a modern 4 storey building, to a traditional 3 ½ storey building and is now a traditional 2 ½ storey building (with the loss of 5 units). Its appearance makes reference to neighbouring residential buildings at the request of the Planning Authority, so that it is in keeping with the surrounding area. Our scheme represents a continuation of the terrace both in terms of style and indeed due to the fact that we have introduced 6 front doors on the building so as to reflect the adjoining townhouse terrace.

10. ROADS NO INTENSIFICATION OF USE - In accordance with **Policy AMP3** the scheme is intended to provide development of the site “without compromising standards of road safety or resulting in an unacceptable proliferation of access points.” This proposal rationalises the existing site access from 3 separate accesses into 1 combined access point with an associated significant reduction in potential conflicts.

Excellent Visibility Splays of 2.4m x 90m are provided at either side of the access point, on the ideal outer side of the road bend, in accordance with **Policy DCAN15 Paragraph 2.1 & Fig.1.**

**Policy DCAN15 Paragraph 9.2** states that “within development limits, lowering of kerbs will normally be acceptable where there is a frontage footway”. As the scheme consists of 26 residential units with an estimated 39 vehicular movements per day, the proposed junction design solution is in accordance with **Policy DCAN15.**

11. ACCESS JUNCTION NO INTENSIFICATION OF USE

**AMP2** - A major reduction in traffic movements, means that this scheme “will not unduly interfere with the movement of traffic”, in accordance with **Policy AMP2 Section 5.12.**

Traffic movements generated by **existing** car wash use = 1,000/500 trips per day

Traffic movements generated by **proposed** site use = 39 trips per day

12. LOADING / UNLOADING Minimal flow impact on Belfast Road. Cars attracted to the site will enter the car park. The vehicles within the car park have adequate room to reverse out of the spaces manoeuvre and leave in forward gear. The scheme has been designed in full compliance with Lifetime Homes Standards to ensure safety and ease of use for people of varied ages and abilities.

The site will be serviced from the Belfast Road in the same manner as the other adjacent apartments are. The bin lorry will stop on the Belfast Road, empty the bins and continue its route. The bin store to the front of the site means that the bins are easily collected, emptied and returned without interfering with the public footway.

**THIS VITALLY IMPORTANT AND MUCH NEEDED SOCIAL HOUSING SCHEME HAS THE FULL SUPPORT OF NIHE AND IS IN LINE WITH ALL STATUTORY POLICIES AND THEREFORE SHOULD BE GRANTED FULL PLANNING CONSENT.**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0237/F

**Date Received:** 11/02/2019

**Proposal:** Replacement dwelling

**Location:** 18 Old Road, Mayobridge

**Site Characteristics & Area Characteristics:**

This application seeks to replace an existing semi-detached bungalow located c. 175m north of Old Road, accessed by an existing laneway. The site contains an existing outbuilding to the east of the dwelling to be replaced. To the north, east and west the site is adjoined by agricultural fields. There is an existing wire fence to the north, east and south of dwelling separating part of the site from the wider agricultural field. The application site is located outside any defined settlement limits.



*Application Site*

**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

**Site History:**

LA07/2017/1910/O- Replacement dwelling at 18 Old Road, Mayobridge. Permission granted 6<sup>th</sup> July 2018 subject to the following conditions:

- *The proposed dwelling shall be as indicated in YELLOW on the approved plan 01 REV1 date stamped 14 May 2018*

*Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.*

- *The curtilage of the proposed dwelling shall be as indicated in RED on the approved plan 01 Rev, date stamped received 14 May 2018.*

*Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.*

- *The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level.*

*Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement.*

The application was accompanied by indicative site layout plans showing the preferred siting of the dwelling to be within the agricultural field to the east of the site, the location proposed under this application. The case officer considered this siting and stated:

*"The agent had indicated the intention of the applicant to site the replacement dwelling approx. 19 metres east of the original dwelling in the agricultural field as this siting was considered to provide a rear backdrop, it represented a lower ground level and to replace the dwelling in the existing curtilage was considered to result in a cramped rear and front amenity space. The agent has also indicated that the replacement dwelling would be for a wheelchair bound occupant meaning that circulation spaces and room sizes needed to be increased and a supporting letter from a GP was to be submitted in due course, however no such letter has been received by the Planning Department.*

*On assessment of the application site and surrounds, a siting condition will be applied restricting the replacement dwelling to be within the western area of the site, close to the dwelling to be replaced and a condition for an extended curtilage to the east would ensure a modest size dwelling to meet all building regulation standards could be constructed and with sufficient amenity space. These conditions are considered appropriate to ensure the proposal complies with the policy criteria of CTY3. This condition will be attached to any future approval. A new dwelling in the position as indicated on the agents Indicative Site Plan is not considered to offer any landscape, heritage, access or amenity benefits."*

**Consultations:**

- **NI Water**- Generic informative provided.
- **DFI Roads**- No objections, informatives provided.
- **DFI Rivers**- No objections, informatives provided.

**Objections & Representations**

Two neighbours were notified on 01/03/2019 and an additional on 05/03/2019. The application was advertised within in three local papers with a statutory expiry date of 13/03/2019. No objections or representations have been received.

**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS 21 sets out a range of types of development which in principal are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The current application if a full application in substitution for the previous outline approved. Following a site inspection and internal Group discussions correspondence was sent to the Agent on 11<sup>th</sup> April 2019 stating:

- *"Para 6.73 of the SPPS and Policy CTY3 of PPS 21 state that replacement dwellings must not have a visual impact significantly greater than the existing building and the overall size of the new dwelling should allow it to integrate into the surrounding landscape. There are concerns that the current proposal will have a significantly greater visual impact than the existing building particularly given open views of the site travelling along Old Road and Ballydoo Road.*
- *LA07/2017/1910/O was approved on 6th July 2018. The indicative site layout provided was not considered to offer any landscape, heritage, access or amenity benefits and a siting and curtilage restriction was imposed on this decision. Planning policy nor site circumstances have changed since this decision in July 2018 and we would seek that amended plans are submitted siting the proposed dwelling in the area identified under LA07/2017/1910/O. The footprint of the proposed dwelling is extensive and whilst it is acknowledged the dwelling is single storey, it is requested that this is significantly reduced to ensure the proposal integrates into the surrounding landscape."*

A meeting was requested which was accommodated on 16<sup>th</sup> May 2019. The correspondence sent and the proposal was discussed, following the meeting additional information was received on 24<sup>th</sup> May 2019 for consideration. No amendments to the scheme have been made and the points raised are summarised below:

- The proposal has a modest floor area of 2,718sqft.

- The relatively low ridge height of 5.5m and its proposed low-lying location relative to the existing dwelling would ensure that the proposed dwelling would not have a significantly greater impact than the existing.
- The proposed dwelling has been designed in accordance with the ridge height restriction of the outlined planning permission
- In terms of views from the wider road network, the site itself is not visually apparent, as it is over 270 meters from the Ballydoo Road
- The proposed siting is at a lower level relative to the existing curtilage and therefore the proposed dwelling would not be apparent and would have less of a visual impact than the existing.
- In our opinion the main block of the house has a lesser visual impact than what we are replacing with the impact from the carport and garage being negatable.
- In our opinion the proposed dwelling will not have a greater visual impact when view from either the Old Road or the Ballydoo Road and the impact may even be considered to have been reduced.
- Dwelling design, form and finishes all in keeping with the Rural Design Guide for Northern Ireland and the Building on Tradition Documents
- Detailed design Site Plan showing the front, rear and side amenity space which is in keeping with the surrounding rural building pattern and will allow our wheelchair bound client to enter, manoeuvre and exit the site with his vehicle whilst remaining in a forward gear.
- It is considered that the personal and domestic circumstances of the applicant should be taken into account during the determination of this application. As detailed in the supporting statement submitted with planning application, the proposed dwelling has been designed to address the applicant's needs; these circumstances would also allow this proposal to be set apart from other similar schemes which would avoid an undesirable precedent for similar approvals.
- It would not be considered viable to 'significantly reduce' the building's footprint while adhering to the ridge height restriction and providing a suitable roof pitch while also providing a modern family home, never mind the additional requirements of the applicant.
- the proposed siting is based on the need to provide the applicant with suitable accommodation based on his personal and domestic circumstances and as demonstrated above, this location would not result in a visual impact any greater than the existing. Therefore, there are clearly demonstrable landscape, integration and amenity benefits to the proposed siting and dwelling design.
- it is not 'practicable' to locate the proposed replacement dwelling within the existing curtilage as it would:
  - block the second replacement opportunity
  - limit the curtilage of the site resulting in the front and rear amenity space being so cramped and inadequate that the wheelchair bound applicant would not be able to enter, manoeuvre and exit the site with his vehicle whilst remaining in a forward gear.
  - The removal of the carport and garage was considered briefly however they are needed to allow our wheelchair bound client to get in and out of vehicles in inclement weather.
- The proposed siting has demonstrable benefits inline with the SPPS and CTY3:
  - The FFL of the proposed dwelling in the adjacent location is lower than it would be if replaced within the curtilage of the site.

- The additional level information and site sections clearly show that the adjacent location will allow the building to better integrate into the landscape due to the topography of the site.
- Additional proposed landscaping is proposed.
- it is appropriate to consider the fields to the east and west of these properties to be associated with the dwellings and part of their curtilage.
- Correspondence from applicant's GP and Occupational Therapist has been provided.

The information provided will be considered in the assessment below.

### 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.

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)***  
The principle of a replacement dwelling on the site has been established under the extant approval. The dwelling to be replaced exhibits the essential characteristics of a dwelling.
- ***Proposed dwelling must 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 proposed dwelling is proposed to be sited c.23m to the east of the dwelling to be replaced within the larger adjacent agricultural field and outside the existing established curtilage. The Agents contends that is it not practicable to locate the proposed replacement dwelling within the existing curtilage as it would block the second replacement opportunity and limit the curtilage of the site resulting in the front and rear amenity space being so cramped and inadequate that the wheelchair bound applicant would not be able to enter, manoeuvre and exit the site with his vehicle whilst remaining in a forward gear.

No application for a second replacement opportunity has been submitted therefore any future development opportunities cannot be assessed under this application. The curtilage restriction imposed under LA07/2017/1910/O allowed for a site measuring approximately 42m x 34m, it is considered a modest sized dwelling could be accommodated on this site.

The Agent contents that the proposed site is a lower level than the existing dwelling and that there will be no greater visual impact and therefore this clearly demonstrates landscape, integration and amenity benefits to the proposed sitting. The site layout plan shows the dwelling to be replaced and the proposed dwelling to both have a FFL of 100 including the area surrounding the proposed dwelling. In my opinion it has not been

shown that the proposal represents demonstrable landscape, heritage, access or amenity benefits as required by policy.

- ***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 existing dwelling is a semi-detached bungalow with an existing outbuilding located to the east. The layout of the proposed dwelling creates an extensive footprint sprawling into the field to the east. Whilst the ridge height of the dwelling is 5.5m from FFL, the siting and layout of the dwelling is such that it will result in a new dwelling which will have a significantly greater visual impact than the existing dwelling. The drop in levels from FFL 100 to c.98 along the eastern boundary will not assist the integration of the new dwelling in the landscape.

- ***The design of the replacement dwelling should be of a high quality appropriate to its rural setting.***

The single storey design is generally appropriate for the rural area.

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

All necessary services can 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 have been consulted on the application and are content subject to conditions.

The proposal is considered to be contrary to the criterion of Policy CTY3.

#### ***Policy CTY6***

Whilst the personal circumstances information submitted has been noted, this application seeks permission for a replacement dwelling and therefore the key policy consideration in this case must be Policy CTY3. As previously outlined the proposal is contrary to Policy CTY3 for the reasons stated above.

#### ***Policy CTY13***

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. The proposed dwelling would rely on new landscaping to create a northern boundary and would require the existing sparse hedges along the east and south to be significantly strengthened. It is considered that given the layout of the proposal and levels of the eastern boundary the proposal would appear as a prominent feature in the landscape on approach from the east along Old Road and on views from Ballydoo Road. The site is unable to provide a significant degree of enclosure and the site would rely primarily on new landscaping for integration.



**Policy CTY14**

Policy CTY14 relates to rural character and states planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

As previously stated, the proposal will have a significantly greater visual impact than the existing dwelling and will be unduly prominent in the landscape contrary to criterion a of Policy CTY14.

**Planning Policy Statement 2- Access, Movement and Parking**

DFI Roads have been consulted on the proposal and have no objections subject to conditions. The proposal is considered to be in accordance with Policy AMP2.

**Recommendation:** Refusal

**Reasons of Refusal:**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits
  - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building
3. 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
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape
  - the proposed building 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 Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

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



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

**Application Reference:** LA07/2019/0149/F

**Date Received:** 23<sup>rd</sup> January 2019

**Proposal:** Proposed dwelling

**Location:** Adjacent to 11 Saul Road Downpatrick

**Site Characteristics & Area Characteristics:**



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

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

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

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

### **Site History:**

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

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

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

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

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

The application was advertised in the local press on 13.02.2019

### **Consultations:**

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

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

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

### **Objections & Representations**

#### **Objections**

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

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

### Consideration and Assessment:

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

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



Proposed Front Elevation



Proposed Side Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan

### Principle of development

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

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

### PP3

#### Roads Interest

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

### PPS 7

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

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

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

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

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

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



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



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

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

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

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



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

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

As the site is located within an established residential area Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is applicable which states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or in the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS 7, and all the additional criteria set out below are met:

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

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

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

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

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

The proposal complies satisfactorily with the above criteria.

### Conclusion

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

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

**Recommendation:** Refusal

**Reasons:**

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

Signed .....

Date .....

Signed .....

Date .....

## Speaking Rights / Written Submission

LA07/2019/0149/F

The reason for refusal states that the proposal would create a detrimental overbearing impact on No15 Rathcuan Heights by reason of Dominance and has the potential to overlook No11 Rathcuan Heights thereby resulting in loss of privacy.

The case officers report states that the proposed 2M high fence...*"will add to the dominance and over bearing nature of the proposal"* and that it is "considered contrived means of reducing overlooking...".

Firstly a 2M high fence may be erected by right on a side or rear boundary without benefit of planning permission under The Planning (General Permitted Development) Order (Northern Ireland) 2015 **Part 3 Class A Permitted Development**.

Secondly 2M high rear / side boundary fencing is not out of character for the area as such fence height exists on the rear fence of Nos 17 & 19 Rathcuan Heights boundary with the proposed site.

**Reason for Refusal No2** states that the proposal...*"is contrary to criteria H of Policy QD1 of PPS7 in that it would if permitted create conflict with...No11 Rathcuan Heights due to the potential of overlooking and loss of privacy and No15 Rathcuan Heights gives its proximity for overlooking and consequential overbearing / dominant nature."*

PPS7 Policy CTY QD1 criteria h does not make use of the words "potential" or "overbearing / dominant nature". Rather it states...*"The design and layout...and there is no unacceptable adverse effect...in terms of **overlooking, loss of light, overshadowing, noise or other disturbance;**" Use of the word "potential" infers a degree of speculation while the use of the term "overbearing / dominant nature" is emotive and not qualified as to which of the listed 5 unacceptable impacts the proposal will indeed have on No15 Rathcuan Heights.*

While it would be reasonable to expect NMDDC Planning to interpret the design drawings including levels etc provided in order to appreciate that overlooking, loss of light, overshadowing, noise or other disturbance would not occur we have employed a specialist 3D modelling out sourced company to prepare a model of the proposed dwelling and existing dwellings at Nos 11 & 15 Rathcuan Heights. The accompanying Layout Plan illustrates the positions from where each model photograph was taken.

It is clear that the proposal will not have an unacceptable adverse effect in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposed 1.6M high balcony side wall as illustrated on the design plans has not been included in the model as we wished to illustrate that any view towards Nos 11 & 15 from the balcony would be adequately screened by the proposed 2M height fence.

**Reason for Refusal No3** states that the proposal...“is contrary to Criteria B of Policy LC1 of the addendum to PPS7 in that it...*does not respect the character and environmental quality of the established residential area by reason of overdevelopment, dominance, potential for overlooking and consequential loss of privacy.*”

This reason does not attribute the specific existing residential units affected. We presume it again refers to Nos 11 & 15 Rathcuan Heights. Is that the case??

Careful analysis of the attached Layout “A” & Layout “B” paying particular attention to the existing separation distances between No15 Rathcuan Heights (Gable) and No17 Rathcuan Heights (Rear) @ 13.8M and between No11 Rathcuan Heights (gable) & No15 Rathcuan Heights (gable) @ 4M illustrates the existing character / relationship between buildings in the immediate vicinity of the proposed dwelling.

The distances between Nos 11 & 15 Rathcuan Heights (rear) and the Proposed Dwelling (side) range from 16.6M to 22M. This is considerably better than the existing relationship described above and clearly *respects the character and environmental quality of the established residential area*. Note that the closest visible part of the proposed dwelling is aligned with the gap between Nos 11 & 15 Rathcuan Heights and as such is not positioned directly behind either dwelling.

The distance between the Proposed Dwelling (side) and No 11 Saul Road (side - the applicants mother’s dwelling) is 4M. Again reflective of and *respects the character and environmental quality of the established residential area*.

The latter issues of *dominance, potential for overlooking and consequential loss of privacy* are adequately dealt with under rebuttal of Reason for Refusal No2.

View 1;- from proposed front balcony looking directly toward rear of No11 Rathcuan Heights.

View 2;- from proposed front balcony looking directly toward rear of Nos 11 & 15 Rathcuan Heights.

View 3;- from proposed rear patio looking directly toward rear of Nos 11 & 15 Rathcuan Heights.

View 4;- from rear garden of No11 Rathcuan Heights adjacent to existing sunlounge looking sideways to LHS toward proposed dwelling.

View 5;- from rear garden of No15 Rathcuan Heights looking sideways to RHS toward proposed dwelling.



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District Council

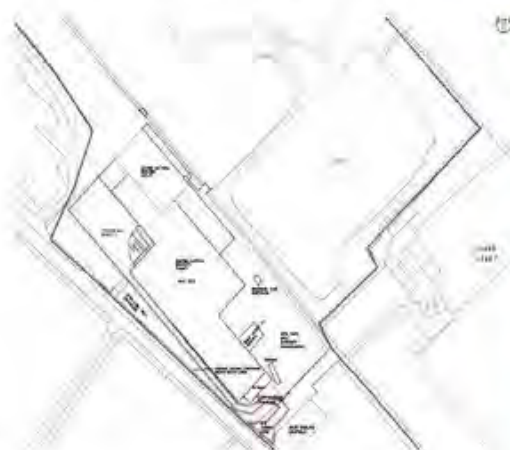
**Application Reference:** LA07/2018/1787/F

**Date Received:** 14<sup>th</sup> November 2018

**Proposal:** Proposed extension to existing Materials Recovery Facility Building

**Location:** 23 Downpatrick Road Killough

**Site Characteristics & Area Characteristics:**



The site is comprised of a 0.27 hectare site accessed off Downpatrick Road, Killough. The site currently contains MacNabbs Waste Management business and comprised of a number of adjoining single storey buildings which are used as a Material Recovery Facility (MRF) with a mechanical and biological treatment (BMT) composting facility.

The site consists of a small shed, walled area and an area of hardstanding adjacent the existing buildings.

The site is located within the rural area as designated in the Ards and Down Area Plan 2015.

**Proposed Development**

The application seeks permission for additional waste storage capacity for waste wood and plasterboard waste. The agent has advised that the extension would provide a secure and safe area in which the additional storage capacity can be provided. The extension will be strictly for storage only; no processing of waste will take place within the proposed extension area.

The proposed building will create additional floorspace of approximately 1712 sqm. It is noted from the submitted drawings that the finishes have not been specified the

drawings indicate that the extension will be finished with materials that are similar to that which is existing.

In addition to the application forms and drawings the application has also been accompanied by a Supporting Statement and a Flood Risk and Drainage Assessment.

### **Site History:**

R/2002/0255/F - Former Brick Works, 23 Downpatrick Road, Strand, Killough - Change of use of former brick works, building and yard to materials recovery facility and metal fabrication unit - PERMISSION GRANTED - 11.03.2003

R/2007/1128/F - Lands adjacent to 23 Downpatrick Road Killough - Construction of shed to house timber processing operation - PERMISSION REFUSED - 12.04.2011

R/2013/0328/F - 23 Downpatrick Road, Killough - Proposed upgrading and extension of existing Material Recovery facility (MRF) to include part change of use, upgrading and extension of existing disused shed for mechanical and biological treatment (MBT) composting facility (for the treatment of biodegradable putrescible municipal wastes). Proposed acceptance of addition waste codes, waste processing infrastructure and proposed increase in operating hours and new wheel wash located within open yard. - PERMISSION GRANTED - 22.12.2014

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

#### **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 2, Natural Heritage  
Planning Policy Statement 3 Access Movement and Parking  
Planning Policy Statement 11 Planning and Waste Management  
Planning Policy Statement 15 Revised Planning and Flood Risk  
Planning Policy Statement 21 Sustainable Development in the Countryside

#### **Consultations:**

In assessment of the proposal consultations were carried out with

Transport NI – No objections in principle

NIEA

Coastal Development – Marine & Fisheries Division refer to standing advice regarding pollution prevention

Drainage & Water – Content

Land, Soil & Air – Site waste authorisation will need to be varied by application to NIEA

NED – No concerns subject to conditions.

Rivers Agency – Following and assessment from the Planning Authority that the site is not an exception under FLD 1 Rivers Agency have not reviewed the Flood Risk Assessment

Environmental Health – No objections in principle subject to conditions

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

### **Neighbour Notification**

The following neighbour was notified of the proposal on 26.11.18

- No 21 Downpatrick Road, Killough
- 

### **Advertising**

The application was advertised in the local press 05.12.2018.

### **Objections & Representations**

No objections or representations have been received regarding this proposal.

### **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 any settlement limits within the rural area as identified in the ADAP 2015.

### **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.

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

Policy WM 2 is applicable and states that proposals for the development of a waste collection or treatment facility will be permitted where:

- There is a need for the facility as established through the Waste Management Strategy and the relevant Waste Management Plan  
The applicant has not addressed this aspect of the policy but has indicated in a supporting statement that as "the business has continued to grow, there has become a need for additional waste storage capacity for waste wood and plasterboard waste". The proposed extension to this existing facility would provide "a secure and safe area in which the additional storage capacity can be provided".
- The proposed facility complies with one or more of the listed locational criteria  
In this case the proposal is located within an existing waste management facility
- The following criteria are also met
  - In the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;
  - Proposals involving the sorting and processing of waste are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open
  - The built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned
  - Proposal for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and
  - It will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures.

In consideration of this aspect of the policy, it is noted that the proposal will involve the erection of a purpose-built building for the storage of waste wood and plasterboard wood.

Policy WM1 is also applicable in this case and states that proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all the following criteria are met:

- The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment



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

In assessment of the above,

#### Character

The proposal is deemed to be compatible in that it will be located within an existing facility.

#### Integration in landscape

The extension will be grouped with the existing buildings and is not considered to have an adverse impact on the landscape.

#### Nuisance

It is not considered that the proposal would create any issues relating to noise, air pollution, general amenity etc. A consultation with the Councils Environmental Health Departments raises no objections in principle to the proposal.

#### Access, parking and road safety

In assessment of the above, no objections have been received from Transport NI to the access and issues regarding road safety. It is noted from the site location plan that an open area will remain to the side of the proposed new shed. This area could satisfactorily accommodate the parking and turning of vehicles attracted to the site.

#### Natural conservation or archaeological / built heritage interests

The site is hydrologically connected to Killough Bay SPA for which is designated for supporting internationally important populations of birds under the EC Habitats Directive. It is also adjacent to Killough Bay and Strand Bay ASSI designated under the Environment Order (NI) 2002 for supporting inter-tidal communities.

Marine and Fisheries Division has considered the impacts of the proposal on designated site and on the basis of the information provided refers to standing advice regarding pollution prevention.

There are no archaeological or built heritage interests within the vicinity of the site.

#### Risk to air, water or soil resources

Natural Environment Division note that the site is hydrologically connected to Killough Bay SPA and Strand Bay ASSI and subject to the applicant adhering to conditions relating to

- provision of a 10m buffer between all areas of refuelling, storage oil/fuel, concrete mixing and washing area, storage of machinery/material/spoil etc and the North west boundary of the site.
- Appropriate treatment of any surface water generated during the construction and operation phases of the development
- Due regard to comments from Marine & Fisheries and DfI Rivers.

#### Flooding

As will be discussed in more detail below, the proposal will be at risk from flooding and is therefore not compliant with the policy requirement of WM1

#### Loss of agricultural land & Infilling

These issues do not apply to the application.

### **Planning Policy Statement 15: Planning and Flood Risk**

The Flood Maps (NI) indicate that large portions of the site lie within the 1 in 200 coastal flood plain, therefore Policy FLD 1 of PPS 15 is applicable which states that development will not be permitted in within the 1 in 200 coastal flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

The site is noted to be an undefended area and therefore exceptions (B) – (G) are applicable. It is considered however, that the proposal does not meet any of these exceptions and is therefore contrary to Policy FLD 1.

### **Conclusion**

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

**Recommendation:** Refusal

**Reasons:**

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy FLD1 of Planning Policy Statement 15: Planning and Flood Risk in that it does not meet the exceptions listed.
- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy WM1 of Planning Policy Statement 11: Planning and Waste Management in that it would if permitted be at risk from flooding due to its undefended nature.

Signed .....

Date .....

Signed .....

Date .....

**Application Ref:** LA07/2018/1787/F

**Proposal:** Proposed extension to existing Materials Recovery Facility Building

**Speaking Rights:** David McLorinan (Agent), Gemma Jobling (Planning Consultant)



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### Written Submission

We understand the primary reason for refusal relates to Flood Risk and PPS 15 is being relied upon as the main policy opposition as it generally opposes new development in a flood plain. However we wish to alert the Committee that this PPS 15 is silent on circumstances where the site in a flood plain is already developed and where further development would not increase flood risk. This site lies within a lawfully approved waste site and does extend the development area.

We ask the Members to consider all the material planning considerations relevant to this case, rather than solely focusing on PPS15, as is the legal requirement under Section 45(1) of the Planning Act (Northern Ireland) 2011 .

1. Critically- this application is on BROWNFIELD lands with an EXISTING waste management business that has already been operating here for 15 years under EXISTING PLANNING CONSENTS and WASTE MANAGEMENT LICENCE.
  - R/2002/0255/F- Granted change of use from a brick works to materials recovery facility.
  - R/2013/0328/F- Granted December 2014 for the extension of the Material Recovery Facility
2. The Planning Approvals establish a clear PRECEDENT on this site; the latest 2014 Approval also granted a 1000m2 building under the EXACT SAME POLICY CONTEXT and also within a FLOODPLAIN. This PRECEDENT cannot lawfully be set aside\* & we ask this application to be treated fairly and consistently with precedent cases. (\*We refer to the case of oxford
3. The site occupies part of an existing yard which is already hard surfaced and can be used for external storage or parking and simply seeks to formalise an area which is already in use on a fully functioning waste facility. This proposal will not result in a loss of any usable ground and would not increase water displacement on the flood plain.
4. This EXISTING Waste Facility is already operating within the same Flood Plain; it is not a greenfield 'undeveloped' site. The applicant merely seeks to erect a building on top of an existing hardstand yard area to formalise the external storage. Yet it is being assessed in the same way as proposals on greenfield sites and we believe this is unreasonable. The BROWNFIELD status of the site is highly material but has not been duly considered thus far.
5. There is NO increase in flood risk: The submitted Flood Risk Assessment shows that the development will not exacerbate flood risk; rather the building will allow water ingress in a flood event and will not increase displacement of flood waters and therefore will have no negative impact on flood levels surrounding the building. In other words, during a flood event water is allowed to enter the building and will not be displaced elsewhere and will not contribute to raised water levels. The proposal is therefore in accordance with the SPPS and Policy WM1 of PPS 11.

This application is very similar to the previous consent, which granted full planning permission R/2013/0328/F for a 1000m<sup>2</sup> extension to the waste facility in December 2014. Both policies PPS 15 and PPS 11 were published at applicable at that time. The Department fully considered all of the issues in the round and in light of the existing land-use it gave material weight to the fact that it was brownfield, would not significantly increase flood risk land and acknowledged that the proposal would benefit the ongoing growth of the waste management business and would help with waste recovery and recycling targets. It is therefore unfair to the applicant to ignore this recent planning history.

In the interest of procedural fairness, we urge the Committee to apply the same approach and consider all issues in the round, rather than fixate solely on flood risk.

This application seeks to increase the amount of covered storage of recycled timber (which is already processed at this site) and therefore will help toward meeting waste targets. The recommendation fails to balance the benefit this would achieve by way of increased waste recovery targets, reduction in transport on the local roads (by bulking at this site) and the increase in energy produced by the company's biomass facility.

There is also a huge economic implication to the current recommendation. The company currently employs a total of 50 staff directly at the site and a further 50 indirectly. Refusing this application would curtail the progress the company can make now and in the future. If this application is unsuccessful, MacNabb Waste would be forced to relocate all timber recycling to the Belfast facility and compromise jobs at this facility. The Officer's recommendations fail to consider Paragraph 4.19 of the SPPS, which states that; *'Planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities.'*

Finally, it is our conviction that this application will cause no demonstrable harm. The overarching planning policy principle provided by Paragraph 3.8 of SPPS states that refusal is only justified where there would be demonstrable harm: As the nature of the land conditions are already in place (i.e. it is hardstanding yard) and the erection of a building, allowing for water ingress, will not change the impact on the flood plain the proposed development will not exacerbate the flooding risk/ impact and therefore there is no demonstrable harm. Therefore, the overarching planning principle does not justify refusal.

In this case the application of the exception rule under Policy FLD1 OF PPS 15 has been applied strictly, whereas a more reasonable view which takes into consideration the proposal and wider site in its context would acknowledge that this proposal would not cause any harm and in fact refusal would cause demonstrable harm to ongoing operations and viability of an existing business and local employer. Therefore, the refusal is not consistent with the primary planning principle, provided paragraph 3.8 of SPPS, as this only justifies refusal where there would be demonstrable harm.

Notably the statutory context, provided by Section 4(5) of the Planning (Northern Ireland) Act 2011 does not place the importance of one planning policy above the other; rather it requires all decisions to be based on the area plan and all other material considerations.



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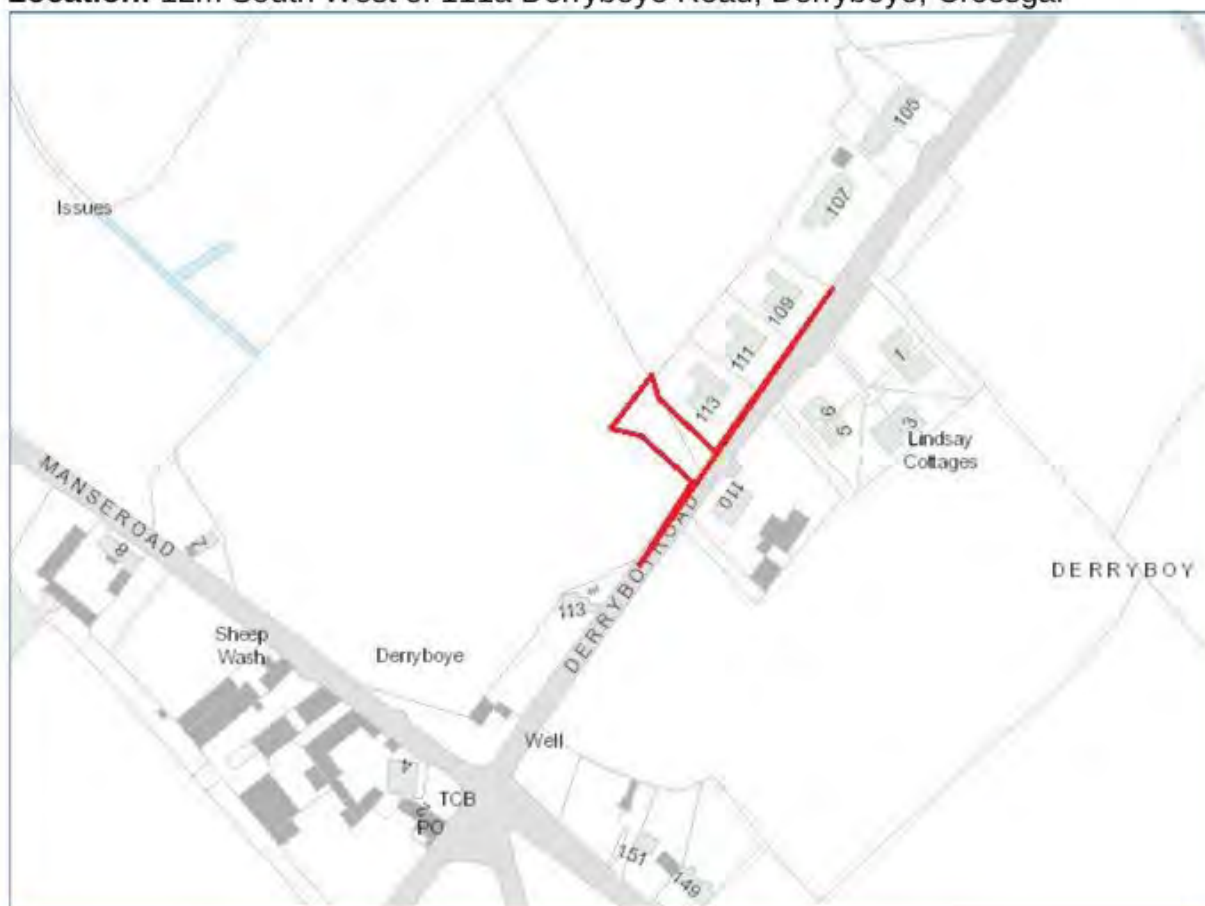
Newry, Mourne  
and Down  
District Council

**Application Reference:** LA07/2018/1457/F

**Date Received:** 26.09.2018

**Proposal:** Proposed new 2 storey dwelling and garage

**Location:** 12m South West of 111a Derryboye Road, Derryboye, Crossgar



The site is within the small settlement limit of Derryboye.

### Site Characteristics & Area Characteristics

This roadside site is comprised of a garden and vacant plot located between detached dwellings of Nos 111b and 111a Derryboye Road.



The plot has a rectangular shape with its roadside boundary defined by a mature hedge and field gate with stone posts either side.



The NE boundary is shared with the neighbouring 2 storey dwelling of 111a Derryboye Road and is defined by a 1m high ranch style wood fence with a 1.8m high close board fence to the rear and a mature hedge within the site. The rear boundary of the site is a nature hedge separating the garden area of No 111B Derryboye Road from agricultural lands to the rear. There is no boundary definition on site to physically separate the site from the garden of No 111B however the boundary runs adjacent to the detached garage of the property.

The site is relatively flat. It has a lower ground level than the neighbouring 111a Derryboye Road. This is visible on site. The site is divided by a hedge of mature trees and vegetation, which provides an internal division running at an angle and essentially dividing the site. This provides the internal hedge along the NW section of the boundary shared with No 111A.

### Site History:

R/2003/0944/F

Dwelling

20m north east of 113 Derryboye Road, Derryboye

GRANTED 05.02.2004

LA07/2015/0312/F

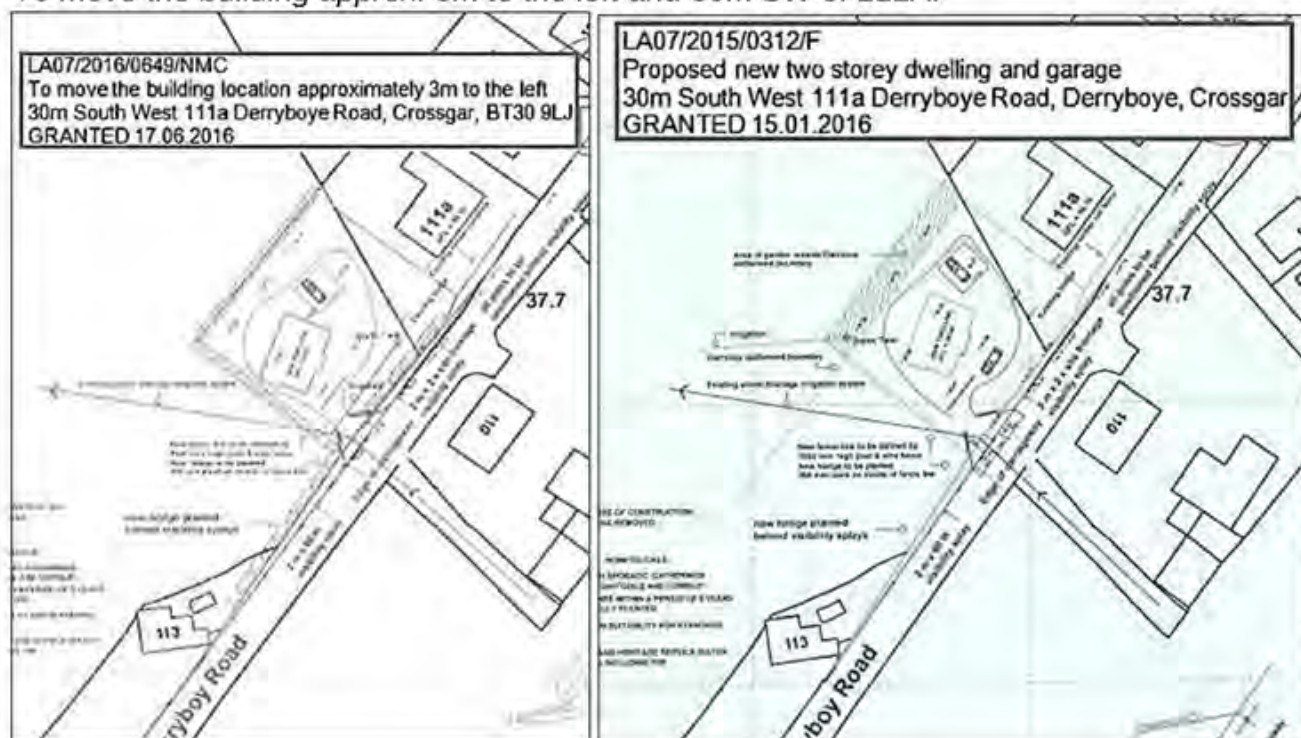
Proposed new two storey dwelling and garage

30m SW of 111A Derryboye Road, Derryboye, Crossgar

GRANTED 15.1.2016

*Non-material Change Granted 17<sup>th</sup> June 2016 under ref LA07/2016/0649/NMC*

*To move the building approx. 3m to the left and 30m SW of 111A.*



### Planning Policies & Material Considerations:

The proposal is for development within the settlement limits of Derryboye. The application will be considered in relation to the Regional Development Strategy, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 7 Quality Residential Development (PPS7), PPS7 Addendum



Safeguarding the Character of Established Residential Areas, PPS12 Housing in Settlements, PPS3 Access, Movement and Parking.

Guidance documents such as Creating Places and Development Control Advice Notes such as DCAN 8 Housing in Existing Urban Areas, DCAN 15 Vehicular Access Standards, amongst others will also form part of the consideration.

Please note this list is not exhaustive. Should any additional documents or guidance notes form part of the consideration they will be referred to within the consideration and assessment.

### **Consultations:**

Case Officer consulted with NI Water Ltd and Transport NI as well as Department of Agriculture, Environment and Rural Affairs (DAERA). NI Water responded with detailed advice for the applicant to consider. This can be attached to planning approval if the proposal is in keeping with planning policy.

Transport NI required amended plans to provide visibility splays of 2.4m by 70m. This was addresses through submission of amended plans. Transport NI consider the plan LA07/2018/1457/03 stamp received 31OCT2018 appropriate and recommend planning conditions to be attached to the proposal if acceptable to planning policy.

DAERA Water Management Unit (WMU) considered the impact of the proposal on the surface water environment and is content (on the basis of information provided) subject to conditions and any relevant statutory permissions being obtained.

DAERA Natural Environment Division (NED) advised Planning to consider the advice and guidance detailed in DAERA Standing Advice for Hedgerows.

Environmental Health advised that while they have no objections they attached 2 conditions relating to the 7m minimum distance from the propose dwelling and that for venting, the septic tank to be minimum 15m away from neighbouring dwelling to prevent loss of amenity due to odour. Environmental Health also highlight that the applicant is to be made aware that a consent to discharge for the septic tank must be obtained from the relevant authority.

### **Objections & Representations**

The site was advertised in Mourne Observer and Down Recorder on the 10.10.2018. A total of 14 neighbours addresses were notified. Due to discrepancies with addresses of neighbouring properties on the plans submitted and the variation with

Spatial NI addresses were checked on site and it is noted that the details within the submitted plans are accurate.

