



December 5th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 6th December 2017 at 9:30 am** in **Site Visit and then Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

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

Agenda

Site Visits

1.0 Site Visit: LA07/2015/0662 - Frank Clerkin - 170m NW of 107 Kilbroney Road, Rostrevor - Additional Farm Shed

NB: Please assemble in the Square, Rostrevor at 9.30am

Committee Business


2.0 Apologies

3.0 Declarations of Interest

4.0 Declarations in relation to paragraph 10 of Planning Committee Operating Protocol - Members to be present for entire item

Minutes for Confirmation

5.0 Minutes of Planning Committee Meeting held on Wednesday 8 November 2017 (Attached)

 *Planning Minutes - 8 November 2017.pdf*

Page 1

For Discussion/Decision

6.0 Addendum list - planning applications with no requests for speaking rights or written submissions (Attached)

 *Addendum list - 06-12-2017.pdf*

Page 19

Development Management - Planning Applications for determination

7.0 LA07/2015/0109/F - Kelly Brothers - Housing development of 40 No. dwelling units (20 No. detached and 20 No. semi-detached) with associated siteworks and parking - site to the rear and south east of Nos 7 8 9 10 11 12 12a & 14 Warren Hill and to the rear and north east of Nos 2 4 4a & 6 Greenan Road Newry (Case Officer report attached)

Rec: APPROVAL

- A request for speaking rights has been received from J L O'Hagan in objection to the application (**submission attached**)

- A request for speaking rights has been received from Turley, (Agent) in support of the application (**submission attached**)

 *LA07-2015-0109-F Kelly Brothers Building Contractors.pdf* *Page 20*

 *Item 7 submission of objection (Kelly Brothers).pdf* *Page 33*

 *Item 7 submission of support (Kelly Brothers).pdf* *Page 39*

8.0 LA07/2016/0199/0 - Liam & Siobhan Boylan - 15 new dwellings, 4750 sq metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received) - Land zoned for housing to the rear of Nos 68 to 132 Lower Dromore Road, Warrenpoint (Case Officer report attached)


Rec: APPROVAL

- A request for speaking rights has been received from Patrick Thornton in objection to the application (**submission attached**)
- A request for speaking rights has been received from Councillor M Carr in objection to the application (**submission attached**)
- A request for speaking rights has been received from Brendan Quinn, agent, in support of the application (**submission attached**)

 *LA07-2016-0199-O Liam and Siobhan Boylan and Family.pdf* *Page 44*

 *Item 8 - submission of objection (Liam & Siobhan Boylan).pdf* *Page 54*

 *Item 8 submission of support (Liam & Siobhan Boylan).pdf* *Page 62*

 *Item 8 Cllr Carr Objection (Liam & Siobhan Boylan).pdf* *Page 67*

9.0 P/2012/0058/0 - Joseph Murphy - Site for dwelling - Adjacent to No. 19 Betty's Hill Road, Ballyholland (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application (**submission attached**)
- A request for speaking rights has been received from Councillor D McAteer in support of the application (**submission attached**)

 *P-2012-0058-O Joseph Murphy.pdf* *Page 71*

 *Item 9 Cllr McAteer submission of support (J Murphy).pdf* *Page 81*

10.0 P/2013/0086/F - Mr P Murphy - Retention of dwelling as constructed (amendments to previously approved P/2006/0815/F) 19a Betty's Hill road, Ballyholland (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Colin O'Callaghan, agent, in support of the application (**submission attached**)
- A request for speaking rights has been received from Councillor McAteer in support of the application (**submission attached**)

P-2013-0086-F Mr P Murphy.pdf

Page 92

Item 10 Cllr McAteer submission of support (Mr P Murphy).pdf

Page 99

Item 10 submission of support ((P Murphy).pdf

Page 100

11.0 LA07/2017/1388/0 - Michael & Marion Young - Proposed domestic dwelling and garage - Adjacent to No. 24 Grange Road, Kilkeel (Case Officer report attached)

Rec: REFUSAL

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

LA07-2017-1388-O Michael and Marion Young.pdf

Page 108

Item 11 submission of support (Michael & Marion Young).pdf

Page 117

12.0 LA07/2016/1407/F - Richard Newell - Proposed extension of curtilage of existing dwelling house and retention of existing domestic boat house and yard - 75A Glassdrumman Road, Annalong (Case Officer report attached)

Rec: REFUSAL

- This application has been deferred at the request of Councillor Macauley as the agent is unable to attend

LA07-2016-1407-F Richard Newell.pdf

Page 118

13.0 LA07/2017/0289/F - Mr Gerard McGrath - New dwelling and

**improved vehicular access - adjacent to 4 Saul Road,
Downpatrick (Case Officer report attached)**

Rec: REFUSAL

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

 *LA07-2017-0289-F Gerard McGrath.pdf*

Page 124

 *Item 13 submission of support (Gerard McGrath).pdf*

Page 135

**14.0 LA07/2017/0725/F - Mitch Murphy & Simone Curtis - 2 storey
farm dwelling - Site 350 metres SW of 56 Coolderry Road,
Crossmaglen (Case Officer report attached)**

Rec: REFUSAL

- Addendum list

 *LA07-2017-0725-F Mitch Murphy and Simone Curtis.pdf*

Page 144

**15.0 LA07/2017/0788/F - Conrad Haughian - Proposed town house
to rear of apartments currently under construction with access
through apartments to Great Georges Street - 12 Great
Georges Street, Warrenpoint (Case Officer report attached)**

Rec: REFUSAL

A request for speaking rights has been received from Martin Bailie, Agent in support of the
application (submission attached)

 *LA07-2017-0788-F Conrad Haughian.pdf*

Page 148

 *Item 15 submission of support (Conrad Haughian).pdf*

Page 155

**16.0 LA07/2017/0795/F - Mr Laurence Patterson - Replacement
dwelling - Drumnaconnell House, 56 Ballynahinch Road,
Drumnaconnell West, Saintfield (Case Officer report attached)**

Rec: REFUSAL

- Addendum list

 *LA07-2017-0795-F Laurence Patterson.pdf*

Page 160

17.0 LA07/2017/0866/0 - Miss Michelle Skillen - Proposed

replacement dwelling and domestic garage - 200m SW of No. 126 Head Road, Kilkeel (Case Officer report attached)

Rec: REFUSAL

- This application has been deferred at the request of Councillor Macauley as the agent is unable to attend


 *LA07-2017-0866-O Michelle Skillen.pdf*

Page 170

18.0 LA07/2017/0867/0 - Mr Paul Annett - Proposed site for farm dwelling and domestic garage - 25 m east of the white house no. 26 Ballyveaghbeg Road, Ballymartin (Case Officer report attached)

Rec: REFUSAL

- This application has been withdrawn from the planning process at the request of the agent.

 *LA07-2017-0867-O Paul Annett.pdf*

Page 175

19.0 LA07/2017/0868/F - Daniel King - Replacement dwelling for remains of existing structure located in an agricultural yard - 40m NW of 117 Concession Road, Crossmaglen (Case Officer report attached)

Rec: REFUSAL

- Addendum list


 *LA07-2017-0868-F Daniel King.pdf*

Page 180

20.0 LA07/2017/1026/F - Julianne Gribbon - Single storey dwelling, garage, carport and hydrotherapy pool - 100m North 124a Carsonstown Road, Saintfield (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Gary Hunt, Agent in support of the application (**submission attached**)

 *LA07-2017-1026-F Juilanne Gribbon.pdf*

Page 184

 *Item 20 submission of support (Julianne Gribbon).pdf*

Page 191

21.0 LA07/2017/1077/0 - Mr Eammon O'Rourke - Dwelling on a farm including garage - Lands to the SE of 32 Dromara Road, Leitrim, Castlewellan (Case Officer report attached)

Rec: REFUSAL

A request for speaking rights has been received from John Cleland, agent, in support of the application (**submission attached**)

 *LA07-2017-1077-O Eammon O'Rourke.pdf*

Page 197

 *Item 21 submission of support (Eammon O'Rourke).pdf*

Page 204

22.0 LA07/2017/1084/0 - Sean O'Neill - Farm dwelling - 190 metres East of No. 21 Longfield Road, Lislea, Newry (Case Officer report attached)

Rec: REFUSAL

A request for speaking rights has been received from Tony Mackle, Agent in support of the application (**submission attached**)

 *LA07-2017-1084-O Sean O'Neill.pdf*

Page 209

 *Item 22 submission of support (Sean O'Neill).pdf*

Page 214

23.0 LA07/2017/1138/F - Bernard Morgan - Erection of agriculture buildings - adjacent to and immediately SE of No. 1 Newtown Court, Cloghogue, Newry (Case Officer report attached)

Rec: REFUSAL

NB: A request for speaking rights has been received from Collins & Collins, agents, in support of the application. (**Submission forwarded under separate cover - the agent has requested that some of the information provided be kept private and this item is therefore deemed to be exempt under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 - information relating to an individual and the public may, by resolution, be excluded during this item of business.**)

 *LA07-2017-1138-F Bernard Morgan.pdf*

Page 224

24.0 LA07/2017/1158/F - Mr & Mrs P Greene - Proposed dwelling and garage - adjacent to 11 Teconnaught Road, Seavaghan (Case Officer report attached)

Rec: REFUSAL

- This application has been withdrawn from the planning process at the request of the applicant.

25.0 LA07/2017/1290/F - Patrick Cunningham - Proposed replacement dwelling - 26 Levallyreagh Road, Rostrevor (Case Officer report attached)

Rec: REFUSAL

- Addendum list

LA07-2017-1290-F Patrick Cunningham.pdf

Page 234

26.0 LA07/2017/1292/F - Mr & Mrs M Dorans - Dwelling and detached garage - Approx. 80 metres South of 37 Dundrum Road, Clough (Case Officer report attached)

Rec: REFUSAL

A request for speaking rights has been received from Mr & Mrs K Campbell in support of the application (submission attached)

LA07-2017-1292-F Mr and Mrs M Doran.pdf

Page 241

Item 26 submission of support (Mr & Mrs M Dorans).pdf

Page 245

27.0 LA07/2017/1310/F - Mr & Mrs Peter McArdle - Erection of a dwelling and garage - Adjacent to and South of 98 Forkhill Road, Newry (Case Officer report attached)

Rec: REFUSAL

- Addendum list

LA07-2017-1310-F Mr and Mrs Peter McArdle.pdf

Page 252

28.0 LA07/2017/1322/0 - Paul Hourican - Infill dwelling, detached garage & associated site works - Land 20 metres SE of 24A Oldtown Road, Annalong (Case Officer report attached)

Rec: REFUSAL

A request for speaking rights has been received from Fletcher Architects, agent, in support of the application (submission attached)

LA07-2017-1322-O Paul Hourican.pdf

Page 257

Item 28 submission of support (Paul Hourican).pdf

Page 264

29.0 LA07/2017/1336/RM - Mr & Mrs P Smyth - Proposed dwelling and garage - 61B Sabbath Hill Road, Ballymartin (Case Officer report attached)

Rec: APPROVAL

- Addendum list


 [LA07-2017-1336-RM Mr and Mrs P Smyth.pdf](#)

Page 270

30.0 LA07/2017/1369/O - Mr J McMaster - Dwelling and detached garage for private use - Opposite 15 Ballymaglave Road, Ballynahinch (Case Officer report attached)

Rec: REFUSAL

- The application has been removed from the addendum list to allow for further discussion at the next Planning Meeting


 [LA07-2017-1369-O Mr J McMaster.pdf](#)

Page 277

31.0 LA07/2017/1591/F - Cathal Hughes - Conversion of building to dwelling unit under policy CTY4 - 20 metres NE of 37 Tullymacreeve Road, Mullaghbawn (Case Officer report attached)

Rec: REFUSAL

- This application has been formally withdrawn from the planning process

 [LA07-2017-1591-F Cathal Hughes.pdf](#)

Page 285

32.0 R/2014/0079/F - Mr Brendan Maginn - Retention of as constructed 225kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F) - Approx 285 metres SW of No. 63 Dundrine Road, Castlewellan (Case Officer report attached)

Rec: REFUSAL

- This application has been removed from the agenda at the request of Councillor Clarke to allow for a further noise survey to be carried out

 [R-2014-0079-F Brendan Maginn.pdf](#)

Page 290

33.0 R/2014/0100/O - Ciara Fitzpatrick Kennedy - Farm dwelling and

**garage - Adjacent to 7 and 9 Clanvaraghan Road, Castlewellan
(Case Officer report attached)**

Rec: REFUSAL

- This application has been withdrawn from the planning process at the request of the applicant.

 *R-2014-0100-O Ciara Fitzpatrick Kennedy.pdf*

Page 299

**34.0 P/2012/0568/0 - Paul McCourt - Site for dwelling with detached
garage - 50 metres East of 34 Divernagh Road, Bessbrook
(Case Officer report attached)**

Rec: REFUSAL

- Addendum list

 *P-2012-0568-O Paul McCourt.pdf*

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For Noting

**35.0 November 2017 Planning Committee Performance Reports
(Report attached)**

 *NOVEMBER 2017 Planning Committee Performance Report.pdf*

Page 313

**36.0 Record of meetings between Planning Officers and Public
Representatives (Report attached)**

 *6 December 2017 Committee Report.pdf*

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37.0 November 2017 Appeals and Decisions (Report attached)

 *November 2017 Appeals and Decisions.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minute of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 8 November 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

In attendance: **(Committee Members)**
 Councillor W Clarke Councillor M Ruane
 Councillor L Devlin Councillor G Hanna
 Councillor M Larkin Councillor M Murnin
 Councillor J Macauley Councillor D McAteer
 Councillor C Casey

(Officials)
 Mr A McKay Chief Planning Officer
 Mr P Rooney Principal Planning Officer
 Ms E Devlin Professional Technical Officer
 Mr M Kelly Professional Technical Officer
 Ms N Largey Legal Advisor
 Ms E McParland Democratic Services Manager
 Ms C McAteer Democratic Services Officer
 Ms P McKeever Democratic Services Officer

Others in attendance: Mr R Laughlin, DIF, Roads
 Mr S Milligan, DIF, Roads

P/135/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillors Loughran, and Harte. The Chairperson expressed sincere sympathy to Councillor Loughran, Deputy Chairperson of the Planning Committee on her recent family bereavement.

P/136/2017: DECLARATIONS OF INTEREST

Councillor Devlin said there was a difference between Members Declaring an Interest in an item and them not being present at previous presentations or site visits and this should be documented accurately in the Minutes at all future meetings. This point was 'Noted'

Item 41 – P/2009/1336/F – Mr J C Campbell

- Councillor Devlin said she had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision.

- Councillor Larkin said he had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision. He added that he had been present at the site visit.
- Councillor McAteer said he had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision. He added that he had been present at the site visit.
- Councillor Ruane said he had been unable to attend the site visit and would not therefore be taking part in the discussion/decision on this application.

Item 16 – LA07/2015/0456/F – Richard Nummy

- Councillor Clarke advised he had not been present at the initial presentation on this application and he would not therefore be taking part in the discussion/decision.

Item 23 – LA07/2015/1306/F – Mr J McMahon

- Councillor Casey said he had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision.
- Councillor Devlin said she had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision.

Item 26 – LA07/2016/0733/F – Robert Hollywood

- Councillor Casey said he had not been present for the initial presentation on this application and would not therefore be taking part in the discussion/decision.
- Councillor Devlin said she had not been able to attend the site visit and would not therefore be taking part in the discussion/decision on this application.
- Councillor Clarke said he had not been able to attend the site visit and would not therefore be taking part in the discussion/decision on this application.

**P/137/2017: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 11 OCTOBER 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 11 October 2017.
(Copy circulated)

AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 11 October 2017 as a true and accurate record.

P/138/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 8 November 2017. (Copy circulated)

AGREED: On the proposal of Councillor Clarke seconded by Councillor McAteer it was agreed to remove the following Planning Applications from the Addendum List:-

Item 14 – LA07/2017/1147/0 – Mr D Russell – Infill dwelling and garage – 35m SE of 76 Belfast Road, Saintfield, Belfast. The Applicant / Agent had

advised that this application had been withdrawn from the planning process.
REFUSAL

Item 21 – LA07/2017/0236/0 – John McKeever – 1 ½ storey dwelling with detached double garage (amended plans) – 80m NW of 173 Concession Road, Culloville, Crossmaglen. **The Applicant / Agent had advised that this application had been withdrawn from the planning process.**
REFUSAL

AGREED: **On the proposal of Councillor Clarke seconded by Councillor McAteer it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications on the Addendum List: -**

Item 10 – LA07/2017/0786/F – Walter Watson – Replacement dwelling and detached garage – 4 Drumnaquoile Road, Castlewellan.
REFUSAL

Item 18 – LA07/2017/0345/0 – Martin Magee – proposed replacement dwelling – between 35 & 37 Ballydesland Road, Warrenpoint.
REFUSAL

Item 20 – LA07/2015/0896/0 – Aileen Quinn – Dwelling and detached garage on a farm – 150 metres north west of 12 Old Town Road, Cullyhanna.
REFUSAL

Item 22 – LA07/2015/1171/F – Mr J Hughes – proposed two storey dwelling and detached garage – 30m NE of 6 Main Street, Camlough, Newry.
APPROVAL

Item 25 – LA07/2017/0957/0 – Gerard Callan – New dwelling and garage on infill site – 70m NW of 12a Annaghgad Road, Crossmaglen.
REFUSAL

Item 35 – LA07/2017/0808/F – EDB Construction – Removal of Condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing – Lands between The Sacred Heart Grammar School and Newry High School, Ashgrove Avenue, Newry.
REFUSAL

Item 37 – LA07/2017/0964/0 – Olga Fitzpatrick – proposed new dwelling (under policy CTY 2a) – adjacent to and rear of No. 19 Moygannon Road, Warrenpoint.
REFUSAL

Item 40 – LA07/2017/1442/F – Newry, Mourne & Down District Council – Proposed extension and upgrades to existing bowling pavilion to include new

changing rooms and new external cladding – Warrenpoint Bowling Green, Clonallon Park, Warrenpoint.