9 Representations have been received in relation to the proposal and include comments from Cllr T Andrews. The concerns outlined have been considered, the planning concerns have been summarised for the purposes of the planning report. Full details of the representations are retained on file and uploaded to the planning portal in keeping with current practice;

- Design and layout of dwelling in terms of scale, proportion, plot size, form, and detailing which includes solid to void ratio (windows) and proposed balcony
- Impact on character of the area (visual amenity)
- Impact on residential amenity due to separation distance from neighbouring dwelling (No 111A)
- Overlooking of private amenity space of neighbouring dwellings nos 111A and overlooking and loss of privacy of 110 opposite
- Sewage disposal, location of septic tank at the front of the property, smell and impact the proposal would have on existing soakaways
- Access to/from the site to the Derryboye Road in terms of road safety
- Parking and turning for vehicles within the site

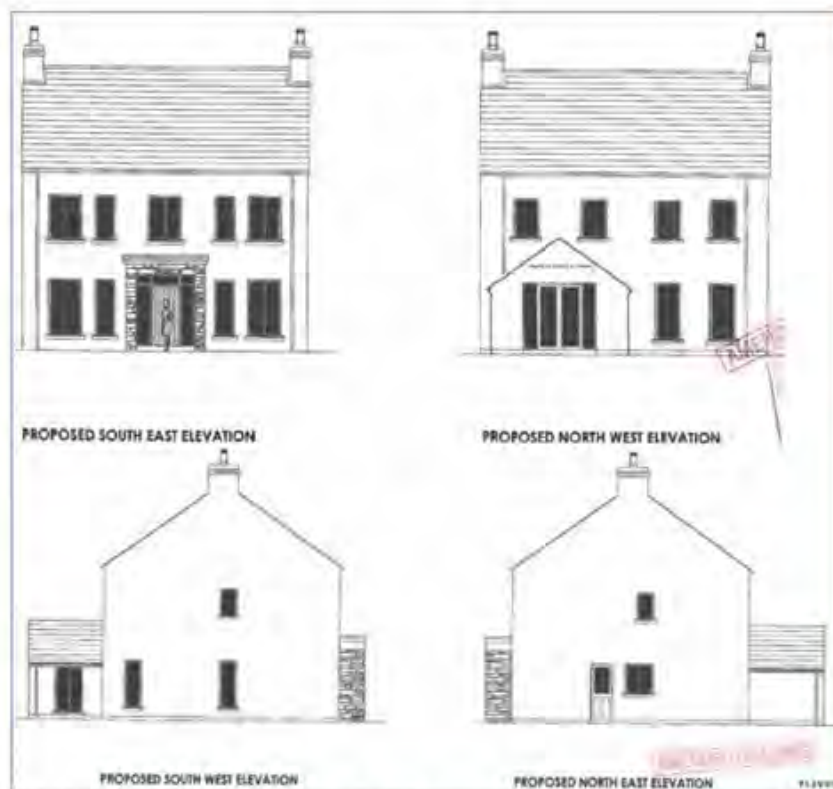
The applicant submitted revised plans on the 31<sup>st</sup> of October 2018 in relation to Transport NI comments. The amended plans altered the visibility splays and removed proposed balcony. Neighbours were re-notified of the proposal in November and no additional or revised comments were received.

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

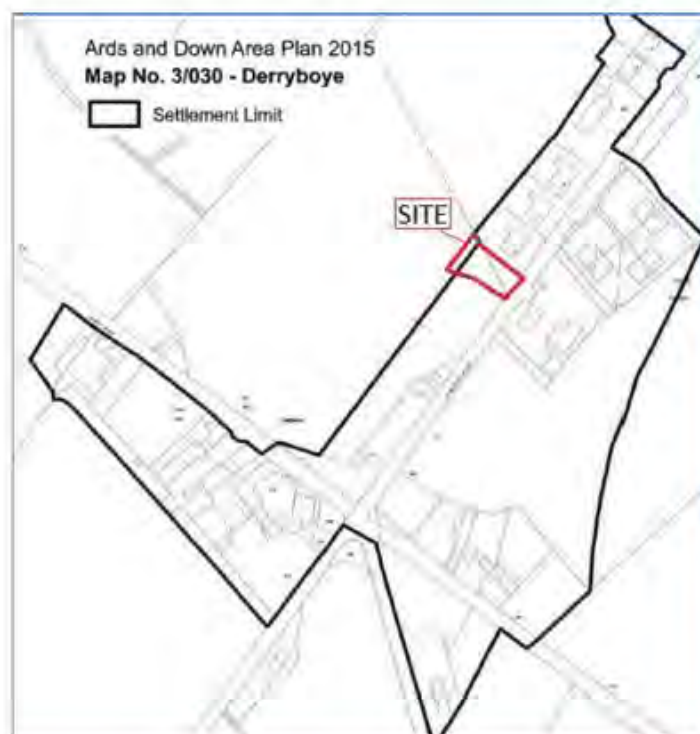
The proposal is for 2-storey dwelling and detached single storey garage to the rear.

Amended plans received on 31 October 2018 removed the balcony and revised the access details. The dwelling proposed would have a ground floor level of 36.8 and proposed ridge level 46.6m. The dwelling will have a height of 9.1m. The dwelling will be positioned within the site to face SE onto the Derryboye within the roadside site.

The submitted plans detail a 4-bedroom dwelling with ground floor living accommodation and 1<sup>st</sup> floor sleeping quarters with a narrow front gable which measures 9.1m wide. The dwelling is finished with a slate pitched roof, painted white render with a single storey rear projecting dining room and a small flat roof projecting front porch finished with Donegal slate.



The site is within the small settlement of Derryboye. The Ards and Down Area Plan 2015 refers to Derryboye as a small settlement and no designations are referred to within the settlement plan.



Permission for residential development will only be accommodated where it is demonstrated that the proposal will create a quality and sustainable residential environment. Such proposals are expected to conform to PPS7 Policy QD1(a)-(i).

*(a) The development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*

The proposal is a roadside site, visible on approach from the south and north-east travelling along the Derryboye Road. This policy criterion is further supported within the PPS7 Addendum Policy LC1.

The neighbouring dwellings along this stretch of the road and adjacent to the site are 2 storey detached dwellings, orientated north to face onto the Derryboye Road with medium sized plots and wide front gables. The dwellings opposite are single storey with a housing development some distance opposite and NE of the site, Lindsay's Cottages, which are semi-detached. The dwellings have a mix of smooth and dashed grey render, the older properties have painted render. The dwelling SW of the site has a 2-storey front projecting dark grey stone clad feature. The proposal will require the removal of a mature hedge which runs diagonal through the site as well as mature vegetation in order to accommodate the proposal, and details landscaping within the site layout as part of the proposal.

Considering the proposal in relation to the surrounding context, the proposal is for a 2-storey dwelling of 8.8m high and 9.1m front gable. The site has a ground level which is lower than the neighbouring 111A Derryboye Road. The dwelling proposed would have a higher ridge height than No 111A but the lower level of the site and finished ground floor level of the dwelling proposed (36.8) accommodates this increase as the details provided state the dwelling will not have a ridge level that would present higher on site when compared to No 111A.

The change in levels between the site and No 111A is accommodated within the proposed site by a slight slope from the shared boundary, lowering as you move southwest within the site.

The context of the site within the urban settlement includes the dwellings along the same roadside stretch of the public road and includes Nos 111B, 111A, 111 and 109 Derryboye Road.



The dwelling proposed has a narrow front gable when compared to that of neighbouring dwellings. Measuring from the submitted plans the dwelling proposed has a 9.1m wide front gable while the dwelling granted under LA07/2015/0312F and known as No 111B, has a front gable width of approx. 12.5m, No 111A has a front gable width of 14.7m, No 111 has a front gable width of 14.7m and No 109 has 13.5m wide front gable width. Dwellings of 111A, 111 and 109 have wide front gable walls that incorporate an integrated ground floor garage.



The neighbouring dwellings Nos 111A, 111 and 109 have an average plot size of 0.07Ha and each dwelling shares 22m frontage with the Derryboye Road. The proposed site is cut out of the garden associated with recently completed dwelling 111B Derryboye Road. No 111B has a site area that measures approx. 0.12Ha with a 37m frontage shared with the Derryboye Road. The proposed site area is 0.04Ha and would result in a 14m frontage shared with the Derryboye Road.

The proposal will reduce the frontage No 111B shares with the Derryboye Road from 37m to 23m.

The dwelling would have a significantly smaller plot size. The roadside boundary of the site is limited to 14m and while the plans, confirmed by Transport NI comments, can provide a safe access within the site, the limited width of the plot will be reinforced with the narrow gable width of the dwelling proposed. The proposal would not respect the surrounding context and would be inappropriate to the character of the area. The proposal is contrary to PPS7 Policy QD1(a).

PPS7 Addendum Policy LC1 requires new development proposed within established residential areas to satisfy criteria of Policy QD1 of PPS7 as well as the additional criteria of (a)-(c).

LC1(a) refers to density of dwellings per Hectare of land. The existing pattern of development from Nos 111B to and including 109 Derryboye Road has a density of 4 dwellings within approx. 0.34Ha. This results in a density of 1 dwelling per 0.085Ha. The additional dwelling proposed would increase the density to 5 dwellings within the same area ie 1 dwelling per 0.068Ha. Overall the density of dwelling per hectare would increase.

The site is within the side garden of an existing dwelling. It is located between Nos 111B and 111A Derryboye Road. The site proposed has plot area that is significantly less than that enjoyed by the neighbouring dwellings. The site will reduce the curtilage of No 111B Derryboye Road and the frontage will be reduced

from its current 37m to 23m. No 111B will retain a suitable level of private amenity space. The proposed dwelling would also accommodate a suitable level of amenity space however the plot size will not reflect that of the established pattern of settlement of medium sized plots with long road side boundaries and wide front gable walls. The narrow plot width of the site will be reinforced by the narrow front gable wall (9.1m) and 9.6m ridge height of the proposed dwelling. The dwelling would appear to be squeezed into the plot. The proposal would be contrary to LC1(b) as the resulting pattern of development would not be in keeping with that found in the established residential area.

The dwellings of Lindsay's Cottages have smaller plots with narrow gable dwellings, it is a semi-detached housing development opposite and some distance NE from the site. The properties of Lindsays Cottages do not have the same context for direct comparison and do not provide justification for such a small, narrow plot and dwelling within the proposed site. The proposal would not respect the character of the established residential area.

The dwelling proposed would exceed the space standards referred to within Policy LC1(c).

The proposal would offend policy QD1 (a) and PPS7 Addendum Policy LC1 (b).

*(b) Features of archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development*

The site has no features of archaeology or built heritage. The rear boundary of the site is located beyond the settlement limit of Derryboye. This was detailed within the site layout submitted and approved in relation to the recent non-material change for neighbouring 111B Derryboye Road which was granted under reference LA07/2016/0649/NMC. This will be highlighted for discussion however the site has a mature boundary which will be retained but the proposal will result in the loss of the mature vegetation and trees which provide a hedge that runs diagonal through the site.

The proposal will result in the loss of the internal mature hedge which runs at a diagonal through the site. DAERA Standing Advice 'Hedgerows' refers to hedgerows as semi-natural features important for biodiversity within our urban areas and wider countryside. The advice defines a hedgerow as any boundary line of trees or shrubs over 20m long and less than 5m wide and where any gaps between the trees or shrub species are less than 20m wide. Policy NH5 of PPS2 will only permit development which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats unless the benefits of the proposed development outweigh the value of the habitat whereby appropriate mitigation and/or compensatory measures will be required. The loss of hedgerow within the site is loss of a priority species.

The proposal would not be able to accommodate retention of the internal mature hedge while facilitating the development proposed. The proposal does not protect and integrate the landscape features (mature internal hedge) in a suitable manner.

The proposal fails to satisfy criteria QD1(b) and raises concerns relating to Policy NH5 of PPS2.

*(c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development*

The site layout identified the position of the dwelling within the site. The proposal will accommodate a small front garden for access and parking which provides a set-back of 14m from the Derryboye Road. The private amenity will be to the rear of the dwelling and has a back-garden depth of 9m and area of approx. 120sqm. This is in keeping with the recommendations of Creating Places. The rear garden will also have a small single storey garage with internal access to the garage provided along the boundary shared with No 111A Derryboye Road. The proposal is in keeping with policy.

*(d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development*

The proposal is for a singlet dwelling and therefore it is not necessary for the developer to provide local neighbourhood facilities as an integral part of the development. The proposal does not offend this policy provision.

*(e) A movement pattern is provided that supports walking, and cycling, needs the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures*

The proposal is for a single house within a small settlement and would not require a movement pattern to support the proposal.

*(f) Adequate and appropriate provision is made for parking*

Parking standards refers to the need for residential dwellings to provide a suitable level of in curtilage car parking. The proposal will provide 4 bedrooms and Parking Standards identifies the need to provide 2.75 car parking spaces for this size of detached dwelling. The site layout proposed can support 3 spaces and includes a detached garage. These spaces are provided off road and within the curtilage of the site. The proposal is in keeping with policy.

*(g) The design of the development draws upon the best local traditions of form, materials and detailing*

The dwellings along this stretch and neighbouring the site are 2 storey detached dwellings with medium sized plots. The designs of Nos 111A, 111and 109 are repetitive in design and materials of grey non-profiled roof tiles and grey smooth



render. The dwelling of No 111B has a variation as it has the addition of a 2-storey small front projecting dark stone clad feature. The dwelling proposed reflects the materials and finishes of the neighbouring dwellings. The proposal is in keeping with QD1(g).

*(h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*

The Council received 9 letters of objection in relation to the proposal. The proposal has been amended from its original submission which removes the 1<sup>st</sup> floor rear balcony.

The proposal shares its NE boundary with No 111A Derryboy Road and its southern boundary with No 111B. There are no neighbouring dwellings to the rear of the property as it abuts a large agricultural field. Measuring from the site layout, the dwelling proposed would be positioned 3.5m from the boundary shared with No 111A. The Council received objections from this property relating to the proposal referring to character, design and appearance as well as separation distances, sewage disposal concerns, loss of privacy and overlooking. Planning sought advice and guidance from Environmental Health Unit in relation to the proposal.

Environmental Health did not offer an objection subject to planning conditions relating to the septic tank which refers to a minimum separation of 7m from the dwelling proposed and 15m separation distance from neighbouring dwellings to prevent any loss of amenity due to odour. Consent to discharge for the septic tank must also be obtained from the relevant authority.

The residents of No 110 Derryboye Road (opposite) and No 111A (immediately NE) are concerned the proposal would result in loss of privacy. This concern has also been raised by residents within Derryboy.

The site is within the side garden of No 111B Derryboye Road. This is the applicants address and while no objections have been received Council must consider the impact on amenity. The proposal would result in loss of amenity space of No 111B however the dwelling can still provide a reasonable amount of private amenity and the side to side separation between the properties measures at 8m. Department guidance document *Creating Places* is silent on side-to side separation distances. The proposal would not result in loss of privacy of the dwelling and ground floor side windows along the gable facing No 111B facilitates the Lounge and are positioned to look onto the garage of the existing 111B.

The dwelling of 110 Derryboy Road, enjoys a large plot with side and rear private amenity space. It is located across from the site and is separated by the Derryboy Road. The proposed dwelling would have a setback of 14m from the Derryboy Road. The separation distance includes the Derryboy Road. The proposed dwelling and No 110 would enjoy a front-to-front separation distance of 26m which exceeds

the guidance detailed within Creating Places for back-to-back separation distances. No 110 Derryboy Road also benefits from a small front garden which is not afforded the same protection as private rear amenity space due to the front garden being overlooked by users of the public road.

The dwelling proposed will share the NE ie side boundary with No 111A Derryboye Road. The dwelling will have a lower finished floor level than that enjoyed by No 111A. The dwelling is positioned within the site to accommodate its internal driveway along the shared boundary and provides a side-gable-to-side gable separation distance of 6.2m. No 111A has windows along their site gable wall which accommodate their living space. The proposal will have a finished floor level of 36.8 while No 111A has a finished floor level of 38.1. This will result in the dwelling proposed being 1.3m lower than the existing dwelling which will significantly reduce any concerns of direct overlooking between habitable rooms of the existing and proposed. The applicant has also detailed boundary treatments to ensure the risk of overlooking is minimised.

*(i) The development is designed to deter crime and promote personal safety.* PPS7 justification states that design of new developments should seek to provide a feeling of security. The proposal is for a single dwelling within a small settlement. It is orientated within the site to overlook the public road which will provide a sense of security and vitality within the small settlement of Derryboye.

### **Recommendation:**

Refusal

Planning is concerned the proposal would be contrary to Policy QD1 of PPS7 Quality Residential Environments criteria (a), (b) as well as PPS7 Addendum Policy LC1(b). The site proposed contains a mature boundary hedge in the area the dwelling is to be sited. The removal of the mature vegetation and trees within the site to accommodate the proposal may result in loss of priority habitats which is contrary to Policy NH5 of PPS2 Natural Heritage.

### **Refusal Reasons/ Conditions:**

The following refusal reasons have been recommended by the case officer and can be subject to change/edit prior to issuing the decision;

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas Policy LC1 (b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(b) in that landscape features have not been identified, protected and integrated in a suitable manner into the overall design and layout of the development.
4. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Planning Policy Statement 2 Natural Heritage Policy NH5 in that the proposal is likely to result in unacceptable adverse impact on or damage to known priority habitats and it has not been demonstrated that the benefits of the proposed dwelling would outweigh the value of the habitat.

**Case Officer signature:**

**Date:**

**Appointed Officer signature:**

**Date:**

**LA07/2018/1457/F – PROPOSED TWO STOREY DWELLING AND GARAGE ADJACENT TO NO 111A DERRYBOYE ROAD, CROSSGAR – SUBMISSION TO PLANNING COMMITTEE 24 JULY 2019**

This application has been recommended for refusal because the officers are concerned about local character and loss of an existing hedge.

**We believe that the recommendation to refuse is not sustainable, for the following reasons:**

1. The application site is located within the settlement limit of Derryboye, as designated in the statutory Ards and Down Area Plan. **There is a presumption in favour of sustainable development within settlement limits.**
2. The settlement contains a **mixture of single storey dwellings and larger two storey houses of varying ages**. Development is clustered primarily around a rural crossroads, with a line of development radiating north east along Derryboye Road.



Local Character

3. The recommendation expresses concern that the proposed dwelling will be too narrow to respect local character, given that it is located within a row of wider two storey houses. This is not sustainable for the following reasons:
  - i) Derryboye has a **varied character**. There are old and new two storey houses; older semi-detached bungalows, detached bungalows, and chalet bungalows. Assessment of character cannot be restricted to only four houses along the same side of Derryboye Road. The proposed dwelling is a similar width to the chalet bungalows at Nos 105 and 105a;

ii) the proposed development adopts a form and scale which is typical of the local area, with a two storey house of traditional rural form, including a vertical emphasis of doors and windows, positioning of chimneys on gables etc.;

iii) The spacing between the dwellings on both sides is appropriate and in keeping with the general area. There is about 7.5 metres between the proposed gable and No 111b, and 6.5 metres between the proposal and the gable of No 111a. **The spacing is illustrated below:**



iv) The proposed plot is easily capable of accommodating a two storey dwelling, with parking, turning, amenity space etc. The Officer Report accepts it is not overdevelopment;

v) The SPPS and 'Creating Places' positively **encourage** provision of a mixture of types and sizes of houses, to provide choice, allow increased density and create variety and interest;

vi) **PPS7 Addendum** (Annex E) recognises that in smaller settlements (ie Derryboye) **'there is often more variety in architectural styles and treatments, with building lines, property sizes, plot ratios, and road layouts being more changeable.'** The proposal will fit comfortably into this small settlement.

#### Integration and Landscaping

4. Reference has been made to the 'mature' boundary hedge within the site. This hedge was simply an overgrown hawthorn field hedge. **It has no statutory protection whatsoever, nor could it be regarded as a feature of any landscape or ecological significance.** It was lawfully cut back by the applicant prior to the nesting season. It is intended that it will be completely removed in the autumn. Planning policy must always give way to the law, and this unprotected element simply cannot be used as a legitimate basis to refuse the proposal.

#### **Conclusions**

5. The presumption in favour of permission should apply. The proposal is for a single detached house within a small settlement where there is a mixed character. It will provide a house with a good standard of amenity and with no adverse impact upon any neighbouring properties.

**The Committee is requested to grant permission for the proposal.**



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

**Newry, Mourne  
 and Down**  
 District Council

**Application Reference:** LA07/2017/1176/F

**Date Received:** 02.08.2017

**Proposal:** Medieval settlement for re-enactment, education and tourism purposes comprising 6 small medieval structures placed in a timber palisade enclosure (Amended plan and car parking layout received)

**Location:** Lands 200m west of 7 Drumcullen Road Downpatrick

**Site Characteristics & Area Characteristics**

The site lies within the open countryside outside the settlement limits of Downpatrick. Site is a roadside plot bounded by the Drumcullen road to the north and on the shore of Ballydugan Lake which is a Site of Local Nature Conservation Importance (SLNCI) as designated under Ards and Down Area Plan 2015. The main area of the site is comprised of heavily sheep grazed poor semi-improved grassland of low ecological value. The site is located within the AoNB.



**Fig 1 Site location**

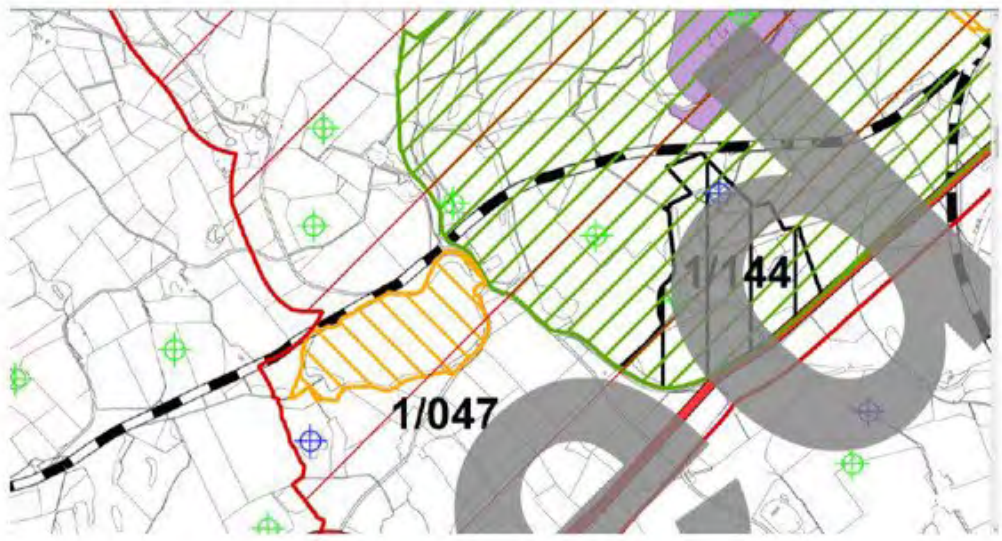


Fig 2 Ards and Down Area Plan 2015

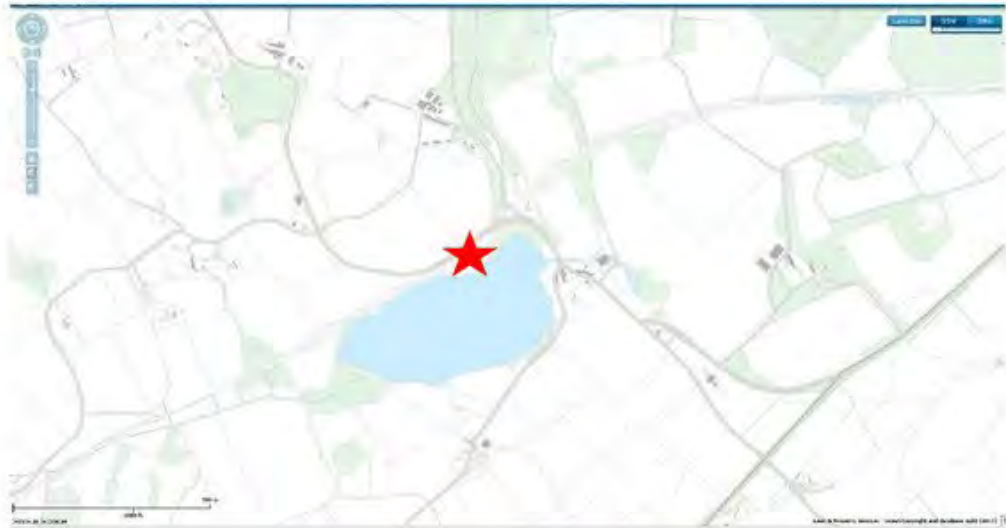


Fig 3



Fig 4

**Site History**

None relevant.

**Planning Policies & Material Considerations**

SPPS

PPS21

PPS2 Natural Heritage

PPS 15 Planning and Flood Risk

PPS 16 Tourism

PPS3 Access Movement and Parking

**Consultations****NIEA**

Rivers Agency	No Objection
NIEA Historic Monuments Division	No objection
NIEA HED	No objection
SES	No objection
DFI Roads	No Objection
NIW	No objection
NIEA Water Management Unit	No objection

**Objections & Representations**

The site was advertised in Mourne Observer and Down Recorder on 23.08.2017 and again on the 19.09.2018. 17 neighbours were NN. 25 letters of objection and 2 letters of support were received on the application.

27 representations have been received, a number of which were anonymous, (25 in objection and 2 letters of support) from the following addresses.

11 Drumcullen Road  
 58 Myra Road, Raholp  
 Ballydugan House  
 Ballydonnell Road  
 84 Killough Road  
 4 willow Lodge Maghaberry  
 25 Lake Road  
 23 Lake Road  
 10A Lake Road

Raising the following issues

- Impacts on Residents, Road users and Wildlife.
- Health and Safety concerns.
- Viability of the proposal.
- Non-compliance with Tourism Policy,
- traffic implications and visitor access to the site,
- car parking provision,
- litter,



- Health and Safety,
- waste management

Matters relating to the Roads Infrastructure have been raised with DFI Roads, they have returned with no objection subject to the necessary provision of sight splays. The agent has indicated that the car park at Ballydugan Mill would provide for the parking for the site and also as the drop off/pick up point for buses to the site. If patrons to the site are to be walked to the site then this is a matter for the applicant to ensure that pedestrian safety is provided for.

In terms of Wildlife, NIEA the responsible authority has returned with no objections to the proposal. Health and Safety concerns in relation to the Lake are matters outside the remit of this planning application and are subject to separate licensing and regulation. The onus is on the applicant to ensure he complies with all H&S requirements in the operation of the site. Again, litter is an onsite maintenance issue for the operator to oversee.

The matter of the viability of the site is one that is beyond the control of the planning system to decide. However, given the nature of the proposal it would be prudent in the interests of the proper planning of this area to attach a temporary permission to the site for 3 years. If following the 3-year period, the operator can demonstrate that the proposal has been a success then he can apply for a Full permission.

Matters of Waste Management have been addressed through consultation with NIEA Water Management Unit. WMU have responded stating that it has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to any relevant statutory permissions are obtained and the applicant referring and adhering to standing advice.

2 letters of support were received, one from Killyman Primary School Dungannon and another from The St Patricks Centre in Downpatrick.

### **Consideration and Assessment**

The proposal is assessed against the SPPS, PPS21 Sustainable development in the Countryside, PPS15 Planning and Flood Risk, PPS 16 Tourism, PPS 3 Access Movement and Parking.

Proposal is for the creation of a Medieval settlement for re-enactment, education and tourism purposes comprising 6 small medieval structures placed within a timber palisade enclosure. Plans show retention of boundary vegetation and that no lighting is proposed as part of the development. Information provided by the applicant states that the re-enactment site will not be open directly to members of the public and shall only be on a pre-booking basis. Parking provision is to be provided at the nearby Ballydugan Mill complex.

It is envisaged that the proposal will become part of a wider tourist initiative and its emphasis will be on education. It is proposed to build upon established links with other tourist attractions such as the St Patricks Centre and Downpatrick Railway Museum which runs train trips to the Grave of Magnus Bare legs and Inch Abbey. The proposal fits in with the vision as contained in the Councils Tourism Strategy.

The proposal involves 6 small timber structures as shown in Fig 5 within a 2.4m high stockade timber fence. Buildings 1-5 (workshops) proposed for demonstration and interactive purposes for medieval crafts such as blacksmith, carpenter, cloth maker, potter, leather working etc will have dimensions of

5m x 3m and Building No6 referred to as Shelter will measure 6m x 10m. Materials involved will be timber and thatch.



**Fig 5 Typical layout**

The proposal does not provide for onsite parking, instead it is proposed to utilise the nearby Ballydugan Mill complex for parking, from where a mini-bus/small coach will ferry visitors to the site.

It is not proposed to engage any cut or fill operation in the development of the site, instead, utilising the natural contours of the site.

The applicant states that the actual structures have previously been used on temporary sites including the Slaney River outside Downpatrick by the Council to re-enact the landing of St Patrick.

Sanitary provision on site is provided for by portaloos with integrated hand washing facilities. Path surfaces are gravel and wood bark with timber edging. The drop off area for the mini-bus will be Eco-Grid.

There is tourism and educational benefit to the proposal.

### **The SPSS**

#### **Natural Heritage**

**Para 6.174** Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

**6.187** Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife, and be in the accordance with relevant plan policies.

**6.190** A development proposal which could have a significant adverse impact on a site of local importance should only be permitted where the benefits of the proposed development outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures shall be required.

## Tourism

**6.260** In the countryside planning authorities must carefully manage tourism development. This is necessary in the interests of rural amenity, wider sustainability objectives and the long term health of the tourism industry. The guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside (such as appropriate farm diversification schemes, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector.

Where there is no suitable site within a settlement a new build hotel, guest house, or tourist hostel may be appropriate on the periphery of a settlement subject to meeting normal planning requirements. Other acceptable tourist development in the countryside may include appropriate self-catering accommodation, particularly in areas where tourist amenities and accommodation have become established or likely to be provided as a result of tourism initiatives, such as the Signature Projects, or a new or extended holiday park that must be a high quality and sustainable form of tourism development.

**6.265** A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context. Design is a particularly important consideration within Conservation Areas and Areas of Townscape Character and when considering the impact of tourism development proposals in the countryside particularly within areas designated for their landscape, natural or cultural heritage properties.

**6.266** Applications for tourism development will also be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development. The safeguarding or enhancement of an existing or planned public access to the coastline or other tourism asset will be a particular consideration when assessing proposals for tourism development.

There is no conflict between the SPPS and PPS2 and PPS 16.

## PPS 21 Sustainable Development in the Countryside

### Policy CTY1 Development in the Countryside

#### Non-Residential Development

Planning permission will be granted for non-residential development in the countryside in the following cases:

farm diversification proposals in accordance with Policy CTY 11;  
 agricultural and forestry development in accordance with Policy CTY 12;  
 the reuse of an existing building in accordance with Policy CTY 4;  
 tourism development in accordance with the TOU Policies of PSRNI;  
 industry and business uses in accordance with PPS 4 (currently under review);  
 minerals development in accordance with the MIN Policies of PSRNI;  
 outdoor sport and recreational uses in accordance with PPS 8;

**renewable energy projects in accordance with PPS 18; or  
a necessary community facility to serve the local rural population.**

**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. Proposals for such development will continue to be considered in accordance with existing published planning policies.**

The proposal falls to be considered under PPS21 CTY1. The Tourism policies as contained within the Rural Planning Strategy has been superseded by PPS 16 Tourism. The proposal shall fall to be considered under PPS16 Tourism.

## **PPS2 Natural Heritage**

### **Policy NH 4 - Sites of Nature Conservation Importance – Local**

Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:

- a Local Nature Reserve; or
- a Wildlife Refuge.

A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site.

In such cases, appropriate mitigation and/or compensatory measures will be required.

The applicant submitted a PEA Preliminary Ecological Assessment for the site. NIEA have reviewed the PEA. They state that the main area of the site is comprised of heavily sheep grazed poor semi-improved grassland of low ecological value. NED carried out a search for evidence of protected and priority species on site. No evidence of any otters or kingfishers was found and it is noted that there is no suitable habitat for nesting kingfishers on site. With regards to otters, NED considers that the site is likely too disturbed for otters to set up holts. It is likely that a range of protected and priority species are present in the area, however NED considers that the potential impacts of the proposal on protected and priority species will not be significant.

NED notes that plans show retention of boundary vegetation and that no lighting is proposed as part of the development. Therefore, NED has no concerns regarding the proposed development having a significant impact on natural heritage interests.

The proposal is therefore policy compliant.

Shared Environmental Services have also been consulted on the proposal and have returned stating that the proposal is not likely to have a significant effect on the features of any European site.

### **Policy NH6 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 all the following criteria are met:

a) 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; and

b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and  
 c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

The nature of the proposed development with 6 wooden structures in an informal layout representing a low-key form of development of natural materials. The proposal does not offend the character of this AoNB.

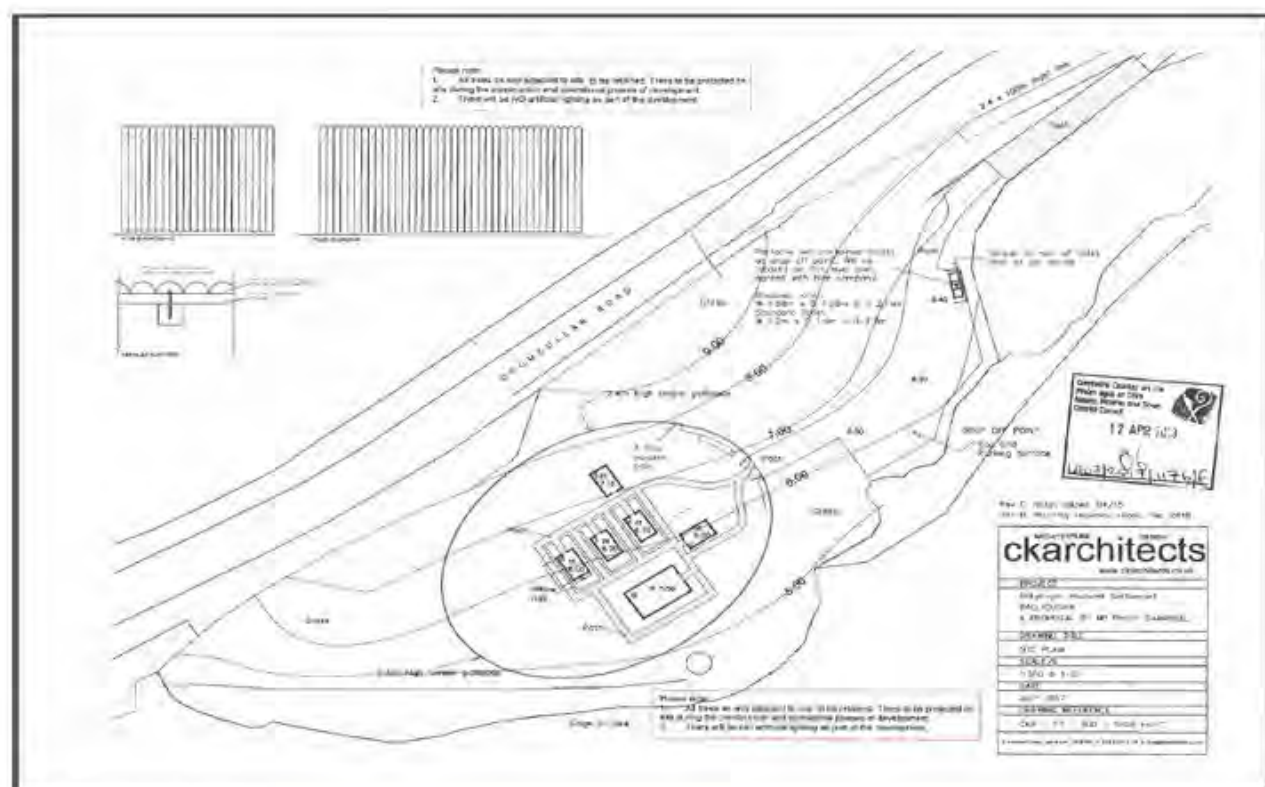


Fig 6

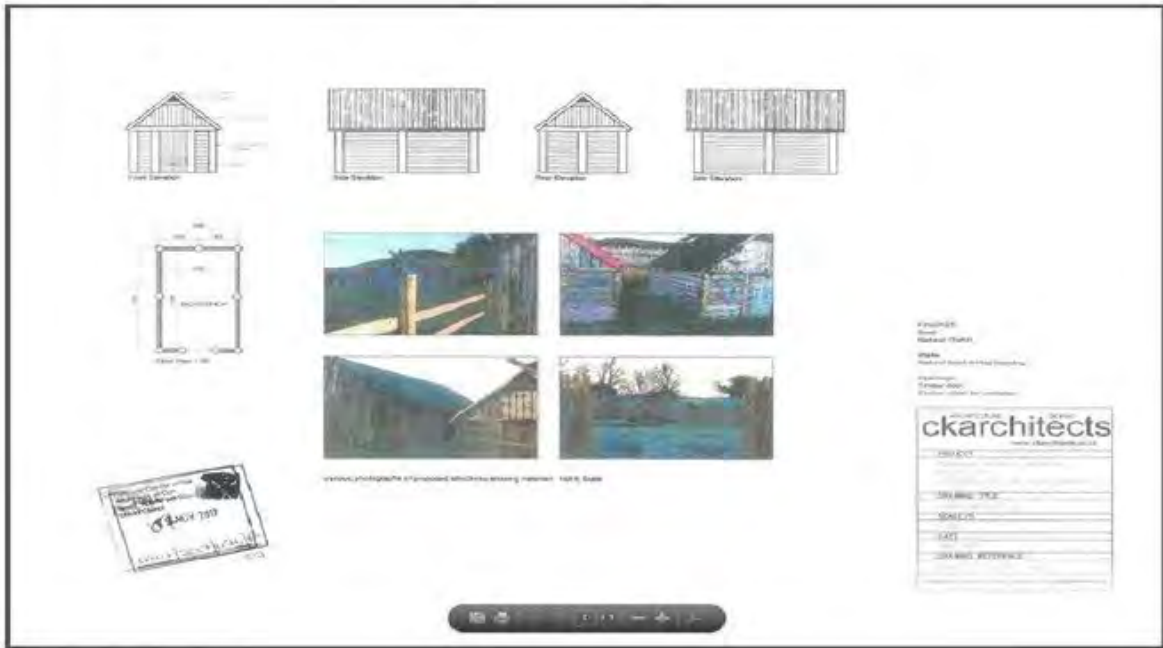


Fig 7

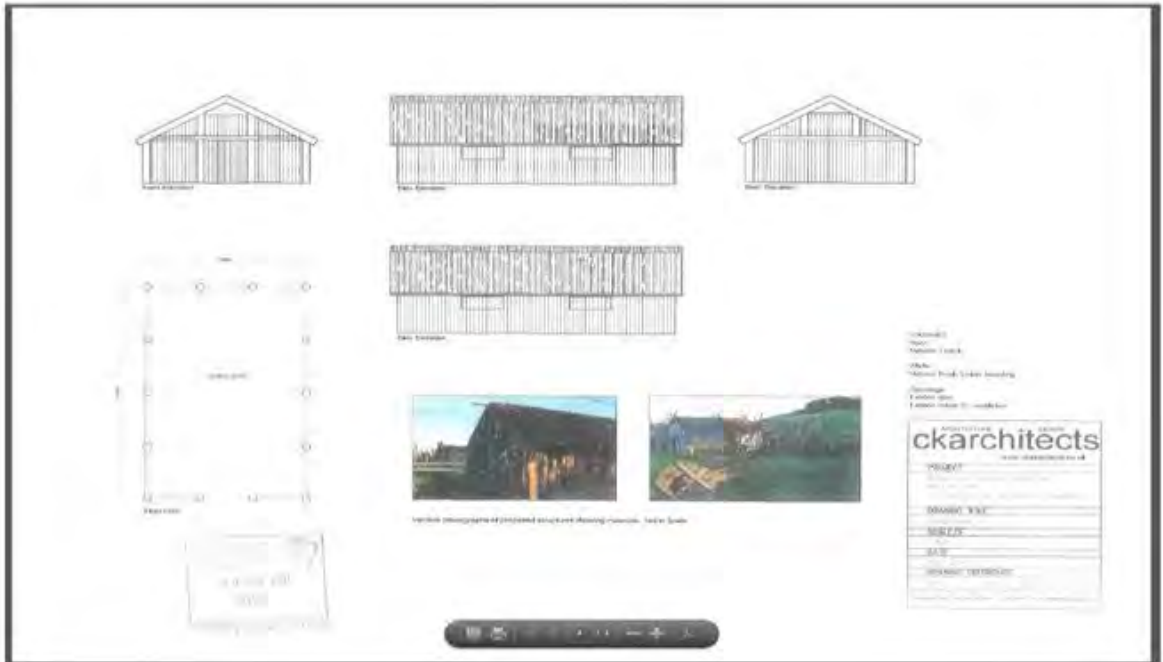


Fig 8

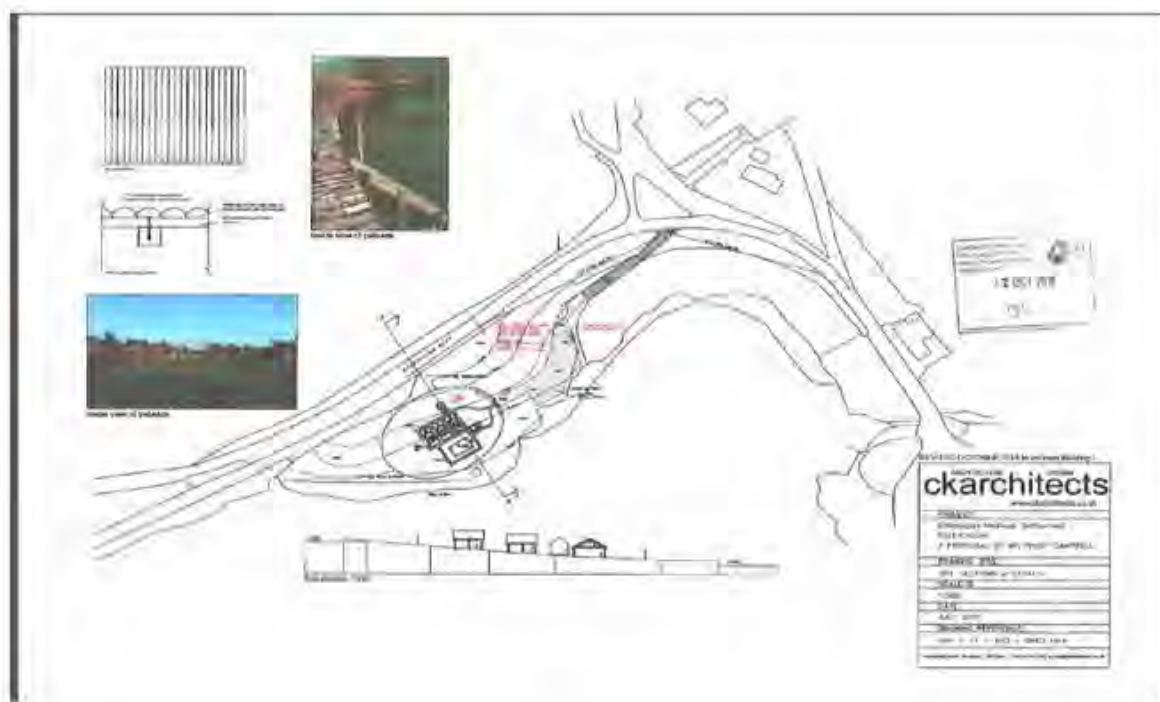


Fig 9

### **PPS3 Access Movement and Parking**

#### **Policy AMP 2 Access to Public Roads**

*Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:*

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

*The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:*

- the nature and scale of the development;*
- the character of existing development;*
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
- the location and number of existing accesses; and*
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.*

DFI Roads have advised in their final consultation response that they have fully considered all letters of objection received by them at the date of response and that they have no objection to the proposal. DFI Roads are content that the roads infrastructure can accommodate the proposed development.