APPROVAL

Item 42 – P/2014/0186/F – Gibson (Banbridge) Ltd – Infilling of field with approximately 25,000m³ of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off – 400m east of 24 Carnbane Way, Newry.

REFUSAL

P/139/2017: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following applications from the schedule: -

- **Item 13 – LA07/2017/1077/0** – Mr Eammon O'Rourke – dwelling on a farm including garage – lands to the south-east of 32 Dromara Road, Leitrim, Castlewellan – **This application was being removed from the schedule at the request of Councillor Murnin, as the agent was unable to attend the Meeting.**
- **Item 19 – LA07/2015/0682/0** – Brian O'Hare – Site for replacement dwelling – opposite No. 5 Glen View, Moneymore Road, Newry – **Application removed from the schedule for Planners to consider additional information received.**
- **Item 24 – LA07/2016/0104/F** – Patrick Hamill – Metal shelter over car wash – 60m north west of 201 Concession Road – **This application had been formally withdrawn from the planning process.**
- **Item 8 – LA07/2017/0625/F** – Paul Addis – Proposed replacement dwelling – 70m NE 47 Ballynahinch Road, Drumaroad, Castlewellan – **withdrawn from the Schedule on the advice of the Chief Planning Officer.**
- **Item 33 – LA07/2017/0791/F** – MC Developments Ltd – Private Housing Development consisting of the demolition of No. 12 Church Hill, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works. (Amended entrance) – Land at and to the rear of No. 12 & No. 14 Jonesborough Village, Edenappa, Jonesborough, Newry – **Application removed from the schedule at the request of Planners to await consultation response from Transport NI.**
- **Item 36 - LA07/2017/0868/F** – Daniel King - Replacement dwelling for remains of existing structure located in an agricultural yard - 40m NW of 117 Concession Road, Crossmaglen - **Withdrawn from the schedule at the request of the Chief Planning Officer**
- **Item 38 – LA07/2017/1115/F** – Gerard & Tracey Winters – Proposed replacement dwelling (change of house type to previously approved

application LA07/2016/1400/F) – 33 Tyrone's Ditches Road, Poyntzpass – **Amended plans received which means approval would issue as a delegated matter.**

- **Item 39 – LA07/2017/1138/F** – Bernard Morgan – erection of agriculture buildings – adjacent to and immediately SE of 1 Newtown Court, Newtown Road, Cloghogue, Newry. **This planning application was deferred to the December Planning Committee Meeting.**

The following applications were then determined by the Committee:

(10.10 am - Councillors Devlin, Larkin, McAteer and Ruane withdrew from the Meeting).

(1) P/2009/1336/F – Mr J C Campbell

Location:

68 to 72 & 74 Shore Road, Rostrevor

Proposal:

Proposed new 70 bed Nursing Home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking) – Economic Impact Assessment received.

Conclusion and Recommendation from Planning Official:

Refusal

Mr McKay said this planning application had previously been determined by Committee but following legal advice the Council had rescinded the decision taken and it was now back before Committee. Since the application had been considered Council had received information in the form of an economic impact appraisal and this was the subject of the third Case Officer report. This new information had been neighbourhood notified and sent to objectors and a further 42 objections had been received.

Mr McKay advised it was the view of the Planning Department that the economic appraisal did not carry determining weight and did not override the other planning issues as set out in the report.

Mr McKay also said that a meeting had been held on 7 November 2017 between objectors and the applicant and agent and a note of this meeting could be made available if requested. However he said it would be fair to say there had not been a meeting of minds.

Speaking rights:

Colum Sands on behalf of the groups Rostrevor Action Respecting the Environment (RARE) and Love Your Lough presented in objection to the application.

Speaking rights:

Richard O'Toole, Planning Consultant; Eamon Larkin, agent and Colin Campbell, applicant, presented in support of the application.

Councillor Murnin proposed and Councillor Hanna seconded to issue an approval in respect of Planning Application P/2009/1336/F contrary to officer recommendation on the basis of the following:

1. The proposed plan would provide more than 3000 sq metres of open space on the site, this equates to 30% which is 20% more than that required.
2. The proposed plan was in keeping with Policy LC1 in that:
 - It was not in an established residential area
 - Historically there was a four storey hotel with shops located on the site and the proposed design was of a similar scale and mass.
 - Locally sourced Mourne granite would be used in the build and the use of indigenous materials would not have a harmful affect – this has been confirmed by NIEA.
3. The proposal would add to the character of the area.
4. The economic appraisal showed that the proposal would create a benefit to the local and wider area and add to the long term sustainability of the area. It would also provide benefits in terms of jobs during the construction phase.
5. There was an ageing population with an increasing risk of higher instances of Alzheimer's and dementia and the residential home would be a much needed facility.
6. The proposal would have minimal impact on tourism and the environment.
7. There would be an improvement to road safety with the reduction in the number of entrances.

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

FOR: 6
AGAINST: Nil
ABSTENTIONS: Nil

AGREED: It was agreed to approve planning application P/2009/1336/F – Mr J C Campbell, contrary to officer recommendation for the reasons outlined above and that Planning Officials be delegated authority to impose relevant conditions.

Abstentions: 0

(10.55 am – Councillors Devlin, Larkin, McAteer and Ruane re-joined the meeting).

(2) LA07/2015/0590/F – Mr Brian Annett

Location:

Dromore Road to rear of 10 Riverside Road, Ballynahinch

Proposal:

Proposed 3 no. detached dwellings

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Malcolm Kee, agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2015/0590/F as per the Management Development Officer Report with the condition that a hedge being removed at the entrance to the site be replaced with a safety barrier and the provision of a fence to address issues of overlooking at the rear of the properties.

It was also agreed that Planning Officers be granted approval to issue the decision under delegated authority.

(3) LA07/2016/1447/0 – Ballyhosset Properties Ltd

Location:

Site No. 5 between 67 Ballyhosset Road and 3 Holly Lane, Ballyhosset Road, Downpatrick

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, agent, presented in support of the Application.

Councillor Larkin proposed and Councillor Hanna seconded to issue a refusal in respect of Planning Application LA07/2016/1447/0 as per the Management Development Officer report.

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

FOR:	10
AGAINST:	Nil
ABSTENTIONS:	Nil

The proposal was declared carried.

AGREED: It was agreed to issue a refusal in respect of Planning Application LA07/2016/1447/0 as per the Management Development Officer report.

Abstentions: 0

(4) LA07/2017/1224/F – Mr Aaron Ross

Location:

16 Killybawn Road, Saintfield

Proposal:

Storage unit for keeping of vintage vehicles at 16 Killybawn Road, Saintfield

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, agent, presented in support of the application.

Councillor Hanna proposed and Councillor McAteer seconded to issue a refusal in respect of Planning Application LA07/2017/1224/F as per the Management Development Officer report.

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

FOR: 10
AGAINST: Nil
ABSTENTIONS: Nil

The proposal was declared carried.

AGREED: It was agreed to issue a refusal in respect of Planning Application LA07/2017/1224/F as per the Management Development Officer report.

Abstentions: 0

(5) LA07/2017/0770/F – Mr & Mrs J McPolin

Location:

No. 13 Downpatrick Road, Ballynahinch

Proposal:

Proposed detached garage, rear extension to dwelling and extended site curtilage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Paul Hamilton, agent, and Jason McPolin, applicant, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue a refusal in respect of Planning Application LA07/2017/0770/F as per the Management Development Officer report.

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

FOR: 6
AGAINST: 4
ABSTENTIONS: Nil

The proposal was declared carried.

AGREED: It was agreed to issue a refusal in respect of Planning Application LA07/2017/0770/F as per the Management Development Officer report.

(6) LA07/2017/0894/0 – Ryan Morgan

Location:

60m west of 3 Kirk Lane, Tullyree Road, Kilcoo

Proposal:

Proposed dwelling (6.5m ridge) and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Baillie, agent, and Ryan Morgan, applicant, presented in support of the application.

Following discussion, a proposal to overturn the officer's recommendation was made by Councillor Devlin and seconded by Councillor Clarke on the basis that there was enough supporting evidence to conclude that the farm business was active.

Mr McKay reminded Councillors Devlin and Clarke that this application had been presented to the Committee on a previous occasion, and although the agent and applicant were not present on that occasion, the only change in the evidence presented was that the applicant was now renting land.

Both Councillors Devlin and Clarke, having considered Mr McKay's remarks agreed to uphold their original proposal.

Councillor Devlin proposed and Councillor Clarke seconded to issue an approval in respect of Planning Application LA07/2017/0894/0 contrary to officer recommendation on the basis that there was sufficient evidence to prove that the applicant's farm business was active and that the proposed dwelling would cluster with existing buildings

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

FOR: 9
AGAINST: 1
ABSTAINATIONS: Nil

The proposal was declared carried.

AGREED: It was agreed to issue an approval in respect of planning application LA07/2017/0894/0 contrary to officer recommendation on the basis that there was sufficient evidence to prove that the applicant's farm business was active and that the proposed dwelling would cluster with existing buildings.

It was also agreed Planning Officers be granted authority to impose any relevant conditions.

(7) LA07/2017/1174/0 – Mr B McCartan

Location:

Approx 18m north of 156 Downpatrick Road, Ballynahinch

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Conor Hughes, agent, presented in support of the application.

Councillor Clarke proposed and Councillor Ruane seconded to issue a refusal in respect of Planning Application LA07/2017/1174/0 as per the Management Development Officer Report.

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

FOR: 8
AGAINST: 2
ABSTENTIONS: Nil

The proposal was declared carried.

AGREED: It was agreed to issue a refusal in respect of planning application LA07/2017/1174/0 as per the Management Development Officer Report.

(8) LA07/2015/0662/F – Frank Clerkin

Location:

170m north west of 107 Kilbroney Road, Rostrevor

Proposal:

Additional farm shed

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Aidan Cole, agent, Conor Hughes, Planning Consultant, and Mr McCullough, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2015/0662/F and arrange a Members' site visit to assess the visual impact of the proposed additional farm shed.

Abstentions: 0

(9) LA07/2017/0937/F – Mr & Mrs P McGurk

Location:

79 Bryansford Village, Newcastle

Proposal:

Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated site works and landscaping

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin Stewart and Michael Graham agent, presented in support of the application.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2017/0937/F to allow for further discussions with Planning Department to review and consider the revised plans submitted and that this application be taken back to Committee as soon as possible

Abstentions: 0

(2.30 pm – Councillor Clarke withdrew from the meeting)

(10) LA07/2015/0456/F – Richard Nummy**Location:**

35m south of 93 Belfast Road, Newry

Proposal:

Relocation of access to that approved under planning approval P/2010/1452

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Douglas Black, agent, Denise Nummy, applicant, and DEA Councillor D Taylor presented in support of the application.

Mr Laughlin from the Department for Infrastructure stated as per DFI Roads Policy, this was a protected route outside of development limits and the proposed relocation of access was currently approved for agricultural use only. He expressed concern about creating a precedent on a protected route that required stringent controls to minimise dangerous manoeuvres.

Councillor McAteer proposed and Councillor Macauley seconded to issue an approval in respect of Planning Application LA07/2015/0456/F contrary to officer recommendation on the basis that there were exceptional circumstances in that the original access was no longer available to the applicants and consequently they were land locked and that it was the view of Members that an approval would not comprise the objectives or safety of a protective route as there was already an existing agricultural access in use.

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

FOR: 5
AGAINST: 4
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: It was agreed to issue an approval in respect of planning application LA07/2017/0456/0 contrary to officer recommendation on the basis that due to the special circumstances the previously approved access to the property was no longer available to the applicant and there was already an existing agricultural access at the proposed location.

It was also agreed Planning Officers be granted authority to impose any relevant conditions.

(3.10 pm - Councillors Casey and Devlin withdrew from the meeting.
- Councillor Clarke re-joined the meeting)

(11) LA07/2015/1306/F – Mr J McMahon

Location:

114m east-south-east of 83 Clonallan Road

Proposal:

Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central Courtyard

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Richard O'Toole, Planning Consultant, and John Harkness, Architect, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2015/1306/F to allow for further discussions between the applicant, Planning Officials and relevant statutory bodies particularly in relation to the need to exhaust all possibilities at the Greenpark Road site regarding access issues etc.

(3.40pm – Councillors McAteer left the meeting
- Councillors Casey, Clarke and Devlin withdrew from the meeting)

(12) LA07/2016/0733/F – Robert Hollywood

Location:

Approximately 80m west of No. 34 Church Road, Forkhill, Newry

Proposal:

Erection of agricultural sheds & slurry tank

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent, presented in support of the application.

Councillor Murnin proposed and Councillor Larkin seconded to approve Planning Application LA07/2016/0733/F contrary to officer recommendation on the basis that following a site visit Members were of the opinion that the proposed site represented a planning gain as it would be situated in a dip which would allow it to visually integrate into the landscape and also that the shed was needed for the efficient running of the farm.

It was also proposed there should be only one shed on the site and amended plans be submitted to Planners.

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

FOR: 4
AGAINST: 2
ABSTENTIONS: Nil

The proposal was declared carried.

AGREED: It was agreed to issue an approval in respect of planning application LA07/2016/0733/F contrary to officer recommendation on the basis that the site integrated into the landscape and the shed was needed for the efficient running of the farm.

It was also agreed Planning Officers be granted authority to impose any relevant conditions including a condition that there should only be one shed on site.

(4.00 pm – Councillor Devlin, Councillor Casey and Councillor Clarke re-joined the meeting)

(13) LA07/2017/0823/0 – Adrian McParland

Location:

Adjacent and 30m SW of 20 Newry Road, Belleek, Armagh

Proposal:

Site for dwelling and garage (Policy CTY8)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0823/0 as per the Management Development Officer report.

Abstentions: 0

(14) LA07/2016/1632/0 – Jason Fegan

Location:

Lands 45m north west of No. 12 Upper Knockbarragh Road, Warrenpoint, BT35 3DL

Proposal:

Proposed farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin Dalton, agent, presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/1632/0 to allow Planning officials to re- examine the application.

Abstentions 0

(15) LA07/2017/0180/F – Derek & Rachel Elmore

Location:

Directly opposite and east of Nos. 1 and 1a Alexander Drive, Warrenpoint

Proposal:

Proposed 1 No. detached dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barney Dinsmore, agent, presented in support of the application.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2017/0180/F to allow further discussions between the agent/applicant and Planning officials in view of the additional land acquired to the side and front of the site by the applicant.

It was also agreed Planning Officers be granted approval to issue the decision under delegated authority.

(16) LA07/2017/1168/F – Thomas McDonald

Location:

200m North of 11 Carewamean Road, Carrickbroad, Dromintee, Newry

Proposal:

Change of house type to that approved under P/2004/0123/0 and P/2006/2102/RM

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Bernard Dinsmore, agent, and Mr McDonald, applicant, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2017/1168/F contrary to the officer recommendation on the basis that the original Planning Application P/2007/1090/F was preserved.

It was also agreed Planning Officers be granted authority to impose any relevant conditions including a condition of a ridge height of 6m.

Abstentions 0

(4.55 pm – Councillor Devlin left the meeting)

(17) LA07/2017/0563/0 – Mr John Morgan**Location:**

Land 20m north of 24 Ballyvally Road, Mayobridge

Proposal:

2 no. dwellings with detached garages to the rear

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Conor Foy, agent, presented in support of the application.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2017/0563 as per the Management Development Officer report.

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

FOR: 6
AGAINST: Nil
ABSTENTIONS: 2

The proposal was declared carried.

AGREED: It was agreed to issue a refusal in respect of Planning Application LA07/2017/0563 as per the Management Development Officer report.

(18) LA07/2017/0687/F – Steven & Diane Campbell

Location:

30m north of 94 Greencastle Road, Kilkeel

Proposal:

Infill site for new dwelling and garage in existing cluster (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Emma Speers, agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2017/0687/F as per the Management Development Officer Report.

Abstentions **0**

(19) LA07/20170798/F – Phelim Burns**Location:**

185m NE of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen

Proposal:

Proposed agricultural storage shed

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gary McArdle, agent, and DEA Councillor T Hearty presented in support of the application.

AGREED: On the proposal of Councillor Casey seconded by Councillor Larkin it was agreed to defer Planning Application LA07/20170798/F at the request of the Chief Planning Officer to allow time to reconsider all relevant information.

Abstentions: **0**

FOR NOTING

P/140/2017: **PLANNING COMMITTEE MEETING PERFORMANCE REPORT OCTOBER 2017**

Read: Planning Committee Performance Report October 2017. **(Copy circulated)**

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

October 2017.**P/141/2017: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives from April 2017 – October 2017. **(Copy circulated)**

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

P/142/2017: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – October 2017. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions October 2017.

P/143/2017: CO-OPERATION IRELAND – STUDY VISIT – THE ALL ISLAND LOCAL AUTHORITY FORUM TO ROSCOMMON COUNTY COUNCIL – 23 NOVEMBER 2017

Read: Invitation from Co-Operation Ireland for Study Visit to The All Island Local Authority Forum to Roscommon County Council on 23 November 2017. **(Copy circulated)**

AGREED: It was agreed that Councillor Clarke would attend the Co-Operation Ireland Study Visit – The All Island Local Authority Forum in Roscommon County Council on 23 November 2017 and that details be circulated to Members of the Planning Committee who had left the meeting at this point.

P/144/2017: MANAGEMENT OF PUBLIC ATTENDING COUNCIL/ COMMITTEE MEETINGS

Councillor Larkin raised the issue of limiting the number of public representatives permitted in the Chamber at Planning Meetings stating that it could be a health and safety risk to have people standing at the back of the chamber. He also asked that the issue of protest banners being brought into the Chamber should be discussed.

Councillor Ruane also said the management of the public attending Council Meetings and other Committee Meetings should also be considered.

AGREED It was agreed to refer this matter to the Party Representatives' Forum Meeting to be held in November 2017.

The Meeting concluded at 5.45pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 6 December 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 6 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 6 December 2017

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

- **Item 14** LA07/2017/0725/F - Mitch Murphy & Simone Curtis - 2 storey farm dwelling - Site 350 metres SW of 56 Coolderry Road, Crossmaglen **REFUSAL**
- **Item 16** LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield **REFUSAL**
- **Item 19** LA07/2017/0868/F - Daniel King - Replacement dwelling for remains of existing structure located in an agricultural yard - 40m NW of 117 Concession Road, Crossmaglen **REFUSAL**
- **Item 25** LA07/2017/1290/F - Patrick Cunningham - Proposed replacement dwelling - 26 Levallyreagh Road, Rostrevor **REFUSAL**
- **Item 27** LA07/2017/1310/F - Mr & Mrs Peter McArdle - Erection of a dwelling and garage - Adjacent to and South of 98 Forkhill Road, Newry **REFUSAL**
- **Item 29** LA07/2017/1336/RM - Mr & Mrs P Smyth - Proposed dwelling and garage - 61B Sabbath Hill Road, Ballymartin **APPROVAL**
- **Item 34** P/2012/0568/0 - Paul McCourt - Site for dwelling with detached garage - 50 metres East of 34 Divernagh Road, Bessbrook **REFUSAL**

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**PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION**

Council Newry, Mourne and Down

Date 06/12/2017

ITEM NO	1			
APPLIC NO	LA07/2015/0109/F	Full	DATE VALID	01/04/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Kelly Brothers Building Contractors Milltown East Industrial Estate Upper Dromore Road Warrenpoint BT34 3PN		AGENT	Milligan Reside Larkin MRL House 56 Armagh Road Newry BT35 6DN
LOCATION	Site to the rear and south east of No's 7 8 9 10 11 12 12a & 14 Warren Hill and to the rear and north east of No's 2 4 4a & 6 Greenan Road Newry BT34 3FN			
PROPOSAL	Housing development of 40 No. dwelling units (20 No. detached and 20 No. semi-detached) with associated siteworks and parking			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	30	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0109/F

Date Received: 31st March 2015

Proposal: Housing development of 40 No. dwelling units (20 No. detached and 20 No. semi-detached) with associated siteworks and parking

Location: Site to the rear and south east of No's 7, 8, 9, 10, 11, 12, 12a & 14 Warren Hill and to the rear and north east of No's 2, 4, 4a & 6 Greenan Road, Newry, BT34 3FN

Site Characteristics & Area Characteristics:

This is a large undeveloped sloping site. It was formerly a number of distinct fields which have been merged during recent vegetation and rock clearance and drainage works. It has a narrow frontage onto Old Warrenpoint Road between the entrances to Warren Hill and Greenan Road. A dwelling has been demolished here to make a route through to the main development site to the rear of the existing residential development. The land slopes up steeply from the entrance at the SW side to the NE boundary of the site. There are large piles of rocks across the site that have been excavated. New drains have been created towards the Commons Stream on the SE site boundary. There is a wooded area beyond this. There are 15m high conifers along part of the SW boundary. Other boundaries are relatively sparsely vegetated.





The site is within the development limit of Newry City as defined on the Banbridge, Newry & Mourne Area Plan 2015. The land is zoned for housing (NY44). It is located towards the southern edge of the city in a predominantly residential area. Most houses in the area are detached with a few semi-detached.

Site History:

A previous application (P/2003/1193/F) for 26 dwellings on the zoned site was refused on 15th December 2010, on grounds of unsuitable access. It relied on access through Warren Hill, but this road was considered unsuitable for intensification of use. The decision was appealed and the appeal was dismissed on 10th August 2012 (Ref: 2010/A0275).

The developer now seeks access direct from Old Warrenpoint Road. This has been made possible by the demolition of a former dwelling (No. 38). Demolition of this dwelling to provide an access road to a future housing development was approved under application P/1999/1688/O on 28th January 2000. An informative on the decision stated that it could serve up to a maximum of 25 dwellings. This access is now in place on site, though in a slightly different position to the proposed access under the current application for 40 dwellings.

Planning Policies & Material Considerations:

- o The NI Regional Development Strategy 2035
- o The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- o Banbridge, Newry & Mourne Area Plan 2015
- o PPS3 – Access, Movement & Parking
- o DCAN15 – Vehicular Access Standards
- o Parking Standards
- o PPS6 – Planning, Archaeology and the Built Heritage
- o PPS7 – Quality Residential Environments – Policy QD 1
- o Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- o PPS8 – Open Space, Sport and Outdoor Recreation
- o DCAN8 – Housing in Existing Urban Areas
- o PPS12 – Housing in Settlements
- o PPS15 – Planning and Flood Risk
- o A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

- Creating Places
- Living Places Urban Stewardship and Design Guide

Consultations:

TransportNI – Initially recommended refusal as the proposed access was too close to two other road junctions and the close spacing would lead to conflicting vehicular movements. Following protracted correspondence between the applicants and TransportNI, TransportNI confirmed in a note from the Network Planning Manager that it would accept the proposed 30 metre junction stagger. Following clarification of the reasons for this change of opinion, further negotiation took place regarding the internal layout, gradients, etc. A final response on these matters remains outstanding. The corporate position of TransportNI remains that the access from Old Warrenpoint Road is now acceptable. On this basis, the application is being brought forward for approval.

NI Water – Water and sewerage capacity available. No storm sewer available.

Environmental Health – No objections provided public sewerage is used

NIEA Water Management Unit – Standard conditions and informatives

Loughs Agency – Standard conditions and informatives

Rivers Agency – Given some history of surface water flooding in the area, approval for discharge to the Commons Stream will be limited to greenfield run off rates.

Following several changes to the Drainage Assessment and drainage layout, the drainage proposals have now been agreed (see consultation response dated 21st September 2017). They will incorporate an attenuation system at two separate locations within the site to control the discharge rate.

Objections & Representations:

The initial application and subsequent amendments were advertised in local newspapers on 29th May 2015, 1st April 2016 and 17th August 2017. 24 neighbouring properties were notified of the proposal on 9th June 2015, 18th March 2016 and 8th August 2017, as required under Article 8 (1)(b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Objections were received from the following addresses:

- 6 Greenan Road
- 8 Greenan Road
- 40 Old Warrenpoint Road
- 41 Old Warrenpoint Road
- 11 Warren Hill
- J L O'Hagan & Co. Ltd, 10 Abbey Yard
- MRA Partnership, 10 Holland Gardens, Belfast
- Mr Glenn McKay (original address removed at objector's request; no local address given)
- Karen McKevitt MLA (highlighting the concerns raised by neighbours)
- One anonymous objection

The objectors raised two main issues with the proposal: road safety and flood risk.

1. **ROAD SAFETY:** They highlighted the close proximity of the three road junctions and the previous appeal determination regarding the local road network, as well as accidents that had occurred at this location. They felt that the proposed access from Old Warrenpoint Road would make the situation more dangerous and that it did not meet published standards in DCAN15. Following the change of opinion by TransportNI regarding junction stagger, a number of objectors queried the revised stance. These letters were forwarded to TransportNI for comment and clarification on their position. A number of further consultation responses were received indicating how this corporate opinion was reached. Whether or not the position adopted by TransportNI is strictly in accordance with published standards including DCAN15, we have sought clarification on TransportNI's stance and have no sustainable reason to go against the advice of our expert consultee on road safety matters. As TransportNI has confirmed that the access arrangement is considered safe, the concerns raised by objectors on this point cannot be given determining weight.
2. **FLOOD RISK:** There is a history of surface water flooding in the area and a number of properties were damaged in severe storm events over the last few years. Several objectors were rightly concerned that additional hard surfacing on this site would increase the risk of their homes being flooded. The original Drainage Assessment submitted did not acknowledge this problem. Rivers Agency advised that discharge to the Commons Stream would be limited to the green field run off rate to ensure there was no increase in flood risk. The Drainage System within the site was subsequently designed in two separate sections with attenuation tanks that will strictly control the discharge rate. Based on this information and several amendments to the Drainage Assessment, Rivers Agency has confirmed that the concerns raised by objectors in regard to flooding have been satisfactorily addressed and the development will not result in an increase in flood risk.

Letters of support was received from Newry Chamber of Commerce and the Construction Employers Federation on behalf of the applicant, citing the economic benefits of approving the application. Former MP Margaret Ritchie has also expressed support for the application on numerous occasions, both while an elected representative, and subsequently as a lobbyist.

Consideration and Assessment:

The proposal fell within the threshold of Category 10 (b) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015. On 24th August 2015 the Council determined that there would be no likely significant environmental effects and an Environmental Statement would not be required.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located within the settlement limit of Newry City on the above Plan, and is zoned for housing development (NY44). There are no Key Site requirements. The proposal is in accordance with the extant Area Plan. The higher

ground immediately east of the site is zoned as a Local Landscape Policy Area (NY134) as it forms the setting of this part of Newry. The original proposal indicated future development extending into these areas and adjacent access roads, but we have secured amendments to the plans that reduce access to these areas and introduce buffer planting along the development limit. This will help to preserve the setting of the settlement as envisaged by the LLPA designation.

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development. Of particular relevance to this application is the aim of supporting good design and positive place making while preserving and improving the built and natural environment. The SPPS also notes the importance of supporting sustainable economic growth. The economic benefits of the proposed investment in this site by a local construction firm are acknowledged.

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as it will increase the housing density in this area without erosion of local character, environmental quality or amenity. The proposed housing density of 15 dwellings per hectare is a modest increase on neighbouring development at Warren Hill (10 dph). Both these densities remain relatively low to take account of the sloping nature of the sites. It is considered a sustainable form of development as it is within a defined settlement limit on zoned housing land. There are local facilities and services as well as public transport available at walking distance from the site. A mix of house types and sizes is provided to promote choice and assist in meeting community needs. No specific need for social housing has been identified.

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 in accordance with policy QD1 of PPS7. The design concept draws upon the positive aspects of the character and appearance of the surrounding area. The layout respects the topography of the site and the scale of adjacent buildings. The dwellings are traditionally designed and proportioned with chimneys on the ridge line to provide a varied roofscape. Most have hipped roofs and the external finishes including blue/black tiles or slates, rendered walls and Georgian style windows will result in a high quality urban development that draws upon local traditions of form, materials and detailing. There are no existing archaeological, built heritage or landscape features that need to be integrated into the design.

A particular challenge on this site is the topography with a vertical rise of 35m from the bottom to the top of the site. This has implications for access, landscaping and residential amenity. TransportNI raised concerns with the proposed 1 in 10 gradient of the access road. They felt that only short distances of road should be as steep as this. However, since the road design guidance in *Creating Places* indicates that 1 in 10 is acceptable, without qualification, and given the nature of the zoned site, it is considered that a constant 1 in 10 gradient is the only viable means of accessing the entire site. The topography will result in dwellings on the upper slopes being sited above those below and the need for some retaining structures up to 3m high.

Through the course of the application, the Council has sought clarification and refinement of the design of the retaining walls to reduce any unacceptable impacts. It is acknowledged that these are a feature of housing developments in the local area given the nature of the landscape. There will be planted buffer zones between any double retaining walls that will soften their visual impact and as they mature will limit any unacceptable overlooking or loss of privacy between dwellings. Back-to-back separation distances exceed the normal requirement of 20m and in some cases are up to 35m with intervening planting where the differences in levels are most severe. There will also be buffer planting along much of the northern site boundary with Warren Hill, the southern boundary with dwellings on Greenan Road and the eastern boundary which is adjacent to the development limit and Local Landscape Policy Area. A detailed landscaping plan has been provided with a suitable mix of 138 trees up to 4m high and other woodland planting. This is accompanied by a long term landscape management plan which will be conditioned to ensure that the external public spaces remain in a good visual, safe and hygienic condition. It is considered that provided this scheme of landscaping is implemented, it will deal satisfactorily with the topographical constraints of the site without detriment to amenity.

As part of the landscaping proposals, areas of public open space will be created within the development, principally at the southern edge of the development at the bend in the access road, and also adjacent to the site entrance from Old Warrenpoint Road. The main area of open space will be made relatively level, notwithstanding the surrounding topography, so that it would be of demonstrable recreational or amenity value. This will require somewhat unnatural cutting and filling, though this is necessary to create a level usable area and also to contain part of the drainage attenuation system beneath. The developer originally proposed a house in the area beside the Old Warrenpoint Road, but the Council sought the removal of this unit which was not in keeping with the established building line and this will result in a softer landscaped entrance feature for the development. The entrance will be defined by a 1.1m high rendered wall with black metal railings above. The total public open space and landscaped amenity areas provided as part of the development exceed the 10% of the site area requirement in policy OS2 of PPS8 and are considered appropriate to the nature of the site. The dwellings have generous rear gardens, the average size of which exceeds that required by *Creating Places*. Although some of the rear gardens will be constrained by retaining structures, they also benefit from front gardens with some amenity value and views over the wider landscape. As this is a 'local' application, it is not considered that the scale of the development would warrant the provision of further neighbourhood facilities by the developer.

There will be traffic calming measures within the site including a raised table and speed humps, Armco safety barriers and pedestrian guard rails. There will be no impact on public rights of way. Each dwelling will have two in-curtilage parking spaces and there will be additional visitor parking available on-street, which is acceptable under Annex A of *Parking Standards*. There will be a shared private drive for 8 dwellings at the top of the site. This will have a lesser impact than a full standard carriageway. Bin storage is provided for these dwellings at the end of the adopted road. We await a final consultation response from TransportNI regarding the internal layout, but any further changes required should not affect the principle and basic layout of the development.

The buildings have been designed to ensure no conflict with adjacent land uses (other residential properties) through overlooking, loss of light, overshadowing, noise or other disturbance. One house type has a first floor balcony in the gable, but its siting and orientation is such that there will be no unacceptable overlooking. The layout will ensure informal surveillance of public areas and no access to the rear of dwellings, helping to deter crime and promote personal safety. The pattern of development is in keeping with the overall character and environmental quality of the established residential area.

The development will be connected to the existing mains sewer which has the capacity to serve 40 more dwellings. A condition should be imposed to ensure that development does not commence until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted, in the interest of public health. Given a history of surface water flooding in the area during extreme storm events, the drainage arrangements are more complex. The upper part of the site will drain to a large attenuation tank in the area of open space. This will then discharge through a hydrobrake at a rate of 4.1l/s (green field run off rate) to the Commons Stream. Rivers Agency are now content that this will not increase flood risk to surrounding properties. The lower part of the site will drain to a smaller attenuation tank at the site entrance, and then discharge at a rate of 2.4l/s to the combined sewer on Old Warrenpoint Road. A condition will require that no development commences until consent for this discharge is granted by NI Water. Rivers Agency is satisfied with the final Drainage Assessment received 4th September 2017 and has provided standard informatives. Standing Advice from NIEA will also be included on the decision.