**Policy AMP 7****Car Parking and Servicing Arrangements**

*Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.*

*Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:*

- *where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or*
- *where the development is in a highly accessible location well served by public transport; or*
- *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or*
- *where shared car parking is a viable option; or*
- *where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

*Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.*

*In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.*

No on site car parking is being provided for the proposal. All Car parking is being provided is being provided off site at Ballydugan Mill. There is sufficient car parking available within the confines of the Mill to accommodate the likely car parking requirement. The applicant has also indicated that the proposal will not be open to members of the public and shall be operated on a pre booking basis, there should therefore be no issue with the availability of car parking spaces as this can be controlled through the booking process. Busses shall use the car park as a drop off and pick up point for tours. The applicant has extended the red line of the planning application during the processing of the application to include the car parking at the Mill within the site. It is therefore considered that adequate provision has been made for car parking to serve the proposal.

**PPS15 Planning and Flood Risk**

The application site does not lie within the 1 in 100 year fluvial flood plain. Therefore, the provisions of PPS 15 do not apply. However, Rivers Agency have advised that given the lakeside location of the proposal that the developer be advised to obtain advice from competent, suitably qualified persons to assist in determining appropriate Finished Floor Levels. DfI Rivers normally recommend these are set 600mm above the top water level in this case. This will be attached as an informative to the permission.



**PPS 16 Tourism****TSM 2 Tourist Amenities in the Countryside**New Proposals

Planning permission will be granted for a tourist amenity in the countryside where it is demonstrated that:

a) it is in association with and requires a site at or close to a particular tourism attraction located in the countryside,

or

b) the type of tourist activity in itself requires a countryside location.

All proposals that include buildings must make provision in existing or replacement buildings, where possible.

Where a proposed tourist amenity is of regional importance or is otherwise significant in terms of the extent of new build or the scale of engineering operations it must demonstrate substantial benefit to regional tourism as well as sustainable benefits to the locality. Such applications must be supported by a tourism benefit statement and a sustainable benefit statement.

Extension of an Existing Tourist Amenity

A proposal for the extension of an existing tourist amenity will be permitted where the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area.

Where possible, such proposals will be expected to be accommodated through the conversion, reuse or extension of existing buildings on site, unless it can be demonstrated that this is not a feasible option. In circumstances where the planning authority accepts a new or replacement building it should be sited and designed so as to integrate with the overall development.

Any conversion, extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest they may have.

A tourist amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Tourist amenities are diverse in terms of their nature, scale and function and not all proposals will be suited to an urban location

The impact of proposals on rural character, landscape and natural / built heritage is an important consideration in their assessment, particularly within areas designated for their landscape, natural or cultural heritage qualities.

The current proposal could be described as providing for educational tourism. The current proposal does not involve the provision of tourist accommodation. The proposed development itself requires a countryside location in compliance with TSM2. The buildings proposed are low key and are made of natural materials. The layout of the development is informal and whilst it will be visible in the landscape it will not have a detrimental impact

on the rural landscape. The proposal does not involve the extension to an existing tourist amenity.

All proposals for tourism development is subject to TSM 7 Criteria for Tourism Development and the following design criteria:

#### Design Criteria

(a) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

The proposal will make use of an existing carpark at the Ballydugan Mill complex, and provide a shuttle service to the site for visitors. The supporting documentation on the application advises that the operator can provide transport to and from the bus station in Downpatrick, the nearest public transport hub.

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The layout and design of the proposal are as previously stated low key comprising 6 small medieval structures of natural materials enclosed by a wooden stockade enclosure of historical detail. No artificial lighting is proposed.

(c) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;

The proposed development is within a roadside field and is a medieval re-enactment site, boundaries are to be retained as existing with wooden stockade enclosures utilised to replicate medieval features. Enclosures are to be reflective of medieval times and therefore this matter is somewhat irrelevant.

(d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;

It is proposed to utilise the natural contours of the site, paths shall be gravel or woodchip, the mini-bus drop off area is proposed to be EcoGrid, which will allow for adequate surface water infiltration whilst accommodating the development into the landscape.

(e) is designed to deter crime and promote personal safety;

The proposal is in a countryside location, the site is under lease arrangements to the owner of the Ballydugan Mill which is in close proximity to the proposal site therefore surveillance of site will be achieved.

(f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

There is no public art proposed.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

#### General Criteria

(g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;

It is considered that this project will not have a detrimental impact on the landscape and visual character of this area given its low key nature.

(h) it does not harm the amenities of nearby residents;

Residential amenity is unaffected by this proposal.

(i) it does not adversely affect features of the natural or built heritage;

NIEA HED were consulted during the processing of the application and advised that whilst there were a number of Listed properties in the vicinity namely HB18 20 048 Lake House 7 Drumcullan Rd Grade B1 and HB18 20 055 Ballydugan Flour Mill Grade B1 both of which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011. HED advised that they were content with the proposals under Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and 6.12 of SPPS (NI), subject to the condition that existing trees be retained at boundaries and sight splays.

All trees will be retained at the boundaries of the site, however the imposition of the sight splays will mean the loss of a small number of trees, as the sight splays are required to be kept clear of obstruction in the interests of road safety, road safety requirements are being afforded determining weight against the NED requirement for tree retention in the interests of protecting the character of the setting of listed buildings.

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

Consultation was undertaken with NIEA Drainage and Water, they note the use of portable toilets. As identified by the applicant these must be emptied by a licensed waste carrier. With regard to waste tank, the applicant must ensure the tank is watertight with no discharge to surrounding aquatic environment. The applicant may wish to consider the use of a volume monitoring system incorporating an alarm.

With regard to the used water from the blacksmiths this must not be disposed of to the watercourse. Water Management Unit would be content for this to be disposed of alongside the sewage by the licensed waste carrier.

Water Management Unit notes no tanning of leather is to take place on site.

This proposal includes works in proximity to a watercourse. The applicant must ensure that during the construction phase no contaminated site drainage is allowed to enter the adjacent watercourse. All statutory consents outside Planning should be obtained.

(k) access arrangements must be in accordance with the Department’s published guidance;

DFI Roads have been consulted and are content with the proposal. Subject to sight splays being in place.

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

See above

(m) the existing road network can safely handle any extra vehicular

See above, applicant does not propose to operate as an open facility to the general public but through a booking system for groups. This is the basis upon which the application has been assessed. Parking will be restricted to the existing car park at the Ballydugan Mill.

In light of the above on balance a recommendation to approve is being offered however it is considered prudent to attach a temporary approval of 3 years to the proposed development. Subject of course to agreement by the Planning Committee.

The purpose of the 3-year permission is to allow the operator a period of time in which to ascertain the viability of the enterprise, this will allow the Council to maintain a level of control on the development and to re assess the situation again after 3 years. This is important in the protection of rural amenity, wider sustainability objectives and the long-term health of the tourism industry in the District.

To conclude, the proposed development complies with the relevant policies and all material consideration raised as part of the processing of the application, on this basis approval is recommended for a temporary period of 3 years.

**Authorised by** .....



## Proposed Conditions

1. The permission hereby granted shall be for a limited period of 3 year(s) only and shall expire on xxxx. Following this date the buildings and all associated development shall be removed from the site and the land restored to its former condition (on or before 6 months from the date of expiry) in accordance with a scheme of work submitted to and approved by the Council.

**Reason: To enable The Council to consider the development in the light of circumstances then prevailing and to protect the rural character and appearance of the area.**

2. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan 04 bearing the date stamped 02-08-17 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Council prior to first use of the site. Any external lighting that is installed shall accord with the details so approved.

**Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers**

5. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

**Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.**

## Informatives

1. Due to the near location to the lake the developer should be advised to obtain advice from competent, suitably qualified persons to assist in determining appropriate Finished Floor Levels. DfI Rivers normally recommend these are set 600mm above the top water level in this case.

2. If it is proposed to discharge into a watercourse then an application should be made to the local Rivers Agency office for consent under Schedule 6 of the Drainage (Northern Ireland) Order 1973. This should be obtained from the Regional Office at Ravarnet House, Altona Road, Lisburn BT27 5QB.
3. Water Management Unit notes the use of portable toilets. As identified by the applicant these must be emptied by a licensed waste carrier.
4. With regard to waste tank, the applicant must ensure the tank is watertight with no discharge to surrounding aquatic environment. The applicant may wish to consider the use of a volume monitoring system incorporating an alarm.
5. With regard to the used water from the blacksmiths this must not be disposed of to the watercourse. Water Management Unit would be content for this to be disposed of alongside the sewage by the licensed waste carrier.
6. Water Management Unit notes no tanning of leather is to take place on site.
7. This proposal includes works in proximity to a watercourse. The applicant must ensure that during the construction phase no contaminated site drainage is allowed to enter the adjacent watercourse.
8. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to in Standing Advice Discharges to the Water Environment.
9. The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance.
10. The applicant must refer and adhere to all the relevant precepts contained in Standing Advice Pollution Prevention Guidance.
11. The applicant must refer and adhere to any relevant precepts contained in Standing Advice Discharges to the Water Environment.
12. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
13. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

**Ballydugan Viking Settlement**  
**Planning Application LA07/2017/1176/F**

As the owner of the Ballydugan Lake, my family and I wish to submit the following points to express our continuing very strong objections to this application:

1) **Planning Policy TSM8 of PPS16 (Tourism)**: As pointed out in our letter of 29<sup>th</sup> August 2017 the requirements are not met even if the applicant is claiming this as a tourist attraction – which he seemingly is currently not.

2) **Tourism**: The Planning Committee will be aware that the application has changed and morphed considerably since first proposed. One moment there is to be no public access, the next, visitors will be coming and staying overnight for “re-enactments” and “to offer a rich variety of experiences for the general public”. It cannot be both. How can the scheme be part of a wider tourist strategy if not open directly to the public? How can there be benefits to tourism if it isn’t a tourist attraction directly open to the public?

The case file reveals that on 8 November 2017 the Planning Officer e-mailed the Council’s Senior Tourism Initiatives Manager who had in turn previously met the applicant and others to discuss their involvement in the ongoing Tourism Development Strategy. He reports that the Planning Department has concerns with the proposals and are minded to recommend refusal. Discussion in the e-mail trail turns to the Council’s agreed Tourism Strategy and by 9 November 2017, just 24 hours later, the Senior Planning Officer e-mails “Can we discuss the Viking re-enactment application we have and how we proceed to determine in light of the Council’s apparent support”. This u-turn in position is extraordinary. The Council cannot possibly agree that an application which is not open to the public is a tourist venture or has tourism benefits. How can it possibly be an integral part of the Council’s Tourism Strategy? The Planning Department’s first instinct to refuse the application must surely be the correct one.

3) **Planning Policy in the countryside**: Planning Policy Statement 16 (Tourism), Policy TSM4 states clearly the conditions for development in the countryside. As our letter of 29<sup>th</sup> August 2017 states in detail, this application does not seem to qualify under either section. There is no reason why the proposed development requires this specific site. The applicant has previously held demonstrations at the St Patrick’s Centre during the DownTime SummerFest, at Delamont for the Magnus Barelegs Festival and carries out re-enactments at local primary schools. The website of the Magnus Viking Association, of which the applicant is the chairperson, states “since 2003 we have done everything from school visits, living history displays, tours etc. [...] travelling nationally and internationally [...]”, which proves that he does not need the specific permanent site of Ballydugan to carry out his activities successfully. The Planning Officer’s Report does not answer this point: why does he need this specific site in accordance with the relevant Planning policies? An attractive and scenic lakeside setting is not enough reason to grant permission to such an application.

4) **Health and Safety**: The Planning Officer’s Report states that “Health and Safety concerns in relation to the Lake are matters outside the remit of this application”. As the owners of the



Lake, we cannot accept this position. Should an accident occur, we would be highly likely to be at least involved, if not deemed liable. This leaves us in an intolerable position. The Planning Committee simply must address our Health, Safety and Liability concerns at this stage. An accident or even a fatality in the Lake would be too late for discussing such matters. Should permission be granted and an accident occur, we would hold the Council equally liable unless a separate agreement was reached to cover such insurance liabilities.

5) **Roads/Road safety:** The response from the Roads Authority has been a disgrace – nothing but “No Objections” regarding a small country road with a well-known safety problem as demonstrated by photographs of accidents provided by other objectors. The desktop assessment completed by the Roads Authority is totally insufficient in the circumstances, especially where the safety of groups of children walking up the road are concerned. We completely disagree with the Planning Officer’s report and his assessment of this matter.

6) **Wildlife:** The site is located within an AONB where many visitors come to enjoy the wildlife in the Lake setting. The Planning Officer’s Report states that “Planning permission will only be granted for a development proposal that is not likely to have a significant impact on a Local Nature Reserve.” However, the reaction from NED on the impact of wildlife is hardly credible in the face of local knowledge reported to them and when they themselves state that it is likely that a range of protected and priority species are present in the area.

7) **Eco-grid:** The use of Eco-grid plastic sheeting for parking could be disastrous. There is no known shelf-life for this material, but it will probably break up into small fragments and end up in the lake and wider waterways over time. In the current anti-plastic environment, the Planning Committee should surely not be encouraging or permitting the use of such material and should insist upon its complete removal should the project fail if permission is granted.

8) **Meeting the applicant and suggested resolution to objections:** We met the applicant and Mr Killen on 5 February 2018 and suggested to them that if the site was transferred across the road up into the Drumcullen property away from the Lakeside, this would overcome almost all objections at a stroke, but this suggestion has been ignored.

We hope that the Planning Committee will reject this application to preserve a much-loved local beauty-spot for the enjoyment of future generations.

Eleanor Good

David Good

Michael Good



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

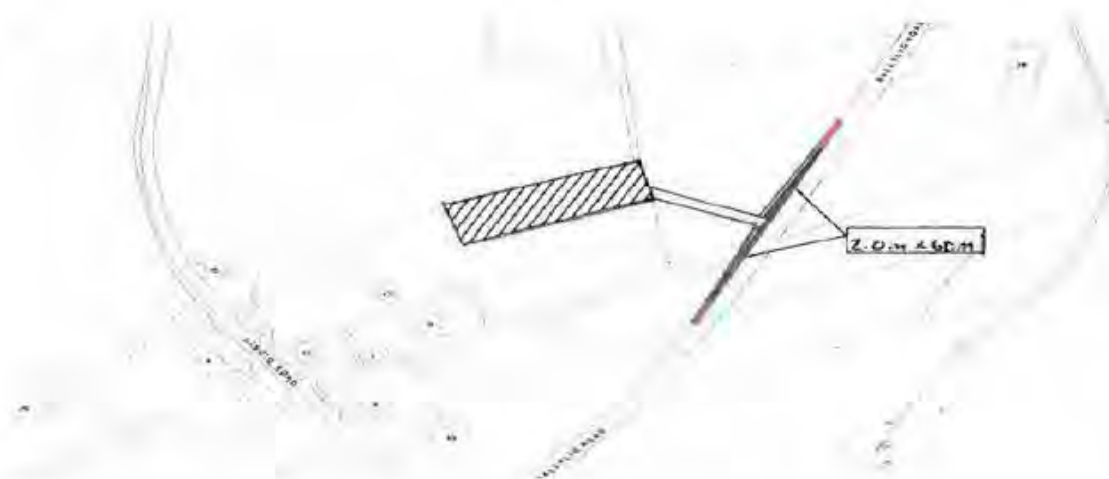
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1975/O

**Date Received:** 12<sup>th</sup> September 2018

**Proposal:** Dwelling

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



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

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

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

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

**Site History:**

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

**Planning Policies & Material Considerations:**

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

The application was advertised initially in the local press on 09.01.19

**Consultations:**

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

**Objections & Representations**

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

**Consideration and Assessment:**

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

**SPPS**

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

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

### Policy CTY 2a

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

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

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

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

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

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

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

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

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

### Policy CTY 6

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

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

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

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

### Policy CTY 13

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

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

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

Conclusion

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

**Recommendation:**

REFUSAL

**Reasons:**

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

Signed .....

Date .....

Signed .....

Date .....

## Planning Committee 'Call in' Request Form

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Delegated Application List w/c:	Planning Application Number :  LA/07/2018/1975/O	Requested by:
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PLEASE NOTE THAT SUBMISSIONS SHOULD BE ON THIS FORM AND LIMITED TO TWO PAGES. ANY ADDITIONAL INFORMATION BEYOND TWO PAGES WILL BE DISREGARDED.

## Description of the application –

Planning permission for a new dwelling on a site located behind 15a Lisoid Road (rear garden) and next to 13 Lisoid Road, Rossglass.

## Proposed decision (including reasons if the decision is refusal) –

The proposed decision was "recommendation for refuse". The recommended reasons were:

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

2.The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point and is not located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster, the development of the site cannot be absorbed into the existing cluster through rounding-off and consolidation and would visually intrude into the open countryside.

3.The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long-term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused.

4.The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

Planning Policy Statement PPS 21; CTY 2a states that, "*planning permission will be granted for a dwelling at an existing cluster development*". It is understood that in order to comply with Policy CTY 2a each condition of the policy needs to be met, which is why I supplemented my application with a voluminous amount of photographic evidence to illustrate each criterion within this policy. One example (of many that are listed throughout the application in the supporting evidence) is, in the "recommendation for refuse" it states that "the cluster does not appear as a visual entity in the local landscape". However, the "cluster" can be seen from numerous angles in the local landscape. It is opinions, from the planning authority, such as this that are troubling. The "recommended" reasons for refusal based on CTY 2a are unclear and undoubtedly conflict with the evidence that I submitted in order to supplement each criterion within this policy. This leads me to believe that the analysis of the application was not carried out with due diligence and the conclusion was based arbitrarily.

## Planning Committee 'Call in' Request Form

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(Image 1 and 2 shows the "cluster" from two different angles, which illustrates the degree in which the "cluster" of houses can be seen in relationship to the local landscape).

*Image 1: view westbound on the Rossglass Road*



*Image 2: view southbound on the Minerstown Road*



Another example, the recommendation for refuse states is "not located at a crossroads". I have given photographic evidence to the contrary, where the Ballylig Road, meets the Minerstown Road, the Rossglass Road and the Lisoid Road, to me this equates a crossroads. So again, confusion arises.

As shown by the examples, it appears that the planning authority is clutching to non-existent claims with regards to particular criterion in CTY 2a. It is under this policy within PPS 21 that I wish to push my application forward.

Set out why this application should be determined by Committee rather than officers -

Upon studying various planning applications, I have come across submissions similar to my own that have met the criteria for CTY 2a, within the same planning authority. This is the main reason I would like this application to be determined by committee rather than officers. As it seems that the officers are making decisions based on their opinion, where goal posts can be moved, rather than the criteria laid out in PPS 21 CTY 2a, combined with the supporting facts.

It is my understanding that the officers are not letting PPS 21 prevail. They are using their judgment alone to decipher how the countryside should be managed.

Within the background section of PPS 21 it states, "to develop a policy based on the principles of sustainability that would strike a balance between the need to protect our countryside from unnecessary development, but that would also support and allow our rural communities to flourish, socially and economically".

There has been no balance struck in this circumstance. The last development in this area was 15 years ago, before this policy was in place and within that time local services have been lost and development has ceased. It is evident to me as a local, that other services such as transport may stop due to an ageing population, as the bus is used mainly by school children and commutes to and from Downpatrick for work.

It is my belief, as a local of the area, that the disregard of PPS 21 is failing this community and allowing it to diminish, at the hands of planning officers who are supposed to be true advocates of PPS 21.





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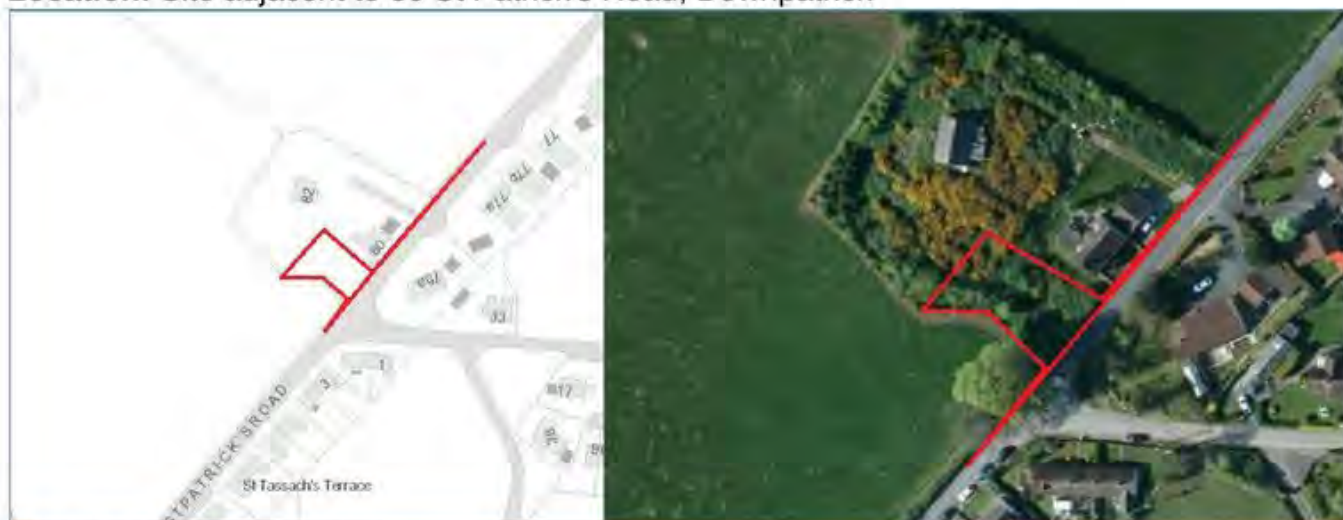
**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1794/F

**Date Received:** 13.11.2018 (date valid 21.11.2018)

**Proposal:** New dwelling and garage with associated site and access works

**Location:** Site adjacent to 80 St Patrick's Road, Downpatrick



The site is within Raholp.

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

This roadside site is comprised of a rectangular shaped plot with an irregular south-east boundary.

The site is accessed from St Patricks Road and is currently providing an access to the development of 2 dwellings to the rear and extension works which, both of which are ongoing (during site inspection) to the neighbouring dwelling of No 80 St Patricks Road.



The site is a large mound of stones and the roadside ie SE boundary and southern boundary shared with agricultural field is defined by a wire fence and mature hedges. The southern boundary has a back of planting approximately 2/3m in depth and includes a mix of shrubs and sapling trees.

The rear boundary of the site ie the western boundary is undefined.



**Site History:**

LA07/2016/1421/O GRANTED 30.06.2017

Proposed dwelling and garage South west of 80 St Patrick's Road, Downpatrick

R/2009/0838/F WITHDRAWN 20.06.2014

Demolition of two dwellings and provision of 10 No. Dwellings (amended scheme)  
80-82 St Patricks Road Raholp Downpatrick

Neighbouring site:

LA07/2018/0501/F GRANTED 06.09.2018

Demolition of existing dwelling and construction of 2 no bespoke dwellings and garages at No 82 St Patrick's Road, Downpatrick



LA07/2018/0216/F GRANTED 23.03.2018

Alterations and extension to dwelling including first floor extension over existing rear return, demolition of existing garage and construction of replacement garage to rear of original 80 St Patricks Road, Raholp, Downpatrick

LA07/2016/0183/O GRANTED 26.08.2016

Proposed Dwelling and Garage to rear of 80 & Adjacent to 82 St Patricks Road, Downpatrick

**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 7 Quality residential Development (PPS6), PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS12 Housing in Settlements, PPS3 Access, Movement and

**Parking.** The site is for development within Raholp and therefore policy DES 2 of the Rural Planning Strategy will also form part of the assessment.

The site lies within the Lecale and Strangford Area of Outstanding Natural Beauty and therefore PPS2 Natural Heritage will also be considered.

Department Guidance documents such as Creating Places, Living Spaces, Development Control Advice Note Residential 15 (DCAN 15) Vehicular Access, 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:**

Council sought comments, through consultation, from Transport NI, NI Water Ltd and as the site lies within the area of influence in relation to archaeological site and monument DOW031:003 comments from Department for Communities (DfC) Historic Environment Division (HED) were also facilitated.

Transport NI responded with no objection subject to recommended planning conditions relating to the proposed access. NI Water provided their standard information for the applicants benefit and HED within DfC advised they were content the proposal is satisfactory to the SPPS and PPS6 Planning Archaeology and the Built Environment.

### **Objections & Representations**

The site was advertised in Mourne Observer and Down Recorder on the 05.12.2018 with statutory expiry on the 19.12.2018.

7 Neighbouring properties were notified within the neighbour notification process. During site inspection the new build dwellings to the rear were not habitable and therefore notification was not considered feasible. No representations have been received to date and the statutory 14-day period of neighbour notification expired on the 20.12.2018.

### **Consideration and Assessment:**

The proposal is a full application for a detached dwelling within the settlement of Raholp. The site has extant outline approval for a dwelling granted under planning reference LA07/2016/1421/O approved subject to condition on the 30<sup>th</sup> of June 2017.



Further to comments from the Planning Authority detailed in letter dated 5<sup>th</sup> April 2019 the applicants planning agent submitted amended plans. The assessment will consider the plan numbers LA07/2018/1794/01 and 05 dated 13NOV2019 and amended plan numbers LA07/2018/1794/02,03,04&06 dated 18APR2019. The proposal was also submitted with a Design and Access Statement.



The plans detail a 2-storey detached dwelling with a 2-storey detached garage to the rear. The dwelling will have private vehicular access and front onto St Patricks Road. The dwelling has a T-shape with a 2-storey rear projection which is ancillary in height to the main portion of the dwelling. The dwelling has a proposed height of 7.1m, the rear projection was reduced in width by 0.3m from 7m to 6.7. wide and length by 0.6m from 13.1m to 12.5m. The height of the rear return has not been altered from the original submission and remains 6.2m.



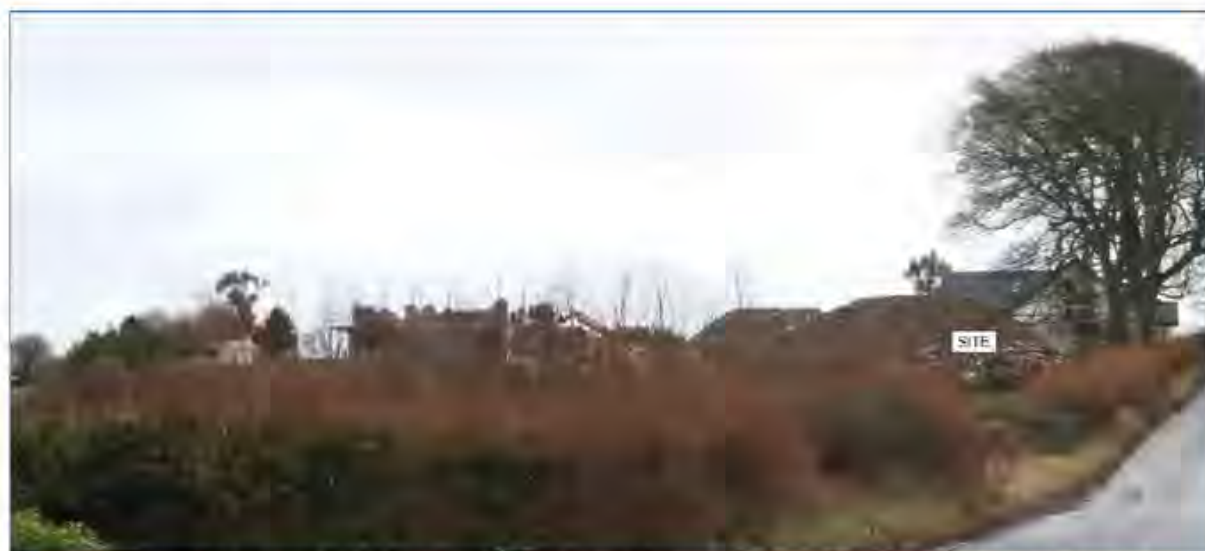
The garage has been moved forward within the site and away from the shared rear boundary by 0.3m which provides a separation from the boundary. The separation from the rear boundary is not generous however the dwelling to the rear (currently under construction) is set back 12m from boundary shared with the site.

The amended plans also provide details of the materials and finishes which will include smooth render and accent walls with coursed random rubble stonework (image with colour provided on plan 04 dated 18APR2019) and the chimneys are to be

finished with brickwork.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) includes strategic policy for residential and non-residential development within the province.

The proposal is for housing within settlement and therefore residential development will be expected to conform to PPS7 Policy QD1 criteria (a) to (i) and PPS7 Addendum will be considered. Planning must also consider the extant outline approval which has accepted the principle of a dwelling within the site. The Ards and Down Area Plan 2015 identifies Raholp as a small linear settlement with the settlement limit drawn to maintain visual breaks and provide limited opportunities for housing development.



The site is within an area of drumlin topography and sits at a higher level than the adjacent ground south of the site within the agricultural field.

The dwelling proposed includes a large 2 storey rear projection standing at 6.7m, and a length of 12.5m. The side elevation of the dwelling will be 19.8m in length. The elevated nature of the site is particularly visible from critical views south, such as

when approaching St Patricks Road along the Myra Road and approaching the site when travelling north along St Patricks Road.



The site abuts the Settlement limits of Raholp and includes supplementary planting along the southern boundary. The planting will aid the creation of a buffer between the settlement and the countryside however it would not alleviate the detrimental impact a dwelling of this scale, proportion and massing will have on the character of the small settlement and its dominance on the skyline. This is due to the height, scale, proportion and form of the proposed rear return. The proposal is contrary to PPS7Policy QD1(a).

The site constraints have been considered and there are no features of archaeological or built heritage to be considered. The site is within the Lecale Area of Outstanding Natural Beauty. This area of the AONB has a distinctive rolling drumlin landscape and the small settlement of Raholp has a distinctive linear pattern developed along St Patricks Road.

PPS2 Policy NH6 considers development within an AONB and states that planning permission for new development will only be granted where it is of an appropriate design, size and scale for the locality and refers to criteria that must be met. The design, materials and finishes will reflect the dwellings permitted adjacent to the site however the scale of the dwelling proposed within the elevated site would dominate the skyline and will not be sympathetic to the special character of the AONB in general or that of the small settlement of Raholp however this must be weighed with the context of the site as it sits within the settlement limits rather than as a standalone dwelling in the countryside.

The Rural Planning Strategy Policy DES 2 considers townscape and requires development proposals within a settlement to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Raholp is a small settlement with a mix of house types. The materials proposed for the dwelling are acceptable however this is a prominent site that abuts the settlement limits and the development. The scale of the rear return proposed is such that the dwelling would detract from the character of the area contrary to Policy DES2.

The site has a medium plot size that accommodates a suitable level of private amenity space. The applicant intends to supplement the existing boundary planting with additional planting along the southern boundary. This will aid definition of the settlement limits of Raholp from the countryside. The existing and proposed planting will not overcome the detrimental impact the proposal will have on the character of the area which is due to the form, proportions, scale and massing of the dwelling proposed.

The proposal is for a single dwelling and a movement pattern or provision of necessary local neighbourhood facilities are not required. The details of the proposed access have been considered by Transport NI and the site can accommodate more than the 2 car parking spaces needed to facilitate the proposal. This satisfies PPS3 Access, Movement and Parking and the Departments Parking Standards.

The site shares its northern boundary with the existing dwelling of 80 St Patricks Road and its rear ie eastern boundary, with a 2-storey detached dwelling currently under construction. Further to request from the Planning Authority the applicant supplied additional sections through the site which included the neighbouring dwelling under construction and No 80 in relation to the proposed dwelling. The rear elevation of the dwelling and garage would not result in demonstrable impact on the residential amenity of the dwelling under construction and the separation distance of over 9m which includes the side driveway of the proposal and limited size and position of the windows along the site elevation, will protect the amenity of No 80 St Patricks Road. The proposal would not create conflict with adjacent dwellings or land use ie agricultural field which abuts the site.

The dwelling is designed to front onto St Patricks Road and the rear amenity space will be enclosed by planting.

**Recommendation:**

*Refusal*– The principle for development has been established under outline approval LA07/2016/1421/O however the dwelling proposed would fail to respect the context of the small settlement of Raholp. The scale, mass and proportions of the dwelling proposed, referring to the 2-storey rear return, would be inappropriate within the site and damage the local character of the area.



**Refusal Reasons/ Conditions:**

*Refusal reasons as recommended by Case Officer – may be subject to change prior to issuing decision:*

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the rear return of the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions.
2. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the design and scale of the dwelling, in terms of the rear return will result in development that would, if permitted, harm the rural setting of Raholp.

**Case Officer signature:**

**Date:**

**Appointed Officer signature:**

**Date:**

## WRITTEN SUBMISSION

### Planning Committee Meeting Wed. 24<sup>th</sup> July 2019.

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**Planning Application Details:**

Application Reference: LA07/2018/1794/F  
Date Received: 13 November 2018  
Proposal: New dwelling and garage with associated site and access works.  
Location: Site adjacent to 80 St Patrick's Road Downpatrick.  
Applicant: Mr & Mrs David Higgins  
Recommendation: Refusal

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We are grateful to the Planning Committee for the opportunity to present this written submission for their consideration.

The recommendation for refusal on the delegated list, week commencing 10<sup>th</sup> June 2019, is rebutted as follows:

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(a) in that the rear return of the proposed dwelling fails to respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale and proportions.
2. The proposal is contrary to Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that the design and scale of the dwelling, in terms of the rear return will result in development that would, if permitted, harm the rural setting of Raholp.

**Points of clarification:**

- The planning report states that the 2 storey rear return was originally submitted with a ridge height of 6.20m (above FFL) and that the amended drawings submitted to the planning office following their comments (dated 5<sup>th</sup> April 2019) did not alter the ridge height. We can confirm that the original rear return ridge height was 6.25m and following the planners comments was reduced to 6.10m in association with a narrowing and shortening of the rear return.
- The planning report later describes the ridge height of the rear return as being 6.70m, which we assume is an error.

It appears from the Planners report that all aspects of the application are acceptable with one exception; the scale, mass and proportions of the rear return. The report states that the rear return is unacceptable due to its impact on the character of the small settlement and its dominance on the skyline from critical views when approaching St Patricks Road along the Myra Road and approaching the site when travelling north along St Patricks Road.

We feel however that the planning report does not give sufficient weight to the two new dwellings under construction to the west of the proposed dwelling. These two dwellings also abut the settlement limits and have eaves and ridge heights higher than the proposal building and significantly higher than the proposals rear return. In addition, these new dwellings to the west are located on a higher elevation when compared to the proposal site which is in fact at the lowest level across the four plots of the extended development area.

Points of note with regard to ridge height levels:

- 39.400 - Rear return of proposal dwelling
- 40.300 - Main body of proposal dwelling
- 41.100 - Rear return extension of existing house – now complete
- 41.590 - Main body of Existing House
- 40.929 - Main body of Proposed House A – under construction
- 42.105 - Main body of Proposed House B – under construction

We have also recently visited the site and assessed the critical views for both the Myra Road and St Patricks Road as highlighted in the planning report.

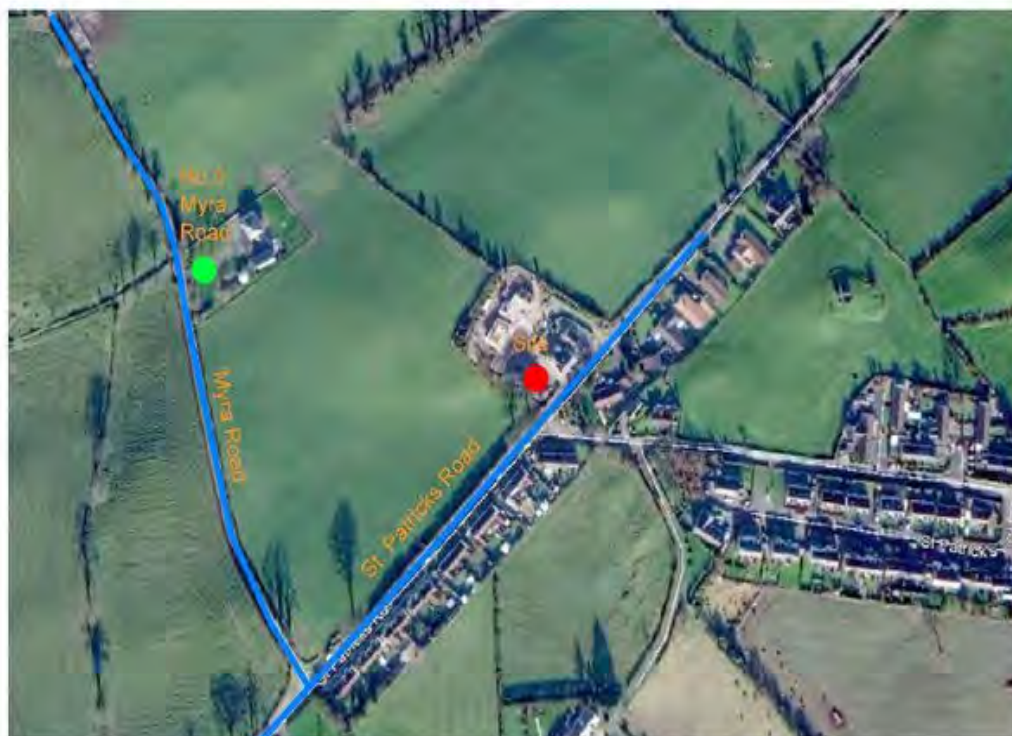
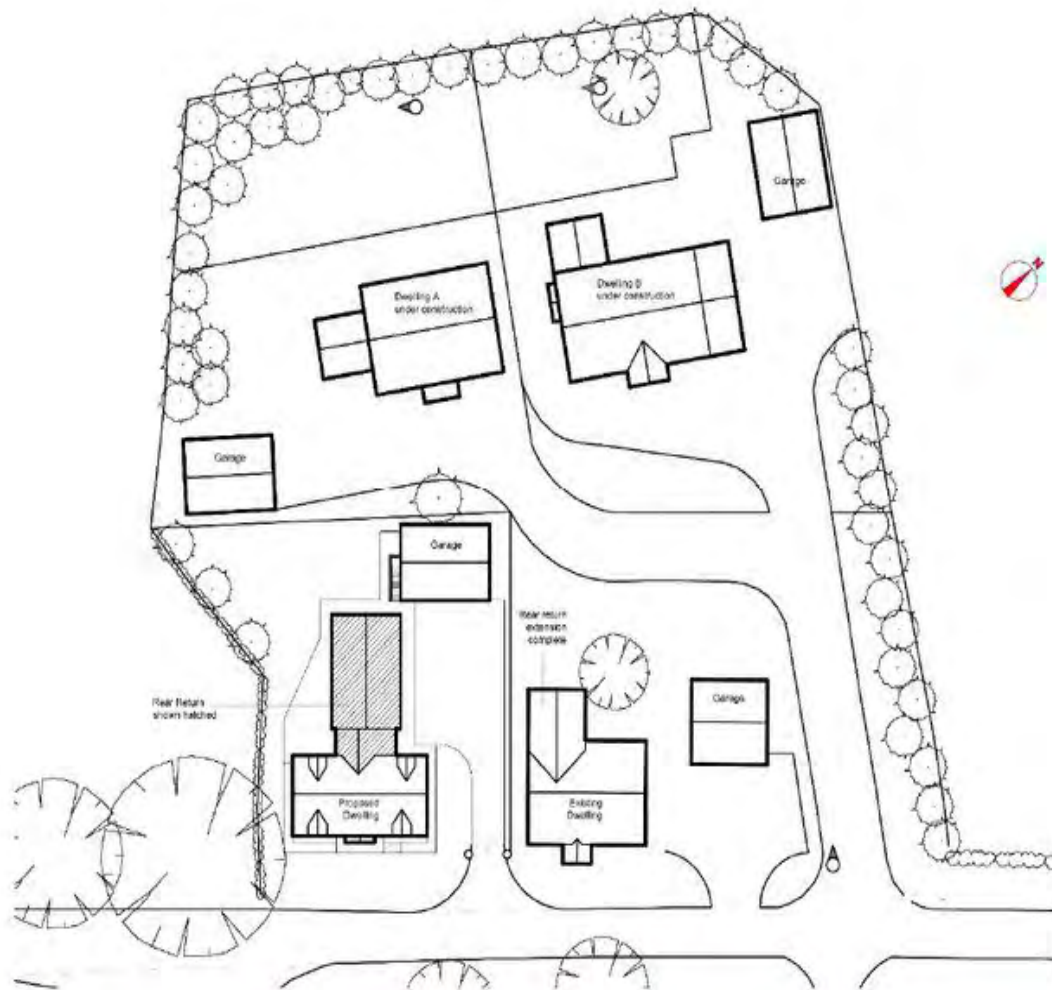
We noted that the Myra Road is bounded on both sides along the majority of its length by 7 to 10 foot high dense hedging. There are only 2 locations along the entire Myra Road that allows distant views of the site. The first is 237m from the site located at House No.5, the second is at the junction with St. Patricks Road where the last 6m of fencing has no associated hedging and the site can be viewed from 220m away.