Finally, we must consider the matter of access to the public road. It is acknowledged that this delayed the processing of the application and is a matter of interpretation of the published Vehicular Access Standards. The key consideration is the spacing between this major access and existing junctions on Old Warrenpoint Road, namely the entrances to Warren Hill and Greenan Road which are on either side of the site. Paragraph 7.3 of DCAN15 states that "When the proposed and existing junction or access are on the same side of the road the spacing should preferably exceed $\frac{2}{3}$ of the minimum forward sight distance given in Table B and must be at least 30m." The minimum forward sight distance in this case is 80m. $\frac{2}{3}$ of this distance is 53m junction spacing. The initial position of TransportNI was that the 30m minimum requirement was only relevant to cases where the $\frac{2}{3}$ distance would otherwise be lower, i.e. in cases where the 'y' distance is less than 45m. In subsequent correspondence, the applicant's roads consultant, AECOM, argued that the 30m minimum applied in all cases as it did not state otherwise in the text. They argued that they could achieve the 30m distance from both entrances by minor alterations to the centre line of the two side roads and further stated that they have a live approval for an access here serving up to 25 units. This argument was put to TransportNI and escalated to the Network Planning Manager. After taking further internal advice, they accepted that a minimum separation distance of 30m would be acceptable in this instance. This change of opinion gave rise to significant local objection, details of which were passed to TransportNI for comment. The Planning Department also sought clarification from TransportNI that their interpretation of this requirement would be similarly followed in other cases. The Chief Planning Officer has met with TransportNI to seek such assurances in writing. Over the course of several consultation responses, they have advised that the position was arrived at using

experienced professional judgement having regard to the guidance and the particular traffic conditions and road junction arrangement at this site. They have stated that all future applications will continue to be treated as individual cases and their opinions will reflect assessment of the particular circumstances. While this does not necessarily provide the assurance sought by the Planning Department, or objectors, we are mindful of TransportNI's role as an expert consultee on road safety matters. The Planning Department could not lightly set aside their stated opinion that the proposed access arrangement is safe. Having questioned how the opinion was arrived at and having received several responses explaining the rationale from TransportNI, the application must now be determined.

TransportNI is satisfied that the proposed new access will not prejudice road safety or significantly inconvenience the flow of traffic, as required under policy AMP2 of PPS3. On this basis, the application is now recommended for approval. Objectors have stated that the minimum 30m spacing cannot be achieved to both sides, however, the agent has provided a drawing indicating how it will be achieved. A condition should be imposed requiring the access with 30m junction spacing to both sides to be in place and agreed in writing by the planning authority prior to the commencement of any other development. This will ensure that the housing development cannot go ahead until the minimum 30m spacing is achieved on the ground. Further conditions should be imposed requiring the submission of details of all roads to be adopted under the Private Streets (Northern Ireland) Order 1980, for agreement in writing by the planning and roads authorities, prior to commencement of development.

Having had regard to the development plan and all other material considerations, the proposal is considered a sustainable development that will not cause demonstrable harm to interests of acknowledged importance. It should therefore be approved.

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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.**
No other development hereby permitted shall be commenced until the roads and footways to be adopted within the development have been determined by DFI Roads and agreed in writing by the Council and the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 23 REV 3 bearing the date stamp 26 October 2017. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

3. No other development shall commence until the new access road to the site, including visibility splays of 4.5 x 88m and required forward visibility sight lines at the junction of the access with Old Warrenpoint Road, has been constructed to the satisfaction of DFI Roads. The dimensions and layout of the access arrangement shall be agreed in writing by DFI Roads and the planning authority and will provide for a minimum 30m junction stagger between the centre line of the new access and centre line of Greenan Road along with a minimum 30m junction stagger between the centre line of the new access and centre line of Warren Hill.

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

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

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

5. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per dwelling.

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

6. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

7. Any telegraph poles / street furniture to be re-sited to the rear of sight visibility splays and to the satisfaction of DFI Roads.

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

8. No dwellings shall be occupied until a Street Lighting scheme design has been submitted and approved by DFI Roads Street Lighting Section. The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by DFI Roads Street

Lighting Section. These works will be carried out entirely at the developer's expense.

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

9. All appropriate road markings and associated signage within the development and on the public road shall be provided by the developer/applicant in accordance with the Department's specification (Design Manual for Roads & Bridges) and as directed by DFI Roads Traffic Management Section prior to the development becoming occupied by residents.

Reason: In the interest of road safety and traffic progression.

10. The gradient of a private access should not exceed 8% for the first 5m outside the public road boundary and a maximum gradient of 10% thereafter.

Reason: In the interest of Road Safety.

11. The developer/applicant prior to the commencement of any road works shall provide a detailed programme of works and associated traffic management proposals to DFI Roads for agreement in writing. The developer/applicant shall contact DFI Roads Traffic Management prior to commencement of works on site to agree suitable positions for any existing road signage and traffic calming measures that will require being relocated as a result of this proposal.

Reason: To facilitate the free movement of roads users and the orderly progress of work in the interests of road safety.

12. If the finished ground level of any property is below the finished level of the adjoining footway or verge then a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

13. No development should take place on site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

14. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

15. Development shall not commence until the proposed discharge of storm water to the combined sewer in Old Warrenpoint Road has been agreed in writing by NI Water, or other arrangements for the disposal of storm water from the lower section of the site have been agreed with the relevant authority.

Reason: To prevent surface water flooding.

16. Discharge of storm water to the Commons Stream shall not exceed 4.1l/s (green field run off rate) unless otherwise agreed in writing with Rivers Agency.

Reason: To prevent surface water flooding.

17. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development in accordance with drawing No 19 REV 1 date stamped 03 August 2017.

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

18. 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.

19. The open space and amenity areas indicated on the stamped approved Drawing No. 19 REV 1 date stamped 03 August 2017 shall be managed and maintained in accordance with the Landscape Management Plan, Drawing No. 28 received on 03 August 2017. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

20. All storm water from the development site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollution of surface waters.

21. At least 8 weeks prior to commencement of development, a detailed earthworks management plan shall be submitted to the Council for agreement

in writing. This must include methods of control of run-off from working areas and mitigating measures to prevent pollution of watercourses during the construction phase.

Reason: To prevent pollution of surface waters.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

29 NOVEMBER 2017

**REF: PLANNING APPLICATION LA07/2015/0109/F; PROPOSED NEW ACCESS ONTO OLD WARRENPOINT ROAD
WRITTEN SUBMISSION TO BE PRESENTED AT PLANNING COMMITTEE MEETING ON 6TH DECEMBER 2017.**

Issues we will address

- In June 2015 and March 2016 Mr Laughlin of Transport NI recommended the application be refused on the grounds that adequate junction spacing of 53m could not be achieved and that the proposal would prejudice the safety and convenience of road users. In March 2016 Mr Nicholson of Transport NI overturned this recommendation and accepted a minimum junction spacing of 30m. We believe the wrong standard has been applied. No proper evidence has been given of Mr Laughlin's assessment or consultation in overturning the original decision.

Mr Nicholson to be requested to defend his recommendation on the basis of questions directed to him by Mr Glen McKay. Copy attached.

- Minimum standard should only be applicable in 'exceptional' cases.

Mr Nicholson to be asked to explain why this application is 'exceptional'.

- The minimum junction spacing of 30m cannot be achieved. This has been verified in writing to Planning by Richard Agus, Mr Glen McKay and myself. We have all taken the trouble to measure the junction spacing independently. Planning are recommending approval subject to a condition that before any work on the housing development can begin, the access must be put in place with the required spacing and this must be verified in writing by Transport NI and the Council. A planning condition should be reasonable, necessary and deliverable. Whilst there is no doubt that this condition would be reasonable and necessary on the grounds of Road Safety, it is not deliverable as the 30m junction spacing cannot be achieved. We have asked Transport NI (through Planning) to confirm on site their measurements for existing junction spacing – we have received no response.

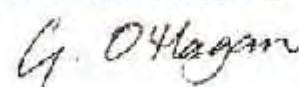
Mr Nicolson to confirm Transport NI on-site measurements in relation to existing junction spacing. If this has not been measured on site – why?

- The only way that a 30m junction spacing can be achieved is by modifying an existing public road. If the application involves modification of an existing public road network, the application requires conformance with RSPPG_E003 - If DMRB standards cannot be met or where safety may be compromised a formal application for a Departure or Relaxation from Standard must be made. It would appear that to achieve the 30m junction spacing the existing public road network must be modified. In this case the assessment by Transport NI is incorrect as it is only based on DCAN 15. We have asked Planning to advise if application requires modification of an existing public road – we have received no response.

Mr Nicolson to advise if the application involves modification of an existing public road network; if he accepts, that should this be the case, the application requires conformance with RSPPG_E003 - If DMRB standards cannot be met or where safety may be compromised a formal application for a Departure or Relaxation from Standard must be made.

Yours faithfully

J L O'HAGAN & CO LTD



Grainne O'Hagan (Director)

Grainne O'Hagan

From: Glenn Mc Kay <glenn_mckay1@hotmail.com>
Sent: 29 November 2017 00:39
To: Reynold.Nicholson@infrastructure-ni.gov.uk
Cc: dcu@infrastructure-ni.gov.uk; DfIRoads.Southern@infrastructure-ni.gov.uk; anthony.mckay@nmandd.org; gareth.kerr@nmandd.org; Grainne O'Hagan; Richard Agus
Subject: Planning Application LA07/2015/0109/F - Old Warrenpoint Road, Newry

Dear Mr Nicholson,

Planning Application **LA07/2015/0109/F** (Site to the rear and south east of No's 7 8 9 10 11 12 12a & 14 Warren Hill and to the rear and north east of No's 2 4 4a & 6 Greenan Road Newry BT34 3FN) has been recommended for approval on the basis of your consultation response of 23rd November 2017 and will be presented at the Planning Committee meeting on 6th December 2017.

As you have been invited to this meeting, can you confirm that you will be present to take questions in relation to the assessment undertaken by the Department and the processes and procedures applied to determine that a minimum junction of spacing of 30m (as per the absolute minimum standards within DCAN15) between the existing junctions of Warren Hill and Greenan Road is deemed suitable and would not increase the risk of accident or personal injury for motorised and non-motorised users that will use these short sequence of junction to access the Old Warrenpoint Road.

So that all parties can be fully prepared for this meeting, a range of questions and required information that demonstrates that your assessment has been technically competent and in conformance with the requirements befitting of the Department are set out below.

June 2015

In the Department's response of 23 June 2015, it was stated that the Department had considered **in detail** that the *"The proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to two road junctions where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at these junctions."* **Why did you change the position of the Department in this regard? What level (and evidence of) assessment was undertaken to determine this and by whom? Was the person who recommended this, not technically competent or experienced enough to do so? Can you provide a record of all the information that was used to determine this recommendation?**

March 2016

In the Department's response of 02 March 2016, consideration was given to the realignment of Greenan Road, which had been deemed by the applicant as an improvement scheme. **Can you please provide technical clarification how the Greenan road would be improved as per the design in the drawings submitted?**

The Department then considered the impact of modifying the Greenan Road to achieve the absolute minimum junction spacing standard as per DCAN 15. The Department's opinion was that in light of these changes the *"proposal is contrary to planning policy statement 3, access, movement and parking, policy amp 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to two road junctions where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction."* **Again, why did you change the position of the Department in this regard? What level (and evidence of) assessment was undertaken to determine this and by whom? Was the person who recommended this, not technically competent or experienced enough to do so? Can you provide a record of all the information that was used to determine this recommendation?**

May 2016

In your response of 23rd May 2016, you completely reversed the Department's stance and accepted the minimum junction spacing of 30m without providing any technical or substantive detail to qualify this positional change, and made absolutely no reference to the potential impacts upon the safety of existing and future road users. **Can you please provide technical and detailed clarification befitting of your position as Network Planning Manager as to why you overruled the Department's original position on this matter?**

June 2016

In your response of 29th June 2016, you responded to Ms O'Hagan and attempted to explain your position of accepting the absolute minimum junction spacing without technical or detailed clarification. You made reference to the use of DCAN 15 for applying the relevant road standards for such an application. As is evident from the response, the Department was aware that the development would require the modification of an existing at-grade priority junction (Greenan Road/Old Warrenpoint Road). **On this basis, why was this change not considered in accordance with RSPPG_E003 'Roads Service Design Standards' as per normal policy and procedure for such a change to the public road network, instead relying on a much lesser guidance document to ensure you could apply the absolute minimum standard?**

You may be aware that RSPPG_E003 is the TransportNI policy and procedure guide confirming the Design Manual for Roads and Bridges (DMRB) as the standard for all roads which are **maintainable** by the Department or are likely to become maintainable by the Department; except Housing Development Roads.

You noted in your response that “*Such standards like all material considerations need to be assessed in light of the particular circumstances of the individual case*” but provided no technical or detailed information as to why the circumstances in this particular case justified a reverse in the position taken by the Department. **This is unacceptable. Please provide technical and detailed justification so that we can at least be clearly informed. Why and whom within Development Control Team escalated the matter to you and what did the further submissions made by the applicant’s consultant contain to justify the change of position?**

Which senior colleagues in other divisions provided advice to you, when and what did it contain? Can you forward your records of this? The same applies to the other principal engineer within the Department. Can you provide the relevant details?

September 2016

In the Department’s response of 02 March 2016, which was in effect a response to my objection letter, it was decided to take any further consideration of this application out of the public eye and behind closed doors meetings. We also note that you provided a direct response to Ms O’Hagan which set a precedent, which in terms of balance and fairness you denied to me and I can only assume by holding meetings instead you ignored all pertinent road safety aspects that I raised in my objection. **It is very disappointing that you could not take the time to answer my questions when in your earlier responses; you are very assured in your technical competency and capability to reverse the Departments decision. Please provide a minute account of any meetings that took place so that we can be made aware of what was discussed?**

January 2017

In the Department’s response of 25th January 2016, it was decided to hold another meeting, perhaps not to draw the ire from the public? Again, unfair and lacking transparency.

September 2017

The Department’s response of 4th September 2017 reaffirmed your stance to accept the minimum possible junction spacing, again without detail or technical justification. It did however include a very odd sentence at the end of the 1st paragraph stating that your decision to reverse the Departments position was based simply “*an opinion based on experienced professional judgment which DFI Roads is entitled to make in its role as statutory consultee.* **This is extremely worrying that the change in stance is just based on an opinion without detailed consideration. An opinion of which the Planning Department within the Council is happy to accept. Are the road users potentially seriously affected by this development in terms of safety not entitled to more than just an opinion? Have you sought an ‘opinion from DFI HQ Network Development Branch if the decision was so finely in the balance?**

Furthermore, are the road users potentially seriously affected by this development in terms of safety not entitled to the Department following its own policy and procedure as per the requirements of RSPPG_E003 'Roads Service Design Standards' in particular its supplementary Director of Engineering Memorandum (DEM) 162/16: 'Scheme Design Approval Procedures for Non-Trunk Roads', which in the design of Non-Trunk Roads, where DMRB requirements cannot be met, a proportionate effort assessment procedure should be undertaken?

Effective from 20/10/16, the DEM requires that a Scheme Design Overview is completed and approved by the Divisional Manager. As stated in the DEM, those involved in the delivery of a non-trunk road scheme must apply an appropriate effort approach to ensure that the depth of assessment carried out is proportional to the scale and complexity of the scheme, and the likely risks. The applicability of 'exceptional circumstances' shall be determined on a site specific basis by Division in consultation with DfI HQ Network Development Branch - **can we see the evidence of this consultation?**

November 2017

In your response of 23rd November 2017, I note that you set out that the Department's preference is a junction spacing which should preferably exceed two thirds of the minimum forward sight distance given in Table B in DCAN15 (56m). Your submission then goes on to give an account of how you were lobbied by the developer and then you make reference to the developer consultant's arguments and submission driving the lowering of the accepted standards. **What about the objector's arguments and submissions? Why are these not factored into your final submission? To what extent did the developer or their consultant's influence your opinion? Where is the balance, the fairness? The bias demonstrated in your account is astoundingly in favour of the developer.**

Can you provide detailed account of your consideration of the health & safety impacts – you make no reference in any response given to the safety and convenience of road users since the proposed access is located in close proximity to two road junctions where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction. Why will a refusal be unsustainable on appeal?

You will appreciate that we need this information urgently and well in advance of the 6th December, in order to make appropriate representation at committee.

Looking forward to hearing from you,

Best Regards,

Glenn

Briefing

Greenan Road, Newry (LA07/2015/0109/F)

November 2017

The Development

1. Kelly Brothers submitted an application to develop lands at this site for a private residential development comprising 40 new dwellings in March 2015. The application is now **recommended for approval** Planning Committee meeting on 6th December 2017.
2. As detailed in the case officer's report the application the general layout and density of development is assessed to meet all relevant planning policy tests. The design and layout of the buildings, impact on residential amenity, access and road safety, flood risk and drainage are all considered.
3. The application has been amended during the application process to take account of further information requested by the Council and in response to local representations and objections.
4. This note provides a factual summary of the detail of the application and outlines the merits of what will be a **£6 million** investment with wider spin-off of **£18 million** into the local economy.
5. In doing so our aim is to say why we agree with the case officer's recommendation to approve and explain to members and any other interested why the objections carry no substantive weight.

Design Features

6. The ambition is to deliver a high quality residential development on this site, including
 - Detached and semi-detached dwellings with generous plot designed to prevailing private housing market requirements.
 - Open space provision in excess of planning guidance requirements.
 - High quality landscaping throughout the site and on its boundaries.
 - Enhancements to the wider road network and provision of a safe access to the site.
 - Flood attenuation measures in two on-site locations to reduce run-off from the site.

Local Impact

7. Kelly Brothers is a local family run construction business with a proven track record of delivering quality residential development. Kelly Brothers are ready and willing to begin this development after 2.5 years of working with the planners to secure approval for this scheme.
8. The development itself will have a construction spend of **£6 million** which equates to around **£18 million** in economic activity in the wider economy due to the multiplier effect of construction. As well as the added domestic rates contribution once the homes are occupied.
9. Its delivery will support and sustain jobs for local people and other employment not only for the development company but also in the wider supply chain throughout the local area: A scheme of this size will sustain between 50 and 70 jobs within the supply chain during construction.

Planning and other policy

Planning

10. The design and layout has changed in response to a long period of discussions with the relevant authorities. This has resulted in an extremely positive case officer opinion.
11. officer report clearly commends the proposed development in policy terms and describes how the proposals:
 - Provide a sustainable form of development, building on land zoned for housing within the development limit
 - Deliver a density of development that does not erode local character, environmental quality or amenity.
 - Are designed to a high quality without causing overlooking, loss of sunlight or overshadowing of neighbouring residents.
 - Positively deal with topographical constraints without the need for large retaining structures

Flooding and Sewer Capacity

12. DFI Rivers Agency have accepted the two flood attenuation systems proposed in the detailed drainage assessment and as a result they have no objection to the proposed development.
13. The existing mains sewer has capacity to serve 40 additional dwellings.

Site Access

14. The proposals include improvements to the existing road infrastructure and a new access to the site. These have been subject to in depth consultation with DFI Roads. DFI Roads have no objection to the proposed access and junction improvements.
15. All works necessary to deliver the access will take place on lands owned by the applicant. No third party lands are required.

16. There is a history of approval for an access at this location to serve 25 dwellings. This planning permission was commenced and is a valid fall-back position. An improved and safer junction stagger is now proposed.

Conclusion

17. This application has been the subject of extensive consultation process with the planning authority and relevant statutory consultees. There is now agreement regarding the proposals with the statutory consultee and the planning officer on all key issues.
18. There is no outstanding planning, transport, access or flood-associated reasons as to why this application should be delayed any further. The recommendation to approve the application at committee should be supported.

Appendix 1



Kelly Brothers application for 40 homes on Greenan Road, Newry (LA07/2015/0109/F 43

Case Officer Recommendation: **APPROVE**

After a long period of engagement with the planning authority and other consultees this application is recommended to committee for approval. Key facts about this policy compliant scheme are outlined below:



High Quality Residential Development

- 40 high quality detached and semi-detached dwellings
- open space provision in excess of planning guidance requirements
- the development will not cause overlooking, loss of sunlight or overshadowing of neighbouring residents



Policy Compliance

- meets all relevant planning policies
- a sustainable form of development, building on land zoned for housing
- **the planning officer has no objections to the development.**



Enhanced Transport Infrastructure

- the proposals include enhancements to the wider road network and provision of a safe access
- **DFI Roads have no objection to the scheme.**



Drainage and Other Infrastructure

- two flood attenuation systems are proposed in the scheme
- existing mains sewer has capacity to serve 40 additional dwellings
- **DFI Rivers Agency have no objection to the proposed development.**



Local Investment

- Kelly Brothers is a local family run construction business
- the development itself will have a construction spend of **£6 million**
- equates to around **£18 million** in economic activity in the wider economy
- will sustain between 50 and 70 jobs within the supply chain during construction.



ITEM NO	2			
APPLIC NO	LA07/2016/0199/O	Outline	DATE VALID	11/02/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Liam and Siobhan Boylan and family 10 Avoca Lawns Warrenpoint BT34 2RJ	AGENT	Quinn Design and Engineering Services 36 Corrags Road Burren Warrenpoint BT34 3YP	
LOCATION	Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road Warrenpoint			
PROPOSAL	15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands (Drainage Assessment Received)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	35	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0199/O

Date Received: 16th February 2016

Proposal: 15 new dwellings, 4750 square metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regrading, with access from The Woodlands

Location: Land zoned for housing to the rear of numbers 68 to 132 Lower Dromore Road, Warrenpoint

Site Characteristics & Area Characteristics:

The site occupies a steeply sloping vacant plot of land within the development limits of Warrenpoint. It overlooks the harbour and the Cooley Mountains and is surrounded by residential dwellings. The land is currently overgrown grassland with ferns, scrub and some mature trees along the boundaries. The site is located adjacent to the Woodlands development which is also has a steep topography. A narrow overgrown access to the site is also adjacent to 132 Lower Dromore Road.



Site History:

P/2009/1064/F – Residential Development of 17 dwellings and site works - Lands to the rear and East of 46-132 Lower Dromore Road, Warrenpoint – Withdrawn

WB 18 Housing – Banbridge Newry & Mourne Area Plan 2015 – 1.37 hectares (key site requirements include gross density of 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn land on Lower Dromore Road junction with A2 however these works have already been carried out).

Planning Policies & Material Considerations:

Regional Development Strategy 2035

SPPS – Strategic Planning Policy Statement

PPS 2 – Natural Heritage – NH 6 – AONBs

PPS 3 – Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 7 – Quality Residential Environments

PPS 8 – Open Space, Sport and Outdoor Recreation

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

Supplementary Guidance:

DCAN 8 – Housing in existing urban areas

Creating Places

Consultations:

Transport NI – No objections in principle – subject to conditions.

NIW – informatives supplied including early predevelopment enquiry to NIW to determine how proposal may be served. WWTW at Warrenpoint are presently available to serve this proposal.

Environmental Health – No objections providing proposal is connected to public sewerage system as stated in application.

HED: Historic Monuments – content with location of site away from inauguration stone of the Clan McGuinness.

Rivers Agency – accepted the logic of the drainage assessment. Implementation of this assessment and flood risk measures lies with the developer and his/her professional advisors.

DAERA Drainage and Water – content subject to conditions;

DAERA Natural Heritage and Conservation Areas (NED) – refers to standing advice in relation to badger activity and if found a survey is required. Standing advice is also provided for wild birds.

Loughs Agency – Condition attached re discharge of storm water.

Objections & Representations

64 neighbours notified and the proposal advertised in 5 local papers on the 1st, 3rd and 4th March 2016. Vast amounts of objection letters were received. The main issues referred to road safety and the safety of residents within The Woodlands due to its existing construction and the proposed increase in traffic. Other objections raised included safeness of existing retaining walls and proposed ones; disruption/loss of wildlife including birds, bats.

Consideration and Assessment:

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies inside the town of Warrenpoint and also within a designated Area of Outstanding Natural Beauty (AONB) and Area of Archaeological Potential (AAP). It also zoned in the area plan under WB18 for housing. The requirements of the plan state:

1.37 hectares (key site requirements include gross density of minimum 15 dwellings per hectare and access may be from Woodlands and through adjacent small site). The plan also mentions a right turn lane on Lower Dromore Road junction with A2 however these works have already been carried out as part of a different scheme).



The zoning of land provides a basis for rational and consistent decision on planning applications and provides a measure of certainty about which types of development will and will not be permitted.

The current statutory development plan refers to policy for the control of development on zoned sites being contained in Policy SMT2 in Volume 1 of the plan.
Policy SMT2 – Development on Zoned Land

Planning permission on zoned sites will be granted for the specified uses as well as any range of uses included in the key site requirements and any specified complementary uses.

The development proposals will also be considered in the context of all prevailing regional planning policy and any relevant plan policies and proposal, including, where specified, key site requirements.

PPS 7 – Policy QD1 – Quality in New Residential Development

Planning permission will 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. This policy lists 9 criteria to comply with:

- (a) A concept layout has been provided showing 15 dwellings including 3 detached and 6 pairs of semis however, these are only indicative and full details will be provided at any Reserved Matters/Full stage. Housing on the concept plan is however shown towards the upper parts of the site with woodland planting towards the lower slopes. The site has been included with the Area Plan as land zoned for housing, and through suitable and skilful design due to the site's steepness, housing on this land could respect and the surrounding context as well as being appropriate to the character and topography.



- (b) The site lies within an AAP and NED:HM were consulted and responded that they are content with location of site away from inauguration stone of the Clan McGuinness. No archaeological mitigation is therefore required. New landscaping is proposed and existing vegetation can be conditioned to be retained and augmented.
- (c) 15 dwellings are proposed which although is the minimum per hectare (site measures 1.37 hectares) it is 6 houses short of what the development plan is suggesting in the key site requirements. However I believe given the gradient of the site and the proposal to plant trees is an acceptable proposal for this site. Through careful design there should be sufficient space to each dwelling for private amenity space. The number of dwellings proposed falls short of the open space requirement as per PPS 8 Policy OS 2 (Open Space in New

Residential Development). Taking into account the steepness of the site, land remains towards the lower slope/south west and it is here that a woodland area is proposed as per the concept plans which would assist in the 'greening' of the area. Any approval would be conditioned to provide high quality landscaping to be maintained and retained in perpetuity.

- (d) Due to the scale of the proposal, and the site's location within an existing and well established residential area, no local neighbourhood facilities are required.
- (e) Any RM/Full application would have to design a scheme that would support walking, cycling and meet the needs of people whose mobility is impaired and this would include traffic calming measures, ensuring access to public transport is achievable and no rights of way are disrupted. This is possible on this site through careful design.
- (f) Due to the size of the site and the number of dwellings proposed, there should be ample space within the curtilage of each dwelling for the parking of private cars of at least 2 per dwelling. Any RM/Full application would have to ensure this is presented at the design stage.
- (g) Partial details of the house types have been supplied however this is an outline application and applicable conditions relevant to this site and locality will be imposed regarding design, form and material finish on any approval notice.
- (h) The housing density on this site is acceptable even if it's under the minimum key site requirements due to the site's steepness. Although the gradient of the site could pose tricky, a quality residential environment is achievable through careful design and landscaping that would also minimise any issues regarding overlooking, loss of light, overshadowing, noise or other disturbance.
- (i) Through careful design and siting, the development could deter crime and promote personal safety.

PPS 12 – Policy Planning Control Principle (PCP) 1 – Increased Housing Density without Town Cramming.

This policy supports an increase in density of housing development within town and city centres and other locations which benefit from high accessibility to public transport facilities without eroding local character, environmental quality and amenity. New design should also respect adjacent housing and safeguard their privacy. The proposed site lies within the development limits of Warrenpoint and contains land zoned within the statutory development plan for housing under WB18.

PCP 2– Good Design

Any RM/Full application would have to ensure good design is proposed.

PCP 3– Sustainable Forms of Development

The proposed site would be a sustainable form of development in that it is located within an existing well established residential area, involves the completeness of the residential area and is within land zoned for housing in the area plan.

PPS 3 – Access, Movement and Parking

A vast number of objections were received regarding the access arrangements and TNI initially responded stating that the road network within The Woodlands could cope with the extra traffic that the development would bring; that the horizontal and

vertical alignment of the road (Woodlands) was not untypical of the area and that the proposal will complete housing on the zone.

A final consultation was issued to DFI Roads on 11th October 2017 and the response was the considered professional opinion on the proposal from the Principal Roads Engineer/Network Planning Manager and included:

- Site and surrounding area was inspected/site history and area plan zoning considered as well as acquaintance with appeal history on nearby planning application site at Warrenhill (a separate matter);
- Housing density is less than the minimum yield stipulated in current area plan zoning therefore comments apply to the limited development proposed;
- Geometry, gradient and alignment of the existing public road which whilst steep, is not atypical of the topography of the area;
- Would not be unreasonable to construct a further 15 dwellings and aware of residents views but any possible significant disruption will be during the house building process – which it is hoped will be of limited duration. The present housing road is lightly trafficked and no expectation there to be any traffic progression or safety issues once the houses are occupied, assuming normal courteous driving;
- Satisfied that the proposed 15 dwellings is, on balance, acceptable in terms of the existing adjacent roads infrastructure.



PPS 2 – Natural Heritage

A biodiversity checklist was completed and indicated no concerns however NED referred to standing advice and the need for surveys to be completed should badgers or wild birds be found. As part of any approval notice, an informative will be attached to highlight the legislation of protected species and need for survey should

badgers be found on site. The planting of native trees will however assist the areas biodiversity.

PPS 2 – NH 6 – Areas of Outstanding Natural Beauty

In terms of the site's location within the AONB, careful design and respectfulness of the locality, its architectural and environmental characteristics and qualities as well as historical features and assets, a suitably designed housing layout could be accommodated on this site without causing detriment to the area.

PPS 15

Rivers agency accepted the logic and no reason to disagree with the conclusion of the drainage assessment prepared for this site under policy FLD 3. Rivers Agency have indicated that the responsibility for justifying the drainage assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (paragraph 5.1 of revised PPS 15).

Recommendation:

Approval

The chosen site has been zoned in the Banbridge Newry & Mourne Area Plan 2015 as land identified for housing. The number of houses proposed is acceptable to the key site requirements and the access road involved is through The Woodlands which is also identified within the plan. The plan refers to access through the small adjacent site however this smaller site has been fully developed. Although a vast number of objections have been received with the majority relating to the site's access via The Woodlands, and its ability to cater for increased traffic, senior management in Transport NI has assessed the proposal, and in accordance with current planning policy, deem the access suitable to accommodate a further 15 dwellings which in their words would '*complete housing in the zone*'.

This is an outline application, therefore in principle, the proposal for 15 dwellings and landscaping including the planting of native trees is acceptable on land zoned for housing.

Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Except insofar as expressly conditioned below, approval of the details of the siting, design and external appearance of the buildings, the means of

access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

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

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

5. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed ground levels, the finished floor levels of the proposed buildings and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

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

6. At the Reserved Matters stage a plan indicating full details of all proposed tree and shrub planting and a programme of works, shall be submitted to and approved by the Council. All 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.

7. No development shall take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

- 8. Each building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

Informative:

The applicant's attention is drawn to the Wildlife (Northern Ireland) Order 1985 which indicates that it is an offence to intentionally kill, injure or take any wild animal included in Schedule 5 of this Order which includes the Badger. It is also an offence to disturb these animals or obstruct access to their place of refuge, or destroy or damage anything which conceals or protects their place of refuge. If there is evidence of badgers found, a survey is required which should comply with British Standard 42020:2013, which came into effect on 31st August 2013. The British standard provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or enhancement of biodiversity.

Standing Advice Badgers:

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_8_badgers.pdf

Standing Advice Wild Birds

http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice_17_wild_birds_issue_01_may_2015.pdf

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

The access in this application through The Woodlands is identical to the access proposed in a previous application to develop this site (application ref. P/2009/1064) which Transport NI had expressly advised was unsafe. This previous application was recommended for refusal. It was subsequently withdrawn only after a vigorous effort failed to persuade Roads Service and the Planning office that the access was safe.

A report from Southern Division Roads Services (Appendix 1), dated 18 December 2013, was unequivocal about its findings.

It stated in relation to the access road to the proposal

“The public road serving the site has substandard vertical & horizontal alignment.”

Furthermore the report states that

“Taking all matters pertaining to road safety into account ...”

the proposal if permitted would

“prejudice the safety and convenience of road users.”

This report has not been refuted by Transport NI.

The access road proposed in this new application is **exactly** the same access road as the previous application. There has been no change to the ***“substandard vertical & horizontal alignment”*** and thus it still carries with it the same risk to public safety irrespective of the number of houses proposed.

Nothing in any of their responses to the planning officer has contradicted this advice and therefore it is now apparent that Transport NI have not in fact changed their advice with regard to the safety of this access merely their position in relation to it.

Transport NI appear prepared to accept the risk to public safety associated with this unsafe access offering a number of insubstantial reasons none of which are safety related as justification for their position. The proffered justification is extremely tenuous and is completely outweighed by the public safety concerns which Southern Division Roads Services have previously advised on.

The planning office in a professional planning report have previously recommended refusal to development of this site using the same access proposed in this application on access safety grounds (Ref.P/2009/1064/F).

Further in a letter of response to Mr Brian Murphy dated 24th March 2014 (Appendix 2), the planning office stated that following the consideration of a detailed topographical survey of the Woodlands by the Roads Service they were satisfied that the road proved substandard.

The Planning office further stated that

“All applications must ... provide safe access which does not compromise the safety and convenience of road users.”

In this letter they also offered their opinion on the key site requirements in the Banbridge/Newry and Mourne Area Plan.

This previous position of the Planning Office is in stark contrast to their current position.

The majority of residents of the Woodlands have quite reasonably objected to this proposed application on safety grounds and none of their concerns have been addressed.

The public have a legitimate expectation that our public agencies will protect their safety.

It is my view that the Planning Office in accepting the position of Transport NI is also prepared to accept the risk to public safety associated with this application and in recommending it's approval is placing the safety of the residents of the Woodlands in jeopardy. The Planning Office on this occasion has failed to take the appropriate action to protect public safety. Given that public safety is the issue there needs to be appropriate justification for their recommendation of approval which is not evidenced in the planning report.