Turning left from the end of the Myra Road into the St. Patricks Road which runs past the site; there are intermittent views of the site location (area where the building is to be located) along this straight section of road where the hedge is just low enough to allow, but not a continuous view of the site location nor a view of the entire site location. The right hand side of the road has a continuous row of semi-detached single and two storey dwellings giving the impression you are entering a built-up settlement.

Although the site location can be intermittently viewed the ground on which the building will sit cannot be viewed traveling along St. Patricks Road until virtually upon the site itself, due to the existing hedging and trees along the boundaries and the significant mature trees at the corner of the site which dominate views in this direction.

It is our belief that the rear return when viewed along with the new rear return extension to the existing dwelling to the north (now complete) and the two new dwellings immediately west (under construction) that the impact of the rear return in question is minimal and actually lower than any of the other dwellings including the rear return extension adjacent. We also find that there will be minimal and only distant views of the rear return along the Myra Road and only intermittent views of the rear return along the St. Patricks Road. These views taken in context with the surrounding (higher) development, the existing boundary hedging and trees and the significantly higher mature trees at the corner of the site reduces the impact of the rear return to almost negligible; it would have no impact on the character of the area and would definitely not dominate the skyline.

We hope to further explain our arguments during the Committee meeting with a Powerpoint presentation containing photographs and a 3D model of the site, surrounding topography and the other adjacent buildings (existing and under construction) so that the Committee may appreciate the rear return of the proposed dwelling in context from the critical views.





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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0208/F

**Date Received:** 08.02.17

**Proposal:** Refurbishment to existing Chambre House with associated site works and landscaping works to create new Interpretive Centre for Slieve Gullion Forest Park

**Location:** Chambre House, Slieve Gullion Forest Park, Drumintee Road, Meigh

**Site Characteristics & Area Characteristics:**

Site comprises of a former dwelling located within the grounds of Slieve Gullion.

**Site History:**

LA07/2017/1136/F - New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: insitu reinforced concrete retaining walls clad with stone; bitmac hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land x the full width of the new car park will be planted west of the new car park to provide screen planting. Current.

LA07/2017/0103/F - Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. Granted.

**Planning Policies & Material Considerations:**

**Banbridge/ Newry and Mourne Area Plan 2015:** Sites is within the open countryside, AONB, Special Countryside Policy Area, Historic Park Garden and Demesne, Special Local Nature conservation Importance, Hawthorn Hill

**PPS2 (NH2, NH3 and NH4):** NED have reconsidered impact upon natural heritage interests and on the basis of information provided have no concerns subject to conditions. There is not likely to be any direct impact upon the SLNCI

**PPS3, DCAN 15 and Parking Standards** - Transport NI in their comments have raised no objections

**SPPS and PPS6** - HED in comments dated 22.02.19 have raised no objections, with development satisfactory to SPPS and PPS6

**SPPS and PPS16 (TSM2 and TSM7)**

Proposals are located at an existing tourist attraction of Slieve Gullion with provision made within an existing building at the site to facilitate proposals. The overall scale and nature of proposals will not cause detrimental harm to the rural character, landscape, environmental integrity or to any historic or architectural interests. Furthermore proposals fully meet the criteria for tourist development under TSM 7.

**SPPS, PPS2 (NH6), PPS21 (CTY1 and CTY4) and DCAN 11**

Proposals include the refurbishment of a former dwelling house to form an interpretative centre in connection with the existing tourist attraction of Slieve Gullion. The building is in bad state of disrepair that its reuse will maintain and enhance its form, character, architectural features, design and setting without adverse impact upon the special designations associated with this location. HED have raised no objections to proposals. Overall proposals fully meet the requirements of planning policy.

**Impact upon Special Protection Areas etc:**

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

**Consultations:**

HED (22.02.19) Historic Buildings and Monuments - Satisfactory to SPPS and PPS6 subject to conditions

NED (07.06.19) - HED reconsidered impact upon natural heritage interests and on basis of information provided have no concerns subject to conditions.

DAERA Drainage and Water (30.07.18) - Previous comments remain valid (09.03.17: Water Management Unit - Content)

NIW (28.07.18) - Generic response

Transport NI (11.07.18) - No objection

Environmental Health (20.02.17) - No objection

Shared Environmental Service (07.03.17) - No conceivable effect on the selection features, conservation objectives or status of any European Site

## **Objections & Representations**

4 neighbours notified

Advertised August 2017 and March 2018 (amended plans)

No objections received but letter received from Clanrye Group

### **Letter from Clanrye Group:**

Letter from Clanrye Group – Lease between Clanrye Group and Forest Service which provides right of way in an area currently being proposed to create additional parking. Asked to be fully consulted in relation to this application and thought given the impact that proposed work will have on Clanrye group rights of way.

### **Consideration of Letter:**

The impact upon the right of way is a civil matter between relevant parties. Clanrye Group have been re-neighbour notified in relation to amended plans on the 02.01.18. The P1 form was amended 29.06.18 acknowledging that land ownership is in third party (a further neighbour notification went out on the 16.07.18).

### **Consideration and Assessment:**

The overall development is acceptable in principle in terms of design and use meeting the requirements of planning policy and consultees are now satisfied with proposals.

### **Recommendation:**

Approval

### **Conditions:**

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

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

2. No works shall be carried out on the building until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

3. All slim profile double-glazed units to multi-paned windows and doors shall be fixed in place with putty, not timber slips;

Rainwater goods shall be heritage profile cast iron or cast aluminium (not extruded)

Reason: To ensure that the proposals 'make use of traditional or sympathetic building materials which respect those found on the Listed Buildings' as required by criterion (b) of Policy BH11.

4. Landscaping proposals shall be provided to and agreed in writing with the Planning Authority in consultation with Historic Environment Division, prior to commencement; details shall include:
  - a. The pedestrian return route, once overgrown vegetation is cleared;
  - b. Balustrade detailing for new stone steps;
  - c. Extent of gravel paths with natural stone edge / kerbs;
  - d. Specification for wall mounted lights; and
  - e. Specification for recessed uplights

Reason: To ensure that the proposals 'make use of traditional or sympathetic building materials which respect those found on the Listed Buildings' as required by criterion (b) of Policy BH11.

5. No works shall be carried out on the building until a NIEA Wildlife Licence has been obtained and evidence of this has been provided to the Planning Authority in writing.

Reason: To minimise the impact of the proposal on bats.

Case Officer

Authorised Officer



Photographs











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**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0528/A

**Date Received:** 02.04.19

**Proposal:** Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

**Location:** Derrymore Demesne, Bessbrook

**Site Characteristics & Area Characteristics:**

Site is contained within the historic, park land and demesne of Derrymore

**Site History:**

LA07/2019/0770/LBC - Improvements works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0762/LBC- Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works

LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation

works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

**Banbridge/ Newry and Mourne Area Plan 2015** - Historic Park, Garden and Demesne and LLPA

#### **SPPS, PPS17 (AD1) and PPS6 (BH11)**

HED in their consultation response dated 14.05.19 have raised no issues of concern. Overall proposals have been sympathetically designed to take account of its setting within an historic park, garden and demesne and is respectful of the designated LLPA. Proposals respect amenity and will not prejudice public safety.

Proposals meet the requirements of planning policies of the SPPS, PPS17 and PPS6.

#### **Consultations:**

HED (14.05.19) – Content

**Objections & Representations** - No objections received

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

Overall proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

#### **Recommendation:**

Approval

#### **Conditions:**

1. The sign shall be erected in the position shown on the approved plan No. ....  
date stamped .....

Reason: In the interests of road safety and the convenience of road users.

*Case Officer*

*Authorised Officer*



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**Newry, Mourne  
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District Council

**Application Reference:** LA07/2019/0762/LBC

**Date Received:** 18.04.19

**Proposal:** Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

**Location:** Derrymore Demesne, Bessbrook

**Site Characteristics & Area Characteristics:**

Site is contained within the historic, park land and demesne of Derrymore

**Site History:**

LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

LA07/2019/0770/LBC - Improvements works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works

LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.



LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

**Banbridge/ Newry and Mourne Area Plan 2015** - Historic Park, Garden and Demesne and LLPA

#### **SPPS and PPS6 (BH11)**

HED in their consultation response dated 21.05.19 have raised no issues of concern with proposals meeting the requirements of planning policy.

**Consultations:** HED (21.05.19) - Content

**Objections & Representations** - No objections received

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

Overall proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

**Recommendation:** Approval

#### **Conditions:**

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: Time Limit.

*Case Officer*

*Authorised Officer*



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0764/LBC

**Date Received:** 09.05.19

**Proposal:** Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

**Location:** Derrymore Demesne, Bessbrook, Newry

**Site Characteristics & Area Characteristics:**

Site is contained within the historic, park land and demesne of Derrymore

**Site History:**

LA07/2019/0770/LBC - Improvements works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0762/LBC - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads,

installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

**Banbridge/ Newry and Mourne Area Plan 2015** - Historic Park, Garden and Demesne and LLPA

**SPPS and PPS6 (BH11)** - HED in their consultation response dated 25.06.19 have raised no issues of concern with proposals meeting the requirements of planning policy.

**Consultations:** HED (06.06.19) - Content

**Objections & Representations** - No objections received

**Consideration and Assessment:** Overall proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

**Recommendation:** Approval

#### **Conditions:**

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: Time Limit.

*Case Officer*

*Authorised Officer*



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0770/LBC

**Date Received:** 09.05.19

**Proposal:** Improvements works to include new steel access control gate, resetting of existing steps and handrail either side, Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no kissing gates, resurfacing of existing water bound paths and associated site works.

**Location:** Derrymore Demesne, Bessbrook, Newry

**Site Characteristics & Area Characteristics:**

Site is contained within the historic, park land and demesne of Derrymore

**Site History:**

LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works

LA07/2019/0762/LBC - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

**Banbridge/ Newry and Mourne Area Plan 2015** - Historic Park, Garden and Demesne and LLPA

**SPPS and PPS6 (BH11)** - HED in their consultation response dated 06.06.19 have raised no issues of concern with proposals meeting the requirements of planning policy.

**Consultations:** HED (06.06.19) - Content

**Objections & Representations** - No objections received

**Consideration and Assessment:** Overall proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

**Recommendation:** Approval

#### **Conditions:**

1. The proposed works must be begun not later than the expiration of 5 years beginning with the date on which this consent is granted as required by Article 94 of the Planning Act (Northern Ireland) 2011.

Reason: Time Limit.

*Case Officer*

*Authorised Officer*



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0531/F

**Date Received:** 29.03.19

**Proposal:** Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

**Location:** Derrymore Demesne, Bessbrook, Newry, Co Armagh

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

Site is contained within the historic, park land and demesne of Derrymore

#### **Site History:**

LA07/2019/0770/LBC – Improvement works to include new steel access control gate, resetting of existing steps and handrail either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2 No. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2019/0762/LBC - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

LA07/2019/0551/F - Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

Banbridge/ Newry and Mourne Area Plan 2015 - Historic Park, Garden and Demesne and LLPA

The proposed development has been carefully designed to complement the existing historic setting of Derrymore House and as such do not cause conflict with the area plan.

### **PPS2 – Natural Heritage**

A biodiversity checklist was provided as part of the application which has been considered DAERA who have raised no concerns in their initial consultation response dated 01.05.19. From the information provided it is envisaged that there will be no impact to the ancient woodland as no tree removal is required, whilst there is bats and other sensitive habitat on site the proposed works are not considered likely to have negative impact. Whilst DAERA in their consultation dated 20.05.19 have are broadly content with the scheme they have nevertheless raised concern regarding impact to an unofficial path and have requested a construction method statement regarding this. The agent has advised in correspondence dated 17.06.19 that the developer cannot provide this and has provided justification but has also set assurances that existing trees would not be damaged. Overall proposals are mindful of existing habitat at the site and have been sympathetically designed to take account of it.

However, as a precautionary approach it is however recommended that a planning condition be attached to submit a construction method statement prior to any commencement of development on site, this will offer protection to existing trees and ensure proposed works are carried out to the satisfaction of DAERA.

**PPS3** - Transport NI in their consultation response dated 28.05.19 have no objections to proposals.

**SPPS (Para 6.12) and PPS6 (BH11)** - HED (14.05.19) in their consultation response advise that they are content that proposals meet the requirements of planning policy.

### **SPPS and PPS15**

Policies FLD1, 4 and 5 are not applicable at the application site. FLD3 - A Schedule 6 consent has been sought from Rivers Agency by the applicant on 6<sup>th</sup> June 2019 - once consent has been agreed the provision of FLD3 is no longer applicable, FLD2 - the site may be affected by an undesignated watercourse of which Rivers Agency have no record. Notwithstanding this, it is recommended that the an informative is attached to the decision notice advising of responsibilities should this become apparent. Otherwise Rivers Agency in comments dated 21.05.19 have raised no major concerns.

### **SPPS and PPS21 (CTY1):**

CTY1 allows provision for a range of development which in principle are acceptable in the countryside and will contribute to the aims of sustainable development. Proposals will not have adverse impact upon the integrity of the setting and has been well designed to be absorbed into the landscape and will encourage sustainable patterns of movement benefitting the wider community. Overall proposals meet the requirements of this policy

### **Consultations:**

HED (14.05.19) - Content

Rivers Agency (21.05.19) – FLD1,4 and 5 not applicable, FLD3 – Schedule 6 consent required. FLD2 site may be affected by undesignated watercourse.

DAERA (19.04.19) :

Drainage and Water - Content

Natural Heritage and Conservation Areas – Planning Authority should refer to tools and guidance of DAERA website

Transport NI (10.05.19) - No objection

### **Objections & Representations**

4 Neighbour notifications

No objections received

Advertised April 2019



**Consideration and Assessment:**

Overall proposals meet the requirements of planning policy for the reason set out above. It is therefore recommended to approve the application.

**Recommendation:** Approval

**Conditions:**

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

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

2. A detailed Construction Method Statement for all works in or near trees including measures to protect root systems of the existing trees, and root protection zones shall be fully detailed during construction and operational phased of the proposal must be prepared and forwarded to the Planning Authority to be agreed in writing to the satisfaction of DAERA.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of trees.

3. A Schedule 6 consent letter from DFI Rivers Area Office shall be submitted to and approved in writing by the Planning Authority to the satisfaction of Rivers Agency prior to commencement of development.

Reason: To ensure surface water drainage is adequate.

*Case Officer*

*Authorised Officer*



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0551/F

**Date Received:** 29.03.19

**Proposal:** Improvement works to include new steel access control gates, resetting of existing steps and handrails either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2no. kissing gates, resurfacing of existing water bound paths and associated site works.

**Location:** Derrymore Demesne, Bessbrook, Newry, Co Armagh

**Site Characteristics & Area Characteristics:**

Site is contained within the historic, park land and demesne of Derrymore

**Site History:**

LA07/2019/0770/LBC – Improvement works to include new steel access control gate, resetting of existing steps and handrail either side. Forest play area, preservation works to rath archway, installation of stock proof fencing and 2 No. kissing gates, resurfacing of existing water bound paths and associated site works.

LA07/2019/0764/LBC - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no field gates, 3no kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2019/0762/LBC - Interpretative signage to include: 3 No. threshold, 3 No. welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail markers, 10 No. interpretative seating.

LA07/2019/0531/F - Improvement works to include: New toilet block, access road with parking either side, new exit road with new gates, resurfacing of roads, installation of bollards, estate railing, relocation of stock proof fence, installation of new fencing, 2no. field gates, 3no. kissing gates, new drainage and path reinforcements, small bridge across the water course, water bound path to connect into existing compacted soil path and all associated site works.

LA07/2019/0528/A - Interpretative signage to include: 3 No. threshold, 3 No welcome and orientation, 4 No. outdoor framed, 7 No. outdoor mounted, 5 No. dibond car park, 4 No. outdoor fingerpost, 2 No. waymarker, 6 No. trail head, 9 No. interpretation, 4 No. special intervention, 13 No. special trail makers, 10 No. interpretative seating.

LA07/2018/0799/F - Change of use from one dwelling to two apartments including provision of new public toilet

LA07/2018/0801/LBC - Proposed alterations to convert one dwelling into two separate apartments and provision of a new public toilet

P/2014/0026/PREAPP - Improvement to the visitor centre at Derrymore Demesne to include tourist facilities (cafe, interpretative centre, toilets) additional walking paths, improved access arrangements and car parking. Provision of children's play facilities and redevelopment of the walled garden are also being considered

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

Banbridge/ Newry and Mourne Area Plan 2015 - Historic Park, Garden and Demesne and LLPA

The proposed development has been carefully designed to complement the existing historic setting of Derrymore House and as such do not cause conflict with the area plan.

### **PPS2 – Natural Heritage**

A biodiversity checklist was provided as part of the application which has been considered DAERA who have raised no concerns in their consultation response dated 19.04.19. From the information provided it is envisaged that there will be no impact to the ancient woodland as no tree removal is required, whilst there is bats and other sensitive habitat on site the proposed works are not considered likely to have negative impact. Overall proposals are mindful of existing habitat at the site and have been sympathetically designed to take account of it. Proposals meet the requirements of planning policy in this regard however to ensure protection it is recommended that an informative is attached to any decision notice to outline statutory responsibilities of the developer/ landowner in particular to protected species.

**PPS3** - Transport NI have no objections to proposals.

**SPPS (Para 6.12) and PPS6 (BH11)**- HED (19.06.19) in their consultation response advise that they are content that proposals meet the requirements of planning policy.

**SPPS and PPS8:**

Proposals are located within an existing Historic Park and Demesne zoned as an LLPA within the area plan and have been sympathetically designed taking into account the wider setting of Derrymore Demesne. Proposals will enhance the area without causing adverse impact upon features of importance to nature conservation, archaeology or built heritage.

Proposals include the provision of a play park (constructed with sustainable materials and natural wood finishes) which will link in with the existing path ways within the site which will be resurfaced. The overall development will bring a public community facility to the area which will further sustainable development and improve wellbeing.

The proposals are consistent with the Strategic Planning Policy Statement for Northern Ireland and do not compromise the land zoning of this particular area. Consultees have raised no issues of concern.

Annex B of PPS8 notes that children's playing space should be 0.8 ha, the proposed park is approximately 0.94 ha. The area of the playing facility is considered acceptable and well within the recommended guidance of size requirements. Proposals represent an improvement to the area and will bring a new play facility for children.

There is currently car parking provision on site with proposals for further car parking under planning reference LA07/ 2019/0531/F, the demesne is already located within walking distance of transport links that parking and access can be adequately provided at the site. However, the demesne is well placed close to existing residential development that it is anticipated that users would walk to the site from surrounding development.

**SPPS and PPS15**

Policies FLD1, 3, 4 and 5 are not applicable at the application site. Whilst the site may be affected by an undesignated watercourse of which Rivers Agency have no record. Notwithstanding this, it is recommended that the an informative is attached to the decision notice advising of responsibilities should this become apparent. Otherwise Rivers Agency in comments dated 09.07.19 have raised no major concerns.

**SPPS and PPS21 (CTY1):**

CTY1 allows provision for a range of development which in principle are acceptable in the countryside and will contribute to the aims of sustainable development. Proposals will not have adverse impact upon the integrity of the setting and has been well designed to be absorbed into the landscape and will encourage sustainable patterns of movement benefitting the wider community. Overall proposals meet the requirements of this policy

**Consultations:**

HED (19.06.19) - Content

Rivers Agency (09.07.19) - The submitted letter explains how the applicants' proposals do not exceed the thresholds under Revised PPS15 that would require a Drainage Assessment to be submitted as part of a new planning consultation.

Therefore, DfI Rivers while not being responsible for the letter accepts the applicant's logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

DAERA (19.04.19) :

Drainage and Water - Content

Natural Heritage and Conservation Areas – Planning Authority should refer to tools and guidance of DAERA website

Transport NI (10.05.19) - No objection

**Objections & Representations**

47 Neighbour notifications

No objections received

Advertised April 2019

**Consideration and Assessment:**

Overall proposals meet the requirements of planning policy for the reason set out above. It is therefore recommended to approve the application.

**Recommendation:** Approval

**Conditions:**

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

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

*Case Officer*

*Authorised Officer*



**Application Reference:** P/2012/0457/F

**Date Received:** 13.06.2012

**Proposal:** Replacement dwelling (In substitution of previously approved application P/2005/2531/O) (Amended proposal/ plans and location)

**Location:** 60 metres south east of No.28 Kidds Road, Newry.

**Site Characteristics & Area Characteristics:**

The site is located in the open countryside outside of any settlements and within Craigmore Local Landscape Policy Area (NY 116) as designated in the Banbridge Newry and Mourne Area Plan 2015. The site is located 60 metres south east of No. 28 Kidds Road, Newry. The red line of the application site includes No. 32 Craigmore Road ( a dwelling which was demolished for the new Newry A1 by-pass) and follows the line of the Craigmore Road from the former dwelling to part of an agricultural field that is bounded by the Craigmore Road and the Kidds Road. The boundary between the site and the Craigmore Road is defined by a post and wire fence, with hedging along the rear boundary. There are roadside dwellings situated to the south west of the site along the Kidds Road and there are some industrial buildings further along the Craigmore Road to the south of the site. A listed railway viaduct is situated further south west of the site, approximately 240 metres from the boundary of the proposed site.

**Site History:**

P/2004/2878/O – Farm dwelling was withdrawn on 21.10.2005.

P/2005/2531/O – Erection of a farm replacement dwelling with swimming pool and garage was granted approval on 09.10.2007.

P/2006/1456/F – Erection of replacement dwelling and garage was refused on 7.2.2008 and was dismissed at appeal on 01.03.2010.

**Consultations:**

NI Water – Content subject to informatives on 16.7.12.

Environmental Health Department – No objections in principle. Should the development proceed, then consent to discharge under the Water Order 1999 Shall

be required. No work should be undertaken until consent to discharge is approved on 17.07.12.

DARD – Business ID in existence for more than 6 years and Single Farm Payment, Less Favoured Area Compensatory Allowance (LFACA) or Agri Environment Schemes claimed in the last 6 years on 04.07.12.

DFI Roads – Content, subject to conditions and informatives on 25.07.19.

NIEA – Historic Monuments Unit – No archaeological objections to the proposal on 25.07.12.

NIEA – Historic Buildings Unit – The setting of the listed railway bridge would be adversely affected and the proposal is contrary to Policy BH11 of PPS 6. Request that a different site within the farm is investigated. A poor quality of finishes is proposed on 21<sup>st</sup> august 2012.

NIEA – Historic Buildings Unit – Insufficient information on 27<sup>th</sup> September 2012.

NIEA – Historic Buildings Unit – Adverse affect on the setting of the listed railway bridge and contrary to BH11 of PPS 6. Request that a different site within the farm is investigated. However, should planning permission be granted for a replacement dwelling at this location, HBU suggest that the dwelling should be a modernist interpretation of the vernacular tradition, incorporating some reference to historical and cultural antecedents, to ensure the replacement dwelling sits harmoniously within its rural context and in the setting of the listed railway bridge. Finishes are considered to be of poor quality and details such as door and window design, external surfaces, rainwater goods and means of enclosure should make use of traditional or sympathetic building materials and techniques with specific examples such as natural welsh roof tiles listed. Also request a holistic and detailed landscaping proposal for the entire site, additional site sections should include the listed railway bridge on 24<sup>th</sup> October 2012.

NIEA Historic Buildings Unit – Contrary to Policy BH 11 of PPS 6, however consider that these are matters which are more appropriate for the Planning Service to determine. Comments previously stated are repeated and design changes are suggested on 30<sup>th</sup> January 2014.

NIEA Historic Buildings Unit – Understands that there is an outline approval on the site for a replacement dwelling. Reiterate concerns of response dated 24<sup>th</sup> October 2012 and remains of the opinion that the proposal are contrary to BH 11 of PPS 6, however consider that these are matters which are more appropriate for Planning to determine and design changes are suggested on 29<sup>th</sup> July 2014.

NIEA Historic Buildings Unit – Identical response to 29<sup>th</sup> July 2014 with the exception of welcoming the changes to the proposed finishes on 25<sup>th</sup> September 2014.

Historic Buildings Unit within DOE – Proposal is contrary to Policy BH 11 of PPS 6 as it will adversely impact upon the setting of the listed viaduct and suggest that a different site within the farm is investigated on 18<sup>th</sup> December 2015.



Department for Communities (Historic Environment Division Historic Buildings) – Proposal is contrary to Policy BH 11 of PPS 6 and Paragraph 6.12 of the SPPS and request that a different site within the farm is investigated on 23<sup>rd</sup> November 2018.

Department for Communities (Historic Environment Division Historic Buildings) – Proposal is contrary to Policy BH 11 of PPS 6 and Paragraph 6.12 of the SPPS. It recognises that the current proposal is an improvement on the earlier proposal however feel that it still fails policy on 30<sup>th</sup> May 2019.

### **Objections and representations:**

No objections received.

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

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

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

DCAN 15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

### **Consideration and Assessment:**

It is first necessary to outline the long and complex history with regards to this application and associated site. Outline approval was granted on this site under planning reference P/2005/2531/O for the erection of a farm replacement dwelling and swimming pool and garage on 09.10.2007. Subsequently, the current proposal was received on 13<sup>th</sup> June 2012 which was a full application for a farm replacement dwelling with a swimming pool and garage. Throughout the processing of the application, the former Planning Authority and the now Planning Authority accept the principle of a replacement dwelling on the site as this full application was submitted within the five years time limit of the previous approval. However, the main issue with regard to the now superseded plans/ proposal was the design, scale and massing and the impact on the setting of the listed railway viaduct. Following almost seven years of revisions, meetings and letters, the proposal has now been accurately

amended to Replacement dwelling (In substitution of previously approved application P/2005/2531/O). Revised plans were received in April and June 2019 and the Planning Authority considers that these are acceptable as will be detailed further in this report. The proposal has been recently re-advertised and neighbours re-notified and Historic Buildings Unit and DFI Roads were re-consulted (See consultations section).

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

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

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

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

The site is sited in the open countryside outside of settlement limits and also falls within the Craigmore Local Landscape Policy Area (LLPA116) of the Plan. This area has been designated as such due to a combination of features that include the Craigmore viaduct and Craigmore House. It is considered that the proposal will not have a negative impact on these features, neither their quality, integrity nor character. The proposal also complies with Policy CVN 3 (Local Landscape Policy Areas) of the Plan, as it will not adversely affect the intrinsic environmental value and character of the LLPA.

#### **PPS 21 Sustainable Development in the Countryside:**

Policy CTY 1 restricts new development in the countryside, but makes an exception for replacement dwellings which are acceptable if in accordance with Policy CTY 3.

Under this policy, planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. In the case of this application, the dwelling to be replaced (No 32 Craigmore Road) has been demolished to make way for the new Newry by-pass. Planning permission had previously been granted for the replacement of this dwelling in October 2007 before its demolition, and the case officer in their assessment of the dwelling noted that it was in very good condition and was currently inhabited. This full application has been submitted within the five year time limit of the previous outline approval and significant weight is given to the site history and the Planning Authority considers that the principle of a replacement dwelling is acceptable and it was not possible for the old replacement dwelling to be retained as it had to be demolished to make way for the new Newry A1 dual carriageway by-pass.

In addition to the above, all proposals for replacement dwellings will only be permitted where the following criteria are met;

- The proposed replacement dwelling should be sited within the established curtilage of the existing building; the proposed dwelling will not be sited within the established curtilage of the existing dwelling. As noted earlier, the existing dwelling and its curtilage was demolished to make way for the new A1 road. The new dwelling is positioned in an off-site location which has already been accepted in the previous outline approval and the Planning Authority have no concerns regarding the siting.
- The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building. It is considered that the overall size of the new dwelling will allow it to integrate into the surrounding landscape and it would not have a significantly greater visual impact than the existing building. The former house at No.32 was a 2.5 storey house with a number of bay and dormer windows and an overall urban design as well as having an associated swimming pool. The scale and massing of the proposal is considered acceptable with a proposed ridge height of 7.9 metres which complies with the outline condition and the siting also complies with the outline condition. The proposal will not have a significantly greater visual impact than the former dwelling as it complies with the outline permission and furthermore the red line boundary of the site has been significantly reduced from the outline approval and the proposed scheme has been significantly reduced from the outline approval and reduced in scale from superseded drawings on this application and the swimming pool element has been removed from the proposal which was granted at outline stage. Conditions will also be placed on any approval relating to landscaping and planting which will further ensure no greater visual impact and ensure integration.
- 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 has been significantly amended and is considered to be acceptable and of a high quality with appropriate design and materials.

- All necessary services are available or can be provided without adverse impact on the environment or character of the locality. All services can be provided without adversely affecting the environment or character of the area.
- Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. DFI Roads has no objections, subject to conditions and informatives.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is an appropriate design. A new building is unacceptable if any of the Criteria A to G are applicable. It is considered that this proposal complies with this policy and associated criteria.

Under Policy CTY 14, planning permission will be granted for a new building in the countryside where it does not cause demonstrable change to, or further erode the rural character of the area and a new building will be unacceptable if any of the criteria A to E apply. It is considered that this proposal complies with this policy and associated criteria and it will not cause demonstrable change to, or further erode the rural character of the area.

#### **Policy CTY16: Development relying on Non-Mains Sewerage**

The applicant intends to deal with sewerage through the use of a septic tank. Environmental Health have been consulted with the development and have no concerns regarding this proposal. Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in compliance with CTY16.

Overall, and on balance, the proposal complies with PPS 21 and significant weight is also given to the planning history on the site.

### **Planning Policy Statement 6: Planning, Archaeology and the Built Heritage**

#### **Policy BH 11 Development affecting the setting of a Listed Building**

In this case the Listed Building is the Craigmore Viaduct (NIEA ref HB16/24/004) and is classed as a Grade B1 listed structure which is of special architectural and historic importance. As noted in the numerous consultation responses from the Historic Buildings Unit, they consider that the proposal is contrary to both PPS 6 Policy BH 11 (Development affecting the setting of listed Buildings) and paragraph 6.12 of the SSPS. Under Policy BH 11, development will not normally be permitted which would adversely affect the setting of a listed building and development proposals will only be considered appropriate where criteria A to C are met. The Planning Authority have assessed the proposal against Policy BH 11 and consider that the proposal would not adversely affect the setting of the listed building (railway viaduct) and meets criteria A to C of BH 11 as the detailed design respects the listed building in terms of scale, height, massing and alignment, makes use of traditional and

sympathetic building materials and techniques which respect those found on the building and the nature of the use proposed respects the character of the setting of the building. As a consequence, the proposal also complies with the SPPS, including paragraph 6.12 in that the quality and character of the listed building will not be adversely affected, regard has been paid to the impact on the setting of the listed building and the proposal fully complies. With regards to the now concerns of the consultees, it must be noted that NIEA Historic Buildings Unit were content with the proposed siting of the house under the previous outline approval. Furthermore, under the outline approval, the red line boundary of the development site was directly adjacent to the listed building, however under the current proposal the red line has been significantly reduced and moved significantly away from the listed structure and the proposed house is at least 250 metres away from the listed structure which is a considerable separation distance. The curtilage of the proposal has also been carefully defined, treated and restricted to ensure there will be no adverse affect on the setting of the listed building. Additionally, the design, scale and massing meets the requirements of the outline approval. NIEA were content with the previous approval on the same site which encompassed much more development, with a house, swimming pool and garage. Overall, significant weight is given to the planning history of outline approval on the site and on balance the proposal complies with both the PPS 6 and the SPPS.

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

The Planning Authority considers that the proposal complies with this policy and raises no concerns. Also, the proposal is sited outside of the Area of Outstanding Natural Beauty and so Policy NH 6 of PPS 2 is not applicable.

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

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

### **Recommendation:**

Approval is recommended, subject to the conditions and informatives as listed below.

### **Conditions:**

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

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

2. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with Drawing No. 07 bearing the date stamped 4<sup>th</sup> June 2019 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No development shall take place until the full details of all proposed hard and soft landscape works, including both tree and shrub planting and a programme of works, have been submitted to and approved in writing by the Planning Authority. All hard and soft landscape works, including tree and shrub planting shall be carried out in accordance with those details and at those times.

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

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

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

6. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy

Statement 21- Sustainable Development in the Countryside.

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

Reason: In the interests of safety and visual amenity.

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

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

9. The existing natural screenings of the site shall be retained as indicated in yellow on Drawing No. 01 (Rev 3) bearing the date stamped 4<sup>th</sup> June 2019.

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

10. The development hereby approved relates only to land contained within the site area boundary as identified in Drawing No. 01 (Rev 3) bearing the date stamped 4<sup>th</sup> June 2019. Any new development outside the identified boundary of this drawing No.01 (Rev 3) shall require separate consent from the Planning Authority.

Reason: To ensure the orderly control of development.

11. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 09.10.2007 under reference P/2005/2531/O for a replacement dwelling on the lands comprising the application site. This consent is not a permission to create an additional dwelling and it may only be implemented in substitution for the previous permission referred to above.

Reason: To ensure that only one dwelling is created on the site.

**Informatives**

1. This approval notice relates to drawing Nos 01 (Rev 3) and 07 both received on 4<sup>th</sup> June 2019 and drawing Nos 02 (Rev 5), 03 (Rev 4) and 06 all received on 10<sup>th</sup> April 2019.
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.
4. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is Cecil St Newry. A monetary deposit will be required to cover works on the public road. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
5. Environmental Health Office and NI Water comments are enclosed for your attention.

**Case Officer****Authorised Officer**





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: LA07/2017/0191/F**

**Date Received: February 1<sup>st</sup> 2017**

**Proposal: Proposed Erection of 5 Houses**

**Location:** Lands rear of No. 4 Meadowvale, Newtownhamilton

**Site Characteristics & Area Characteristics:**

The site consists of an area of vacant ground that is located within the development limit of Newtownhamilton; the site is located down a narrow lane way that continues to serve agricultural fields located outside of the development limit, the laneway also serves Dungormley Estate, a large housing development that lies to the south of the site. The site is largely flat in level but there is a rise in ground level close to the northern boundary.





The site is surrounded by two housing developments, Pound Court, a terrace of 5 dwellings to the east and Meadowvale, a development of 40 detached and semi-detached dwellings located to the north. There is a turning head at the southern end of Meadowvale that directly abuts the boundary of the site.



**Site History:**

The site was the subject of an approval for an outline application for 5 dwellings P/2006/0943/O which was approved on November 20<sup>th</sup> 2012. The concept plan for this application showed the dwellings situated in a linear row and accessed from the laneway. An informative on the decision stated that this concept was "broadly acceptable."

**Planning Policies & Material Considerations:**

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 7 Quality Residential Environments.

Planning Policy Statement 7 Addendum on Safeguarding the Character of Existing Residential Areas

**Consultations:**

Transport NI No objections

**Objections & Representations**

A representation has been received on behalf of a Meadowvale resident, issues of concern include over development of the site, proximity to this person's dwelling, no proper ground levels, unworkable car parking and arrangements for dealing with sewage.

**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 housing developments within settlements it largely restates the provisions of the retained policy PPS7 and therefore it is this which is to be afforded determining weight.

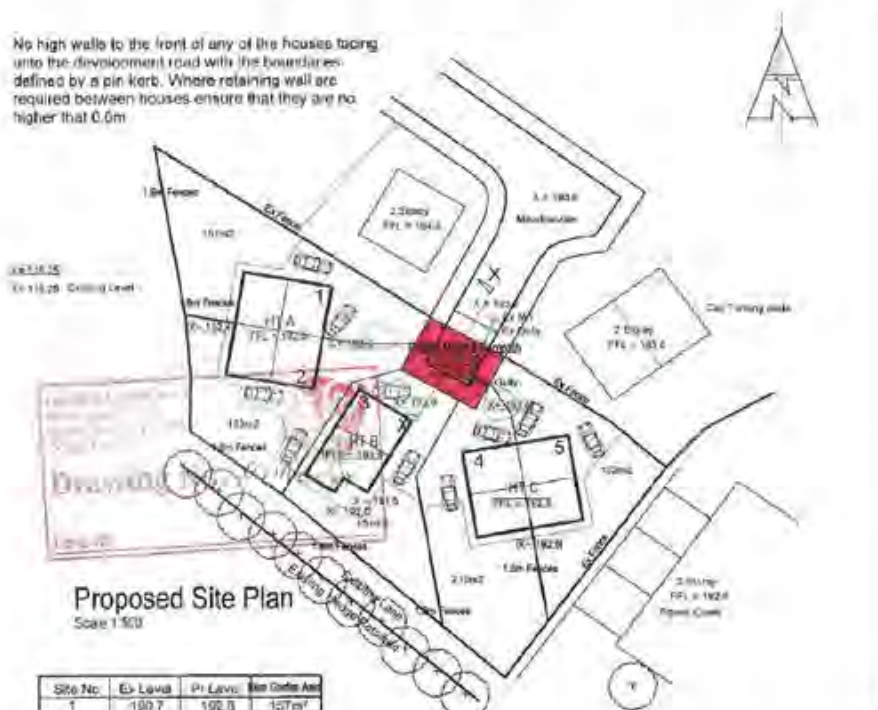
**Banbridge/Newry and Mourne Area Plan 2015.**

The site lies within the development limit but is not subject to any zoning, no other provisions of this plan are relevant.

**PPS7 Quality in Residential Developments Policy QD1**

The policy sets out a number of criteria which proposals for new residential developments must comply with, criterion (a) requires that the development must respect the character and scale of surrounding buildings, in this case the context is provided by the two surrounding developments which consist of two storey semi-detached dwellings.

The proposal is for 5 dwellings, 4 semi-detached and a single detached dwelling; they will be arranged in a crescent around an extension to the existing access road in Meadowvale, parking for 4 of the dwellings will be provided in front of and to the sides of the dwellings with each one having one space in front of it and one to the side, the remaining dwelling will have parking to its side. There are three locations within Meadowvale where there is development consisting of dwellings around a cul-de-sac, however none of these are of the same form as the proposal.



There are no areas of private open space proposed within this application, there are however, such areas located within Meadowvale itself. The dwellings will have rear gardens ranging in area from 132 to 210 square metres; their front garden areas will be limited due to the parking arrangement.

The proposed dwellings will be finished in red brick and therefore will be similar in appearance to the existing houses in Meadowvale.

The proposed dwellings will be sited at a lower level to those in Meadowvale; therefore they will not overlook or overshadow these properties. The separation distance from the nearest of the proposed dwellings to Pound Court will be 11 metres.

**PPS7 Addendum on Safeguarding the Character of Existing Residential Areas Policy LC1**

This policy document was published after the submission of the previously approved application on this site. The policy states that permission for residential development in established residential area will only be granted in cases where 3 criteria are met; the proposed density is not significantly higher than the existing, the pattern is in keeping with the overall character and environmental quality of the area and all units are built to a size which is specified in Annex A of the policy.

The proposed development differs from the concept for the previously approved application in that the dwellings are accessed through Meadowvale instead of the laneway; this means that the rear of the dwellings will be visible from the road that serves Dungormley Estate. However there will be a significant setback from the road and the proposed dwellings will arguably read with those in Meadowvale.

The lay out has a contrived parking arrangement with spaces both in front of and to the sides of the dwellings, car parking should preferably be accommodated at the sides of dwellings, parking at the front is acceptable in certain circumstances but should be limited so as not to create an impression of a development dominated by car parking. The current layout plan shows 4 spaces arranged in front of each of the dwellings, this will in my view result in a layout dominated by the car parking. The pattern of car parking is driven by the requirement to fit 5 dwellings on to this site, this also results in the significant variation in the sizes of the rear gardens highlighted above and the lack of public open spaces. Therefore the proposal currently represents an overdevelopment of the site.

**Recommendation:**

The proposal seeks to develop 5 houses on a site which was previously approved for an outline proposal which had a concept plan showing 5 dwellings; however this concept utilised the laneway as the access and the dwellings had the decision notice did not state that it was fully compliant with policy, and it also stated that other approaches were possible. The houses in the immediate vicinity of the site all have parking to their sides instead of in front of them; in contrast the submitted layout of this application will result in cars appearing in front of 4 of the units creating a streetscape dominated by car parking. The combination of the inadequate car parking arrangements and the variation in size of the rear garden emphasizes that the layout has been determined by a wish to develop 5 houses on this site and not by an analysis of what would be appropriate on this site and of the character and density of the surrounding area, the proposal represents an overdevelopment of the site.

Therefore refusal is recommended.

**Refusal Reasons:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy QD1 of the Department of the Environment's Planning Policy Statement 7, Quality Residential Environments, criterion (a) and (f), in that the applicant has failed to demonstrate that the proposal would create a quality residential

environment as it does not respect that character of the surrounding area and fails to make appropriate provision for car parking.