Southern Division
Rathkerrair House
Market Street
DOWNPATRICK
BT30 6AJ

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Planning Application Reference Number: P/2009/1064/F

Date Plans/Documents received by Planning: 29 October 2013

Date Plans/Documents received by Roads Service: 27 November 2013

Drawing/Document Reference: Roads Report

Roads Service has reviewed the additional information submitted in relation to this application. Taking all matters pertaining to road safety into account I would recommend the following:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted prejudice the safety and convenience of road users since:-

1. The public road serving the site has substandard vertical & horizontal alignment.

W N R Laughlin

Development Control,

18 December 2013.



An Agency within the Department for
**Regional
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Attention of Trudy Chapman,
 Area Planning Office,
 Marlborough House,
 Central Way,
 Craigavon,
 BT64 1AD



29 January 2014
 BM/DR/ID

Dear Trudy,

FIXED CHARGE RECEIVERSHIP OVER CERTAIN PROPERTIES OF LAYELLE & MCALIDNEN PARTNERSHIP

Address: Lands to the rear and East of 46-132 Lower Dromore Road, Warrenpoint
Proposal: Residential development of 17No houses and site works
Planning Reference: P/2009/1064/F

I write regarding the above application and can confirm that Michael Jennings and I of BDO Northern Ireland, were appointed as Joint Fixed Charge Receivers over the above asset on 9 December 2009. This asset was held under fixed charge with the former Anglo Irish Bank and is now being handled by the National Asset Management Agency (NAMA). I would take this opportunity to express my concern in relation to the recent refusal decision made by the Planning Department (i.e. item No. 1 on the deferred council meeting list dated 06/02/2014).

As per advice provided to me by Milligan Reside Larkin, it is understood that there are four reasons for refusal. In discussions with the design team, I believe that amendments can be made to the proposal to satisfy items 1 and 2 of the refusal. Furthermore, I believe that item No. 3 can be satisfied by providing further information in relation to archaeology. I acknowledge that information relating to points 1-3 will not be issued until it is confirmed that the fourth issue can be satisfied (i.e. the matter of providing the proposed access through the existing Woodlands housing development). If this matter is overcome, it will be the intention to deal with points 1-3 as I have been informed that at a previous meeting, in Newry Arts Centre, you discussed potential amendments that will satisfy your concerns.

I also understand that this planning decision has been, in part, formed further to a response issued by the Roads Service upon its assessment of information lodged by Lisbane Consultants (i.e. the report clarifying the details of the existing road of the Woodlands Housing development). In their response, the Roads Service stated that *"the public road serving the site has substandard vertical & horizontal alignment"* and this consultation has been listed as the fourth reason for refusal.

My roads/traffic consultants on this site, Lisbane Consultants, raised the following points with regard to Roads Service's Consultation Response to this Application;

1. The land is designated as Zoning WB 18 in the Banbridge/Newry and Mourne Area Plan 2015. It is described as *"1.37 hectares of land off Lower Dromore Road, between Carrickree and Lower Dromore Road zoned for housing as identified on Map No 3/06a - Warrenpoint Burren"*;
2. The roads related key site requirement in the Area Plan is:

BDO Northern Ireland, a partnership formed in and under the laws of Northern Ireland, is licensed to operate within the international BDO network of independent member firms.

A list of partners' names is open to inspection at our registered office, Lindsay House, 10 Callender Street, Belfast, BT1 5BN.

BDO Northern Ireland is authorised and regulated by the Financial Conduct Authority to conduct investment business.



"Access may be from Woodlands and through the adjacent small site. A concept plan, showing joint access arrangements should be prepared and submitted to Roads Service. Junction improvements works, including the provision of a right turn lane, will be required on the Lower Dromore Road junction with the A2";

3. As noted in Lisbane Consultants' Report, the site is bounded on three sides by existing housing, and the current access proposal is the only option which does not require the acquisition of third party land. Moreover, the ground level of the site relative to the Lower Dromore Road to the south and the access road serving the "Carrickree" development to the north is such that access from these roads is not technically feasible, even if sufficient properties to provide access could be acquired;
4. The current access proposal is therefore the only feasible access to Zoning WB 18, and is in accordance with policy. If access is not permitted through "Woodlands", the site will not be able to be developed;
5. In the preparation of the Area Plan, this site would have been examined by Roads Service personnel with regard to any access arrangement being compliant with standards. Presumably as access arrangements fall within their remit, Roads Service would have advised that access would have to be taken through the "Woodlands" development, as there is no other technically feasible access. In arriving at this conclusion, they would have been aware of the existing situation pertaining to the "Woodlands" access, together with any perceived shortcomings in design standards;
6. Given that Roads Service now assert that use of the "Woodlands" access *"would, if permitted, prejudice the safety and convenience of road users since the public road serving the site has substandard vertical and horizontal alignment"*, it is difficult to understand how the original development was determined for adoption, and subsequently taken over by Roads Service as part of the public road network;
7. It is understood that Roads Service have given weight in formulating their Consultation Response to the decision (reference 2010/A0275) by the Planning Appeals Commission on 10th August 2012 to refuse a planning application (reference P/2003/1193/F) for a residential development at Warren Hill, Old Warrenpoint Road, Newry. They consider that there are certain similarities between the 2 Applications, and these are discussed below;
8. Both sites were zoned in the Area Plan for housing. However, one important difference is that in the Warren Hill scheme, an alternative access was available. None exists in the Warrenpoint application, and if the current access proposal is refused, the site cannot be developed. That is not the case for the Warrenpoint site;
9. Visibility at the access of the existing development access road onto the main road was sub-standard at the Warren Hill site. However, for the Warrenpoint site, visibility is satisfactory both at the access from the "Woodlands" development onto the Lower Dromore Road and at the Lower Dromore Road/A2 junction;
10. Road width at the Warren Hill site was sub-standard, but this is not the case at the Warrenpoint site;
11. One of the main issues at the Warren Hill site was the gradient which was up to 17% in places, compared to a maximum recommended value of 10%. Average gradients over the length of the northern access to the site were 11.4%. At the Warrenpoint site, the maximum gradient is 13.9% and that only for a short distance and the average gradient up to the high point in the road is 8.9%, below the recommended maximum value;

12. While not considered a refusal reason by the Commissioner, he noted that footway widths at Warren Hill were of the order of 1.5 metres. At the subject site at Warrenpoint, footway widths are 1.9 metres, greater than the 1.8 metres standard when the development was constructed, and close to the current 2.0 metre standard width;
13. It was the Commissioner's opinion that it was a combination of restricted road widths, on-street parking, horizontal alignment and excessive gradients that lead him to conclude that the proposed access in the Warren Hill site was not acceptable. In the subject site in Warrenpoint, it is only the gradient that is above recommended values, and that only for short lengths and to a much lesser extent than at Warren Hill; and
14. The Commissioner in the Warren Hill decision specifically stated that it should **NOT** be used as a precedent for other application sites. Refusal of this Application would mean that any residential development accessed from an existing access with an alignment in excess of 10% would have to be refused. This would limit the opportunities for development in the Newry & Mourne Area.

For these reasons, I consider that refusal is an incorrect decision. In discussions, it would appear that the Warren Hill site is being used as a refusal precedent. However, it is clear from the points listed above that this site differs considerably from Warren Hill. Given the Commissioner's opinion in relation to Warren Hill, which clearly highlights the differences between the two sites, I feel that its use as a comparative/precedent does not form an adequate basis to refuse this application.

I am advised that if brought to appeal, it is likely that a Commissioner will assess this site differently for these reasons, within the context that this site was zoned for housing within the draft area plan and this zoning was carried through to the approved plan. Further to this, I will also be assessing the legal implications in relation to the department's decision to refuse an application for housing on zoned land, within the area plan, which will effectively diminish the market value of the site and therefore negatively impact on the potential recovery to NAMA.

Given the above, I consider that a potential appeal is an unnecessary endeavour for all concerned and on this basis, I would ask the Planning Department to reconsider the decision.

Further to the information contained within this letter, it will be my intention to request a deferral at the council meeting on the 6th February 2014. As there are five working days to this date I ask, as a matter of urgency, if you can please give your response to this letter and copy to my advisors, Milligan Reside Larkin, 56 Armagh Road, Newry, BT35 6DN. Your response will inform my decision going forward.

Yours faithfully

Brian Murphy FCA
Joint Receiver

Authorised by the Institute of Chartered Accountants in Ireland

Enc

Date: 24th March 2014
 Your Ref: BM/DR/ID
 Our Ref: P/2009/1064/F
 (Please quote at all times)



Brian Murphy FCA
 BDO Chartered Accountants
 Lindsay House
 10 Callender Street
 Belfast
 BT1 5BN

Southern Area Planning Office
 Marlborough House
 Central Way
 Tamnafigiassan
 Craigavon
 BT64 1AD

Telephone: 0300 200 7830

Proposal: Residential development of 17No houses and site works.

Location: Lands to the rear and East of 46-132 Lower Dromore Road,
 Warrenpoint

I refer to your letter dated 29th January 2014 regarding the above planning application. This application had previously been recommended to Council with an opinion to refuse on 6th December 2012, at that time additional information was submitted and the application was deferred to allow this to be considered.

Following consideration of this information, I met with the agent for the proposal along with a Roads Service representative on 26th June 2013 to discuss the issues further. At this meeting it was agreed that it was likely that the issues relating to the site layout and design could be resolved, however it was also agreed that the agents would not consider amending the layout or begin an archaeological evaluation unless it was shown that a safe access could be achieved.

It was agreed that the agents would submit a survey of the existing development through which it was proposed to achieve access and that if this proved to be below standard the application would be recommended for refusal.

The completed survey was considered by Roads Service who recommended refusal, on the basis of our previous discussions the application was considered by the planning group meeting who agreed that no further information should be requested and that the application should be presented to Council with an unchanged opinion to refuse.

With reference to your comments regarding the Area Plan. I can confirm that this site is zoned for housing in the Banbridge/Newry and Mourne Area Plan 2015 (Zoning WB 18) and that the Key Site requirement does say that access may be from Woodlands.

This Key site requirement says the access may be, not must be, and with any zoning in Area Plans, the zoning does not pre-determine the outcome of any future planning application. Policy SMT 2 of the Banbridge/Newry and Mourne Area Plan 2015 Plan Strategy and Framework, explains that 'Development on zoned land will be considered in the context of all prevailing regional planning policy'.

Fax: (028) 3832 0004

Email: craigavon.planning@doeni.gov.uk

Website: www.planningni.gov.uk

On this basis all applications submitted, must be shown to be compatible with adjacent uses and provide a safe access which does not compromise the safety and convenience of road users.


In terms of why the layout of Woodlands has been adopted by Roads Services and now forms part of the public road network if it is substandard, I would advise that the Woodlands development would have been assessed against the policies prevailing at that time.

I would also advise that the PAC decision relating to the planning application at Warren Hill, would have been considered by both Planning and Roads but would not have been a determining factor in this case. I would take this opportunity to stress that each planning application is considered on its own merits.

I have brought your correspondence to the attention of Roads Service and provided an opportunity for them to consider the information it contains. I have been advised that the comments made in their consultation responses still remain valid.

While I recognise that this is not the response you would have wished for, I hope I have been able to clarify the situation. I would advise that the decision notice will issue shortly.

Yours faithfully,



For Area Planning Manager

Quinn Design and Engineering Services

36 Corrags Road, Burren, Warrenpoint, Co. Down, BT34 3PY

Tel (028) 417 72377 • Mobile 07768854084

Email:- brendanfrancisquinn@yahoo.co.uk

Statement in support of planning application
LA07/2016/0199/O

Proposal: 15 new dwellings, 4750 square metres
(1.1 acres) of native tree planting, landscaping
walls, new estate road and ancillary
development including regrading, with access from
The Woodlands

Location: Land zoned for housing to the rear of
numbers 68 to 132 Lower Dromore Road,
Warrenpoint

Applicant: Liam, Siobhan Boylan and family

This application has been considered by the Planning Department. During their consideration, the Planning Department has sought advice from a wide range of government bodies including Transport NI (TNI)

After a lengthy consideration, the Planning Department has decided that the application should be approved.

The Site

The entire site is enclosed by housing. To the North is The Woodlands, a development of detached dwellings. On the eastern side and above the site is Carrickree which comprises mostly semi-detached houses. Along the Lower Dromore Road frontage there is a line of two storey terraced properties which are mostly dwellings.

The Banbridge, Newry and Mourne Area Plan (the Plan) was adopted as the statutory plan for the area in October 2013. It zones the site for housing. The Key Site Requirements stipulate a minimum gross density of 15 dwellings per hectare. The only access proposed is through The Woodlands.

The Site's Planning History

In August 2009 a planning application (reference P/2009/1064/F) sought full planning permission for 35 dwellings and 8 apartments on the site. The number of units proposed was reduced while the proposal was being considered. However, the proposal was found to be unacceptable and the application was eventually withdrawn.

The Proposal.

This application seeks permission in principle for 15 dwellings with access via The Woodlands. The application also proposes to plant 1.1 acres of native trees.

The houses will be sited on the upper section of the site with the planted areas located behind the houses at Lower Dromore Road.

The plan-led system

The 2011 Planning Act, and the devolving of planning powers to the 11 new Councils in April 2015, introduced a new '*Plan-led System*'. Section 45 of the 2011 Act requires regard to be had to the Plan and to all other material considerations. Section 6 states, that where regard is to be had to the Plan, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise.

In short, under the '*Plan-led System*', the Plan is the **primary consideration in the determination of planning applications**.

The Objectors Concerns

33 objections were received from 22 individual addresses with some objectors writing to the Planning Department on at least 3 separate occasions.

The main issues referred to are road safety and the safety of residents within The Woodlands due to construction and the proposed increase in traffic.

Other objections raised included stability of existing retaining walls and proposed walls; disruption/loss of wildlife including birds, bats.

TNI were consulted on 20th April 2016. On 23rd June 2016 TNI were invited to comment on a specific objection which was dated 26th May 2016.

After a lengthy consideration of the proposal TNI replied with no objection on 4th October 2016.

Notably only 2 objection letters were received by the planning department prior to 4th October 2016.

TNI were asked to explain their decision to support this application on 22 February 2017. TNI clarified their position in a letter dated 13th March 2017.

The objectors met recently with TNI and senior planning officers. On 11th October 2017 TNI were invited to comment once again on this application.

On 1st November 2017 Reynold Nicholson, a Network Planning Manager within TNI provided a very comprehensive analysis of the proposal in relation to access.

Mr Nicholson is a very experienced Chartered Engineer. His last paragraph advises

“On this basis I can confirm that I am satisfied that the proposed development of 15 dwellings is, on balance, acceptable in terms of the existing adjacent roads infrastructure. This is my considered professional opinion on this proposal”.

To summarise TNI have on 3 separate occasions explained in great detail that the proposed access via The Woodlands is acceptable and that it will not prejudice the safety and convenience of road users.

TNI could not have been any more specific in relation to this application.

Regarding the stability of existing and proposed retaining walls, this application seeks only permission in principle and if approved would be followed by a more detailed application. Such matters would be considered during the design of the second application.

NIEA were consulted and have no objection to development on this site.

What Happens If This Application Is Refused?

If the Planning Committee decide to refuse this application, there will be a planning appeal. At the appeal TNI will confirm they have no objections.

The Council’s own planning department after considering this application since February 2017 are already on record as having no objections hence the recommendation for approval.

Given these circumstances an award of costs is bound to be made against the Council.

Conclusion

Respectfully, I would contend that the Planning Department's recommendation to approve this application should be upheld by the Committee.

I would like to thank the Council in advance for the opportunity to speak in support of the application.

Brendan Quinn
BSc Hon's
ICIOB

I wish to request speaking rights at the Planning Committee on Wed 6th December 2017 in support of the objectors, and to oppose planning application LA07/2016/0199/0.

I will endeavour to address the salient points and main objections within the time allocated. I will be speaking to the problems associated with access through the Woodlands and onto the Lower Dromore Road. Though I am aware that many residents who submitted objections on Retaining Walls and Flora n Fauna have not been given the opportunity to have their objections heard at this meeting.

My main objection is that access through the Woodlands is unsafe, primarily for two reasons:

1. The existing visibility access from the Woodlands to Lwr Dromore Road is inadequate.
2. The gradient within Woodlands is severe, and above maximum standards, it has caused many accidents and has been impassable in frost and snow.

Roads Service has given numerous opinions on safety of road over many years, like:

Roads Service - 24/2/2011: (P/2009/1064)

The proposed development is contrary to the Departments Planning Policy Statement no 3, access, movement and parking. Policy AMP2 access to public roads in that it would, if permitted, prejudice the safety and convenience of road users since visibility from the existing access cannot be provided to an adequate standard.

Roads Service - 27/11/2013:

The public road serving the site has substandard vertical & horizontal alignment.

So no If's, But's or Maybe's access through the Woodland is currently inadequate, and to increase usage by 60% (from 25 homes to 40) would be against planning policy and utterly irresponsible.

I reference 3 documents which appear to be the cornerstone of arriving at a recommendation to approve this application:

1. The Design and Access Statement (DAS) received 11/2/16
2. The transportni consultation response dated 1/11/17
3. The Planning Officer's report. 10/11/17

As an interested observer, it is clear to me that the DAS has been accepted in full, without question to its validity or legitimacy by both transportni and NMD Planning, and a Uturn on the previous application decision is recommended.

1. The Design and Access Statement

With regards to access (page 7 attached), the author of the DAS has wilfully misinterpreted the Key Site Requirements for WB18, and there are only 2 of them.

Key Site Requirements:

- Housing development shall be a minimum gross site density of 15 dwellings per hectare;
- Access may be from Woodlands and through the adjacent small site. A concept plan, showing joint access arrangements should be prepared and submitted to Roads Service. Junction improvement works, including the provision of a right turn lane, will be required on the Lower Dromore Road junction with the A2.

The author's interpretation of these site requirements is:

- 1 Housing development **Doesn't Need To Be** a min gross site density of 15 dwellings per hectare,
- 2 Access **is Proposed** from Woodlands and through the adjacent small site.

In a rebuttal letter dated 24/3/14, and by way of clarification in the previous application a Senior Planner clarified exactly what "Access may be from Woodlands....." meant. No ambiguity and crystal clear

This Key site requirement says the access may be, not must be, and with any zoning in Area Plans, the zoning does not pre-determine the outcome of any future planning application. Policy SMT 2 of the Banbridge/Newry and Mourne Area Plan 2015 Plan Strategy and Framework, explains that 'Development on zoned land will be considered in the context of all prevailing regional planning policy'.

Additionally within the Area Plan for the Warrenpoint area:

There are 13 locations with "Key Site Requirements.
 41 "Requirements" have been
 38 have a "Shall" instruction
 4 have an "Access Shall Be" instruction
 1 has a "Access May Be" instruction

The DAS author does not recognise the difference between "Access Shall Be" and "Access May Be". How that can be interpreted a "Proposal", included in a professional report and used to pressurise public bodies is beyond me.

2. The transportni consultation response dated 1/11/17

This response from transportni is most concerning in that it deviates so far from all the professional responses over the past 6 years from various individuals within the department.

It is quite obvious that the author is giving a very personal opinion on the application:

Within the six short paragraph reply, he has used 12 x I's and 7 x My's.

Accepting that it is his professional opinion, it does not justify disregarding planning policy or all the previous unambiguous professional opinions received.

The author said: "I fully took into account the geometry, gradient and alignment of the existing public road which, whilst steep, is not atypical of the topography of the area."

He needs to provide the figures he measured or took into account that allowed him to recommend acceptance of for example, a gradient that exceeds standard by nearly 40%. He would also need to explain why the inadequate visibility access from the Woodlands did not form part of his consideration.

Summary:

No sound argument has been presented to justify overturning previous opinion.

Proposed ?????

12.0 Access

- 12.1 The only access proposed in the Plan is through The Woodlands. If the site is not accessed as proposed, then the Plan proposal is meaningless since there is no alternative access. Had there been, no doubt it would have been included in the Plan.
- 12.2 When the previous planning application was under consideration Transport NI (TNI) objected to the access proposed in the Plan. In expressing its concern TNI sought comfort in the planning history of the site which is now Newry Residential Zoning Number 44 (NY44). The history on this site involved an unsuccessful planning appeal.
- NY44 does not set a precedent for opposing the access in the Plan*
- 12.3 The adoption of the Plan has opened a new chapter in the planning history of Zoning NY44. The adopted Plan contains no proposals or Key Site Requirements for NY44. It is therefore clearly distinguishable from WB18, in that the Plan proposes an access to WB18 and the proposed access is more than a proposal, it is a requirement of the Plan, in that it is listed as Key Site Requirement.
- 12.4 Other factors must also be taken into account when considering access. Since TNI was involved throughout the Plan preparation process, only accesses acceptable to TNI would have been included in the Plan. Furthermore, since The Woodlands' estate road has not changed since the Plan was published in draft form, it is difficult to envisage how the only access proposed in both the draft and adopted Plan could be objected to. In addition, if TNI, who are not the planning authority, was to object to the access proposed in the Plan, a refusal based on such an objection would invoke Sections 205 and 206 of the 2011 Planning Act. In fact, since the Plan is the primary consideration in the determination of planning applications under the 'Plan-led System' it is difficult to see how Sections 205 and 206 could be avoided.
- 12.5 When considering this issue it is also important to remember that all TNI's comments on the previous application were made BEFORE the 'Plan-led System' came into operation and therefore BEFORE the new legislation made the Plan the dominant factor. In short, under the 'Plan-led System' making use of the only access proposed in the Plan must be given determining weight when deciding this application.
- PPS 3 'Access, Movement and Parking'*
- 12.6 PPS 3 was revised in February 2005, 18 months before the Draft Plan proposed that the site be zoned for housing with access via The Woodlands, and more than 8 years before the adopted Plan confirmed the zoning and access. It is therefore clear that PPS 3 was not an obstacle to the proposed access, if it were otherwise, access through The Woodlands would not have been included as a Key Site Requirement in both the Draft and adopted Plans.

Council Newry, Mourne and Down

Date 06/12/2017

ITEM NO	D1			
APPLIC NO	P/2012/0058/O	Outline	DATE VALID	19/01/2012
COUNCIL OPINION	REFUSAL			
APPLICANT	Joseph Murphy 19 Betty's Hill Road Ballyholland Newry BT34 2LZ		AGENT	Collins and Collins 18 Margaret Street Newry BT34 1DF

LOCATION Adjacent to no 19 Betty's Hill Road
Ballyholland
Newry
BT34 2LZ

PROPOSAL Site for dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	1	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 .The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to 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 a private lane, it cannot be regarded as an exception to this policy as it does not represent the infilling of a small gap site within the terms of the policy and does not respect the existing scale, siting and plot size, and would, if permitted, adversely impact on the amenities of neighbouring residents by reason of dominance, overlooking and loss of privacy.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
the building would, if permitted create or add to a ribbon of development; and would therefore further erode the rural character of the countryside.
- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.
- 5 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point and is not located at a cross-roads, and the dwelling would if permitted adversely impact on residential amenity.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2012/0058/O.

Date Received: 25 January 2012.

Proposal: Site for Dwelling

Location: Adjacent to 19 Betty's Hill Road, Ballyholland, Newry.

Background:

- 1.0.** This is a legacy application which had been presented to the former Newry and Mourne District Council on 5 occasions, on 5 July 2012, 6 September 2012, 6 December 2012, 6 June 2013 and 8 August 2013, with an opinion to refuse on 6 grounds.
- 2.0.** The proposal was deferred on 4 occasions, at the request of local representatives, to enable consideration of additional information. At the latest meeting on 8 August, the Council agreed with the recommendation to refuse but the issuing of the formal refusal notice was held following a request for a further meeting from Cllr McAteer and Margaret Ritchie, the then MP. The portal indicates that the formal decision notice was generated on 13 January 2014 but was never issued by the previous planning authority.
- 3.0.** It is considered that this application should be brought before the Planning Committee in view of the revised planning arrangements and following the transfer of planning powers from DoE Planning.

4.0. Site Characteristics & Area Characteristics:

- 4.1.** The site is located in the rural area, outside the designated settlement limit of Ballyholland in the Banbridge, Newry & Mourne Area Plan 2015.
- 4.2.** The majority of the site is located between and to the rear of 2 dwellings with frontage onto a private laneway leading onto Bettyshill Road, Newry. The private laneway serves a number of existing dwellings and buildings to the north and west of the application site.
- 4.3.** The northern boundary point of the site contains pillars, a wall and kerbed entrance adjacent to the private laneway and widens to the remainder of a grassed area rising to its southern boundary.
- 4.4.** The site is open to the cutillage of a dwelling on its western boundary.

5.0. Site History, Application Site:

P/2010/0793/F: Erection of Dwelling. **Refusal 29 November 2011.**

Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21 and Policy AMP 2 of PPS 3.

P/2006/0815/F Erection of farm and distribution centre retirement dwelling. **Full Approval 10 September 2008.**

P/2013/0086/F Current application for retention of dwelling as constructed under previously approved application P/2006/0815/F

6.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement (SPPS); Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 3 'Access, Movement and Parking' and PPS 21, 'Sustainable Development in the Countryside', (Policies CTY 1, CTY 2a, CTY 8, CTY 13, CTY 14 and CTY 16).

7.0. Consultations:

DRD Roads Service: Application should be refused as contrary to Policy AMP 2 of PPS 3, Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since it is not possible to provide visibility splays of 2 ms by 60ms in both directions. 17 June 2013.

NIWater. No Objections. Standard response.

N&M Distcict Council, Environment Health Department. No Objections, 5 March 2012.

8.0. Objections & Representations Application advertised in local press on 10 February 2012 and nearest neighbours notified on 3 February 2012. One objection was received.

9.0. Consideration and Assessment:

The Planning Department has re-considered the principle of the application and the planning history on the site. It is considered that the application fails to comply with prevailing planning policy and that the planning and roads related issues, raised by the previous planning authority, still apply. The assessment also includes a reference to the Strategic Planning Policy Statement for Northern Ireland (SPPS), published in September 2015.

9.1. It is considered that the proposal is contrary to:

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

9.2. It is considered that the proposal is contrary to:

- **Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters** in that: the cluster is not associated with a focal point and is not located at a cross-roads; and the dwelling would, if permitted, adversely impact on residential amenity.

Policy CTY 2a requires that all applications, to be acceptable under this policy, must meet certain criteria. It is considered that the application fails to meet a number of key criteria. It is not clearly associated with a focal point, such as a social/community building/facility. While it is acknowledged that there is an existing community facility nearby, the GAA pitch, the application site is separated from it by an intervening area. In addition, the application is not located at a cross roads. Its positioning, to the rear of existing properties, would also mean that any future dwelling on the site, as proposed, would adversely impact on the residential amenity of existing dwellings within the frontage through overlooking, and impact on private amenity space.

- 9.3. It is considered that 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 a private lane in that it cannot be regarded as an exception to this policy as it does not represent the infilling of a small gap site within the terms of the policy. The application site cannot be regarded as an infill site as it is largely located to the rear of a dwellings fronting onto a laneway. This is directly related to the previous planning history on the site.

Planning permission, for a dwelling, was granted on the application site on 10 September 2008, (Ref No P/2006/0815/F above). This dwelling was not constructed in accordance with the formal planning approval. It was subsequently constructed to the north west of the approved position and re-orientated on the site. The current application site forms the remainder of the previously approved site. Due to the resultant configuration of the application site the main body of the site is located to the rear on the houses

to either side and it is only possible to provide the access arrangements, to serve the proposed dwelling to the rear, within the existing frontage. As a result of its proposed location to the rear of the existing building line it cannot be regarded as an infill site and would, if permitted, adversely impact on the amenities of neighbouring residents by reason of dominance, overlooking and loss of privacy.

9.4. It is considered that the proposal is contrary to:

- **Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside** in that:
 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted create or add to a ribbon of development; and
 - would therefore further erode the rural character of the countryside.

9.5. It is considered that the proposal is contrary to:

- **Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking**, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Transport NI has confirmed in its latest comments to the Planning Authority, after consideration of additional information submitted by the applicant that sight lines of 2.0 ms by 60 metres would be required in both directions to serve this proposal. Only 2.0 metres by 19 metres are available on the offside to the edge of the road.

9.6. The applicant appointed a further agent following the transfer of planning powers to the Council. The agent submitted additional information in support of the application. This has been fully considered by the Planning Department, including the following issues:

- The previous planning authority did not accept that the access reasons could be overcome and the application was recommended for refusal on the basis that it is contrary to PPS 3 AMP 2 in that the required visibility splays cannot be provided.
- The dwelling, as constructed, remains unacceptable in planning terms.
- The previous approval on the site, P/2006/0815/F, approved on 10 September 2008, has not been lawfully commenced in that the access has not been provided in accordance with the approved plan; nor has the dwelling been constructed in accordance with the approved plan. The previous approval has expired. The applicant has not submitted a Certificate of Lawful Development (CLUD) to demonstrate that the dwelling, as constructed, is lawful by virtue of being immune from enforcement action.
- The Planning Department does not accept that this application meets the requirements of CTY 2a and can be regarded as a new dwelling in an existing cluster. It does not meet key criteria specified in that policy as outlined above. Any view on this, as previously expressed by the then Acting Chief Planner, was on the basis of the information available to him at that time.
- The Planning Department does not consider that the application can be regarded as an infill. Each planning application must be treated on its own merits and the examples of previous planning approvals do not sit on all fours with the application site and cannot be given significant weight.
- The application site remains unacceptable for the stated reasons above.

10.0. RECOMMENDATION.

10.1. Refusal for the reasons stated below.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1, CTY 2a, CTY8, Policy CTY14 of Planning Policy Statement 21 and Policy AMP 2 of PPS 3.
- The proposal is contrary **to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside'** in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to **Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters** in that:
 - the cluster does not appear as a visual entity in the local landscape;
 - the cluster is not associated with a focal point and is not located at a cross-roads; and
 - the dwelling would, if permitted, adversely impact on residential amenity.
- 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 a private lane in that it cannot be regarded as an exception to this policy as it does not represent the infilling of a small gap site within the terms of the policy and does not respect the existing scale, siting and plot size and if permitted, would adversely impact on the amenities of neighbouring residents by reason of dominance, overlooking and loss of privacy.

- The proposal is contrary to **Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside** in that:

 - the building would, if permitted result in a suburban style build-up of development when viewed with existing buildings;
 - the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;
 - the building would, if permitted create or add to a ribbon of development; and
 - would therefore further erode the rural character of the countryside.

- The proposal is contrary to **Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking**, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department’s Development Control Advice Note 15.

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

Cllr McAteer

On item 32 : 2012/0058/O I will be addressing policies CTY1, CTY2A, CTY8 and AMP2 dealing with the gap/ infill opportunity within the cluster abutting the GAA & Community Hub in Ballyholland and the access issue.

Newry, Mourne and Down Council
 Planning Committee
 C/o O'Hagan House
 Monaghan Row
 Newry
 BT35 8DJ

27th November 2017

Ref: **Joseph Murphy**
P/2012/0058/O
 Site for dwelling
 Lands adjacent to 19 Bettyshill Road, Ballyholland, Newry

This application has been recommended for refusal for a number of reasons, however the primary issues appear to be:

- Road safety;
- Failing to meet the "clustering" policy; and
- Failing to meet the "infill" policy.

Access

The requirement for access improvements is set in the supplementary guidance DCAN 15. This states that where intensification in use of an existing access will exceed 5% access improvements MAY be required.


There is no doubt this access is substandard. The issue is whether or not this proposal will exceed 5% intensification.

The applicant's family operated a mushroom business at the end of this lane. There are now industrial uses ongoing at that site. Planning previously investigated those uses and agreed they were not breaches of planning control because of established use status (they fell into the same category of use as the established mushroom processing operation).

David Watson, Senior Planning Enforcement Officer, previously emailed to confirm established use status for that enterprise (Email dated 06th November 2015). Therefore, its traffic had to be taken into account.



Federation of Small Businesses
 The UK's Leading Business Organisation

 /Ocallaghanplanning

Taking into account all existing traffic on the land, including the business and the applicant's brother's house (which is now established / immune from planning enforcement action) the proposal will slightly increase the traffic by more than 5%. Previously when dealing with the applicant's brother's case, an argument was advanced that in order to address the "intensification" issue the applicant would remove a polytunnel from the business at the end of the lane. Now that the applicant's brother's house has to be taken into consideration (which adds a further 5 vehicular movements per day onto the lane) the proposal will only fractionally breach the 5% threshold.

The applicant has engaged a highways engineer, who has advised that in order to bring the "intensification" under the 5% threshold, the applicant will be required to demolish or remove 75m² of floor area from the existing polytunnels. This is an insignificant action to be undertaken to address Transport NI's road safety concerns and the applicant would fully accept a planning condition to secure the implementation of this action prior to the commencement of development on the proposed site.

CLUSTER

The site was at one time inspected by Darren Lawther, former Head Planning Officer for this area. He personally confirmed, in writing, that there was an opportunity to round off an existing cluster. He fully accepted the cluster was associated with a focal point (Ballyholland GAA Club, including clubrooms, changing facilities etc.). However, the manager refused to progress the application while he investigated the applicant's brother's failure to create sight lines and his slightly erroneous siting of his house. Now that these issues have been resolved (the applicant's brother's house is immune from planning enforcement action) there is no reason why this application cannot be progressed.

At a recent meeting it was indicated by the Council that it does not recognise this cluster as being located at a focal point. To not recognise Ballyholland GAA club as being a focal point of this immediate cluster would be unreasonable. A recent application was refused because the cluster was described as being located at Attical GAA field. Not only was that claim inaccurate, but this GAA club contains a large social club and multiple other community and recreational buildings as well as a large covered stand. For the purposes of PPS 21, a cluster can include a small rural cross roads OR a focal point. If a small rural cross roads can be a qualifying feature it is unreasonable to suggest a facility the size of Ballyholland GAA complex does not qualify as a focal point (the applicant does not rely upon the playing field as his focal point, but instead it is the community facilities surrounding the playing field that are relied upon).

It had been alluded in the past that the applicant's brother's incorrect siting has had an impact upon this site's eligibility for a new dwelling, for the purposes of Policy CTY 2a. However, while the incorrect siting of the applicant's brother's house has left a relatively small site to be developed, this is not a consideration under Policy CTY 2a. Detailed plans have been prepared to show how a bespoke dwelling can be accommodated on this site, without causing overlooking, loss of privacy, loss of daylight or overshadowing, to any of the adjacent properties.