2. The proposal is contrary to the Strategic Planning Policy Statement and Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b), in that the proposal does not respect the existing settlement pattern in the area and represents an overdevelopment of the site.

**Case Officer**

**Authorised Officer**

## APPLICANT'S RESPONSE TO RECOMMENDED REFUSAL REASONS

APPLICATION LA07/2017/0191/F | PROPOSED ERECTION OF 5 HOUSES | LANDS REAR OF NO 4 MEADOWVALE, NEWTOWNHAMILTON NEWRY

The planning officer asserts that the applicant has failed to create a quality residential environment, contrary to PPS7 QD1 criteria (a) and (f), as the proposal is considered to not respect the character of the surrounding area and fails to make appropriate provision for car parking. This is not the case:

- The proposal seeks permission for two blocks of 2-storey semi-detached dwellings and one 2-storey detached dwelling, served by a link road that leads from the end of the Meadowvale housing development. These proposed dwellings are similar in scale, massing and appearance to the existing housing within Meadowvale. They will successfully integrate with the existing buildings in the development:

### Existing:



### Proposal:



- The proposed housing is arranged around a turning head and is similar in arrangement to other houses within Meadowvale arranged around turning heads – it is typical in almost all residential developments that housing will have a slightly different layout when arranged around a turning head due to the way in which this effects the shape and area for development. It would be almost impossible to finish a development in this way without providing some variation in layout.
- In this case, the proposed dwellings' plot widths, depths and overall size are consistent with the existing housing in Meadowvale and will therefore respect the character of the surrounding area.

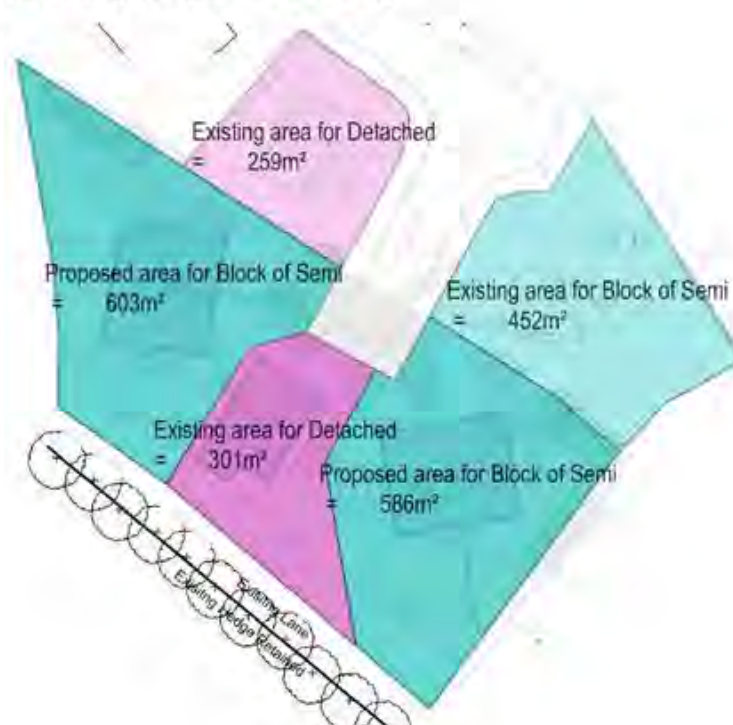
The planning officer asserts that the proposal fails the requirements of PPS7 Addendum Policy LC1(a) – the proposed density of development is considered to be significantly higher than that found in the established residential area. This demonstrates a misinterpretation of the policy:

- The existing housing in Meadowvale comprises 37 houses in total within an area of 1.5ha, which equates to a density of 25dph. The proposal seeks permission for 5 houses on a site of 0.2ha, equating to a density of 25dph – this is entirely consistent with the established density of the Meadowvale development.
- Further, it is important to note that the existing housing in Meadowvale has a variety of density within it, including detached, semi-detached and terraced housing. The terraced housing has a density as high as 30dph (see housing 30,31,32 on an area of 0.1ha). The proposal is therefore of a LOWER density than that FOUND within this residential area.
- It is evident that the planning officer has made an error in this regard. The proposal wholly satisfies the PPS7 Addendum Policy LC1(a).

The planning officer also asserts that the proposal fails the requirements of PPS7 Addendum Policy LC1(b) – the pattern of development is considered not in keeping with the overall character and environmental quality of the established residential area:

- The appearance of the proposed development is consistent with other development within Meadowvale.
- It must also be accepted that a slight variation of plot shapes and layout is necessary to accommodate a turning head in most residential developments. This is consistent with other housing within Meadowvale arranged around turning heads.
- In this case, the proposed dwellings' plot widths, depths and overall size are consistent with the existing housing in Meadowvale and will respect the settlement pattern accordingly and will not have any adverse impact on the overall character and environmental quality of the established residential area. It therefore satisfies the requirements of PPS7 Addendum Policy LC1(b)

***Proposed plots sizes and density compared to existing:***







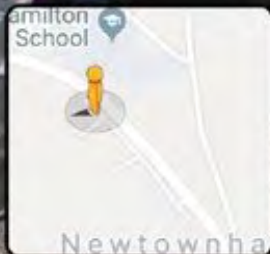
APPLICATION SITE



**38 Meadowvale**  
Newtownhamilton, Northern Ireland

← Google

Street View - Apr 2011

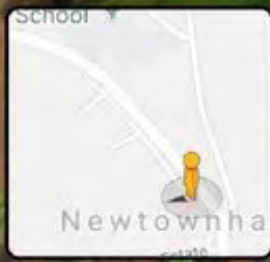


Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a Street View pegman icon.

**2 Meadowvale**  
 Newtownhamilton, Northern Ireland

← Google

Street View - Apr 2011



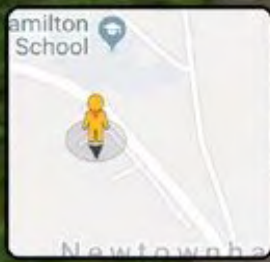
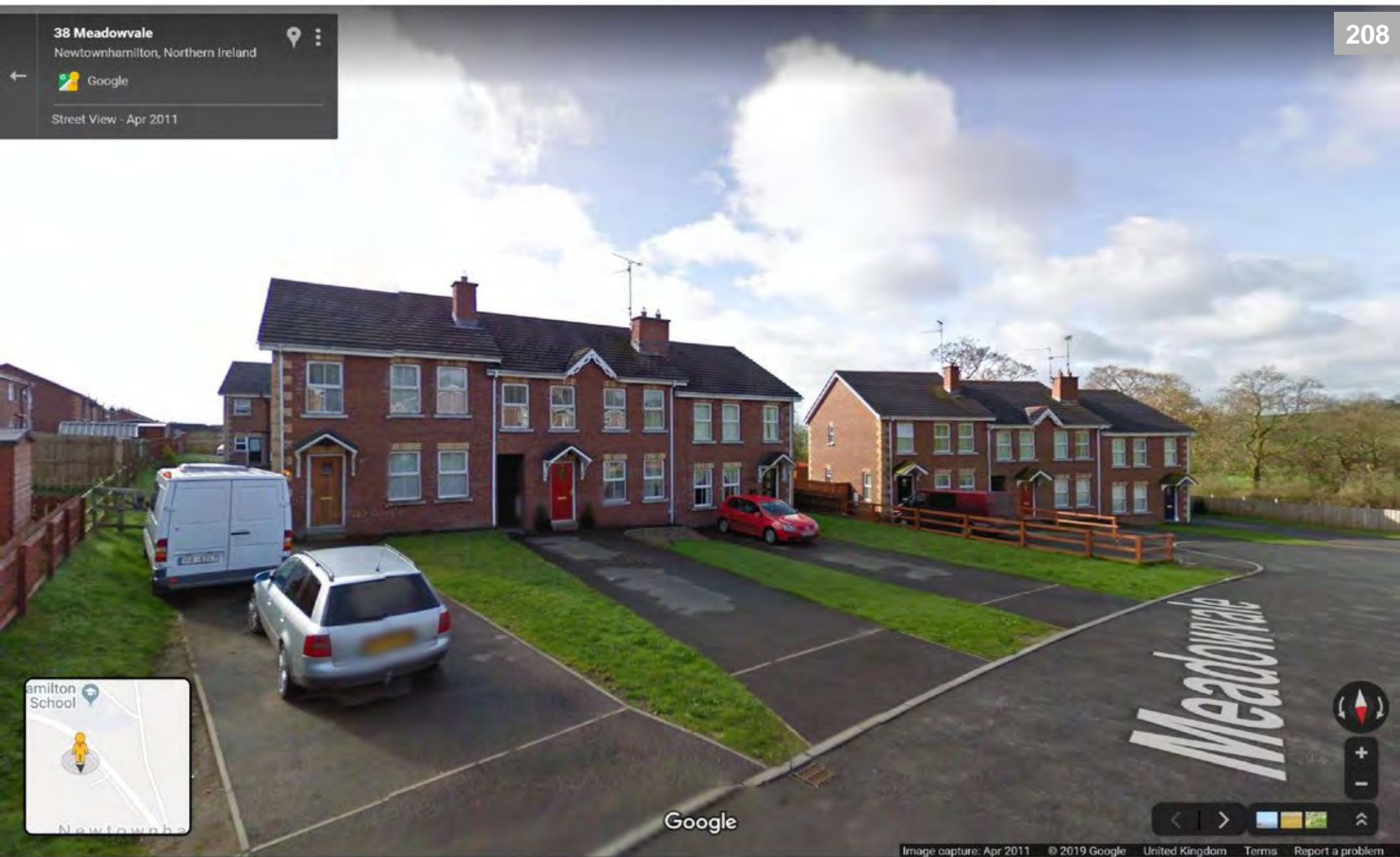
Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a Street View pegman icon.

**38 Meadowvale**  
Newtownhamilton, Northern Ireland

← Google

Street View - Apr 2011

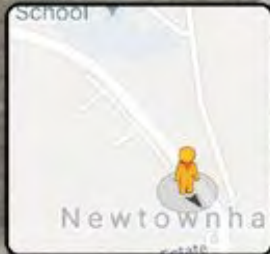


Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a Street View Pegman icon.

**4 Meadowvale**  
 Newtownhamilton, Northern Ireland

← Google

Street View - Apr 2011



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a Street View pegman icon.

**18 Meadowvale**  
Newtownhamilton, Northern Ireland

Google

Street View - Apr 2011

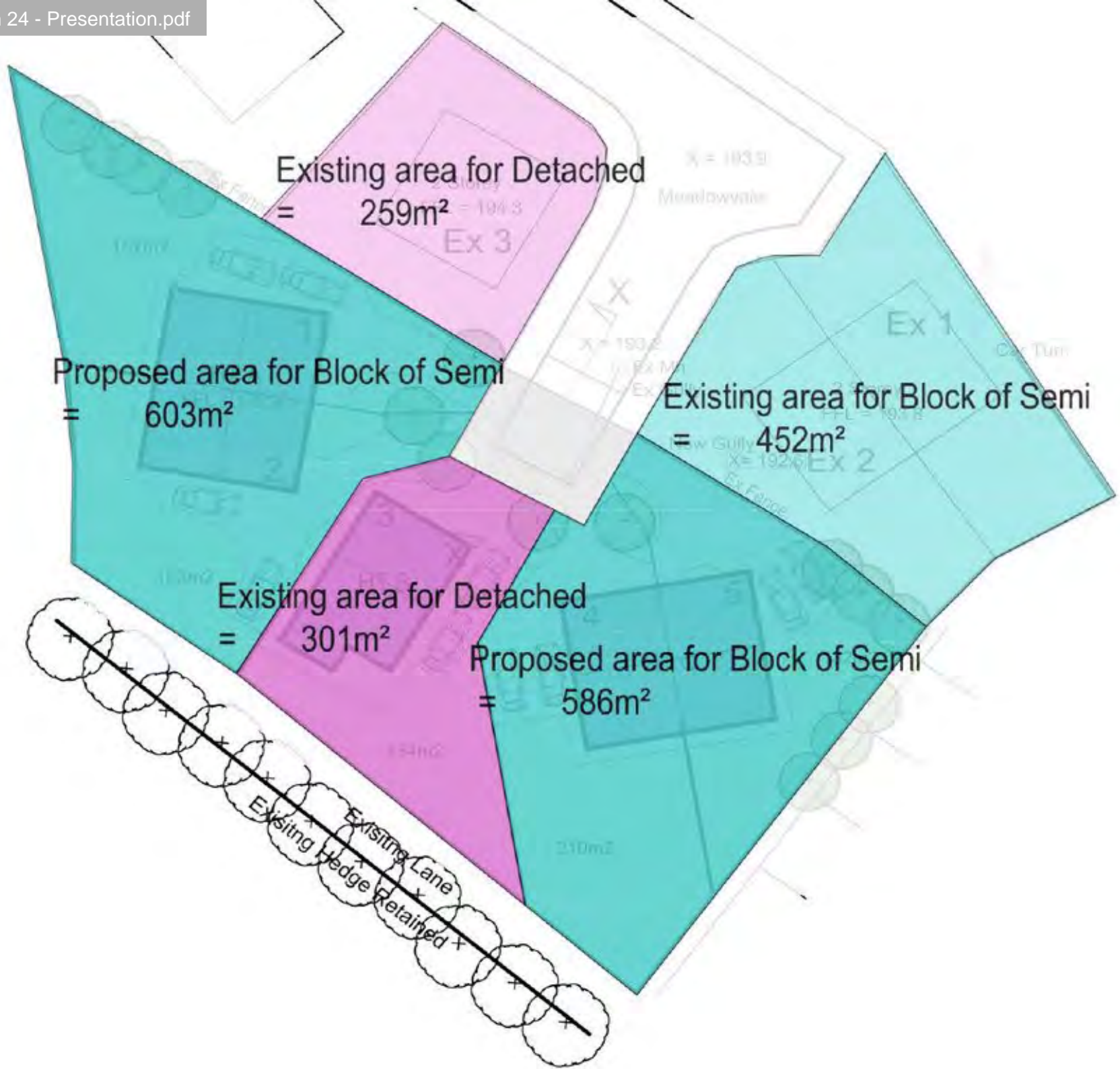


the boundaries  
 by a pin kerb. Where retaining wall are  
 ed between houses ensure that they are no  
 that 0.6m















< Proposal

216



Existing >



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1651/O

**Date Received:** 22/10/2018

**Proposal:** Site for 2 No. infill dwellings

**Location:** Lands immediately South East of 71 Carrickbroad Road, Killeavy, BT35 8TQ



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

Characteristics of site: The lands outlined in red are rectangular in shape, located directly south of no. 71 Carrickbroad Road and approx. 24m north of no. 71 Carrickbroad Road. The proposed site is a roadside plot, currently in use as an agricultural field. In terms of site topography, the entire site rises steadily in elevation from to the eastern boundary to the rear western boundary. There is currently no direct access to the site from the public road. The eastern site boundary that abuts the public road consists of a mature hedgerow, with similar boundary treatments running the southern boundary. The west facing boundary consists of mature

hedgerow with a number of number of native species trees. The northern boundary that abuts no. 71 is defined by a drystone wall, with maintained hedging to the eastern corner.

Characteristics of area: The application site is located outside any settlement development limits as designated with the Banbridge/Newry and Mourne Area Plan 2015. The site is within a designated Area of Outstanding Natural Beauty (AONB). The area is of typical rural character and predominately agricultural use. The proposed site is located within the sphere of influence of Moyry Castle.



Views of onto site looking north west (left and above) & Views onto site looking south east (right)

**Site History:**

P/2008/0465/F 50 Metres South of No. 69 Carrickbroad Road, Killeavy, Newry.  
Erection of replacement dwelling. Permission granted. 21.07.2008

P/2005/1241/O 60m N.W of 69 Carrickbroad Road, Drumintee. Site for dwelling and garage. Appeal dismissed. 12.04.2006

P/2000/1897/F 80m South of 71 Carrickbroad Road Dromintee Newry. Site for dwelling. Permission granted.

P/1996/1080 Carrickbroad Road Dromintee Newry. Erection of bungalow.  
Permission granted.

**Planning Policies & Material Considerations:**

Banbridge/Newry and Mourne Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 Natural Heritage  
NH6 – Area of Outstanding Natural Beauty

PPS 3 - Access, Movement and Parking  
AMP 2 - Access to Public Roads  
AMP 7 - Car Parking and Servicing Arrangements

PPS 6 - Planning, Archaeology and the Built Environment  
BH 1 -The Preservation of Archaeological Remains of Regional Importance and their Settings  
BH 4 - Archaeological Mitigation

PPS 21 - Sustainable Development in the Countryside  
CTY 1 - Development in the Countryside  
CTY 8 - Ribbon Development  
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 the access being in accordance with the RS1 form.



Historic Environment Division (HED) - No objections subject to compliance with planning conditions

### **Objections & Representations:**

1 Neighbour within close proximity of the site were notified on 08/11/2018. Upon a site inspection an additional 2 neighbours were identified and notified on 08/05/2019. This application was advertised in the local press on 12/11/2019 and 14/11/2019. No objections or representations have been received.

### **Consideration and Assessment:**

The application submitted is seeking outline planning permission for the erection 2 infill dwellings in the countryside. The SPPS along with PPS 21 provide the relevant planning context for determining this application.

#### *PPS 21 - Sustainable Development in the Countryside*

Policy CTY 1 of PPS 21 identifies a range of types of development which in principal are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8 'Ribbon Development' states that planning permission will be refused for a building which creates or adds to a ribbon of development. However, 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 a substantially and continuously built up frontage. This Policy requires four specific elements to be met, the gap site must be within a substantially and continuously built up frontage, the gap must be small, the existing development pattern along the frontage must be respected and other planning and environmental requirements must be met. The policy defines a substantial and built up frontage as a line of three or more buildings along a road frontage within accompanying development to the rear.

The frontage of the site is located between no. 71 & 79 Carrickbroad Road. There are 3 established buildings with frontage onto Carrickbroad Road no. 71 to the north (a single storey dwelling), no 79 (a 1½ storey dwelling) and no. 87 (a single storey dwelling). The Department consider that due to the gap (approx. 22m) between the southern site boundary and the frontage of no. 79, the site is not considered within a continuously built up frontage of 3 buildings.

Below is an outline of plot sizes along this stretch of road.

No. 71 Carrickbroad Road:	30m road frontage
Gap site:	81m road frontage
No. 79 Carrickbroad Road:	51m road frontage
No. 87 Carrickbroad Road:	61m road frontage



The gap which between buildings of no. 71 and no. 79 Carrickbroad Road measures at approx. 125m.

The average width of each plot fronting the road is 47 metres. The average frontage of the new plot would be approx. 40.5m which would be considered comparable to the existing average plot width within the ribbon. The gap distance between buildings of no. 71 and no. 79 Carrickbroad Road measures at approx. 125m. Therefore, in this scenario the size of the gap is too large in that, it can accommodate more than 2 dwellings within the existing settlement pattern. Furthermore, given the existing gap, it would be considered as representing an important visual break along Carrickbroad Road.

As such, the proposal is not considered to be an exceptional case under CTY 8, and therefore is not one of the specified types of development considered to be acceptable in the countryside under Policy CTY 1. The principal of development is considered to be unacceptable.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the

*countryside must integrate into its setting, respect rural character and be appropriately designed.*" These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

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 area inside the red line takes in a full agricultural field, and no specific site has been pin pointed. As this is an outline application the siting and design would be determined at the Reserved Matters stage. Given that the prevailing house type in the immediate area is single storey, a restricted ridge height can ensure the proposal would not be a prominent feature on the landscape. The site outlined in red does avail from established natural boundaries to the north, south and west thus will not be overly reliant on new landscaping to provide enclosure and for integration. The proposal is not expected to be a prominent feature on the landscape, thus meeting the requirements of CTY 13

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 the area. It sets out five circumstances where a new building would be unacceptable. As tested against Policy CTY8, the proposed dwelling does not respect the established and traditional settlement pattern in terms of small gap. As it fails the exceptions test of CTY8, the proposed development is considered to add to the existing ribbon of development along this road frontage and is considered contrary to criteria b), c) and d) of CTY14.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed. Details of its location would be required at reserved matters stage. This proposal is not contrary to CTY 16.

### PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. The siting of the dwellings within the lands in red are considered unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

### PPS 3 - Planning Policy Statement 3 – Access, Movement and Parking

DFI Roads were consulted on 07/11/2018, responding on 23/11/2018 that that they have no objections to the proposal with regard to the above policy criteria subject to access being in accordance with the RS1 form.

## PPS 6 – Planning, Archaeology and Built Heritage

The proposed site is within the area of the Moyry Pass, Co. Armagh. The Moyry Pass (also known as the Gap of the North) is of historical military importance. Historic Environment Division: Historic Monuments were formally consulted on 07/11/2019. In a response HED stated 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. The proposal is considered to accord to this policy subject to planning conditions.

### **Recommendation:**

The proposal is contrary to the Strategic Planning Statement for Northern Ireland, Policy NH6 of PPS2 and Policies CTY1, CTY8, and CTY 14 of PPS 21, and is recommended for refusal.

### **Refusal Reasons:**

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Carrickbroad Road.
3. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) 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 not, if permitted respect the traditional pattern of settlement exhibited in that area;
  - 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 Paragraph 6.186 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 'Natural Heritage' Policy NH6 in that a) the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



**Re: Planning Reference: LA07/2018/1651/O**

**Proposal: Site for 2 No. infill dwellings**

**at Lands immediately South East of 71 Carrickbroad Road, Killeavy, BT35 8TQ**

*REASONS FOR REFUSAL: The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Carrickbroad Road.*

We believe that this application qualifies for approval under infill status as the proposal constitutes the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

The Planning Department feel that the portion of land between the outlined red site and the existing agricultural access constitutes a "considerable gap". They have quantified this overall "gap" as being approx. 22metres. They consider that the site is therefore not considered to have a continuously built up frontage of 3 buildings. We dispute this analysis. It cannot reasonably be considered a break in the substantial and continuously built up frontage, given that precedent approvals have been given where larger "gaps" remain, up to 32metres, but the infill approval has been granted by the Planning Department.

We would have included this 22 metres in the application if we believed it was going to impede this application. Immaterial to whether this portion was outlined or not, the reality is that all buildings will be clearly visually linked and no such visual break will occur. Upon visiting the site, all the buildings read together and there is no meaningful visual break in the development. Therefore there will be no demonstrable corrosion of rural character should the infills be granted, it will simply consolidate the established building line on the Carrickbroad Road.

The figure of 22metres, as quoted from the Planning Department is, in itself, arguable in that they have included the actual agricultural entrance width in this figure. Preservation of access to back land agricultural fields is essential, and has countless precedent planning approvals for similar applications with this context and is encouraged. It is not a consistent assessment to include the width of the agricultural lane in this 22metre gap figure the Planning Department report. If we are to adhere to approved precedents preserving back land access as being acceptable, we can remove the width of the existing agricultural access from their assessment. This 22metre "gap" becomes approx. 10metres. It was our applicant's intention to add more boundary planting to allow more enhanced integration, with native species trees and shrubs, which of course would easily occupy such a strip but without hindrance to the use of the agricultural access.

The Planning Department agree that the average proposed width of each plot fronting the road is considered comparable to the existing average plot width within the ribbon. However, they also state that the gap between the buildings of no. 71 and no. 79 Carrickbroad Road measures at approx. 125m and state that this is too large, stating that it can accommodate more than 2 dwellings within the existing settlement pattern. The Planning department have not taken into account that this gap between no. 79 and the closer dwelling, no. 67 Carrickbroad Road, which is an important dwelling when considering the gap distance. No. 67 Carrickbroad Road has a site frontage on the Carrickbroad Road of approx. 110 metres. When considering this dwelling, which is also visually linked with the



proposed infill dwellings, from Carrickbroad road, the separation distance is reduced to 110 metres approx.

The pattern of development along this stretch of road has a varied distance between existing buildings of up to approx. 34 metres. and an average existing dwelling frontage of 20 metres. When pitted against these averages, the proposed infill sites would read consistently, with an average proposed dwelling frontage of 20metres, incurring an approx. average distance between existing and proposed buildings of 35 metres which is consistent with the pattern of development. Given the Planning Department have agreed that the proposed average width site frontages are consistent with the existing average frontage widths, and considering our perceived separation distances aligning with the existing average, it is clear to us that only 2 dwellings could be accommodated in this site.

We would like to add that what the Planning Department have classed this site as representing an important visual break along Carrickbroad road. We would suggest that on visiting the site, there is no visual break as all the dwellings, which currently number 5 without including other buildings in their respective curtilages, are visible in tandem.

It is worth noting that the development could be so conditioned to ensure the design is of an appropriate size and scale., which is already explored in the Planning Department's Report, stating that "a restricted ridge height can ensure the proposal would not be a prominent feature in the landscape." The Planning Department also state that the site "does avail from established natural boundaries to the north, south and west" thus agreeing that there is already a high level of integration and stating that " the proposal is not expected to be a prominent feature on the landscape".

Due to the Planning Department considering this to not qualify as an exception under Policy CTY 8, they were able to apply all the other reasons for refusal:

- *The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement*
- *The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland (SPPS)Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside*
- *The proposal is contrary to Paragraph 6.186 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and PPS2 'Natural Heritage' Policy NH6 in that a) the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality - It should be noted that Historic Environment Division had no issues with this proposed development.*

We would like the Council to note that all these other reasons for refusal fall, if infill dwellings status is given.

Yours Faithfully,  
John Feehan, design3 contact 078 458 11586



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**

District Council

**Application Reference: LA07/2018/1913/O**

**Date Received: December 6<sup>th</sup> 2018**

**Proposal: Infill Site for 1 dwelling**

**Location: *Site between 33 and 37 Ballard Road, Lislea***

**Site Characteristics & Area Characteristics:**

The site is a cut out of a grazing field located on the northern slopes of Slieve Gullion approximately 3 miles east of the village of Lislea. It is located on a laneway that connects on to Ballard Road approximately a mile to the north, it is very narrow a terminates a short distance to the south west. The site slopes sharply down to the west, a result of its location on a steep mountain slope.







The site is bounded along the road by a low post and wire fence, to the rear of the site are two agricultural buildings



The site is located in between two single storey dwellings, Number 33 Ballard Road is located to its north east;



While Number 37 is located to the south west;



On the other side of Number 33 there is a gap until a group of agricultural buildings are encountered, these are at a significantly lower level than the road. The site's prominent position on the side of a mountain means that there are long range views of it from the surrounding area, especially from the lower part of Ballard Road to the west.



### Site History:

There is no previous history on the site

### Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 21 Sustainable Development in the Countryside.

### Consultations:

Transport NI No objections

### Objections & Representations

No representations have been received in relation to this application.

### Consideration and Assessment:

#### Strategic Planning Policy Statement

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to dwellings in the countryside it is less prescriptive than the retained policy and it is this which has greater determining weight.

#### Banbridge/Newry and Mourne Area Plan 2015.

The site is located in the countryside east of the small settlement of Lislea, no other provisions of the plan are relevant.

#### PPS21 Sustainable Development in the Countryside Policy CTY1

The policy sets out 6 categories of residential development which are acceptable in the countryside, the proposal is for an infill dwelling and therefore CTY8 is the most relevant.

**Policy CTY8 Ribbon Development and Infill**

The policy allows for the infilling of a gap, sufficient only to accommodate a maximum of two dwellings, within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern in the area. To qualify as a substantial and continuously built up frontage there must be a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In this case there are two buildings along the road frontage, Nos 33 and 37, there are gaps on either side of these dwellings until the next building and they are not visually linked with these buildings due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

In addition, the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

**Policy CTY 13 Design and Integration of buildings in the Countryside**

The critical view for this policy is the long range one from the west along Ballard Road, from this viewpoint, shown above, a dwelling on the site will appear behind the agricultural buildings with a belt of mature trees to its rear. A modest dwelling, sensitively designed at this location would not appear unduly prominent, care should be taken to ensure that any dwelling does not have a large under-build which could adversely affect the character of the area.

**Recommendation:**

The proposal is for an infill dwelling situated along a laneway on the slopes of Slieve Gullion. The proposal fails the requirements of CTY 8 in that there is not a substantial and continuous built up frontage in this location and the site has accompanying development to the rear.

Therefore refusal is recommended.

**Refusal Reasons:**

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

**Case Officer**

**Authorised Officer**

The members of briefing panel have kindly allowed this application to be referred to the planning Committee so the member can decide whether this is an infill site.

I have read the officer's report and understand for this site to be considered an exception under policy CTY 8:-

1. the development must first comprise a small gap site in an otherwise substantially and continuously built up frontage comprised of 3 or more buildings along a road frontage without accompanying development to the rear; and
2. second the proposed development must also respect the existing pattern of development along the frontage in terms of size, scale, siting and plot sizes.

The officer in their report suggests that there are only two buildings along the road frontage, at 33 and 37 Ballard Road and there are gaps on either side of these dwellings until the next building.

The officer then goes on to say that the buildings are not visually linked due to the separation distance and the geometry of the lane which means that they are out of sight on the other side of bends from these dwellings.

Finally it is suggested that the agricultural buildings at the rear of the site constitute accompanying development to the rear and therefore the proposal fails both elements of the policy.

It is my consideration that full and proper consideration is not given in the report to the other buildings that contribute to the meaning and understanding of what the gap is and that the substantial and continuously built up frontage.

I would ask the members to note as shown in slide one the frontage comprises the dwelling and outbuildings at 29 Ballard Road, the barrel vaulted shed between 29 and 33 Ballard Road, the dwelling at 33 Ballard Road and the dwelling and outbuildings at 37 Ballard Road.

When travelling along Ballard Road you get a perception of a continuous line of buildings and a build-up of development which the dwelling adds to. Contrary to the advice of the officer the fact that the buildings are below the road adds to this perception as any sense of a discernable gap is lost when driving along the road at a slightly elevated position.

There is an awareness of the existing dwellings and the barrel vaulted shed with at least their roofs and upper sections visible along Ballard Road for the entire length of the ribbon of development and beyond where static views are perceptible and from where indivisibility between buildings can be considered and assessed. The views at slides two and three show how the buildings relate to one another when viewed from the entrance to 29 and the gable of 37 Ballard Road.

The officer does not consider the ribbon in its entirety as part of their assessment and it is my consideration that it is clear that there is a sequential awareness of development extending from 29 to 37 Ballard Road from one or more of these static viewpoints.

The buildings to the rear of the application site are also at a much lower level than the ribbon of development to the edge of Ballard Road. They are visually separated and distinguishable and the officer does not provide meaning or context to this in their assessment and I would

argue that there is no accompanying development to the rear of the site and the policy test is satisfied.

The officer does not argue that a dwelling at this site would not respect the existing pattern of development along the frontage in terms of size, scale, siting and plot size. As no reason for refusal is presented it is accepted by the planning department that the second part of the policy test is met in full.

The site is only capable of absorbing one single storey dwelling that would if sited gable ended to the road fit within the frontage consistent with the pattern of development along this part of the Ballard Road.

The site meets all the criteria of policy CTY 8 and merits being treated as an exception to the policy as a small gap and would not add to the existing ribbon along Ballard Road. I would respectfully request that the committee disagree with the officer's advice and approve this application for the reasons I have set out.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1586/RM

**Date Received:** 12.10.2018

**Proposal:** 2 storey dwelling and detached garage

**Location:** Between 6 & 8 Sturgan Road, Camlough, Newry, BT35 7HS

**Site Characteristics & Area Characteristics:**

The site includes part of a larger former agricultural field located on the elevated Sturgan Road within the rural area / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015.

**Site History:**

LA07/2015/0249/O

Infill site for 2 dwellings

Permission Granted: 03.03.2016

**Planning Policies & Material Considerations:**

The Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

Planning Policy Statement 21

Planning Policy Statement 3

Planning Policy Statement 2

**Consultations:**

Transport NI – no objection subject to conditions.

**Objections & Representations**

1 neighbour was notified on 12.11.2018 and 02.04.2019

The application was advertised on 31.10.2018

No objections or representations received.

## Consideration and Assessment:

The proposal is for Reserved Matters on the back of a previous outline approval. The previous outline application Ref LA07/2015/0249/O was approved on 03.03.2016. This application for Reserved Matters was received on 12.10.2018 which is within the requisite 3 years and adheres to all the outline conditions. Therefore, the principle of development is considered established and this report will be considered against the siting, design, access and landscaping as identified in condition 3 of LA07/2015/0249/O.

### Siting

The proposed site encompasses a smaller red line boundary than the previous outline application which reflects the application for one dwelling and to develop 'one half' of the site. It is noted there were no siting restrictions imposed on the outline decision notice. The proposal dwelling has been sited towards the front of the site (facing the public road) and respectful of the established building line along the frontage. With this in mind, I have no objections to the siting of the proposal.

### Design

The site is critically viewed from the Newtown Road (alongside Camlough Lake) which ensures the design will be apparent over long distant views as well as along the Sturgan Road.

Following a request for amendments to the design on 19<sup>th</sup> February 2019, a revised scheme was received addressing these points, apart from the removal of the hipped roof design.

The finishes of the proposed dwelling are acceptable for the rural area, however the hipped roof, owing to a Georgian style design I consider out of keeping with the development pattern in the locality which is contrary to part (e) of policy CTY 13 of PPS 21. Further to this, the proposed design is not considered to respect local architectural styles and patterns as expected by part (c) of policy NH6 of PPS2 which enforces further policy requirements for Areas of Outstanding Natural Beauty.

The Planning Authority has been consistent on this position which is consolidated by the context of the surrounding area, where traditional gable ended pitched roofs are a dominate design feature. In the absence of a design guide specific to the Ring of Gullion AONB the surrounding context is a strong material consideration. Annex 2 of PPS 21 notes traditional roof form maybe be hipped rather than gabled in *some localities* (my emphasis) however I contend that hipped roofs are not an obvious design pattern in this area. The traditional vernacular for South Armagh is the *Irish Cottage*, linear in form with a traditional gable ended pitch, with most dwellings approved now, a modernisation of this template.

Whilst the agent has noted that if guidance regarding the roof pitch is followed, the height would have to be increased, it is important to note condition 3 of the Outline Permission where it states that height amongst other design considerations is a matter reserved. Regardless of this however, the height of the dwelling can be reduced accordingly to an appropriate scale for the site.



### Access

The access arrangements are acceptable to Transport NI and satisfy the policy requirements of CTY13 of PPS21 and PPS3. I would have no objections to the access arrangements which represent a traditional arrangement.

### Landscaping

Trees have been shown to be planted along the southern boundary of the site which aids integration and will improve neighbouring amenity. The existing natural screenings of the site have been retained where possible and augmented with native species hedgerow and shrubs. I am content the landscaping features comply with prevailing policy.

**Recommendation:** Proposal is contrary to policy CTY 13 of PPS21 and policy NH6 of PPS 2 due to the design of the dwelling as described above.

### **Refusal Reasons;**

- 1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.**
- 2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that, the proposal does not respect local architectural styles, patterns and design.**

**Case Officer:**

**Authorised Officer:**



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1618/F

**Date Received:** 13.10.17

**Proposal:** Demolish existing piggery building and erect new general purpose agricultural shed.

**Location:** 20 Railway Road, Meigh, Newry

**Site Characteristics & Area Characteristics:**

Site is located within the open countryside comprising of a former piggery adjacent to existing industrial type buildings.

**Site History:**

P/2014/0014/CA - Alleged unauthorised erection of buildings. No breach. Case close 06.07.17

LA07/2017/0071/F - Replacement dwelling. Approval 02.05.17 (Farm holding land 3 - 5 on farm map)

P/2011/0860/F - Replacement dwelling. Approval. Approval (Farm holding land 11/12)

**Planning Policies & Material Considerations:**

**Banbridge/ Newry and Mourne Area Plan 2015:** AONB Countryside

**PPS3, DCAN15 and Parking Standards:** Transport NI in their consultation dated 14.12.17 have raised no objections.

**SPPS and PPS21 (CTY1)**

The policy provides a list uses which may be deemed acceptable within the countryside; this includes provision for agricultural and forestry development in accordance with Policy CTY12. 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.

As proposals do not fulfil the requirements of CTY 12 for the reasons set out below proposals thereto fail against the provisions of CTY1. In that there are no overriding reasons presented as to why the development is essential.

### **SPPS and PPS2, PPS21 (CTY12 and CTY13)**

DAERA in their consultation response dated 20.04.18 confirm that the farm business has been in existence for over 6 years and single farm payments have been claimed which is an indicator of an active and established farm holding.

In correspondence the agent has stated that there are no other available buildings. The shed is needed for the winter housing of cattle/ sheep as well as for storage purposes of animal feed and bedding and it is not proposed to use a slurry tank. A herd list of sheep and cattle were also provided by the agent. The document relating to sheep indicate that there were 19 sheep dated 23.01.18 the details of which do not correlate with the farm holding or the applicant and therefore is not conclusive evidence that these animals are part of existing farm stock. Furthermore the cattle herd list shows the movement details of 9 cattle from the farm holding in 5<sup>th</sup> November 2016 with no updated information with regard to current stock. There has been no details or evidence relating to current farm activities or information regarding agricultural stock at present or within a 6 year period.

The farm holding comprises of approximately 31ha of land distributed over three portions. These are located on the outskirts of Newry adjacent to the principal farm holding, Killen - which contains only one building and Railway Road in Meigh adjacent to some commercial buildings.

From the information provided the Planning Authority acknowledge that there is no suitable buildings within the farm holding although there is sufficient opportunity within the farm holding to locate a building closer to the principal farm dwelling. There is no convincing argument put forward by the applicant/ agent for the need to locate at this specific location nor has it been adequately demonstrated that the development is necessary for the efficient use of the agricultural holding.

It is proposed to replace the existing building and keep in line with other buildings with upper area used for storage and feeds with pens at ground level to be used for the winter feeding of cattle and sheep.

The drawings submitted show a large scale industrial type building with roller shutter door, cladding and cast concrete panels to match that of adjacent commercial building. The internal arrangement does not show any pens or slats, underground slurry tank or any areas of upper storage in line with the intended use of the building as described in correspondence. Whilst the scale and character are reflective of the existing commercial buildings this form of development is at odds with the traditional rural development and design of agricultural buildings and appears excessive. However, in the absence of information, it is difficult to ascertain if the scale and design of this building is appropriate for its use. Overall the scale and form of the building is unacceptable at this rural location and will exacerbate the unsightly

appearance of the existing complex adversely impacting upon the visual appearance of the area.

Whilst the proposed building will be located to the rear of an existing commercial complex the existing buildings are already imposing and lack any degree of screening and enclosure. Whilst there is no doubt the building would read as one with the remaining buildings this would nevertheless extend this area of development and amplify the adverse appearance of the development which is unable to adequately integrate due to lack of backdrop or any other means of screening or enclosure thus the development will appear prominent in the local landscape and will require significant landscaping in order to adequately integrate having adverse impact upon the setting of the AONB.

The development is far removed from residential properties that there is no issues with regard to amenity and Environmental Health have also raised no concerns.

The Planning Authority acknowledge that there are no farm buildings or other suitable buildings for agricultural use within the existing holding and thus accept the rationale for a new build. The agent has advised that the shed is to be used for the winter housing of sheep and cattle although there has been no verifiable evidence provided in relation to his current farming activities or indeed the number of cattle/sheep within the holding that necessitate the need for a building of the size and scale proposed. The proposed building is located away from the principal farm with no exceptional or justifiable reasons given that proposals are essential for the efficient functioning of the business or there are demonstrable health and safety reasons to specifically locate at this particular location and could not be accommodated elsewhere.

Overall proposals fail to meet the requirements of the SPPS and CTY12 of PPS21

#### **Consultations:**

DAERA (20.04.18) - Business i.d. for 6 years and single farm payments claimed

Transport NI (12.01.18) - No objection

EH (22.11.17) - No objection

#### **Objections & Representations**

No objections received

No neighbour notification required

Advertisement Nov 2017

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

Proposals fail the requirements of planning policy for the reasons set out above and there are no overriding reasons why proposals are necessary.

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

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential
2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
  - it is not necessary for the efficient use of the active and established agricultural holding;
  - the character and scale is not appropriate to its location
  - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;and the applicant has not provided sufficient information to confirm that
  - the proposal is sited beside existing farm buildings
  - it has not been demonstrated that there are no alternative sites available at on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and/ or that the alternative site away is essential for the efficient functioning of the business.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
  - the proposed building is a prominent feature in the landscape;
  - the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
  - the proposed building relies primarily on the use of new landscaping for integration;
    - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdropand therefore would not visually integrate into the surrounding landscape.

*Case Officer*

*Authorised Officer*



# M. P. TOALE & ASSOCIATES

Architectural Consultants & Surveyors.



Architecture & Surveying Institute  
Northern Ireland Region

**Proposal.** Demolish existing piggery building and erect new general purpose Agricultural Shed.

**Location** 20 Railway Road Meigh Newry.

**Applicant** Peter and Brian Mackin. Ref: LA07/2017/1618/F

**Submission for consideration of Planning Committee.**

**Background.** The applicants farm comprises of three separate parcels of land.

1. **Dublin Road Newry** Buildings associated with their business of supply of animal feed and associated agricultural products and farm land, much of which is zoned for housing in the Newry/Banbridge Area Plan 2015. There are no agricultural buildings at this location. The farm dwelling is not located here but at a nearby private housing development.
2. **Lands at Killeen** Comprising of farm land and an old dwelling house.
3. **Lands at Meigh.** There are four large interconnected buildings associated with the storage and manufacture of animal feed with the old piggery building to the rear (the only farm building on the holding) and some farm lands to the rear. (in excess of 0.5Ha required by Schedule 1 part 6 of The Planning (General Development) order N.I).

116 Dromintee Road, Newry Co. Down, BT358SW

Tel: 02830 888574 Fax: 02830 888574

Michael Toale A.S.I. L.C.I.O.B.

Colm Toale B. Eng. (Mech. Eng.)

**Submissions** This proposal is to replace the piggery building with a building more suitable for present farming needs.

Department of Agriculture Environment and Rural Affairs confirmed that the Business was active and met the active farm criteria. A letter from DAERA dated 28<sup>th</sup> March 2018 supported the need for winter accommodation was submitted in evidence of specific need.

The Planning (General Development) (Amendment No2) Order (Northern Ireland) 2013 and policy CTY12 are the most pertinent legislation relative to applications of this nature. Part 6 Class A sets out the details for Permitted Development and this application fulfills all of the requirements set out therein.

The farm extends to some 31Ha and it requires proper buildings to operate.

**Comments on Refusal Reasons.**

1. The proposal is contrary to Policy CTY1 of Planning Policy statement 21 Sustainable Development in the countryside and there are no overriding reasons why this Development is essential.

**Response:** The farm comprises of some 76 acres and this proposal is to replace an old unsuitable building in new to meet the current needs on the same footprint as the existing building.

The active farm requirement has been confirmed by DAERA.

Par3 page 3 of the Planner report confirms in "The Planning Authority acknowledge that there are no farm buildings or other suitable buildings for agricultural use within the existing holding and thus accept the rational for a new build".

2. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21. Sustainable Development in the countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;

**Response:** Par 3 page 3 "The Planning Authority acknowledge that there are no farm buildings or other suitable buildings for agricultural use within the existing holding and thus accept the rational for a new build".

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- The character and scale is not appropriate to its location.

**Response:** Par 1 page 3 Planners Report "there is no doubt the building would read as one with the remaining buildings"

- The development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping:

**Response:** par 1 page 3 Planners Report "there is no doubt the building would read as one with the remaining buildings"

- The proposal is sited beside existing farm buildings

**Response:** The building is on the same footprint as the only farm building on the farm.

- It has not been demonstrated that there are no alternative sites available at or on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and or that the alternative site away is essential for the efficient functioning of the business.

**Response:** There are no other farm buildings on the farm. This is a replacement for the only farm building on the holding.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21 Sustainable Development in the Countryside in that:
- the proposed building is a prominent feature in the landscape:

**Response:** Par 1 page 3 Planners Report "there is no doubt the building would read as one with the remaining buildings"

- The proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape:

**Response :** The building is on the valley floor and will not make a significant impact in that it is screened from most vantage points by the existing buildings.

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- The proposed building relies primarily on the use of new landscaping or integration:

**Response:** The applicants are prepared to provide landscaping, but the existing building offers screening.

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

**Response:** This view could be accepted if the development proposed was not located behind the existing large buildings at the site. The location to the rear would not add significantly to the visual impact. The overall impact must be considered relative to the nearby buildings particularly the village sewage works and a new large poultry unit opposite. A site visit would confirm the proposal meets the relevant criteria and is relatively insignificant at this location

**Conclusion** The planners report Page 3 Par 2 "The development is far removed from residential properties and that there is no issue with regard to amenity, and Environmental Health have raised no concerns" is a most relevant statement.  
The other buildings at this location used for productivity and storage of animal feed cannot be used to accommodate livestock under strict EEC Farm Feed production regulations. A farm of 31Ha (76 acres approx.) requires storage for feed and accommodation for livestock and having given consideration to options it was decided that this application to replace the piggery building on the same footprint hidden from roadside views by the other commercial buildings would be acceptable.

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Michael Toale A.S.I. L.C.I.O.B.

Colm Toale B. Eng. (Mech. Eng.)

116 Dromintee Road, Newry Co. Down. BT358SW  
Tel: 02830 888574 Fax: 02830 888574  
Michael Toale A.S.I. I.C.I.O.B.  
Colm Toale B. Eng. (Mech. Eng.)



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

**Application Reference:** LA07/2017/1804/F

**Date Received:** 10/11/2017

**Proposal:** Change of house type (previously approved under P/2008/0396/F)

**Location:** Site approximately 300m west of 11 Cranny Road, Newry, BT35 9XR



**Site Characteristics & Area Characteristics:**

Characteristics of site: The lands outlined in red are irregular in shape, located approx. 300m west of no. 11 Cranny Road. At the time of inspection, it was clear that foundation/subfloor had commenced. The site is positioned above the adjacent road level with the access clearly in place. A number of mature trees and gorse bushes are scattered throughout the site. In terms of site boundary treatments, the north, east and west consist of mature vegetation with sections of post and wire fencing. A

section of rock has been cut from the southern rear boundary, forming a rock/loose stone bank.

Characteristics of area: The application site is located outside any settlement development limits as designated with Banbridge/Newry and Mourne Area Plan 2015. The site is within a designated Area of Outstanding Natural Beauty (AONB). The area is of typical rural character and predominately agricultural use.



Looking north onto existing foundations

**Site History:**

P/2008/0396/F 240 Metres North West of 11 Cranny Road, Mullaghbawn, Newry. Erection of Dwelling and Garage - Removal of Conditions 5 and 6 of Outline Approval P/2004/0088. Permission granted. 18.03.2008

P/2004/0088/O 240 metres north west of 11 Cranny Road, Mullaghbawn. Erection of dwelling and garage. Permission granted.

**Planning Policies & Material Considerations:**

Banbridge/Newry and Mourne Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking  
AMP 2 - Access to Public Roads

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  
CTY 16 - Development Relying on Non-Mains Sewerage

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

**Consultations:**

NI Water - Generic Response

DFI Roads – No objections

**Objections & Representations:**

Neighbouring no. 13 was notified on 01/12/2017. This application was advertised in the local press on 11/12/2017, 13/12/2017 & 14/12/2017. No objections or representations have been received.

**Consideration and Assessment:**

*The applicant is seeking an amended house type on a site in which planning permission has expired. The onus is placed on the applicant/agent to demonstrate that development of the previously approved dwelling had commenced prior to the*

expiry of that decision. Condition 1 of the previous approval (P2008/0396/F) stated that;

*As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the 5 May 2010.*

*Reason: Time limit.*

Furthermore, Condition 5 of this approval stated that:

*"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.*

*Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users."*

Therefore, to have correctly implemented the previous approval for development within the application site, both the pre-commencement condition in regards to the access and commencement condition in regards to development should have been complied with. Having reviewed the previous approval P/2008/0396/F, the proposed red line accompanying this application extends beyond that previously approved. It is noted that the access and splays in place are not in the correct position as previously approved having been repositioned 33 metres to the south east of that approved.

Furthermore, the Councils building control records show that an inspection of the foundations occurred on the 23<sup>rd</sup> July 2010, outside the required period to establish commencement.

As previously stated the proposed red line accompanying this application extends beyond that previously approved. It is also notable that the footprint of the dwelling extends beyond the approved curtilage with only a small fraction of the development within the approved curtilage of P/2008/0396/F. It appears that the footprint of the foundations is approx. 28m east and 14.5m south than approved.

Therefore, the works which had commenced outside of the required timeframe do not reflect those works previously approved under P/2008/0396/F and the Planning Department would consider that the permission has lapsed.

With regards to the proposal, the dwelling will have a linear footprint, with an orientation running along an east and west axis with the principal elevation facing north and rear elevation pointing south. The dwelling will amount to a 1 ½ storey contemporary design with a standard pitched roof construction, and a maximum ridge height of approx. 7.0m above ground floor level (0.9m more than previously approved). A chimney stack will project from each end of the ridge, elevating 1300mm above the ridge. The dwelling will have a frontage of approx. 16.0m (not including side projections) with a gable depth of approx. 9.8m. A mono-pitched single

storey return will project 7.2m beyond the rear elevation. The proposed materials and finishes will consist of blue/black slate roof, walls to be a mixture of localised stone cladding, white render, stained timber cladding, grey aluminium and hardwood timber windows, grey aluminium RW goods, and hard wood timber door.

### PPS 21 - Sustainable Development in the Countryside

On assessment of the evidence and in conclusion the Planning Department do not consider the previous approval has been implemented correctly, that the permission has lapsed and that the principle of development has expired. No justification has been provided for a new dwelling on the site in line with the prevailing policy. The proposal is therefore considered contrary to PPS 21 CTY1.

With regards to Policy CTY 13 – Integration and Design of Buildings in the Countryside: Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Although at the time of inspection the area surrounding the footprint of the development was relatively level, no FFL of the proposal or ground levels have been annotated on the layout. Given the position of the development in the landscape levels/sections are critical to the assessment. The proposal shows the dwelling is to be sited further back from the roadside boundary than that previously approved. Given the extensive backdrop to the site and its position above the adjacent ground level and the surrounding long distance views from the neighbouring Back road and Cranny Road, it is felt that the proposal in terms of scale and massing is acceptable.

The proposed design creates a good solid to void ratio with the use of contrasting contemporary materials to reduce the solid massing. Having considered the proposal against that previously approved and taking into consideration the approved developments in the area it can be considered that the proposal in terms of size, scale and design is in keeping with the surrounding character and will be no more prominent in the landscape.

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 the area. Again, given the ridge height and the screening provided to the east and west the department consider that the proposal not unduly prominent in the landscape. The proposal is not considered to offer any negative impact to surrounding neighbours nor will it cause any overlooking or overshadowing. The dwelling and associated works including the access will not cause a detrimental change to, or further erode the rural character of the surrounding area. The proposed development therefore meets the requirements of Policy CTY 14.

CTY 16 ensures that new developments will not create or add to a pollution problem. A septic tank is proposed, a copy of 'Consent to Discharge' must be submitted to the

Planning Department prior to the commencement of development. The proposal appears to conform to Policy CTY 16.

PPS 3 - Planning Policy Statement 3 – Access, Movement and Parking

DFI Roads were consulted on 09/01/2018, responding on 15/01/2018 that that they have no objections to the proposal. In view of this officers consider access arrangements to be acceptable.

**Recommendation:**

Refusal

**Refusal Reasons:**

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

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**



### Speaking Rights Request

<b>Reference:</b>	LA07/2017/1804/F
<b>Applicant Name:</b>	Mr Paddy Murphy
<b>Proposal:</b>	Erection of dwelling and garage (amended dwelling design, siting of dwelling and garage and relocation of access approved under application P/2013/0820/F)
<b>Site Location:</b>	Site approximately 300m west of 11 Cranny Road, Newry, BT35 9XR

### Planning Assessment:

On 6<sup>th</sup> November 2009, the Planning Department granted planning permission for the “Dwelling & garage, Lands 240m North-West of 11 Cranny Road, Mullaghbawn, Newry”. A number of planning conditions were attached to the planning decision notice, with condition 1 specifically relating to the commencement of the development to be begun **before 5<sup>th</sup> May 2010**.

The following evidence provides confirmation that the aforementioned planning permission is live by reason, that in the full implementation (and thus discharging) of Planning Conditions 1, 5 & 7 in particular, the development proposal has therefore lawfully commenced.

Planning Conditions No’s 5 & 7 related to the vehicular access, visibility plays, gradient etc.

Significant works were carried out on the site prior to the expiration of the planning approval (P/2008/0396/F). These included formation of the site access and the excavation of part of the site to form the rear wall trench of the approved dwelling.

The works were carried out from 20<sup>th</sup> April 2010 to 30<sup>th</sup> April 2010 by Foxfield Construction (Appendix 1). Once this work was carried out it was apparent that the siting of the approved dwelling in such close proximity to the Cranny Road, and 3m higher than the adjacent road was simply inappropriate and dangerous. At this point it was decided to relocate the position of the dwelling further back into the site. Further significant excavation works were carried out on the site to accommodate this new location. Appendix 2 contains details of the original trench works and the current location of the new dwelling footprint.

The aerial photograph also indicates clearly the formation of the site access position arrangement, laneway and required sight visibility splays. The associated hardstanding area within the development site is also clearly visible. These significant works carried out indicate the re-grading and terraforming of the existing topography to the existing lands to form the plateau of the proposed development site.

The initial works carried out by Foxfield Construction (Invoice attached in Appendix 1) however represented commencement of works for application P/2008/0396/F. The frontage along Cranny Road had been removed and levelled to provide the visibility splays, forward sight and vehicular access, thus discharging planning conditions 5 & 7. The digging out a foundation trench in accordance with the approved plans represents a commitment to the commencement of works on the site. These works were subsequently then covered in with stones for health and safety reasons to allow access to the new dwelling location.

As stated, further works (Appendix 1) within the site took place later and these included the removal of more significant amounts of rock and releveling, the provision of a strip foundation trench, associated concrete provision and supply of service pipe associated with the new dwelling house. These foundation works were carried out by Mr Peter Gregory (Foxfield Construction) and Clady Quarries in June 2010 and inspected by Newry & Mourne Building Control Department on 23<sup>rd</sup> July 2010.

The material use of the lands has significantly changed from its original agricultural use to a residential development site use in current use, consequently formed by the material works carried out for the erection of a new dwelling house for the applicant’s family.

These significant works carried out amount to a material commencement in relation to the granted planning approval P/2008/0396/F.

**Appendix 3** – The applicant has provided evidence of the commencement of the works in accordance with the guidance provided at that time by the Department of the Environment. Significant other correspondence letters from the Department of Environment (DOE) regarding, what was considered adequate for commencement of development, and current guidance is provided for consideration.

The applicant has met all of the guidance and tests provided to satisfy the implementation of their planning consent.

In consideration of the discharging of planning conditions 5 & 7 and the provision of works involved in the construction of a structure associated with the erection of the approved dwelling on the site, this is considered adequate evidence in the discharging of planning condition No.1 which had required development to have been commenced before 5<sup>th</sup> May 2010.

The Council's position Re: Commencement of Development is set out on its website.

“Where an applicant has complied with conditions relating to works to be carried out before the commencement of other work e.g the construction of an access in accordance with the approved plans, and

- Where an applicant has commenced any work of construction in the course of the erection of a building, **such as the digging of foundations** and preferably pouring of concrete, driving of piles or other substantive works;
- The laying of any underground main pipe to the foundations or part of the foundations of a building;”

Notwithstanding the Council guidance as to the construct of 'commencement of development' the law/legal position to support our position that development has commenced.

What is defined by the commencement of development is defined by Article 63(2) of the Planning Act (Northern-Ireland) 2011 wherein it states “...development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out–

**(a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;**

(b) where the development consists of or includes alterations to a building, any work involved in the alterations;

**(c) where the development consists of or includes a change of use of any building or other land, that change of use;**

(d) where the development consists of or includes mining operations, any of those operations. ”.

It is clear therefore, that in compliance of parts (A & C) of the planning legislation above, the commencement and the formation of the access in accordance with the approved plans, and/or by the digging and formation of foundations (defined structure), drainage, manholes etc our client has wholly complied with the and the planning requirements of commencement by the satisfaction and implementation of the planning conditions.

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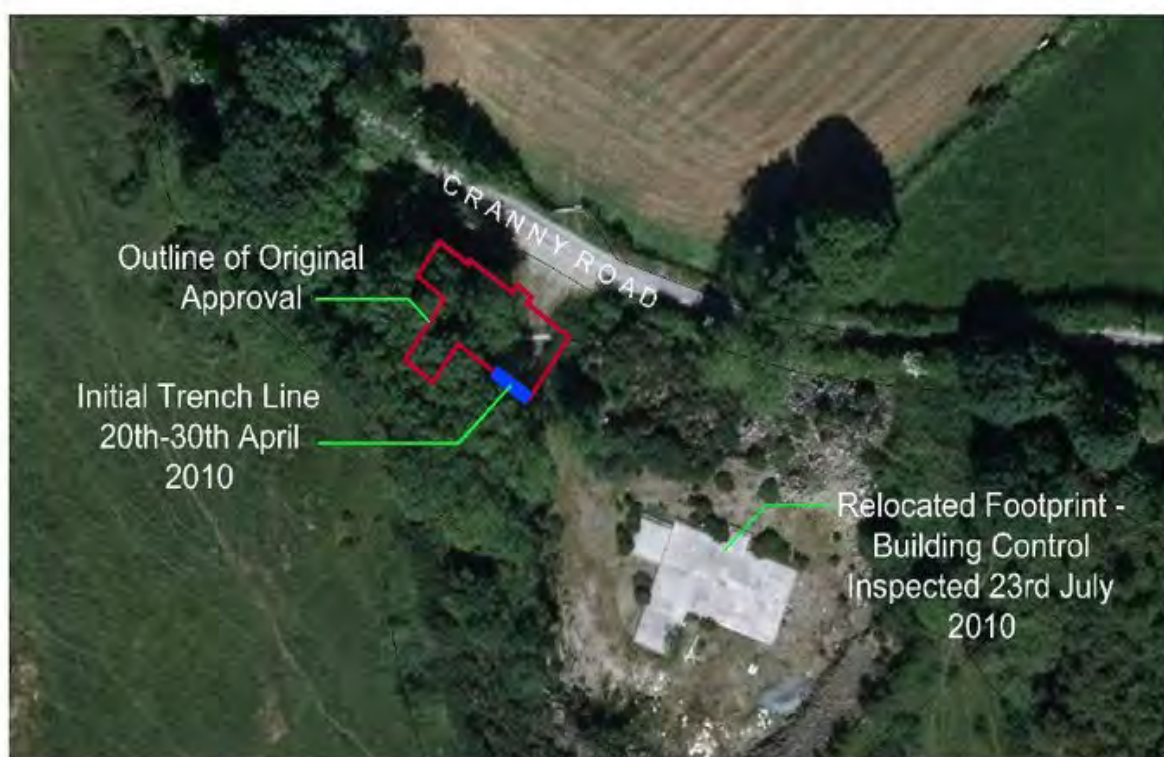
It is therefore respectfully requested that this recommendation is overturned and an approval granted for this planning application.

## **Appendix 1**

### **Confirmation of Site works by Foxfield Construction & Building Control Inspections**

## Appendix 2

### Original Site works Overlay



### **Appendix 3**

#### **DOE Correspondence Letters Regarding Guidance for Commencement of Development.**

Home > Advice & Guidance > Guidance on Renewing Planning Permission and Starting Development

## Guidance on Renewing Planning Permission and Starting Development

### Re-applying for Planning Permission under draft PPS21

#### Related Links

- [Divisional Planning Offices](#)

If a planning approval has yet to be implemented and is due to expire in the near future, it is still possible to re-apply for planning permission under draft PPS21 if any of the following apply:

- The permission relates to a replacement dwelling;
- The permission is for an infill dwelling;
- The permission relates to a dwelling on a farm which is (visually linked) sited to cluster with existing buildings on a farm;
- The permission was granted in connection with a non-agricultural business;
- The permission was granted on the basis of the applicant's personal circumstances;

### Advice & Guidance

Planning permission will only be granted for any of the above if the same circumstances prevail and the application site offers the same or better level of integration as the previous approval.

If outline permission is outside the 3 years timescale for submission of reserved matters, but still within 5 years of the date of original decision, Planning Service will accept applications for full planning permission during this 2 year period. In the processing applications for full permission submitted in this way, more consideration will be given to the planning history of the site. Indeed Planning Service acted similarly when draft PPS 14 was introduced.

### Starting to build where Full Planning Permission or Reserved Matters has been granted

Where it will not be possible to reapply for planning permission or apply for full permission as above, applicants may choose to start building a dwelling where reserved matters or full permission has been received. However, it is recognised that in times of financial difficulties an applicant may not be in a position to build a dwelling but may want to start work to implement the planning permission. We have received a number of queries about this from agents, applicants and elected representatives.

At the early stages of a project it is often a matter of planning judgement



Guidance on Renewing Planning Permission and Starting Development | The Plannin... Page 2 of 2

as to whether or not development has started.

However, the following are useful examples of when Planning Service would accept that development has commenced in accordance with the approval.

- Where an applicant has complied with conditions relating to works to be carried out before the commencement of other work e.g the construction of an access in accordance with the approved plans; **and**
- Where an applicant has commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works;
- The laying of any underground main pipe to the foundations or part of the foundations of a building;

If development is commenced on site but not completed, Planning Service recommends the applicant retains any documents or records the work carried out including copies of dated invoices, receipts, building control approval, dated photographs etc in case there is a need to produce these at a later date if there is any issue about the date of commencement.

If an applicant is unsure about whether or not development has started as a result of works carried out, they should seek advice from the relevant Divisional Planning Office.

Date: 20 March 2009  
 Our Ref: P/2007/1090/F (FOI 20278)  
 Being dealt with by: Julie Brown



Divisional Planning Office

Marlborough House  
 Central Way  
 Craigavon  
 BT64 1AD

Mr D Mallon  
 3 Ayalogue Road  
 Newry  
 BT35 8QY

Dear Mr Mallon

**Location: Adjacent to No.4 Low Road, Ayalogue, Newry**

**Proposal: Erection of dwelling and garage in compliance with conditions on approval P/2002/1210/O**

I refer to your correspondence dated 10 February 2007 regarding the above planning application.

I can advise that generally speaking the construction of an access, provided it is in accordance with the approved plans, would be sufficient to indicate that development had begun. Unfortunately Planning Service does not currently have the resources to carry out inspections of works undertaken.

Yours sincerely



for Divisional Planning Manager



Tel: (028) 3834 1144 Fax: (028) 3832 0004  
 Email: [divisional.planning.office@craigavon.dets.ni.gov.uk](mailto:divisional.planning.office@craigavon.dets.ni.gov.uk)  
 Web: [www.planning.ni.gov.uk](http://www.planning.ni.gov.uk)



[Redacted header information]

10/23/15

Your Ref: [Redacted]

Our Ref: FOI 39415

Being dealt with by: [Redacted]

Date: 26 September 2015

Mr Martin J Barbe MCIAA  
 Martin Barbe Architectural Services Limited  
 92 Newry Street  
 Rathfriland  
 Newry  
 BT74 6PY



**Divisional Planning Office**

Marlborough House  
 Central Way  
 Craigavon  
 BT34 1AD

Back to Agenda

LA/2015/1004/F

Dear Mr Barbe

Thank you for your letter of 13 September 2015 requesting information about the commencement of development in relation to planning permission.

Every new planning permission is deemed to be subjected to a condition that development shall be commenced within five years or such other period as the planning authority may expressly impose. An outline planning permission has two timescales and the consent will require the submission of a further planning application for the approval of reserved matters within 3 years. Once the last of the reserved matters has been approved, there is usually a two year period within which the development must commence.

No definitive ruling can be given with regard to when development is commenced, as so much will depend on the facts of each case. However, development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Generally speaking the construction of an access or the layout of foundations, provided they are in accordance with the approved plans, would be sufficient to indicate that development had begun.

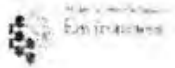
You should therefore satisfy yourself that a material start has been made in accordance with the above prior to the expiration of your planning permission.

I hope this is helpful.

Yours sincerely,

[Handwritten signature of Ian McAllister]

**IAN McALLISTER**  
 For Divisional Planning Manager



Tel: 028 3836 1144 Fax: 028 3836 1099  
 Email: [info@niplanningconsultants.com](mailto:info@niplanningconsultants.com) [www.niplanningconsultants.com](http://www.niplanningconsultants.com)




**Divisional Planning Office**

Marlborough House  
Central Way  
Craigavon  
BT64 1AD

Date: 16th July 2009  
Your Ref:  
Our Ref: P/2006/1653/RM (FOI 21110)  
(Please quote at all times)

Mr Terry McParland  
[terry@getclear.ie](mailto:terry@getclear.ie)

Dear Mr McParland

**Location: Opposite 92 Maphoner Road, Mullaghbawn, Newry, Co.Down**

**Proposal: Site for dwelling**

Thank you for your email dated 3 July 2009 about the above planning application.

An applicant may choose to start building a dwelling where reserved matters or full permission has been received. However, it is recognised that in times of financial difficulties an applicant may not be in a position to build a dwelling but may want to start work to implement the planning permission. We have received a number of queries about this from agents, applicants and elected representatives.

At the early stages of a project it is often a matter of planning judgement as to whether or not development has started.

However, the following are useful examples of when Planning Service would accept that development has commenced in accordance with the approval.

- Where an applicant has complied with conditions relating to works to be carried out before the commencement of other work e.g the construction of an access in accordance with the approved plans; and
- Where an applicant has commenced any work of construction in the course of the erection of a building, such as the digging of foundations and preferably pouring of concrete, driving of piles or other substantive works;
- The laying of any underground main pipe to the foundations or part of the foundations of a building.

If development is commenced on site but not completed, Planning Service recommends the applicant retains any documents or records the work carried out including copies of dated invoices, receipts, building control approval, dated photographs etc in case there is a need to produce these at a later date if there is any issue about the date of commencement.

I trust this information is helpful.

Yours sincerely

(or Divisional Planning Manager)


**Divisional Planning Office**

Marlborough House  
Central Way  
Craigavon  
Co. Armagh  
BT64 1AD

Date: 19th November 2009  
Your Ref: BDPS – S Nelson - 07  
Our Ref: Q/2006/0685/RM (FOI/21964)  
(Please quote at all times)

Mr B McKeivitt  
B & D Property Services  
Meurne House  
41-43 Downshire Road  
Downshire Close  
Newry  
BT34 1EE

Dear Mr McKeivitt

**Location:** No. 53 Knockgorm Road, Banbridge

**Proposal:** Erection of replacement dwelling and garage

Thank you for your letter of 18 November 2009 requesting information about the commencement of development in relation to the above planning permission.

Every new planning permission is deemed to be subjected to a condition that development shall be commenced within five years or such other period as the planning authority may expressly impose. An outline planning permission has two timescales and the consent will require the submission of a further planning application for the approval of reserved matters within 3 years. Once the last of the reserved matters has been approved, there is usually a two year period within which the development must commence.

No definitive ruling can be given with regard to when development is commenced, as so much will depend on the facts of each case. However, development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Generally speaking the construction of an access or the layout of foundations, provided they are in accordance with the approved plans, would be sufficient to indicate that development had begun.

You should therefore satisfy yourself that a material start has been made in accordance with the above prior to the expiration of your planning permission. Any evidence submitted to the Department will be retained on the application file for a period of 10 years.

I hope this is helpful.

Yours sincerely



for Divisional Planning Manager



Environment

Tel: 011 (NI only) Tel: (028) 8161 3101 Fax: (028) 5832 0000  
Email: [enquiries@niplanningconsultants.com](mailto:enquiries@niplanningconsultants.com)  
Web: [www.niplanningconsultants.com](http://www.niplanningconsultants.com)



NI PLANNING CONSULTANTS





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2019/0575/F

**Date Received:** 12/04/2019

**Proposal:** Environmental Improvements Scheme

**Location:** Annalong- Public footpath from east of Annalong Presbyterian Church including the junction with Majors Hill and Glassdrumman Road to the junction with Mill Road and Shannagh Drive.

**Site Characteristics & Area Characteristics:**

The site is located within the settlement limit of Annalong, within an Area of Outstanding Natural Beauty, within an area of archaeological potential, within local landscape policy area AN12/ AN13, within Site of Local Nature Conservation Importance NC 03/154. This application relates to the public footpath adjoining a Protected Route.



*Part of application site*

**Planning Policies & Material Considerations:**

This application will be assessed under the following policy documents and guidance:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage
- Planning Policy Statement 2- Natural Heritage
- Planning Strategy for Rural Northern Ireland

**Site History:**

There have been numerous planning applications in the vicinity of the area however no planning history is associated with this application.

**Consultations:**

- **Historic Environment Division-** HED: Historic Buildings have considered proposal under relevant policy and comment that it is sufficiently removed from any protected assets as to have no impact. Annalong Presbyterian Church (HB16/01/013) is not listed but is held as a record by HED, having been delisted in 1998. HED:HB recommend matching stone in colour and coursing for the retaining wall detail adjacent to the church.

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.

- **DFI Roads-** No objections to this proposal.

**Objections & Representations:**

Fifty four neighbours were notified of the application with the neighbour consultations expiring 11/06/2019. The application was advertised within one local newspaper and readvertised following an amended address, statutory expiry on 12/06/2019.

**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.

The Banbridge/ Newry and Mourne Area Plan 2015 has objectives to:

- Facilitate appropriate development within existing urban areas that will promote urban renaissance, create ease of access to services and community facilities and to maximise the use of existing infrastructure
- To conserve, sustain and enhance the area's environmental qualities, local distinctiveness and sites of environmental importance in terms of landscape character and diversity, wildlife and habitats, townscape and archaeology.



This application is an environmental improvement scheme, this includes the provision of new stone paving for footpaths, sitting area adjoining Annalong Presbyterian Church, improvements to bridge at Annalong River, new tree planting and some feature light columns. This application will make a positive contribution to the townscape and is sensitive to the surrounding area in accordance with Policy DES2 of PSRNI.

The application site includes SLNCI 154 Annalong River and adjoins LLPA's AN12-Annalong River and AN13- Presbyterian Church. The proposal will add to the environmental quality of Annalong Bridge and HED have confirmed that Annalong Presbyterian Church is delisted but have recommended that the retaining wall proposed is of matching stone in colour and coursing to the adjacent church, this will be conditioned. The proposal is in accordance with Policies CVN1 and CVN3 of the area plan and policies NH4 and NH6 of PPS2 as it will have no adverse impacts on any SLNI's, LLPA's and will have no negative impact on the AONB.

The site is adjacent to Annalong Presbyterian Church, HED have advised this is not listed but is held as a record by HED and have advised that the retaining wall adjacent to the church should be of matching colour and coursing. The site is also within an area of archaeological potential, HED are content the proposal is satisfactory to the SPPS and PPS6 archaeological policy requirements.

DFI Roads are content with the proposal in terms of PPS3.

**Recommendation:** Approval

**Conditions:**

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

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

2. The retaining wall proposed adjoining and north east of Annalong Presbyterian Church shall be of matching colour and coursing to the adjacent church.

**Reason:** To ensure the proposal contributes to the character of the surrounding area

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1601/RM

**Date Received:** 16.10.2018

**Proposal:** Proposed demolition of existing building and construction of 2 No. apartments

**Location:** 55 Stream Street, Newry, BT34 1HJ

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

The site is located on Stream Street, a steep hill within Newry City Centre, opposite the grounds to St. Patrick's Church and an adjacent area of recreational open space. The property appears to have last been used as a shop and is currently vacant. All other properties in the immediate vicinity are residential. There are only properties along one side of the road which are mainly two storey with an occasional break of one or two storey properties.

#### **Site History:**

P/1983/0558 – Alterations to existing workshop, permission granted, 03.08.1983

P/1993/0887 - Externally illuminated sign, permission granted - 12.04.1994

LA07/2016/1200/O - Proposed demolition of existing building and construction of 2 No. Apartments, Permission granted, 14.12.2016

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

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 12 – Housing in Settlements

Planning Policy Statement (PPS) 7 – Quality Residential Environments

Planning Policy Statement (PPS) 7 (Addendum) - Safeguarding the Character of Established Residential Areas

Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage

Planning Policy Statement (PPS) 6 (Addendum) - Areas of Townscape Character

DCAN 8 – Housing in Existing Residential Areas

Creating Places: Achieving quality in residential environments

Living Places Urban Stewardship and Design Guide for Northern Ireland

Planning Strategy for Rural Northern Ireland (DES2 and SP18)

#### **Consultations:**

NI Water - no objections

DfI Roads – no objections provided Planning is satisfied that there is no need for an off-street parking requirement for this proposal.

Historic Environment Division – see discussion below

#### **Objections & Representations:**

Two neighbour notification letters were issued on 6 March 2017.

The application was advertised in local papers on 07 November 2018.

1 letter of objection has been received in relation to the proposal and relates to potential loss of light to number 53 Stream Street. This issue is considered below.

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

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located within the settlement limit for Newry, within the High Street Area of Townscape Character (Designation NY 107), and Area of Archaeological Potential and within the Mourne AONB, as set out in BNMAP. The site also backs of to the Newry Conservation Area and is opposite St Patrick's Church Local Landscape Policy Area – NY 127 and part of the street opposite the application site also lies within the Conservation Area. The proposal is

also in close proximity to St. Patrick's Church of Ireland (Grade B+) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

There are no specific policies in the plan that are relevant to the determination of the application, so it will be considered under:

- the operational policies of the SPPS, PPS12, PPS 7, PPS7 (addendum), the Rural Planning Strategy for Northern Ireland Creating Places, DCAN 8;
- Access, parking and road safety are considered under PPS 3 and Parking Standards; and
- PPS 6, PPS 6 (Addendum); and

Outline permission was granted on 22 December 2016 for the demolition of the existing building on site and construction of two apartments. This application seeks approval for the reserved matters of siting, design, external appearance of the building, means of access and landscaping. Having considered the policies above I do not believe that the proposed design, external appearance and landscaping are appropriate to this location for the following reasons.

The proposed density, together with the form, scale, massing and layout of the new development does not respect that of adjacent housing or safeguard the privacy of existing residents.

In relation to the front elevation, the outline approval required by condition that the ridge height be 500mm lower than the ridge height of the adjacent building on Stream Street. This has been complied with and so in terms of scale and massing the appearance of the proposed building from Stream Street is considered to be appropriate, with the exception of the proposed materials as discussed further below.

To the rear, the proposed building extends 20 metres from front to back. As a result, the building will extend 4 metres beyond the typical building line to the rear of these properties. The proposed two apartments will be spread over three floors.

Apartment one is on two levels – ground floor level and lower ground floor level. The lower ground floor level is a basement level and requires excavation of the site as illustrated by drawing 06. The family room is located at lower ground and opens onto a patio to the rear of the building. The garden is accessed from the lower ground floor. To the rear of the site a balcony is located at ground floor level and a terrace at first floor level.

The applicant was asked for a block plan that shows the proposal in relation to neighbouring properties and elevations that include neighbouring properties in order to assess the impact of the proposal on neighbouring properties. These have not been provided so an assessment has been carried out on the basis of the information available and it is considered that the proposal would have the following impacts.

A block plan showing the proposal in relation to the neighbouring property at number 56 has not been provided. However, the proposed rear elevation and floor plans appear to show the rear return of the proposal tight to the boundary of number 56. Number 56 is approximately 16 metres long in total and consists of a front section measuring approximately 6.5 metres long and a rear return that sits well below the ridge height of the front return and continues for approximately 9.5 metres to the rear. The garden space is split level with the ground floor of the dwelling opening out onto a terrace. Steps then lead down to a garden area with clothes dryer which is currently not grassed or paved. One window is located on the side of the rear return and serves a bathroom.



Front elevation of number 56 – rear return sits well below the ridge line of the front section



Rear elevation, number 56



Position of bathroom window, no 56

It is not clear from the drawings provided what the height of the rear return at number 55 is intended to be. As stated above, the ridge height of the front section is required to be 500mm lower than the ridge height of number 56. Drawing 04 shows the ridge

height of the proposed rear return of number 55 sitting 0.5 metres below the ridge height of the proposed front section and 1 metre below the ridge height of number 56. Drawing 06 shows the ridge height of the proposed rear return matching the ridge height of the front section at number 55 and also matching the ridge height of the front section of number 56. Drawing 07 shows another variation where the ridge height of the proposed rear return matched the ridge height of the proposed front section at number 55 and both of these sit 0.5 metres below the ridge height of number 56.

The applicant was invited to provide amended plans that show more details of how the proposal will sit in relation to neighbouring properties, but these were not provided. In any case, given the proposed length of the rear return and proposed height which would be greater than the rear return of number 56, the proposal would result in overshadowing and loss of light to the bathroom window to the side of number 56 and the two windows to the rear of number 56 which serve a bathroom and kitchen. The proposal would also reduce the functionality of the bathroom window at number 56. The window shown on side elevation 1, drawing 06 (which serves a utility room) appears to be located directly opposite this window. Given the estimated separation distance of approximately 1.5 metres between the two windows, this is likely to cause problems for residents of both dwellings.

The proposal would also overshadow the terrace at number 56, which is the main area used for sitting out at this property. The proposal would have a dominant effect on this area as the view from this area would be of a blank wall approximately 3 metres long and two stories high. This would also be the outlook from the kitchen window at ground floor level and from the bedroom at first floor level. The proposed balcony and terrace would also cause overlooking and loss of privacy to this area and to the rest of the garden. A degree of overlooking is also likely to be caused to the windows to the rear of number 56 and to the garden of number 53 Stream Street as a result of these.

The proposed density scale and massing to the rear is not typical of the surrounding area with other properties in the vicinity of this site tending to respect the building line to the rear and extensions generally having a lower ridge height to the rear return, and therefore not resulting in similar issues to those described above.

A block plan of the whole site has not been provided, so full details of the proposed landscaping and boundary treatments cannot be assessed.

There is a buffer of trees (located outside the red line of the site) between the site and the park (which lies in the Conservation Area) to the rear and as a result views of the rear of the site from the Conservation Area to the rear are limited. There will also be views of the front of the property from the Conservation Area on the opposite side of the street.

## **BNMAP**

The site is located within the development limit of Newry. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this however, other operational planning policies such as PPS 12, 7, 7(addendum), PSRNI and the others listed above must also be taken into account.

## **SPSS and PPS 12**

The SPSS promotes good design and place making in new developments. PPS 12 sets out the following planning control principles which are considered further below;

- increased housing density without town cramming;
- good design;
- sustainable forms of development; and
- balanced communities.

The proposal is therefore contrary to Planning Control Principle 1 of PPS 12

which advises that:

"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The proposed density, scale, massing and layout does not respect that of adjacent dwellings and would detract from the privacy of existing residents as described above.

## **PSRNI Policies DES2 & SP18**

The proposal is contrary to Policy SP 18 Design in Towns and Villages in that the scheme has not achieved a high standard of siting and design.

The proposal is contrary to Policy DES 2 Townscape as it would be not sensitive to the character of the area surrounding the site in terms of design and scale.

## **PPS 7**



Policy QD 1 of PPS 7 states that,

"Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances."

Its is considered that the proposal would result in unacceptable damage to residential amenity and is therefore contrary to policy QD1.

All proposals for residential development will be expected to conform to all of the following criteria:

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

It is not considered that the development respects the surrounding context. Although the front elevation is acceptable, to the rear, the scale, proportions and massing and appearance of the proposal is much greater than is typical of the area. It is accepted that these are older houses and that many have been extended to the rear. However, these are generally two storey extensions and do not extend as far back as the proposed extension.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The proposal is not considered to have any negative impact of archaeological features or built heritage as discussed further below.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Adequate provision has been made for private open space (public open space is not considered necessary given the scale of the proposal. The minimum standards set out in Creating Places are met. However, for apartment 2 this is provided by a balcony which provides 10m<sup>2</sup> of amenity space (the minimum required in Creating Places). However, balcony is considered inappropriate in this location due to the loss of privacy that would be caused.

A landscaping plan has not been submitted (although this was requested) so it is not possible to assess the impact of landscaping at the site.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Given the scale of the proposed development this is not considered to be necessary.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public

transport and incorporates traffic calming measures;

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

Adequate parking is provided as set out below.

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

The proposed design is considered to be appropriate to this location when considered from public viewpoints. However, the proposed materials are not considered to be appropriate as discussed further below.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

As described above, it is considered that the proposal would create conflict with adjacent land and would have an unacceptable adverse effect on existing properties through, overlooking, loss of light and overshadowing.

(i) the development is designed to deter crime and promote personal safety.

The proposed design is considered to be acceptable in terms of promoting personal safety and deterring crime.

It is noted that concept drawings were referred to in the informative to the previous outline approval. However, these are clearly stamped "For information only" and as detailed consideration of the proposed design is a reserved matter, upon assessment the design is now considered to be inappropriate.

### **PPS 7 addendum**

The area is considered to be an Established Residential Area as defined in the addendum to PPS 7. Therefore, policy LC 1 of the addendum applies. For the reasons set out above, the proposal fails to meet the following criteria of LC1:

(b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area;

The other criteria of LC1 are considered to be met.

## PPS 6

In their consultation response dated HED: HB notes that a condition was attached to outline approval LA07/2016/1200/O requested to limit the ridge height of the proposal to a minimum of 500mm lower than the ridge of the adjacent two-storey dwelling (No. 56 Stream Street). To this end, it requested that this dimension is indicated on the proposed elevation, or accurate topographical levels for the two ridges are shown to illustrate the difference in height. In addition, the proportion of the first-floor openings on the front elevation had been altered from those shown on the outline application drawings and HED: HB consider the latter to be more appropriate. These issues have now been rectified through amended plans received on 16 April 2019.

HED also note that, the following materials specified would not normally be deemed compliant with PPS 6, BH11(b) *"the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building"* :-

- Black/ grey roof tiles – natural slate is preferred;
- uPVC windows – timber (painted) or aluminium is preferred; and
- uPVC gutters and downpipes - metal is preferred.

However, HED: HB acknowledges that the setting is already compromised by the use of these materials on adjacent buildings and it would not pursue an argument on this basis at appeal. A dark coloured uPVC, such as black or grey, would be less incongruous.

In relation to the Area of Archaeological Potential, Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation *in situ*, as per Policy BH 4 of PPS 6.

PPS 6, Policy BH 12 New Development in a Conservation Area states that,

"The Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and

(g) the development conforms with the guidance set out in conservation area documents.”

There are limited views of the proposed development from the Conservation Area as described above, with the exception of the front elevation of the proposal. The overall scale of the front elevation and proportions of window and door openings is now considered to be appropriate. However, the materials are still not considered to be appropriate (i.e. white PVC windows and fascia, PVC guttering and downpipes and black/grey roof tiles). However, in line with HEDs response above, I do not consider it possible to argue that the proposed materials do not respect the character of the adjoining buildings in the area and would therefore have a negative impact on the setting of the Conservation Area.

### **Addendum to Planning Policy Statement 6: Areas of Townscape Character**

Policy ATC 1 - Demolition Control in an Area of Townscape Character -

The principle of demolition of the existing building has already been established through the outline approval and a redevelopment scheme is proposed through this application and the previous outline application.

Policy ATC 2 - New Development in an Area of Townscape Character states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

As stated above, as the overall scale of the front elevation and proportions of window and door openings is now considered to be appropriate. However, the materials are still not considered to be appropriate (i.e. white PVC windows and fascia, PVC guttering and downpipes and black/grey roof tiles). It is accepted that the character of the Area of Townscape Character is already compromised through the use of materials in adjoining properties. However, the development site presents an opportunity to enhance the overall character of the area through the use of appropriate materials and fails to do this. I therefore consider that it is contrary to ATC 2 of PPS 6 (addendum).

### **PPS3 — Access, Movement & Parking, Parking Standards**

DfI Roads has been consulted on the proposal and has no objections provided Planning is satisfied that there is no need for an off-street parking requirement for this proposal. The proposal is for a 3-bedroom apartment and a 2-bedroom apartment. Under the Parking Standards document, 3.25 unassigned and 3.75 assigned spaces would therefore be required. However, Parking Standards also notes that lesser provision may be acceptable in inner urban locations and other high-density areas. At the time of my site visit I noted that there was available on

street parking and given the proximity of the site to the city centre I consider there to be adequate parking provision in this instance.

The following were requested on 7 March 2019 to assist with the assessment of this application and have not been received:

- a block plan of the proposal which shows the full extent of the site, the proposed boundary treatments and the proposal in relation to neighbouring properties;
- include neighbouring properties on any revised elevations;
- elevations for any proposed boundary treatments;
- a section through the whole site; and
- The lower ground floor plan indicates that a “possible retaining wall”. The plans should clearly indicate whether there will be a retaining wall or not.

#### **Recommendation:**

Refusal

#### **Refusal Reasons:**

1. The proposal is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments in that it has not been demonstrated that criteria a, g & h of Policy QD 1 have been met as the proposed development fails to respects its surrounding context or the topography of the site in terms of density, form, scale, massing and layout ; the design of the development fails to draw upon the best local traditions of form, materials and detailing; and the design and layout would create conflict with adjacent land uses through unacceptable adverse effect on existing properties in terms of overlooking, loss of light and overshadowing.

2. The proposal is contrary to criteria b of Policy LC1 of the Addendum to PPS7 : Safeguarding the Character of Established Residential Areas in that the pattern of development is not in keeping with the established residential area.
3. The proposal is contrary to Planning Control Principle 1 of Planning Policy Statement 12 (PPS12): Housing in Settlements in that the proposal constitutes an increase in housing density in an established residential area which would erode local character, environmental quality and amenity.
4. The proposal is contrary to Policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland in that it would result in overdevelopment of the site; will not create a quality and sustainable residential environment; and would detract from the street scene.
5. The proposal is contrary to Policy ATC 2 of Planning Policy Statement (PPS) 6 (Addendum) - Areas of Townscape Character in that the proposal fails to maintain or enhance the overall character of the Area of Townscape Character.

Case officer:

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Authorised officer:

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Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1615/F

**Date Received:** 23 October 2017

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

**Location:** The application site is located 30 metres north east of 372 Glassdrumman Road, Annalong

**Site Characteristics & Area Characteristics:**

The site is located in a larger agricultural field which slopes from west to east. There are stone walls and some gorse hedging to the field boundaries along with occasional mature trees. The site contains a recently constructed coursed granite building with some breeze block internal walls and a trussed roof covered with corrugated iron. It has no internal first floor. The site is set on the SE slopes of the Mournes overlooking the Irish Sea and is within the Mournes Area of Outstanding Natural Beauty. There is a large new dwelling to the SW of the site. Access is via a long shared laneway from Glassdrumman Road (a Protected Route).



Image 1 Application Site



**Site History:**

- P/2012/0390/F Retention of replacement dwelling. Permission granted. This application was initially submitted for 'retention of traditional stone dwelling' in May 2012. A major difficulty was the fact that when the application was made, there was no dwelling to replace. It appeared from historic maps there was a smaller structure on the site.
- The larger building now on site was subject to an enforcement investigation - P/2012/0078/CA. It was found that the new structure was substantially complete on 9<sup>th</sup> February 2011 and achieved immunity on 9<sup>th</sup> February 2016 under the five year rule. The enforcement case was closed on 18<sup>th</sup> February 2016.
- A Certificate of Lawfulness was granted for the building on 20<sup>th</sup> March 2017 (Ref: LA07/2016/1681/LDE).

**Planning Policies & Material Considerations:**

This planning application has been assessed against the following:

- Banbridge Newry and Mourne Area Plan 2015,
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 7 (Addendum) Residential Extensions and Alterations Policy EXT 1
- PPS 2 Natural Heritage

**Consultations:**

- DFI Roads – No objections
- NIW – Generic response

**Objections & Representations**

Five neighbour notifications were issued on 8 November 2017. The application was advertised in the local press on 8 November 2017. No representations were received.

**Consideration and Assessment:****Banbridge/ Newry and Mourne Area Plan 2015**

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 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 as illustrated on map 3/01 and also located within the Mournes AONB. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

**Strategic Planning Policy Statement (SPPS)**

As there is no significant change to the policy requirements for an extension in the countryside following publication of the SPPS, the retained planning policy is PPS7

addendum Residential Extensions and Alterations. This policy will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

### **PPS 7 (Addendum) EXT 1: Residential Extensions and Alterations**

#### **Scale, Massing and Design**

The existing building on site has a floorspace of 12.2m by 6.2m and a curtilage of 33m by 27m. The 2012 application granted a replacement dwelling measuring 13.1m by 6.6m with a ridge height of 5.7m. The current application seeks a curtilage extension of 40m by 35m. The floorspace of the proposed dwelling is increased to 23m by 12.5m with a ridge height of 5.8m. Overall it is considered the proposal is much larger in floorspace and higher than the previous approval and is not subordinate to the existing dwelling.

#### **Impact on Character of Surrounding Area**

The existing dwelling is located on a prominent hillside set on the SE slopes of the Mourne. I consider the proposed extension will be clearly visible from the main A2 Glassdrumman Road to the east. The 2012 application raised concerns about prominence of this site and conditioned restrictions on the curtilage and removed permitted development rights in order to ensure there was no uncontrolled increase in the visual impact of the dwelling and its associated features in this AONB landscape. Assessment of the plans indicate that the proposal is larger in size than the existing. I consider it would be disproportionate in size to the existing property and would result in a detrimental change to a site located in the Mourne AONB.

#### **Design**

The design and external finishes of the proposal are to match the existing property. There is a large amount of glazing to the front elevation which would be visible when from the main A2 to the east. I consider that the proposed glazing is excessive and fails to match the existing dwelling and fails to respect the character of the area. It would also be more appropriate to have the chimney on the ridge line.

#### **Privacy, Overshadowing and Loss of Light**

The nearest property is 372 Glassdrumman Road which is located 22m from the common boundary with the application site. The proposed dwelling is 21m from the common boundary. I am content that overshadowing and loss of privacy are not an issue as there is adequate separation distance to avoid such issues.

#### **Impacts on amenity space within the curtilage of the property**

There remains ample amenity space in the curtilage of the property for normal domestic activities and enjoyment as a result of the proposed extension. There remains adequate space for parking provision for this dwelling.

**Loss or Damage to Trees/Landscape**

There is no loss or damage to trees or landscape features as a result of the proposed development.

**PPS 2 Natural Heritage Policy NH6**

I consider the proposal is inappropriate within an AONB in terms of its size, scale and design as outlined above.

**Recommendation:** Refusal

**Refusal Reasons:**

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT 1 (a) in that the scale, massing, design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

The proposal is contrary to Strategic Planning Policy Statement for Northern Ireland (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 harm the special character and landscape quality of the area by reason of its design, size and scale in that it will detract from the appearance and character of the surrounding area.

<p><b>Case Officer Signature:</b></p>
<p><b>Date:</b> 21 May 2019</p>
<p><b>Authorised Officer Signature:</b></p>
<p><b>Date:</b></p>

## Speaking Request for Planning Application Reference – LA07/2017/1615/F

**Location – 30 metres north east of 372 Glasdrumman Road, Annalong, BT34 4QN**

This submission seeks to comment on the two reasons for refusal presented in the Planning Officers Report before members.

### **Reason 1 - Policy EXT 1 (a)**

The guidance at Annex A will also be considered in assessing proposals against the specified criteria. The Councils only concern relates to criterion (a) of Policy EXT1 of APPS 7.

The proposal could not reasonably be taken as being unsympathetic to the host dwelling in terms of scale, massing or materials. It seeks to add a modern, contemporary and functional space to the previously accepted modest dwelling that exists on the ground.

Rather than adopting a “piecemeal” approach to development of the existing dwelling the applicants have provided the scheme in its entirety, which does not appear out of scale or proportion to the existing dwelling which is retained within the overall layout.

The consideration takes no account of the balance to be struck between retaining the existing building, rather than replacing it whilst providing a suitable quantum of living space to meet modern living standards for the applicant and his family.

The extension presents the least amount of mass to the front elevation and breaks up the linear form with recesses and a front to back full height glazed projection. This utilises the sloping topography to aid integration and presents a modest frontage, which has the impression of a single storey traditional stone “Mourne Crofters’ Cottage”, thus retaining the character.

The policy provides for such an exception and states at paragraph A6 that;

*“The height, width and general size of an extension should generally be smaller than the existing dwelling and subordinate **OR** integrated as not to dominate the character of the existing property, although it is accepted that on occasion a larger extension may be required - for example to facilitate the renovation and upgrading of a small rural dwelling to meet modern amenity standards.....”*

In respect of the comments regarding the glazing, Paragraph 4.27 of the SPPS states that;

*“Where the design of proposed development is consistent with the relevant LDP policies and/or supplementary design guidance, planning authorities should not refuse permission on design grounds, unless there are exceptional circumstances”.*

Paragraph 4.29 goes onto say that *“Planning authorities should not attempt to impose a particular architectural tastes and style arbitrarily.”*

### **Reason 2 – Policy NH6 of PPS2**

The proposal is located approximately 440m back and parallel to the Glasdrumman Road (A2), which is a 60mph road.

The proposal is for a single storey dwelling with a ridged height of 5.8m and floor area of 287.5sqm (3,100sqft) set against the rising landform. There is intervening roadside vegetation and stone walls, which restrict views. There is no footpath along this section of the road and vehicles are very fast moving.

The proposal would nestle into the slope as depicted in the photograph below.



The report claims it is clearly visible from the A2, but no Critical View Points (CVPs) have been identified, no photographs have been presented to support the view and no contextual analysis has been undertaken to sustain the reason for refusal.

The Mourne AONB extends over a considerable area of 57,000 Hectares. I cannot see how this development, would significantly impact on the wider setting of the Mourne AONB, where the physical landscape is dominant, as witnessed in the photograph.

Especially when it cannot readily be identified from a static position at a field gate, never mind from a transient vehicle moving at 60mph.

In addition, the adjacent property sets a benchmark for acceptability at this specific location, as it is a sizeable 1 and ½ storey dwelling and to which no issues were raised.



**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>PLANNING MEETING - 09 MAY 2018</b>			
LA07/2017/1326 /F	Peter Morgan - dwelling and garage on a farm - 30m south of 28 Bog Road, Kilcoo	<b>Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted</b>	Annette McAlarney	<b>Application considered at August 2018 meeting - agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent. Further meeting on site, siting agreed awaiting amended drawings from agent. Amended Drawings received on 16 April 2019.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<b>Currently being processed.</b>	
LA07/2017/1721 /F	Millvale Services Ltd - proposed parking for neighbouring Millvale Service Station - Millvale Road, Bessbrook	<b>Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.</b>	Pat Rooney	<b>21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18.</b>  <b>Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity</b>	N
		<b>PLANNING MEETING - 6 JUNE 2018</b>			
LA07/2018/0398 /0	Shea McNulty - proposed infill gap site for a new	<b>Application removed from the schedule for further</b>	Andrew Davidson	<b>Application deferred at Pl.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	<b>consideration by Planners</b>		<b>Meeting on 29-08-2018 to allow for further discussions between applicant/agent and planning officers re: potential for other in-fill or agricultural opportunities. Awaiting information from the agent in terms of sites owned by the applicant so that the Planning Department can assess the potential for any planning approvals on these sites.</b>	
<b>PLANNING MEETING - 1 AUGUST 2018</b>					
LA07/2017/1261/0	Thomas Mageean - proposed dwelling and garage - site abutting 20 Junction Road, Saintfield	<b>Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the</b>	Annette McAlarney	<b>Await legal advice.</b>	N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		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			
		<b>PLANNING MEETING - 29 AUGUST 2018</b>			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Money nabane, Ballynahinch.	<b>Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting</b>	Annette McAlarney	<b>Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>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.</p> <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>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>PLANNING MEETING - 13 FEBRUARY 2019</b>			
LA07/2015/0149 /F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard - site between 54 and 58 Edenappa Road, Jonesborough	<b>Withdrawn by the Planning Department to allow further consultation to be completed</b>	A Davidson		N
LA07/2018/0820 /F	Erection of a semi-detached pair of dwellings and associated car parking - lands to the rear of Nos 1 and 2 Sally Gardens and 31-35 Mourne Rise Newcastle	<b>Defer to allow revised plans to be considered and ensure a maintenance strip was provided for use by Rivers Agency.</b>	A McAlarney	<b>Applicant has met with Rivers Agency. Planning office has requested updated position from applicant. No response. Proceed to return to May 2019 Committee - DEFER</b>	N
		<b>PLANNING MEETING - 13 MARCH 2019</b>			
LA07/2017/1458 /F	Proposed woodland burial site to include new entrance to Ballyculter Road: vehicle parking and turning, extensive native species planting; new dry-	<b>Defer to consider new information submitted by applicant</b>	A McAlarney	<b>Deferred and Planning office consulting on late info submitted.</b>  <b>Additional info</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	stone walling and pedestrian pathway network – 150m west of 40 Ballyculter Road, Ballyalton, Downpatrick			<b>submitted 23 May 2019 and out to consultees</b>	
LA07/2018/0753 /F	Proposed new “Sure Start” nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within “The Pond Field” park at No. 8 Mill Road Bessbrook	<b>Defer to allow further discussion regarding access and parking to take place with Planning Officials; Dfi Road and the applicant</b>	P Rooney		N
		<b>PLANNING MEETING - 29 MAY 2019</b>			
LA07/2018/1807 /F	Replacement dwelling – 55 Ballymaginaghy Road, Castlewellan	<b>Defer for a revised design to be considered and conditions to be delegated to Officers</b>	A McAlarney		N
		<b>PLANNING MEETING - 26 JUNE 2019</b>			
LA07/2017/1182 /F	Strategic roadside service facility, incorporating	<b>Defer for a site visit</b>	A Davidson	<b>Site visit held - 08-07-2019 -</b>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	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			application returned to July Committee Meeting	
LA07/2018/0073 /F	Proposed housing development of 16 no. detached dwellings, landscaping, car parking and all associated site works (amended plans) - lands adjacent to Burren Hill north of No. 2 Carrickview and Nos. 6 and 8 Marie Villas, Burren	<b>Defer for a site visit</b>	P Rooney	<b>Site visit held - 08-07-2019 - application returned to July Committee Meeting</b>	
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	<b>Defer for a site visit</b>	M Keane	<b>Site visit held - 08-07-2019 - application returned to July Committee Meeting</b>	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Road, Newry				

## Newry, Mourne & Down District Council – June 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

### 2. Live Applications by length of time in system

Month 2019/20	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	701	203	89	60	120	<b>1,173</b>
May	718	212	81	61	124	<b>1,196</b>
June	718	202	86	57	121	<b>1,184</b>

### 3. Live applications per Case Officer

Month 2019/20	Average number of Applications per Case Officer
April	78
May	79
June	73

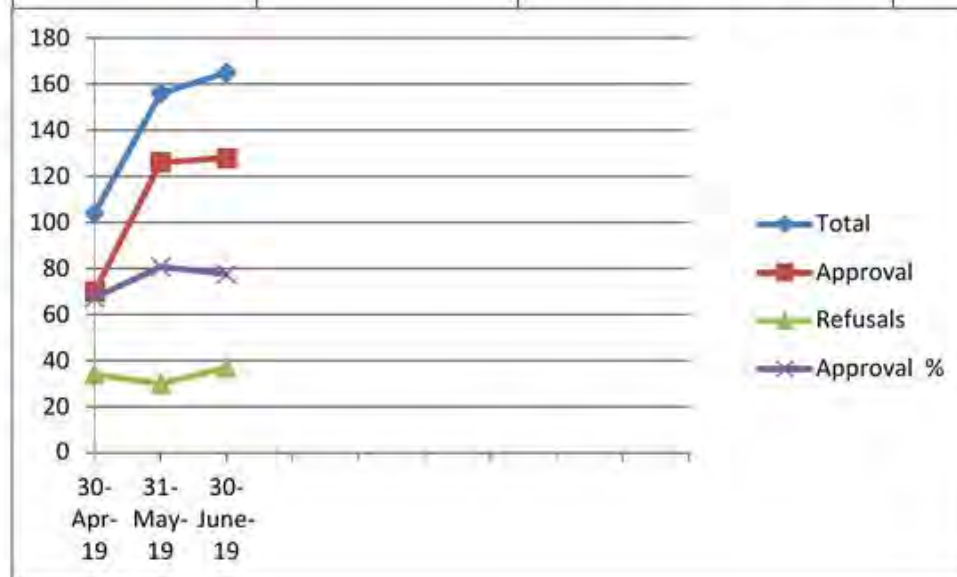
### 4. Decisions issued per month

Month 2019/20	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	104	95
May	156	152
June	165	148

# Newry, Mourne & Down District Council – June 2019

## 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%



## 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



## Newry, Mourne & Down District Council – June 2019

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### 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
<b>Totals</b>	<b>48</b>	<b>36</b>	<b>12</b>

### 8. Appeals

#### Planning Appeal Commission Decisions issued during May 2019

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	22	3	2	1	0
Down	28	0	0	0	1
<b>TOTAL</b>	<b>50</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>

## Newry, Mourne &amp; Down District Council – June 2019

## Statutory targets monthly update – April 2019 (unvalidated management information)

## Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	3	1	51.8	0.0%	162	81	22.0	22.2%	29	66	192.0	30.3%
May	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
June	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
July	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
August	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
September	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
October	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>3</b>	<b>1</b>	<b>51.8</b>	<b>0.0%</b>	<b>162</b>	<b>81</b>	<b>22.0</b>	<b>22.2%</b>	<b>29</b>	<b>66</b>	<b>192.0</b>	<b>30.3%</b>

Source: NI Planning Portal

## Newry, Mourne & Down District Council – June 2019

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**Notes:**

**1.** *CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures*

**2.** *The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued, or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".*

**3.** *The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

## Record of meetings between Planning Officers and Public Representatives 2018-2019

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DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
05/04/2019	A McAlarney	Clr D Curran
22/05/2019	A McAlarney	Clr D Curran
04/06/2019	A McAlarney	C McGrath MLA
04/06/2019	A McAlarney	C McGrath MLA
06/06/2019	A McAlarney	Clr T Andrews
11/06/2019	A McAlarney	C McGrath MLA (Dominic O'Reilly)
12/06/2019	A McAlarney	Clr W Walker

## Current Appeals

304

**AUTHORITY**      **Newry, Mourne and Down**

<b>ITEM NO</b>	<b>1</b>	<b>PAC Ref:</b>	<b>2017/A0168</b>
<b>Planning Ref:</b>	LA07/2017/0687/	<b>DEA</b>	<b>The Mournes</b>
<b>APPELLANT LOCATION</b>	Steven And Diane Campbell 30m North Of 94 Greencastle Road Kilkeel		
<b>PROPOSAL</b>	RT34 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		

**APPEAL TYPE**                      DC- Refusal of Planning Permission

**Appeal Procedure**                **Written Reps with Site Visit**                **Date Appeal Lodged**

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

<b>ITEM NO</b>	<b>2</b>	<b>PAC Ref:</b>	<b>2017/A0213</b>
<b>Planning Ref:</b>	LA07/2016/0952/	<b>DEA</b>	<b>Newry</b>
<b>APPELLANT LOCATION</b>	D & M Downey 113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35 8DP Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>18/01/2018</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

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<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2016/1407/	<b>PAC Ref:</b>	2018/A0027
<b>APPELLANT</b>	Richard Newell	<b>DEA</b>	The Mourne
<b>LOCATION</b>	75A Glassdrumman Road Annalong		
<b>PROPOSAL</b>	<sup>Co Down</sup> Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2018/0747/	<b>PAC Ref:</b>	2018/A0079
<b>APPELLANT</b>	Joan Henderson	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	200m South East 21 Levallyreagh Road Rostrevor		
<b>PROPOSAL</b>	<sup>Newry</sup> Proposed replacement dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	05/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	LA07/2018/0554/	<b>PAC Ref:</b>	2018/A0123
<b>APPELLANT</b>	Mr Craig Baxter	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	No. 5 Ringbane Road Ringbane		
<b>PROPOSAL</b>	Newry Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	25/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	LA07/2018/0457/	<b>PAC Ref:</b>	2018/A0143
<b>APPELLANT</b>	D Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road		
<b>PROPOSAL</b>	Newry Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	15/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

307

<b>ITEM NO</b>	<b>7</b>		
<b>Planning Ref:</b>	LA07/2018/1261/	<b>PAC Ref:</b>	2018/A0151
<b>APPELLANT</b>	Ebony Hughes	<b>DEA</b>	Newry
<b>LOCATION</b>	Premises At Corner Of Upper Edward Street Railway Avenue Newry		
<b>PROPOSAL</b>	Retention of mechanics garage, office store and boundary fencing		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	26/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>8</b>		
<b>Planning Ref:</b>	LA07/2018/0862/	<b>PAC Ref:</b>	2018/A0191
<b>APPELLANT</b>	Mr And Mrs McIlwrath	<b>DEA</b>	Slieve Croob
<b>LOCATION</b>	North And Adjacent To 41 Old Park Road Tievendarragh Drumaness		
<b>PROPOSAL</b>	Erection of a dwelling		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	22/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

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<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2018/0403/	<b>PAC Ref:</b>	2018/A0198
<b>APPELLANT</b>	Joseph Walls	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Existing Farm Buildings Located 140m South East Of 26 Sandbank Road		
<b>PROPOSAL</b>	Hilltown 2 No. farm buildings (Retrospective)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	28/01/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2018/0410/	<b>PAC Ref:</b>	2018/A0201
<b>APPELLANT</b>	Mr And Mrs Stevenson	<b>DEA</b>	Rowallane
<b>LOCATION</b>	80m South East Of 2 School Road Saintfield		
<b>PROPOSAL</b>	RT24 7.IH Proposed dwelling and garage (Change of design from that previously approved under R/2015/0060/F)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

309

<b>ITEM NO</b>	<b>11</b>	<b>PAC Ref:</b>	2018/A0209
<b>Planning Ref:</b>	LA07/2018/1393/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	John Rush		
<b>LOCATION</b>	Lands Adjacent To And 29m East Of 15 Altnadua Road Castlewella		
<b>PROPOSAL</b>	Construction of 1no dwelling house on a gap infill site		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>12</b>	<b>PAC Ref:</b>	2018/A0222
<b>Planning Ref:</b>	LA07/2018/1207/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr And Mrs Byrne		
<b>LOCATION</b>	Lands Adjoining Farm Buildings At 28 Ballyclander Road Downpatrick BT30 7DZ		
<b>PROPOSAL</b>	Farm dwelling and garage/farm outbuilding		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

310

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2017/1252/	<b>PAC Ref:</b>	2018/A0223
<b>APPELLANT</b>	Ms Naiomh Morgan	<b>DEA</b>	Newry
<b>LOCATION</b>	Adjacent To And Immediately West Of 13 Crieve Road Newry BT34 2JT		
<b>PROPOSAL</b>	Dwelling house (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	25/02/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2018/0270/	<b>PAC Ref:</b>	2018/A0231
<b>APPELLANT</b>	Conquer Fitness	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Unit 7 Ballyardle Business Park Dunnaval Road Kilkeel		
<b>PROPOSAL</b>			
<b>APPEAL TYPE</b>	DC - Conditions of Approval		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	05/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

311

<b>ITEM NO</b>	<b>15</b>	<b>PAC Ref:</b>	2018/A0238
<b>Planning Ref:</b>	LA07/2018/0963/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Miss L Patterson		
<b>LOCATION</b>	Lands Adjacent To And West Of 83 Dunmore Road Ballynahinch		
<b>PROPOSAL</b>	Erection of Proposed Dwelling and Garage and Associated Site Works as per CTY 2A		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>16</b>	<b>PAC Ref:</b>	2018/A0239
<b>Planning Ref:</b>	LA07/2018/0532/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ryan Rogan		
<b>LOCATION</b>	Between 11 And 13 Seavaghan Road Ballynahinch		
<b>PROPOSAL</b>	Proposed dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/03/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

312

**ITEM NO** 17  
**Planning Ref:** LA07/2017/1485/ **PAC Ref:** 2018/A0243  
**APPELLANT** Mr J McCabe **DEA** Downpatrick  
**LOCATION** Site Approx. 250m South East Of No 60 Killyleagh Road  
Downpatrick  
**PROPOSAL** ~~On Down~~  
Conversion & extension of barn previously approved under R/  
2014/0654/F with additional extension to form new domestic dwelling

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 20/03/2019  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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**ITEM NO** 18  
**Planning Ref:** LA07/2018/0015/ **PAC Ref:** 2018/A0251  
**APPELLANT** Gordon Graham **DEA** The Mournes  
**LOCATION** Between 20 And 22 Ulster Avenue  
Annalong  
**PROPOSAL** ~~On Down~~  
Proposed change of house type and integrated domestic garage  
(Amended scheme)

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Written Reps with Site Visit** **Date Appeal Lodged** 29/03/2019  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

313

<b>ITEM NO</b>	<b>19</b>	<b>PAC Ref:</b>	2018/E0060
<b>Planning Ref:</b>	LA07/2018/1844/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Forest Park Developments Immediately North West Of 4 Sawmill Road Castlewellan		
<b>PROPOSAL</b>	Retention of builders storage yard		

<b>APPEAL TYPE</b>	DC- Refusal of CLUD	<b>Date Appeal Lodged</b>	04/02/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>20</b>	<b>PAC Ref:</b>	2019/A0007
<b>Planning Ref:</b>	LA07/2018/1756/	<b>DEA</b>	Slieve Croob
<b>APPELLANT LOCATION</b>	Mr & Mrs Wilson 150m SE Of 59A Drumsnade Road Ballynahinch		
<b>PROPOSAL</b>	Proposed off site replacement dwelling with retention of existing for ancillary use of dwelling at no.59		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission	<b>Date Appeal Lodged</b>	12/04/2019
<b>Appeal Procedure</b>			
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

314

<b>ITEM NO</b>	<b>21</b>	<b>PAC Ref:</b>	2019/A0008
<b>Planning Ref:</b>	LA07/2018/0340/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr Rea		
<b>LOCATION</b>	100m SE Of 71 Killyleagh Road Downpatrick		
<b>PROPOSAL</b>	BT30 9RN Farm dwelling with associated hard and soft landscaping and alterations to existing vehicular access onto public road		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	12/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>22</b>	<b>PAC Ref:</b>	2019/A0009
<b>Planning Ref:</b>	P/2014/0107/F	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Paul McAlinden		
<b>LOCATION</b>	53 Rostrevor Road Hilltown Newry BT34 5TZ		
<b>PROPOSAL</b>	Erection of dwelling (change of house type on site where works have commenced)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

315

<b>ITEM NO</b>	<b>23</b>	<b>PAC Ref:</b>	2019/A0011
<b>Planning Ref:</b>	LA07/2018/1417/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Ellen Brennan		
<b>LOCATION</b>	Between 84 Cumber Road And 80 Drumnaconagher Road Crossgar Downpatrick		
<b>PROPOSAL</b>	Proposed 2 No Dwellings on an infill site under Policy CTY8 of PPS21		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>24</b>	<b>PAC Ref:</b>	2019/A0012
<b>Planning Ref:</b>	LA07/2018/1273/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Ms A Dunford		
<b>LOCATION</b>	Lands Adjacent And North Of No. 104 Burren Road Burren RT34 3XT		
<b>PROPOSAL</b>	Two storey detached dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	19/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

316

<b>ITEM NO</b>	<b>25</b>	<b>PAC Ref:</b>	2019/A0014
<b>Planning Ref:</b>	LA07/2018/1412/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Christopher Brown		
<b>LOCATION</b>	Adjacent To And West Of No.40 Ballygorian Road Ballygorian		
<b>PROPOSAL</b>	Hilltown Proposed replacement dwelling and detached garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>26</b>	<b>PAC Ref:</b>	2019/A0016
<b>Planning Ref:</b>	LA07/2018/0185/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Michael Doran		
<b>LOCATION</b>	Opposite 37 Carricknab Road Downpatrick		
<b>PROPOSAL</b>	Proposed new dwelling on a farm		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

317

<b>ITEM NO</b>	<b>27</b>	<b>PAC Ref:</b>	2019/A0017
<b>Planning Ref:</b>	LA07/2018/1635/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	James Morgan		
<b>LOCATION</b>	87 Head Road Ballymartin		
<b>PROPOSAL</b>	RT34 APII Alterations and extension to dwelling in substitution to approval LA07/2016/0646/F		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	01/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>28</b>	<b>PAC Ref:</b>	2019/A0020
<b>Planning Ref:</b>	LA07/2018/0085/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	William Lindsay		
<b>LOCATION</b>	Land Opposite And To The South Of 18 Ringdufferin Road Rathcuuvingham		
<b>PROPOSAL</b>	T <sup>0</sup> VA Single dwelling under CTY 6		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

318

<b>ITEM NO</b>	<b>29</b>	<b>PAC Ref:</b>	2019/A0023
<b>Planning Ref:</b>	LA07/2018/0264/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Steven Skelly		
<b>LOCATION</b>	36 Demense Heights Downpatrick		
<b>PROPOSAL</b>	Extension to dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	07/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>30</b>	<b>PAC Ref:</b>	2019/A0025
<b>Planning Ref:</b>	LA07/2017/0707/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr John Annett		
<b>LOCATION</b>	75m North East Of 29 Rath Road Warrenpoint		
<b>PROPOSAL</b>			

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

319

<b>ITEM NO</b>	<b>31</b>	<b>PAC Ref:</b>	2019/A0027
<b>Planning Ref:</b>	LA07/2018/1663/	<b>DEA</b>	Downpatrick
<b>APPELLANT</b>	Mr & Mrs Cyril Hamilton		
<b>LOCATION</b>	Between 153 & 157 Strangford Road Downpatrick		
<b>PROPOSAL</b>	Dwelling (infill Site)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>32</b>	<b>PAC Ref:</b>	2019/A0028
<b>Planning Ref:</b>	LA07/2017/1849/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Mr N Graham		
<b>LOCATION</b>	6-10 Fairview Saintfield Parks Saintfield		
<b>PROPOSAL</b>	Erection of 9 no domestic dwellings (Townhouses)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	13/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

320

<b>ITEM NO</b>	<b>33</b>	<b>PAC Ref:</b>	2019/A0031
<b>Planning Ref:</b>	LA07/2018/0128/	<b>DEA</b>	Rowallane
<b>APPELLANT</b>	Paul Scott		
<b>LOCATION</b>	Lands 195m SSE Of 95 Cahard Road Cahard		
<b>PROPOSAL</b>	Rallvnahinch New private access to dwelling previously approved under LA07/2017/1210/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>34</b>	<b>PAC Ref:</b>	2019/A0032
<b>Planning Ref:</b>	LA07/2018/0672/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Marc Morgan		
<b>LOCATION</b>	Approx 50m North West West Of 53 Tullyree Road Kilron		
<b>PROPOSAL</b>	Infill dwelling and garage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

321

<b>ITEM NO</b>	<b>35</b>	<b>PAC Ref:</b>	2019/A0035
<b>Planning Ref:</b>	LA07/2018/1266/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr S O'Hare		
<b>LOCATION</b>	Lands Approx. 200m SW Of 59 Demesne Road Seaforde Ballynahinch		
<b>PROPOSAL</b>	Proposed farm building and animal handling facility (amended plans)		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>36</b>	<b>PAC Ref:</b>	2019/A0037
<b>Planning Ref:</b>	LA07/2018/1371/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr Christopher Rea		
<b>LOCATION</b>	Between 52 & 52A Magheralone Road Ballynahinch		
<b>PROPOSAL</b>	Single dwelling house and garage		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

322

<b>ITEM NO</b>	<b>37</b>	<b>PAC Ref:</b>	2019/A0038
<b>Planning Ref:</b>	LA07/2018/0787/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Maria Morgan		
<b>LOCATION</b>	Approximately 30 Metres North East Of 75 Benagh Road Newry		
<b>PROPOSAL</b>	RT34 2IF Erection of dwelling and garage (gap site)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	20/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>38</b>	<b>PAC Ref:</b>	2019/A0041
<b>Planning Ref:</b>	LA07/2017/1799/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	H Lynch & E Ferguson		
<b>LOCATION</b>	Land East Of 2 Castle Place Newcastle		
<b>PROPOSAL</b>	RT33 0AA 2 No Apartments with associated parking and amenity		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	24/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

323

<b>ITEM NO</b>	<b>39</b>	<b>PAC Ref:</b>	2019/A0049
<b>Planning Ref:</b>	LA07/2017/1488/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	Blackgate Developments Ltd		
<b>LOCATION</b>	Lands Approximately 60 Metres East Of No. 4 Beach Side Harbour Road		
<b>PROPOSAL</b>	Kilkeel Proposed demolition of existing building and erection of 2 No. dwelling houses, retaining wall, landscaping and ancillary site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	29/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>40</b>	<b>PAC Ref:</b>	2019/A0050
<b>Planning Ref:</b>	LA07/2019/0164/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr & Mrs N Crean		
<b>LOCATION</b>	38 Lighthouse Road Ballyward Castlewellan		
<b>PROPOSAL</b>	Replacement dwelling with retention of old dwelling as agricultural storage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	29/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

324

**ITEM NO** 41  
**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**

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**ITEM NO** 42  
**Planning Ref:** LA07/2018/1677/ **PAC Ref:** 2019/A0052  
**APPELLANT** BB&M Developments **DEA** Rowallane  
**LOCATION** 1-4 The Hill  
 Clay Road  
 Shrinley  
**PROPOSAL** Removal of the old remains of the four properties and building one new split level house with integral garage and parking

**APPEAL TYPE** DC- Refusal of Planning Permission  
**Appeal Procedure** **Date Appeal Lodged** 03/06/2019  
**Date of Hearing**  
**Date Statement of Case Due for Hearing**  
**Date Statement of Case Due - Written Representation**  
**Date of Site Visit**

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## Current Appeals

325

<b>ITEM NO</b>	<b>43</b>	<b>PAC Ref:</b>	2019/A0058
<b>Planning Ref:</b>	LA07/2018/1451/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	G Hancock		
<b>LOCATION</b>	64 Drummanmore Road Maghery		
<b>PROPOSAL</b>	<sup>Kilkeel</sup> Proposed retention of 2 No outbuildings within curtilage of existing dwelling for purposes ancillary to the enjoyment of the dwelling house.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	11/06/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>44</b>	<b>PAC Ref:</b>	2019/A0059
<b>Planning Ref:</b>	LA07/2018/1343/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Mr M Hills		
<b>LOCATION</b>	Lands South And Adjacent To 7 Benagh Road Newry		
<b>PROPOSAL</b>	Erection of a dwelling and garage and associated site works (Infill site)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/06/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

326

<b>ITEM NO</b>	<b>45</b>	<b>PAC Ref:</b>	2019/A0062
<b>Planning Ref:</b>	LA07/2019/0488/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Brenda Rooney		
<b>LOCATION</b>	Approx 60m NE Of No 82 Bann Road Castlewellan		
<b>PROPOSAL</b>	Single storey dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	25/06/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>46</b>	<b>PAC Ref:</b>	2019/E0001
<b>Planning Ref:</b>	LA07/2019/0210/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Chris Kennedy		
<b>LOCATION</b>	9a Moneymore Road Newry		
<b>PROPOSAL</b>	Private Dwelling and Garage		

<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	02/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

327

<b>ITEM NO</b>	<b>47</b>		
<b>Planning Ref:</b>	LA07/2018/1792/	<b>PAC Ref:</b>	2019/E0002
<b>APPELLANT</b>	Mr William McDonnell	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	Aughnagon Road Opposite To 60 Derryleckagh Road Mayohridge		
<b>PROPOSAL</b>	Confirmation sought that construction works undertaken were lawful under planning reference P/2011/F and P/2007/0735/RM and therefore constituted a material start to the dwelling approved under P/2011/0124/F.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	16/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>48</b>		
<b>Planning Ref:</b>	LA07/2018/1381/	<b>PAC Ref:</b>	2019/E0004
<b>APPELLANT</b>	Copart Uk LTD	<b>DEA</b>	Rowallane
<b>LOCATION</b>	39 Junction Road Saintfield Co Down		
<b>PROPOSAL</b>	Vehicle storage, dismantling and sales operation		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/04/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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## Current Appeals

328

<b>ITEM NO</b>	<b>49</b>	<b>PAC Ref:</b>	2019/E0010
<b>Planning Ref:</b>	LA07/2019/0277/	<b>DEA</b>	The Mournes
<b>APPELLANT LOCATION</b>	Mr Kieran Campbel 1a And 1b Greenhill Park Newcastle		
<b>PROPOSAL</b>	Use of building as 2 separate residential properties comprising 1A and 1B Greenhill Park		
<b>APPEAL TYPE</b>	DC- Refusal of CLUD		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	29/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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<b>ITEM NO</b>	<b>50</b>	<b>PAC Ref:</b>	A07/2018/0128/F
<b>Planning Ref:</b>	LA07/2018/0128/	<b>DEA</b>	Rowallane
<b>APPELLANT LOCATION</b>	Paul Scott Lands 195m SSE Of 95 Cahard Road Cahard		
<b>PROPOSAL</b>	Rallvnahinch New private access to dwelling previously approved under LA07/2017/1210/RM		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	16/05/2019
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

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# Appeal Decision

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<b>Appeal Reference:</b>	2018/A0168
<b>Appeal by:</b>	Mr Glyn Mitchell
<b>Appeal against:</b>	The refusal of full planning permission
<b>Proposed Development:</b>	Change of use from a travel agency to professional services office and new external finishes
<b>Location:</b>	19, The Square, Kilkeel
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2018/0903/F
<b>Procedure:</b>	Informal Hearing on 16 May 2019
<b>Decision by:</b>	Commissioner Pamela O'Donnell, dated 12 June 2019

## Decision

1. The appeal is allowed insofar as it relates to the change of use from a travel agency to professional services office and planning permission is granted unconditionally for the change of use. The appeal to retain the external finishes is dismissed.

## Reasoning

2. The main issues in the appeal are whether the change of use is acceptable and whether the retention of the timber cladding would respect the character of the area.
3. The Banbridge, Newry and Mourne Area Plan 2015 operates as the Local Development Plan (LDP) for the area wherein the appeal site is located. The site lies within the settlement limit for Kilkeel and within its Town Centre boundary. It is not zoned for any particular land use. It is also located within a designated Area of Townscape Character (ATC) and within the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB). The relevant regional policy context is provided by the retained Addendum to Planning Policy Statement 6 'Areas of Townscape Character (AdPPS6)', PPS2 'Natural Heritage' and 'A Planning Strategy for Rural Northern Ireland' (PSRNI).
4. At the Hearing the Council's representative stated that there were no objections to the change of use. Accordingly, this part of the appeal is allowed. The remaining element to be considered relates to the acceptability or otherwise of the retention of the timber cladding finish.
5. The appeal site faces south west onto The Square in Kilkeel. The host building occupies a prominent location and is two storeys high. The ground floor is occupied by an architectural practice and a pizzeria while the upper floor houses a

solicitor's office. The subject timber cladding is fitted to the ground floor facade and gable of the architectural practice. The gable faces onto the A2 Coast Road, a Protected Route. A small private parking area is located to the front of the appeal site. This parking area is semi-enclosed by the host building, by a single storey building and by a three story building with a charity shop at ground level. These buildings sit at a right angle to and north west of the host building. The area contains a mix of contemporary and older buildings of differing architectural styles. Whilst there is a variety of finishes evident, most of the buildings are rendered in smooth plaster and are painted.

6. As outlined above, the appeal proposal seeks to retain timber cladding (Irish Larch) which has been affixed to the front facade and gable of the architectural practice at ground floor level.
7. Designation KL 29 of the BNMAP designates an ATC within Kilkeel Town Centre. It indicates that key features of the area will be taken into account when assessing development proposals. It identifies the main commercial core as along Greencastle Street, a thoroughfare which adjoins The Square. It says that most of the buildings are shops on the ground floor, with some having residential uses on the first and second floors. It goes on to say that the majority of buildings have smooth plaster finishes and slated roofs. Policy ATC 2 of the AdPPS6 indicates that new development will only be permitted where it maintains or enhances the overall character and built form of the area. The Justification and Amplification directs that in assessing the acceptability of proposals, regard is to be had to the same broad criteria outlined for Conservation Areas. The Council asserted that the subject cladding is excessive in scale and detracts from the character of the area.
8. Even though there are a mix of building styles and shop frontages, smooth plaster finishes predominate in the area. As such, the timber cladding stands out within the townscape setting and thus draws the eye. In addition, the prominent location of the host building means that the visual impact of the cladding, although weathered somewhat, is therefore exacerbated. As the cladding covers the full width of the gable and because it rises above the fascia of the adjacent pizzeria, its scale appears as excessive rendering it visually disruptive in the ATC. Whilst one could argue that the previous frontage was "drab", the timber cladding is out of keeping for reasons stated. It does not therefore maintain or enhance the character and built form of the area contrary to Policy ATC 2.
9. Policy DES2 of the PSRNI is entitled 'Townscape'. It requires proposals in towns and villages to make a positive contribution to townscape and to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Policy NH6 of PPS2 indicates that permission for new development in an AONB will only be granted where it is of an appropriate design, size and scale for the locality subject to additional criteria. Of direct relevance to this case, the third bullet point of criterion (c) requires the proposal to respect local materials, design and colour. At the Hearing, the Council's representative conceded that the Council was satisfied with the overall colour of the cladding and withdrew this particular part of the objection.
10. As outlined above, the material used appears as an anomaly within the townscape context and the enlarged fascia means that the ground floor appears as somewhat out of scale and proportion and fails to relate satisfactorily to the elevational design

of the upper parts of the host building. The material and the design do not reflect or respect other frontages in the area and the cladding thus disrupts and detracts from the visual appearance of the area. For reasons stated the development is contrary to policies DES2 and NH6 of PPS2. As the development is not in accordance with the LDP or regional policy, the reason for refusal is sustained.

11. The fact that the Appellant can lawfully paint the exterior of the building in a timber effect finish if the cladding is removed is noted (see appeal 2018/E0054). However, whilst it was argued that the result would be similar, I am not persuaded that said painting would be as visually disruptive as the timber cladding. This is because the cladding is physically attached and thus stands proud of the building, contributing to its excessive scale and disruptive visual impact. In addition, the very nature of the cladding makes it different to painting, given its texture, patterning and patina. For these reasons, arguments that the retention of the cladding is more attractive or that it would make little or no material difference to the lawful position are not sustained.
12. It is noted that there are a number of letters of support. Whilst these refer to the presence of other wooden facades and finishes in the area, no addresses have been given so comparison cannot be made. In any event, timber cladding akin to that which is subject to appeal would not be predominant in the area. The reference to two buildings approved in Rostrevor with larch cladding is acknowledged. However, it would appear from the evidence that these are new educational buildings set within a different context to that of the appeal site. As widely acknowledged every application is determined on its own merits within its individual context and direct comparables are rare. The signage on the building has received consent and is not part of this appeal.
13. The decision to clad the building in timber was taken at the Appellant's own risk without the benefit of planning permission. Compliance with planning policy is in the public interest and is a matter of acknowledged importance. Whilst the reuse of the building will help to bring vitality to the town centre, the new use and the associated economic benefits do not justify the retention of an unsympathetic finish. The timber cladding fails to comply with extant policy for reasons stated and the support for it does not outweigh the policy objections. Concerns around the processing of the applications and Council protocols and procedures are matters for the parties. The suggested conditions from the Council are not considered to be necessary given that the description of the proposal in conjunction with the wording of the decision at paragraph 1 make it clear that the prescribed change of use is permitted from the date of the appeal decision.
14. As the reason for refusal is sustained, the appeal in relation to the external finishes must fail.

This decision relates to Site Location Map @ 1:1250, Existing Drawings and Site Plan @ 1:100 & 1:500 and Proposed Drawings @1:100 insofar as it relates to the painting example or similar examples as those illustrated in the Appellant's Statement of Case at page 5.

**COMMISSIONER PAMELA O'DONNELL**



**List of Appearances**

Planning Authority:- Mr G Murtagh (Newry, Mourne & Down District Council)

Appellant(s):- Mr S Turbitt BL (Counsel for Appellant)  
Mr R O'Toole (Agent)  
Mr G Mitchell (Appellant)

**List of Documents**

Planning Authority: - "A" Statement of Case and appendix

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



# Appeal Decision

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**Appeal Reference:** 2018/A0151.  
**Appeal by:** Mr Ebony Hughes.  
**Appeal against:** The refusal of full planning permission.  
**Proposed Development:** Retention of mechanics garage, office store and boundary fencing.  
**Location:** Premises at corner of Upper Edward Street and Railway Avenue, Newry.  
**Planning Authority:** Newry, Mourne & Down District Council.  
**Application Reference:** LA07/2018/1261/F.  
**Procedure:** Hearing on 26 March 2019.  
**Decision by:** Commissioner Mark Watson, dated 19 June 2019.

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The originally submitted drawings show the appeal development taking its main access onto Upper Edward Street, though an access onto Railway Avenue is also shown. In the Appellant's Statement of Case it was suggested that the access onto Upper Edward Street be stopped up and a modified version of the Railway Avenue be utilised. The amended plans show the widening of the Railway Avenue access to 4.5m. A note was also provided that additional fencing could be provided for screening purposes if necessary. Notwithstanding that there is an existing gate and access into the site at Railway Avenue, the plans as originally submitted are indicative of the main access being onto Upper Edward Street, with the Railway Avenue access shown as a more narrow and secondary access at best. Notwithstanding that the additional fencing was only a potential alteration, the proposed amendment to the means of access would be materially different to that as originally submitted. Whilst I am satisfied that no issue would arise in respect of section 59 of the Planning Act (NI) 2011, any third party unaware of this amended access would be prejudiced. The amended drawings are therefore inadmissible and I will consider the appeal on the basis of the originally submitted plans.

## Reasons

3. The main issues in this appeal are whether or not the retention of the development would:
  - be acceptable in principle, including whether it would be in compliance with the provisions of the Local Development Plan (LDP);

- be compatible with surrounding land uses;
  - be at risk from flooding, including being within the Flood Inundation Area (FIA) for two reservoirs; and
  - prejudice road safety.
4. The appeal site comprises a broadly rectangular piece of land situated on the northern corner of Railway Avenue and Upper Edward Street. There is a rectangular shed in use as a vehicle repair business. The shed is finished in grey coloured corrugated sheet metal, with three roller shutter doors on its front. There is a yard area to the front and sides of the building. At the time of my site visits there was a steel container and some open storage of tyres and various pieces of scrap metal in the yard area. Several vehicles were also parked within the yard. The roadside boundaries are provided by a low wall with black painted metal fencing atop it. There are gates and an access on both Upper Edward Street and Railway Avenue. At the time of my site visits the Railway Avenue access was in use, with the Upper Edward Street access locked up.
  5. Adjacent and south lies a parade of shops and hot food bars within a terrace of older single storey buildings. Opposite and west lies a disused car park, part of which has a car wash operating on it. The Metropolitan Church lies adjacent and east which fronts onto Upper Edward Street, with a lighting and electrical shop and showroom beyond it. To the east of the site and the rear of the church lies a residential estate of two storey dwellings, Caulfield Place. The local bus depot lies opposite and north on the other side of Upper Edward Street. Opposite and north-east on the opposite side of that road lies a larger stone built warehouse, with a smaller extension building at its side. The appeal site lies within a mixed use area largely characterised by traditional style older buildings though there are examples of more modern structures to the south-west, including the Fire Station.
  6. The Appellant operates a vehicle repair business. This entails the repair and maintenance of vehicles, as well as any other requests customers would make in that regard, including bodywork. No spraying of vehicles takes place. It operates Monday to Saturday and employs several staff including mechanics, an apprentice and a tyre fitter. The business attracts approximately 15 – 20 customers per day on average. The Appellant stated that he acquired the site in March 2018 and the appeal building was substantially complete within the next two months. Prior to his acquisition of the site it had lain in a dilapidated and vacant condition, with a hut previously used for the cleaning of cars and two steel storage containers on it.
  7. The Planning (Use Classes) Order (NI) 2015 at Article 2(1) (b), defines an industrial process as '*a process for or incidental to any of the following purposes; the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale of any article*'. There was no contention between the parties that the use on the appeal site fell under Class B3 General Industrial as defined in the Planning (Use Classes) (NI) Order 2015.
  8. Section 45(1) of the Planning Act requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Banbridge Newry & Mourne Area Plan 2015 (BNMAP) is the LDP for the area the site lies within. The

appeal site is within the settlement limit for Newry and is part of zoning NY80, which is a Development Opportunity Site (DOS). It also lies within an Area of Archaeological Potential, though no issues were raised in respect of this designation.

9. At paragraph 3.9 of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' (SPPS) it states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Paragraph 3.8 of the SPPS states that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. Paragraph 3.8 of the SPPS provides the basis for the second reason for refusal. However, BNMAP is not an up-to-date plan for the purposes of the SPPS given it was prepared and adopted prior to the publication of the SPPS itself. The Council's reason for refusal is not sustained, however the general issue of compliance or otherwise with the statutory LDP remains a valid consideration and is encompassed by the first reason for refusal.
10. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the SPPS and those of Planning Policy Statement 4 – Planning and Economic Development (PPS4), Revised Planning Policy Statement 15 – Planning and Flood Risk (PPS15) and Planning Policy Statement 3 – Access, Movement and Parking (PPS3). PPS4, PPS15 and PPS3 remain the applicable policy context to consider the respective aspects of the appeal development against.
11. Policy PED1 of PPS4 'Economic Development in Settlements' states that a development proposal for a Class B3 General Industrial Use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits. In this case the appeal site is not on land zoned for Class B3 use and it must be determined on its individual merits, including assessment against the provisions of the LDP, even if it is not an up-to-date plan for the purposes of the SPPS.
12. Policy PED9 of PPS4 'General Criteria for Economic Development' states that a proposal for economic development use, in addition to the other policy provisions of the PPS, will be required to meet all of a series of criteria. The Council raised objections to the appeal development under six of the nine criteria. These will be addressed as they arise in relation to the respective issues later in this decision.
13. Policy SMT2 'Development on Zoned Land' of BNMAP states that planning permission will be granted for the specified uses as well as any range of uses included within the Key Site Requirements (KSRs) and any specified complementary uses. The supporting text states that development proposals on zoned land will be considered in the context of all prevailing regional policy and with any relevant Plan Policies and Proposals, including where specified, KSRs. Whilst BNMAP is technically past its end date, it nonetheless remains the statutory

LDP. I do not agree that the BNMAP should be afforded less weight given the Council is preparing a new LDP.

14. The appeal site comprises a sizeable portion of Zoning NY80, a DOS with 4 KSRs. No specific land use is referred to in the KSRs themselves for this DOS zoning, but the accompanying text refers to suitable uses including commercial and residential uses. Whilst a mechanics business may have a commercial element given it is a business, for the purposes of land use considerations it is, as has already been established, an industrial land use.
15. The first KSR states that development proposals shall provide a built frontage onto Upper Edward Street and Railway Avenue of at least two storeys. The second is that the Railway Avenue frontage shall have an active ground floor façade. The third KSR is that development proposals shall have regard to the built form of buildings in the adjacent Area of Townscape Character (ATC), in this case the Corry Square ATC. The appeal building is an industrial style shed, set back from the street frontage on both Upper Edwards Street and Railway Avenue. It does not provide a built frontage onto either of the two streets and despite its overall size and height, is not two storey. Whilst the Appellant may have intentions to replace the in-situ building with a two storey building if permission is granted, I must assess what is before me now against the KSRs rather than a potential future development.
16. The form of the appeal building follows its function, with three large roller shutter doors in the front façade affording access to the interior. This arrangement does not constitute an active frontage as is commonly understood; for example, a building that pedestrians can walk straight into off the pavement or has window displays at the pavement edge. The appeal development is an industrial style shed set back from the pavement and separated from it by a metal fence. The built form of the buildings within the adjacent ATC are predominantly of more traditional design using conventional materials and finishes, including brick, stone, types of render finishes and slate roofs. Whilst there are some more modern structures such as the fire station to the south-west, that building is not within the ATC. The utilitarian design of the appeal building, as well as the functional character of its curtilage do not have regard to the nearby built form of buildings in Corry Square ATC, instead reading as an insertion into the streetscape alien in nature to this particular location, even if it does not lie in the ATC itself. The first three KSRs are not met.
17. The fourth KSR is that vehicular and service access shall be from Upper Edward Street. Notwithstanding the proposed alternative access which I have already found to be inadmissible, the appeal development shown on the originally submitted plans has its main access onto Upper Edward Street, despite the alternative access onto Railway Street. The DOS zoning shown on the BNMAP map has its linkage with Upper Edward Street further east than where the appeal site would take its access. Nevertheless and notwithstanding matters pertaining to road safety that are addressed later in this decision, the fourth KSR for zoning NY80 is technically met in that access is proposed onto Upper Edward Street, even if not in the same location as envisaged on the BNMAP map.
18. Read as a whole the appeal development does not comply with the KSRs for zoning NY80. Whilst the appeal development only takes up part of the DOS, it

nevertheless would prejudice its delivery as a whole. I do not consider the appeal use to be one complimentary to the uses suggested within the amplification text for NY80.

19. Retention of the appeal development, would fail to comply with Policy SMT2 of BNMAP and the provisions of the LDP read as a whole. Whilst the Appellant considered the aims and objectives of BNMAP in respect of the appeal site to be ambitious and unachievable, as no development proposals has come forward for the DOS during the lifetime of BNMAP and parts of the zoning were owned by several different parties, this would not justify the granting of permission. Whilst the Council is preparing its own LDP, this is at an early stage and would not warrant the granting of permission.
20. The Appellant's representative outlined the history of the appeal site, stating that for several decades it had been in use for a motor / coachworks business operated by Rowland Harris. I am told this business was established in the 1920's and remained on the site until the 1980's where it suffered the second of two bomb attacks, the first having taken place in 1976. Sometime after the second attack the buildings on the site were demolished. The Appellant considered that notwithstanding the demolition of the buildings the use for a mechanics was therefore long established and those use rights had not been extinguished. The Council agreed that the site had been used by this business for many years, though pointed out that the appeal site was only part of the Rowland Harris coachworks and the use had long been extinguished.
21. Whilst there has been a previous motor / coachworks that included the appeal site, it did not operate on the site post-1984 and sometime after that the buildings themselves were demolished. I am not persuaded that such use rights would have survived the demolition of the building or buildings which accommodated that use. The site history would not justify the granting of permission for the appeal development. The previous dilapidated condition of the site when it was used for storage containers was raised in that the appeal development represented betterment of the site. Whilst the photographic evidence shows the dilapidated nature of the site and I agree in general terms that the appeal development represents visual betterment in comparison to its previously documented condition, this would not in itself or taken with the other material consideration raised by the Appellant justify the granting of planning permission.
22. The Appellant pointed to an existing car wash that occupied part of a disused car park opposite and west on Railway Avenue, providing evidence as to that use on that particular land. The car wash in question was granted permission on 4 February 2011 by the then Department of the Environment Planning Service (ref. P/2010/1267/F). Whilst the Appellant is correct that a car wash also falls within the definition of an industrial process at Article 2(1) (b) of the Planning (Use Classes) Order (NI) 2015 and it is possible that a car wash could generate more noise in certain conditions than the appeal development, that decision was made by a different planning authority. I am not persuaded that it would be in the public interest to perpetuate poor decision making. The car wash opposite would not justify the appeal development. Whilst the area is of a mixed use character and I note other car repair businesses within parts of Newry City Centre, I was not provided with details of their planning history in order to directly compare their circumstances with those of the appeal development. Nor do those other

businesses occupy the same site context as the appeal site. These other existing businesses would not justify the appeal development.

23. Whilst the Appellant stated that he was always watchful for alternative sites, he nevertheless could be forced to close his business if permission was refused for the appeal development. Whilst the appeal development provides a number of jobs as well as consequent economic spin-off benefits into the wider economy, I am not persuaded that this would outweigh the policy and site specific objections in this case. The P1 application form referred to temporary permission being sought for a period of between 3 and 5 years, though at the hearing it was stated that 5 years would be preferable. However, for the reasons given above I find that retention of the appeal development would not be justified, even for a temporary period. I find that the appeal development is contrary to the provisions of BNMAP and the first reason for refusal is sustained to the extent specified.

*Site specific matters*

24. Criterion (a) of Policy PED9 of PPS4 requires that development is compatible with surrounding land uses. Criterion (j) of PED9 is that the site layout, building design, associated infrastructure and landscaping arrangements are of a high quality and assist the promotion of sustainability and biodiversity. Criterion (k) of the same policy is that appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view.
25. The appeal development is an industrial use, which is one not compatible with the mix of residential, community and retail uses prevalent in the surrounding area. Whilst the site may be in a quieter part of the City Centre and not its heart, this would not justify the appeal development. Whilst the design and overall layout is functional and derives from the use on the site, given its location within this part of the city and adjacent to the Corry Square ATC and notwithstanding the previous history of the site as a mechanics works in the past, I would accept the Council's argument that it does not fully meet criterion (j) of PED9. The existing and proposed boundary treatment is a metal palisade fence, which the Appellant stated could be reinforced with a second layer in order to provide screening of any outside storage. The fence itself was of reasonable quality and appearance but nevertheless is of a character and appearance more suited to an industrial estate. At the time of my site visit I did observe some outside storage of tyres and pieces of motor scrap which were not adequately screened. Whilst it was suggested that additional screening could be conditioned in the event of permission being granted, it would only serve to reinforce the industrial character of the appeal development. I find that criterion (k) is not fully met.

*Flooding and drainage related matters*

26. Criterion (d) of Policy PED9 of PPS4 is that the proposed economic development use is not located in an area at flood risk and will not cause or exacerbate flooding. The appeal site lies within the 1 in 100 year fluvial flood plain and also the Q200 coastal flood plain. The site also lies within the Flood Inundation Areas (FIA) for two reservoirs; Bessbrook Pond and Camlough Dam, both of which are Council owned. The Council also stated that the area has a history of surface water flooding, though this was disputed by the Appellant. The Appellant did not submit

- a Flood Risk Assessment (FRA) as given the other objections put forward by the Council, such a document was in that instance prohibitively expensive. The Appellant's representative stated at the hearing that the site had previously been developed and having spoken to an expert in the field, the site benefitted from the appropriate minimum standard of flood defence. He considered that the submission of a FRA could be conditioned as part of any permission granted should the appeal succeed.
27. Policy FLD1 of PPS15 states that development will not be permitted within the 1 in 100 year fluvial flood plan or the 1 in 200 year coastal floor plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The policy goes on to state that where the principle of development is accepted through meeting the 'Exceptions Test', the applicant is required to submit a FRA for all proposals. Policy FLD1 goes on to state that permission will only be granted if the FRA demonstrates that all sources of flood risk to and from the proposed development have been identified and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.
  28. Policy FLD5 of PPS15 'Development in Proximity to Reservoirs' states that new development will only be permitted within the potential FIA of a controlled reservoir as shown on the Strategic Flood Map subject to satisfying two criteria. The first is that it can be demonstrated that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed. The second is that the application is accompanied by a FRA demonstrating assessment of downstream flood risks in several scenarios and that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures. Post hearing evidence confirmed that DFI Rivers Agency considered that the appeal development was compliant with the condition assurance requirements of Policy FLD5 in respect of Camlough Dam, but noted that the Council was still working towards obtaining the appropriate condition assurance for Bessbrook Pond.
  29. Policies FLD1 and FLD5 both require the submission of a FRA in order to fully assess the appeal development. Whilst the appeal site is previously developed land and may benefit from being within a defended area, no FRA has been submitted and notwithstanding the assurance condition in respect of Camlough Dam, I am not persuaded that the use of a negative condition requiring submission of a FRA, in the event of permission being granted, would be appropriate as the potential effects of the development in respect to flood risk are presently unknown. It has not been demonstrated that the appeal development meets Policies FLD1 and FLD5 of PPS15 and the related provisions of the SPPS.
  30. Policy FLD3 of PPS15 requires submission of a Drainage Assessment (DA) for any proposal, except minor development, where the proposed development is located in an area where there is evidence of a history of surface water flooding. The Council's witness pointed to parts of Newry City suffering severe flooding several years ago, though the Appellant noted no such impacts on the appeal site. Nevertheless, no DA has been submitted and in its absence it cannot be demonstrated that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.



31. Whilst the site lies within an urban area and other development has been granted permission by the Council, I was told those applications were accompanied by an FRA. I consider that without the necessary FRA and DA to properly assess the potential effects of the development, as well as the proposed drainage measures, in respect to the prevailing flood environment in this area, permission cannot be granted. The appeal development does not comply with Policies FLD1, FLD3 and FLD5 of PPS15 read as a whole. Accordingly I cannot be satisfied that criterion (d) of Policy PED9 of PPS4 is satisfied. The Council's seventh, eighth and ninth reasons for refusal and the related element of the sixth reason are sustained the extent specified above.

#### *Road Safety*

32. Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where two criteria are met; firstly that such access will not prejudice road safety or significantly inconvenience the flow of traffic and secondly, that the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The appeal development is not located in proximity to a protected route, thus the second criterion is not engaged. Criteria (g) and (h) of Policy PED9 are also applicable. These are; that the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified and that adequate access arrangements, parking and manoeuvring areas are identified.
33. The P1 application form identified the means of access as being the alteration of an existing access. In respect of the access onto Upper Edward Street the Council and DFI Roads considered that although forward sight distance was available, the access could not provide the required 2m x 33m visibility splays given the existing on-street parking along the roadside. From my own assessment I agree that this standard of visibility would be necessary. The on-street parking along Upper Edward Street and Railway Avenue is unrestricted and free from charge. I noted during my site visits that these spaces were filled quickly and remained that way for much of the day. Vehicles parked on the street to the east of the site access would greatly limit, if not preclude entirely, visibility for occupants of vehicles wishing to exit the site. This lack of adequate visibility would lead to situations where vehicles would be exiting the site onto Upper Edward Street without proper view of oncoming traffic, with a high potential for accidents to occur. The Department's witness, without prejudice, explained that the same problems would also arise with the potential Railway Avenue access for similar reasons. From the submitted evidence and my own assessment I consider the use of the access onto Upper Edward Street would prejudice road safety as the required standard of visibility cannot be achieved.
34. Whilst there may have been a longstanding motor / coachworks use on the site at some point in the past, including an access onto Railway Street and I note the dropped kerbs at parts along the street, this would not justify the appeal development which must be judged against current safety standards. My attention was directed to an existing car repair business situated on a 90 degree bend, but this business may be longstanding and not on all fours with the appeal

development. I find that the appeal development does not comply with Policy AMP2 of PPS3 read as a whole. For the same reasons criteria (g) and (h) of Policy PED9 are not met as whole. The Council's third and fourth reasons for refusal, as well as the related elements of the sixth reason for refusal are sustained.

*Conclusions*

35. There is no support in principle for the retention of the appeal development, even for a temporary period. The various material considerations raised by the Appellant would not outweigh the objections to the appeal development, nor would the lack of third party objections to it. Whilst the second reason for refusal has not been sustained, the Council's remaining reasons for refusal have been sustained to the extent specified and are determining. The appeal must fail.

This decision relates to the following drawings submitted with the application:-

<b>DRAWING NUMBER</b>	<b>TITLE</b>	<b>SCALE</b>	<b>DATE</b>
01	Site Location Map & Site Layout	1:1250 & 1:500	04/08/18
02	Floor Plan, Elevations & Boundary Fencing Detail	1:100 & 1:50	04/08/18

**COMMISSIONER MARK WATSON**



**List of Appearances**

Planning Authority:-	Mr G Murtagh (NM&D DC) Mr R Laughlin (DFI Roads)
Appellant:-	Mr J Young (Collins & Collins) Mr E Hughes (Appellant)

**List of Documents**

Planning Authority:-	'A' Statement of Case & Appendices (NM & D DC) 'C' Post hearing comments re reservoir maintenance and decision P/2010/1267/F (NM & D DC) 'D' Copy of decision P/2010/1267/F (NM & D DC)
Appellant:-	'B' Statement of Case & Appendices (Collins & Collins) 'E' Post hearing comments on P/2010/1267/F (Collins & Collins) 'F' Copy of solicitor letter pertaining to car wash use on Railway Avenue (Collins & Collins)



# Appeal Decision

Park House  
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<b>Appeal Reference:</b>	2018/E0054
<b>Appeal by:</b>	Mr Glyn Mitchell
<b>Appeal against:</b>	The non-determination of an application for a Certificate of Lawfulness of Proposed Development
<b>Proposed Development:</b>	Removal of existing timber cladding and painting the ground floor facade of the building with a timber effect finish
<b>Location:</b>	19, The Square, Kilkeel
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2018/1558/LDP
<b>Procedure:</b>	Informal Hearing on 16 May 2019
<b>Decision by:</b>	Commissioner Pamela O'Donnell, dated 12 June 2019

## Decision

1. The appeal is allowed. The proposal is lawful and a certificate of lawfulness of proposed development is attached.

## Reasoning

2. An application for a Certificate of Lawfulness of Proposed Use or Development under Section 170 of the Planning Act (NI) 2011 allows for any person to ascertain whether (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful.
3. The proposal, as outlined above, is a two stage and presumably a sequential process. The first element is the removal of the cladding. Although the cladding is unauthorised, its removal does not require planning permission and would thus be in compliance with the law. The second element is the painting of the facade and the main question to consider is whether this would be a separate act of development.
4. At the Hearing, following clarification about the nature and extent of the operations proposed, the Council's representative conceded that the proposed painting work would be permitted development and therefore lawful in accordance with Part 3, Class C of the Planning (General Permitted Development) Order (NI) 2015. I concur as case law has established that the painting or re-painting of a building is capable of amounting to a building operation, hence constituting development.
5. Whilst the Appellant would be permitted to paint the exterior of the building in any colour under the aforementioned part of the Order, this particular proposal is in respect of a timber effect finish akin to those examples provided in the papers that

will give effect to this decision. At the hearing, the Council's representative was satisfied with the level of detail provided in respect of the timber effect paint.

6. The purpose of this appeal is to certify that the prescribed development is lawful. The decision to certify does not fetter the discretion of the Council to pursue separate enforcement action to seek removal of the cladding if expedient to do so. Therefore, the Council's suggestion that the cladding should be removed within a specified timeframe by imposing a condition in this appeal is misdirected.

This decision relates to Site Location Map @ 1:1250, Existing Drawings and Site Plan @ 1:100 & 1:500 and Proposed Drawings @1:100 insofar as it relates to the painting example or similar examples as illustrated in the Appellant's Statement of Case in page 5.

**COMMISSIONER PAMELA O'DONNELL**

**PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 170  
CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

The Planning Appeals Commission hereby certifies that on 26 September 2018 the operation described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate would have been lawful within the meaning of section 170 of the Planning Act 2011, for the following reason:

The removal of the existing timber cladding and the painting of the ground floor facade of the building with a timber effect finish would be lawful as the painting of the exterior of any building is permitted development in accordance with Part 3, Class C of the Planning (General Permitted Development) Order (NI) 2015.

Signed:

**Commissioner Pamela O'Donnell**  
**12 June 2019**

**FIRST SCHEDULE**

The removal of existing timber cladding and painting the ground floor facade of the building with a timber effect finish as shown on the Site Location Map @ 1:1250, Existing Drawings and Site Plan @ 1:100 & 1:500 and Proposed Drawings @1:100 insofar as it relates to the painting example or similar examples as illustrated in the Appellant's Statement of Case at page 5.

**SECOND SCHEDULE**

No 19, The Square, Kilkeel

Notes:

- (1) This certificate is issued solely for the purpose of section 170 of the Planning Act 2011.*
- (2) It certifies that the operations and use described in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.*
- (3) This certificate applies only to the extent of the matters described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plans. Any matter which is materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.*
- (4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.*

**List of Appearances**

Planning Authority:- Mr G Murtagh (Newry, Mourne & Down District Council)

Appellant(s):- Mr S Turbitt BL (Counsel for Appellant)  
Mr R O'Toole (Agent)  
Mr G Mitchell (Appellant)

**List of Documents**

Planning Authority: - "A" Statement of Case and appendix

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



## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2019

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
20/3/19	Cllr G Stokes	LA07/2015/1088/F	Update requested	A McAlarney	Direct email	3/4/19
26/3/19	C McGrath MLA	LA07/2018/1194/F	Letter of support	A McKay	Direct e mail	28/6/19
1/4/19	Cllr D Curran	-----	Query	A McAlarney	Call transferred	1/4/19
" "	Cllr A McMurray	Playpark in Dundrum	Update requested	A McAlarney	Call transferred	1/4/19
" "	Cllr S Doran	LA07/2018/1757/F	Update requested	A Davidson	Email sent	1/4/19
" "	Cllr O McMahan	LA07/2019/0212/LDE	Decision notice requested	P Rooney	Email sent	4/4/19
" "	C McGrath MLA	LA07/2018/0582/F	Letter of support	A McKay	Direct e mail	28/6/19
2/4/19	Cllr R Howell	-----	Query	A McAlarney	Call transferred	2/4/19
" "	Cllr T Hearty	LA07/2018/1673/F plus 2 other apps.	Updates requested	P Rooney	Direct email	4/4/19
" "	Cllr R Mulgrew	LA07/2019/0363/F & LA07/2018/1670/F	Updates requested	P Rooney	Direct email	4/4/19
3/4/19	Una for E Rogan MLA	LA07/2018/1983/F	Query	A McAlarney	Email sent	5/4/19
" "	Cllr M Murnin	LA07/2018/1170/F & LA07/2018/1896/F	Updates requested	A McAlarney	Direct email	3/4/19
" "	C McGrath MLA	LA07/2018/1576/O	PAD requested	A McAlarney	Direct email	4/4/19
4/4/19	Cllr O McMahan	LA07/2019/0212/LDE	Decision notice requested	P Rooney	E mail sent	4/4/19
" "	Cllr McAteer	LA07/2019/0226/LDE	Update requested	P Rooney	Informal Inquiry	4/4/19
5/4/19	Cllr McMurray	Dundrum Playgroup	Update requested	A McAlarney	Direct email	5/4/19
8/4/2019	Cllr Ennis MLA	LA07/2019/0473/F	Update Requested	P Rooney	Direct e-mail	1/6/19
8/4/2019	Cllr Doran	LA07/2019/0283	Phone call on behalf of objector for update	P Rooney	Telephone call	8/4/19
9/4/19	Brenda for S Bradley	LA07/2015/0825/F	Name of case Officer requested and DSU e mail address	M McIlhone	Telephone call	9/4/19
" "	Cllr A McMurray	Dundrum Playgroup	Query	A McAlarney	E mail sent	9/4/19
" "	C McGrath MLA	LA07/2017/1127/LBC & LA07/2017/0126/F	Clarification requested	A McAlarney	Direct email	9/4/19
" "	Cllr D McAteer	LA07/2018/1996/F	Update requested	P Rooney	Direct email	18/4/19 &

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2019

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
						19/4/19
11/4/19	J McNulty MLA	LA07/2018/0623F	Update requested	P Manley	Direct email	11/4/19
" "	Cllr T Hearty	Blessings Filling Station, Crossmaglen	Update requested	P Rooney	Direct e mail	19/4/19
12/4/19	C McGrath MLA	LA07/2018/0582/F	Update from Planning Committee on 10/4/19	A McAlarney – passed to P Rooney 12/4/19	Direct email	12/4/19
" "	Cllr O McMahon	65 Greenan Road	Query	A Davidson	E mail sent	12/4/19
15/4/19	Cllr O McMahon	65 Greenan Road	Query	C McCoy	E mail sent	15/4/19
" "	Cllr R Mulgrew	LA07/2019/0336/RM	Update requested	P Rooney	Direct email	18/4/19
" "	Cllr L Devlin	LA07/2019/0069/F	Update requested	A McAlarney	Direct email	18/4/19
17/4/19	C McGrath MLA	LA07/2019/0447/F	Update requested	A McAlarney	Direct email	17/4/19
18/4/19	Dominic for C McGrath MLA	-----	General Enquiry	A McAlarney	Call transferred	18/4/19
24/4/19	Colin McGrath MLA	LA07/2018/0442/F	Update requested	A McKay	Direct e mail	28/6/19
25/4/19	E Rogan MLA	LA07/2018/1631/F	Update requested	A McAlarney	E mail sent	29/4/19
" "	Cllr T Hearty	LA07/2018/0428	Update requested	P Rooney	Direct email	25/4/19
" "	C McGrath MLA	LA07/2019/0013/0	Update requested	A McAlarney	Direct e mail	29/4/19
" "	C McGrath MLA	R/2014/0079/F	Query	A McKay	Direct e mail	28/6/19
26/4/19	Cllr W Clarke	LA07/2017/1326/F	Update requested	A McAlarney	Direct e mail	29/4/19
29/4/19	E Rogan MLA	LA07/2018/1635/F	Update requested	A McAlarney	E mail sent	29/4/19
" "	Catherine for S Ennis MLA	-----	Update requested	M Keane	Call transferred	29/4/19
29/4/19	Cllr Harte	LA07/2018/0914	Update Requested	P Rooney	Telephone call	29/4/19
29/4/19	Cllr Tinnelly	Pl App Hilltown Rd, Rostrevor	Update Requested	P Rooney	Telephone Call	29/4/19 & 1/05/19
29/4/19	Cllr Casey	Previous Approval	Query	P Rooney	Telephone Call	29/4/19
30/4/19	Cllr T Hearty	LA07/2018/1673/F	Update requested	A Davidson	Direct e mail	30/4/19
" "	Cllr T Hearty	LA07/2018/1494/F	Update requested	A Davidson	Direct e mail	1/5/19
01/05/19	Cllr McMahon	LA07/2019/0095/F	Update Requested	P Rooney	Telephone Call	01/05/19

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2019

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
01/05/19	Cllr Harte	LA07/2018/0424/F	Update requested	P Rooney	Telephone Call	02/05/19
7/5/19	C McGrath MLA	LA07/2018/1242/F	Request for PAD	A McAlarney	Direct e mail	8/5/19
" "	Cllr T Hearty	LA07/2018/0816	Update on application	A Davidson	Direct e mail	7/5/19
8/05/19	Cllr Doran	LA07/2017/1615/F	Update requested	P Rooney	Telephone call	8&9/5/19
" "	Cllr S Ennis	LA07/2019/0473/F	Update requested	P Rooney	Direct e mail	1/5/19
8/5/19	Cllr C Enright	Development Plan	Error at paragraph 7.64	A McKay- A Hay	Direct e mail	4/6/19
9/05/19	Cllr Tinnelly	Current app Upp Knockbarragh Rd, Rostrevor	Update requested	P Rooney	Verbal	9/05/19
09/05/19	Cllr G Hanna	LA07/18/1819 & LA07/19/0133	Update requested	M Keane	Direct email	17/05/19
10/5/19	Cllr L Devlin	LA07/2018/0672/RM & LA07/2016/0695/F	Updates requested	A McAlarney	Direct e mail	13/5/19
13/5/19	Dominic for C McGrath MLA	-----	Enforcement query	C Miskelly	Call transferred	13/5/19
13/5/19	Cllr Doran	LA07/2019/0584/F	Representation on application	P Rooney	E-Mail	13/5/19
13/5/19	Cllr Doran	LA07/2019/0397/F	Request for meeting	P Rooney	E-Mail	14/5/19
13/5/19	Cllr Doran	LA07/2019/0300/F	Representation on application	P Rooney	E-Mail	14/5/19
" "	Cllr L Devlin	LA07/2017/0275/CA	Query enforcement action	A McAlarney	Direct e mail	13/5/19
" "	C McGrath MLA	LA07/2018/1732/F	Update requested	A McAlarney	Direct e mail	14/5/19
15/5/19	Dominic for C McGrath MLA	-----	Enforcement issue at Carragh Close, Dundrum	P Smyth	Call transferred	15/5/19
" "	Cllr L Kimmins	LA07/2019/0539/F	Update requested	A Davidson	Direct e mail	16/5/19
16/5/19	Cllr D McAteer	-----	Enforcement issue	D Watson	Call transferred	16/5/19
16/05/19	Cllr Doran	LA07/2019/0300/F & LA07/2019/0397/F	Update requested	P Rooney	E-mail	21/5/19
16/05/19	Cllr D McAteer	2 current applications	Update requests	P Rooney	Telephone request	21/05/19
17/5/19	Cllr S Doran	LA07/2015/1000/F	Enforcement issue	D Watson	E mail sent	-----

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2019

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
20/5/19	Clr T Andrews	-----	PAD request	A McAlarney	Direct e mail	20/5/19
20/05/19	Clr Reilly	LA07/19/0077/F	Update requested	M Keane	Email sent	22/5/19
21/5/19	Clr S Doran	LA07/2019/0300/F	Discussion required	P Rooney	Call transferred	21/5/19
21/5/19	Clr Hanna	LA07/19/0077/F	Update requested	M Keane	Email sent	22/5/19
21/5/19	Clr S Doran	LA07/2018/0249/f	Update requested	P Rooney	Direct e mail	23/5/19
23/05/19	Clr Tinnelly	P/13/0189	Meeting request	M Keane	Email sent	10/06/19
28/5/19	Clr D Curran	LA07/2018/1188/F	Update requested	A McAlarney	E mail sent	28/5/19
28/05/19	Clr R Burgess	LA07/2018/1457/F	Update requested	K Cunningham	Call transferred	28/5/19
" "	C McGrath	LA07/2017/1751/F	Update requested	A McAlarney	E mail sent	28/5/19
" "	Dominic for C McGrath	LA07/2017/1751/F	Update requested	M McIlhone	Call answered	28/5/19
" "	Clr R Burgess	-----	Call – In process	M McIlhone	Call answered	28/5/19
29/5/19	Clr S Doran	LA07/2019/0397/F	Request for meeting	P Rooney	Direct e mail	10/6/19
30/5/19	J McNulty MLA	LA07/2018/0623/F	Update requested	P Rooney/A Davidson	E mail sent	-----
" "	E Rogan MLA	LA07/2019/0149/F	Update requested	M McIlhone	Call answered	30/5/19
" "	Clr S Doran	LA07/19/0061/O	Update requested	M Keane	Email sent	31/5/19
" "	Clr W Walker	LA07/2016/1606/F	Office meeting requested	A McAlarney	Direct e mail	3/6/19
2/6/19	C McGrath MLA	LA07/2017/1458/F	Update requested	A McAlarney	Direct e mail	3/6/19
3/6/19	Clr Doran	LA07/19/0553/F	Update requested	M Keane	Email sent	04/6/19
4/6/19	Clr W Walker	Hans Sloane Centre Killyleagh	Meeting requested	A McAlarney	Direct e mail	4/6/19
5/6/19	Clr S Doran	LA07/2018/1610/F	Update requested	P Rooney	E mail sent	10/6/19
6/6/19	Clr C Enright	Local development plan	Queries re Eastern Distributor Road, Downpatrick	A Hay	Direct e mail	18/6/19
06/06/19	Clr Doran	LA07/19/0060/F	Update requested	M Keane	Email sent	07/06/19
06/06/19	Clr Doran	LA07/19/0765/DC	Update requested	M Keane	Email sent	07/06/19
10/6/19	Clr P Brown	LA07/2018/1432/F	Update requested	A McAlarney	Call transferred	10/6/19
" "	Clr P Brown	-----	Query	M Keane	Call transferred	10/6/19
" "	Clr W Walker	-----	Enquiry	A McAlarney	Direct e mail	10/6/19

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 April – 30 June 2019

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DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
"	Cllr S Doran	-----	Enforcement Enquiry	D Watson	E mail sent	11/6/19
"	C McGrath MLA	PAD	Meeting arrangements	A McAlarney	Direct e mail	10/6/19
11/6/19	Cllr D Taylor	PAD	To arrange PAD	P Rooney	Meeting organised	12/06/19
"	C McGrath MLA	Dev Plan	Enquiry	A Hay	Direct e mail	1/7/19
11/06/19	Cllr Reilly	LA07/19/0514	Update requested	M Keane	Email sent	11/06/19
12/06/19	Cllr Hanna	LA07/19/0514	Update requested	M Keane	Email sent	12/06/19
"	Cllr L McEvoy	LA07/2017/1494/O	Query	A McAlarney	Direct e mail	14/6/19
17/6/19	Cllr R Burgess	LA07/2018/1595/F	Update requested	C Cooney	Call transferred	17/6/19
"	C McGrath MLA	LA07/2017/1313/O	Query	A McAlarney	Direct e mail	26/6/19
"	Cllr W Clarke	LA07/2019/0379/F	Update requested	A McAlarney	Direct e mail	26/6/19
18/06/19	Cllr Tinnelly	General query	Policy CTY2a- Mayo Rd	M Keane	Email sent	18/06/19
"	Cllr A Lewis	-----	Enquiry re Playgroup in Seaforde	A McKay	Direct e mail	18/6/19
19/06/19	Cllr Doran	LA07/19/0765/DC	Update request	M Keane	Email sent	20/06/19
20/6/19	Cllr P Brown	LA07/2018/1432/F	Query	K Cunningham	Email sent	25/6/19
"	Cllr P Brown	LA07/2019/0197/F	Query	F Murray	E mail sent	20/6/19
"	Cllr P Brown	LA07/2018/1595/F	Query	C Cooney	E mail sent	20/6/19
21/6/19	Dominic for C McGrath MLA	-----	LDP query	M McIlhone	Call answered	21/6/19
24/06/19	Cllr Doran	LA07/19/0553 & LA07/19/0495	Update requested	M Keane	Email sent	26/06/19
"	Dominic for C McGrath	LA07/2019/0446/F	Request for site visit	A McAlarney	E mail sent	2/7/19
27/6/19	Cllr Doran	PAD	Request for meeting	P Rooney	Email	Meeting 5/7/19
27/6/19	Cllr Doran	LA07/2019/0061/F	Update request	M Keane	Email sent	28/06/19
28/6/19	C McGrath MLA	LA07/2018/1357/F	Query	A McKay	Direct e mail	28/6/19