The planning office has recently suggested that development on this site would not round off or consolidate an existing cluster, and that it would result in development spreading out into the countryside. However, this is not true. The site is the residual part of a previously developed field. The dwelling is proposed in the space between two existing dwellings, and not in a back field or an area of land outside the existing cluster. Therefore, it will not spread development out into the countryside and it will consolidate an existing cluster as can be seen in the following image:



INFILL

As per his entitlement, the applicant has asked that, since the application is supposedly not acceptable under one policy, that the consideration be extended to Policy CTY 8 (dwelling on gap site) of PPS 21.

The site is located in the space between a line of four buildings. This is a fact. For the purposes of PPS 21 and in relation to gap sites, three is the minimum number of dwellings that will qualify as a built up frontage. The policy does have a caveat – that such types of development will be acceptable provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

Even though this is an outline application, detailed plans have been submitted to show that the size, scale and siting of the new house are appropriate and are not excessive, and although the size of the plot is small (in terms of its width) overall it is sufficient to accommodate a reasonably-sized dwelling without appearing cramped or squeezed onto the site.



It is apparent that the detailed drawing plans submitted for consideration have been given no consideration. Despite them being submitted around 18 months ago, they have not even been uploaded onto the planning portal. This is indicative of how much attention has been paid to this information.

If the only concern relates to the width of the plot, all emphasis does not have to be placed upon this consideration (the policy mentions plot size and it does not concentrate on plot width) and it is clear that an appropriately designed dwelling, with appropriate proportions etc. will be appropriate even if located on a small site. Therefore, there are strong grounds for approval of this application, just as there were in the following example:



Infill site approved under application LA07/2015/1174/RM at Dromintee. While there is no suggestion that this means all dwellings should be approved on all small sites, this should at least provide some comfort that all applications can be decided on their own merits.

We trust that the case in support of this application has been ably set out however in the event the Council requires any further information please do not hesitate to contact this office.

Yours Faithfully,

Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI

LIST OF APPENDICES

- APPENDIX 1** Email from Council Enforcement Officer to confirm the established use status of the business at the end of the lane serving this property
- APPENDIX 2** Highway Engineer's report verifying the commensurate traffic reduction needed to ensure this application did not breach the 5% threshold
- APPENDIX 3** File note confirming previous planning manager's acceptance of a cluster of dwellings at this location, and this site's inclusion within the cluster

Colin O'Callaghan

From: david.watson@nmandd.org
Sent: 05 November 2015 16:28
To: Colin O'Callaghan
Subject: RE: 19 Bettys Hill Road

Colin,

I am content you have established that this building has been used for an industrial process for more than a 5 year period and has is immune from enforcement action in this regard. I am on leave next week but propose to close the case on my return.

David

From: "Colin O'Callaghan" <Colin@ocalaghanplanning.co.uk>
To: <david.watson@nmandd.org>
Date: 26/10/2015 11:09
Subject: RE: 19 Bettys Hill Road

Hi David,

Any developments regarding Bettys Hill Road?

Regards,

Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MICTP

ocalaghan Planning
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From: david.watson@nmandd.org [<mailto:david.watson@nmandd.org>]
Sent: 21 October 2015 16:20
To: Colin O'Callaghan
Subject: RE: 19 Bettys Hill Road

Colin,

I hope to have an opinion for you tomorrow or Friday.

JPC Consulting

Mr. Colin O'Callaghan
O'Callaghan Planning
Unit 1, 10 Monaghan Court
Monaghan Street
Newry BT35 6BH

Date 21st November 2017

Reference P 2012.0068.O

Proposed dwelling at 19a Bettys Hill Road, Newry

Further to our discussions regarding this planning application and consideration of vehicular access to this site from Bettys Hill Road.

The Departments Access Standards (Development Control Advice Note 15), provides guidance regarding the arrangement of new accesses and existing accesses which may be considered to become "intensified" by development proposals.

In this regard, intensification is deemed to occur when a proposed development is predicted to increase traffic using an existing access by a level greater than 5% of its current traffic volume.

In relation to 19a Bettys Hill Road, the existing vehicular access serves a range of domestic, commercial and agricultural premises which comprise 3 x dwellings, agricultural polytunnels (1325sqm) and mushroom processing buildings (1140sqm). These latter processing buildings which have been used for clearing, sorting and packaging mushrooms, fall within Planning Use Class B2.

The TRICS database was interrogated to determine and compare traffic flows generated by the existing and proposed operations served by the vehicular access onto Bettys Hill Road.

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The information tabulated below, provides an analysis of traffic generation for the existing operations using the Bettys Hill Road access and future traffic generation at this access which includes the application site;

Category	Dwellings	Agricultural Polytunnels	Light Industrial Buildings
TRICS Vehicle trips rates	5,086 vehicles / unit @3 units = 15 vpd	2.6 vehicles /100sqm @1326sqm = 35 vpd	133 vehicles / hectare @ 1140sqm = 15 vpd

Table 1 Existing Traffic Generation

Category	Dwellings	Agricultural Polytunnels	Light Industrial Buildings
TRICS Vehicle trips rates	5,086 vehicles / unit @4 units = 20 vpd	2.5 vehicles /100sqm @1250sqm = 33 vpd	133 vehicles / hectare @ 1140sqm = 15 vpd

Table 2 Proposed Traffic Generation

Existing Traffic Generation	Proposed Traffic Generation	Resultant Traffic Generation	Intensification (DCAN15)
65 vpd	68 vpd	+ 3 vpd	4.6 %

Table 3 Summary Traffic Generation & Intensification

The TRICS analysis detailed above, have been completed to provide a robust assessment of the existing and proposed traffic generation for dwellings, agricultural and commercial operations served by the vehicular access onto Bettys Hill Road.

Table 1 provides a datum for existing traffic generation using the existing operations within this site which includes assessment of three dwellings, agricultural and commercial operations, served by the access onto Bettys Hill Road.

Table 2 details analysis of proposed traffic generation, including the application site, existing agricultural and existing commercial operations, served by the access onto Bettys Hill Road. Table 2 details a reduction in floor area of agricultural polytunnels of 75sqm to ensure no intensification occurs at the existing access onto Bettys Hill Road.

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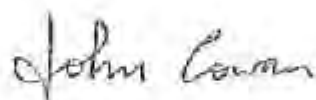
Table 3 summarises the existing and proposed traffic generation assessments for all operations served by the access onto Bettys Hill Road. The results detailed within this table indicate intensification of 5 percent or greater, will not occur at the access onto Bettys Hill Road when traffic generation by the proposed application site is added to the traffic generation of existing operations using this access.

The removal of 75sqm of agricultural polytunnel floor space, which is equivalent to the traffic generated by the application site, will ensure the DCAN15 intensification threshold of 5 percent will not be breached by approval of this proposed dwelling.

We recommend the provision of a suitable planning condition within the application approval notice, requiring the removal of the agricultural polytunnel floor space area noted above, as this would be the most expedient method of controlling the level of intensification at the access onto Bettys Hill Road.

We trust these comments and traffic generation analysis will facilitate the approval of this application by Newry, Mourne & Down Planning Service.

Please call if you wish to discuss the traffic generation assessments noted above or require any further information.



John Cowan

The Rectory
p. 02890 644 068

2 Saint Judes Avenue
m. 07246 087 195

Belfast BT7 2GZ
e. jpcconsulting@ymail.com



Note for file

Office meeting at the request of Karen McKevitt MLA 17/07/12

Present: D Lawther & T Mackle DOE Planning & K McKevitt, J Richardson, agent & J Murphy, applicant

There is full pp for a community centre nearby and the 30MPH signs have been moved down the road. The site is part of a cluster of development in the locality with the GAA Club nearby acting as a social hub for the community. The applicant lives, all and his son lives in the other house. This site is an infill opportunity and also a rounding off development. Access will be through the GAA Club.

KM raised concern about the access using the GAA Club car park and access.

There was then some discussion about the access to the site. The applicant and agent are to look at this issue however it was agreed that the current application should review the principle of the new dwelling and this would allow the applicant to consider his options. At the time of the meeting I indicated that a fresh application would be likely if the access is changed to use the existing laneway. The agent noted that they were discussing with the owners of the lands at the access to allow for the necessary improvements at the junction to be provided. I advised that this could be negatively conditioned so would not be an issue for Planning provided they were included in the P2 form.

CONSIDERATION:

A block plan was submitted which shows the house siting up in the field close to the adjacent dwellings. This site is clearly bounded on 2 sides by other development and is also considered to satisfy the additional tests of CTY 2a in PPS21 as a suitable rounding off opportunity. Although there are several houses either side of the site a new dwelling could be developed without adversely affecting the residential amenity of these houses.

RECOMMENDATION:

As the site satisfies Policy CTY 2a approval in principle to a new dwelling sited in the position shown on the suggested block plan is recommended.

ADDITIONAL NOTE:

In reviewing the suggested block plan it is clear that the adjacent house is not sited as per the approved plan on P/2006/0815/T. Further as the meeting raised the matter of using the existing laneway to access the site and that there would be negotiations with the owners of the land necessary to provide the improvements to facilitate the necessary visibility splays then Condition 5 and 6 of approval 0815/T have not been complied with and there is a breach of planning control. As the approval is dated Sep 08 this is within the 5 years for taking action and not immune. An enforcement file should now be opened to allow investigation of these two issues.

CLOSE

D Lawther

that version block
2/6 - 1/10
submitted
to Paul
from



ITEM NO	D3			
APPLIC NO	P/2013/0086/F	Full	DATE VALID	24/01/2013
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr P Murphy 19a Bettys Hill		AGENT	Collins and Collins
	Ballyholland Newry BT34 2LZ			Newry
LOCATION	19a Bettys Hill Road Ballyholland Newry Co.Down BT34 2LZ			
PROPOSAL	Retention of dwelling as constructed (amendments to previously approved P/2006/0815/F)			

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no planning policy basis or overriding reasons why this development is acceptable or essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2013/0086/F.

Date Received: 31 January 2013.

Proposal: Retention of Dwelling as constructed under previously approved application P/2006/0815/F.

Location: 19a Betty's Hill Road, Ballyholland, Newry.

Background:

- 1.0.** This is a legacy application which had been presented to the former Newry and Mourne District Council on 2 occasions, on 6 July 2013 and 8 August 2013 with an opinion to refuse.
- 2.0.** The proposal was deferred on one occasion, at the request of local representatives, to enable consideration of additional information. At the latest meeting on 8 August, the Council agreed with the recommendation to refuse but the issuing of the formal refusal notice was held following a request for an extension to time to facilitate a meeting with Roads Service by Councillor McAteer and a request for a further meeting from Margaret Ritchie, the then MP, on 15 August 2013.
- 2.1.** The Agent then submitted an amended P1 form on 18 November 2013 for the retention of dwelling as constructed with a proposed new access arrangement

onto Bettyshill Road.. This was returned by the previous planning authority on 19 December 2013 as the red line of the application site had increased.

- 2.2.** The portal indicates that the formal decision notice was generated on 13 January 2014 but was never issued by the previous planning authority.
- 2.3.** It is considered that this application should be brought before the Planning Committee in view of the revised planning arrangements and following the transfer of planning powers from DoE Planning.

3.0. Site Characteristics & Area Characteristics:

- 3.1.** The site is located in the rural area, outside the designated settlement limit of Ballyholland in the Banbridge, Newry & Mourne Area Plan 2015.
- 3.2.** The application site forms the north western portion of an application site previously approved for a farm and distribution centre retirement dwelling on 10 September 2008. The site contains a 2 storey dwelling.
- 3.3.** The dwelling, as constructed, has been re-orientated on the site and is now situated at an angle to a private laneway leading to Betty's Hill Road. It has been re-positioned approximately 18 metres further to the north west of the dwelling as approved and only a slight portion overlaps the garage and the western tip of the previously approved dwelling.
- 3.4.** The design of the proposed dwelling is different to that approved in that it incorporates a 2 storey porch and side projection.
- 3.5.** The site is open to the remainder of the field which contains pillars, a wall and kerbed entrance adjacent to the private laneway and widens to the remainder of a grassed area rising to its southern boundary.
- 3.6.** The private laneway serves a number of existing dwellings and buildings to the north and west of the application site.

4.0. Site History, Application Site:

P/2006/0815/F Erection of farm and distribution centre retirement dwelling. **Full Approval 10 September 2008.**

P/2010/0793/F: Erection of Dwelling. **Refusal 29 November 2011.** Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21 and Policy AMP 2 of PPS 3.

P/2012/0058/O. Current Planning application for a dwelling.

5.0. Planning Policies & Material Considerations:

Strategic Planning Policy Statement (SPPS); Banbridge/Newry and Mourne Area Plan 2015; Planning Policy Statement 3 'Access, Movement and Parking' and PPS 21, (Policies CTY 1).

6.0. Consultations:

DRD Roads Service: Application should be refused as contrary to Policy AMP 2 of PPS 3, Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since it is not possible to provide visibility splays of 2 ms by 60ms in both directions. (19 June 2013).

NIWater. No Objections. Standard response. (18 February 2013).

N&M Distict Council, Environment Health Department. No Objections, (26 February 2013).

7.0. Objections & Representations Application advertised in local press on 15 February 2012 and nearest neighbours notified on 6 February 2012. No objection was received.

8.0. Consideration and Assessment:

The Planning Department has re-considered the principle of the application and the planning history on the site. It is considered that the application fails to comply with prevailing planning policy and that the roads related issues, raised by the previous planning authority, still apply. The assessment also

includes a reference to the Strategic Planning Policy Statement for Northern Ireland (SPPS), published in September 2015.

- 8.1.** As referred to above planning permission was granted for a dwelling on a larger area incorporating the current application site, under file ref P/2006/0815/F, on 10 September 2008. The dwelling, as approved, was positioned, in the centre of the then application site.
- 8.2.** The dwelling was subsequently constructed to the north west of the approved location and therefore not in accordance with the detailed layout plans stamped approved on 10 September 2008. The design of the dwelling now under consideration also differs from that previously approved.
- 8.3.** The formal approval notice was also subject to a negative pre-commencement planning condition. This required 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. The approved plans confirmed visibility sight lines of 2.4ms by 80 ms at either side of the proposed access onto the Bettys Hill Road. These have not been provided, as confirmed by DRD Roads Service.
- 8.4.** The formal decision notice was also subject to a standard time condition which required that the development hereby permitted shall be begun before the expiration of 5 years from the date of the permission, i.e. by 10 September 2013.
- 8.5.** This application was submitted on 31 January 2013 as a valid application and within the period of the previous approval on the site. The planning history is a material consideration. In the light of the above, however, it follows that the development, as approved on 10 September 2008, has not been lawfully commenced in that the access has not been provided in accordance with the approved plan, prior to the commencement of any other development permitted; nor has the dwelling been constructed in accordance with the approved plan. The previous approval has expired.

- 8.6.** In these circumstances there is no basis in planning policy terms for this current planning application, now under consideration. 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 planning policy basis or overriding reasons why this development is acceptable or essential in this rural location and could not be located within a settlement.
- 8.7.** The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Transport NI has confirmed in its latest comments to the Planning Authority, after consideration of additional information submitted by the applicant in support of the application that sight lines of 2.0 ms by 60 metres in both directions at the existing access onto Bettyshill Road would be required to serve this proposal. Only 2.0 metres by 19 metres are available on the off side to the edge of the road.

9.0. RECOMMENDATION.

9.1. Refusal for the reasons stated below.

- The proposal is contrary **to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, 'Sustainable Development in the Countryside'** in that there are no planning policy basis or overriding reasons why this development is acceptable or essential in this rural location and could not be located within a settlement.
- The proposal is contrary to **Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking**, in that it would, if permitted, prejudice

the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of 2.0 metres x 60 metres cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Councillor McAteer

On item 34: 2013/ 0086/F I will be addressing policies CTY1 & AMP2 with particular emphasis on the access issue.

Newry, Mourne and Down Council
Planning Committee
C/O O'Hagan House
Monaghan Row
Newry
BT35 8DJ

27th November 2017

REF: **Paul Murphy**
P/2013/0086/F
Retention of dwelling as constructed (amendments to previously approved dwelling
P/2006/0815/F) at 19a Bettys Hill Road Ballyholland Newry

This application has been recommended for refusal for two reasons – Road Safety Issues and PPS 21. Sight lines were not created in accordance with planning permission at the relevant time, and since the previous permission is purported to have expired, there is now said to be no "need" for the dwelling.

While sight lines were not created in accordance with the previously approved plans, the Council has written to confirm that the breach of planning control is now immune from planning enforcement action. The house (and access) are now established, albeit they have not been certified to be lawful.

Since the house (and access) are established, they represent part of the fabric of this environment. The traffic attracted to the house is established and cannot be stopped. While planning policy states that access improvements MAY be required if the use of the access will be intensified by more than 5%, various other factors must also be taken into consideration.

The house's established / immune status is a material consideration to be taken into account in the determination of this application. To ignore this reality would be perverse and unreasonable.

It has been suggested that the applicant ought to withdraw this application and apply for a Certificate of Lawfulness. This would serve no useful purpose since the Council confirmed in writing the house is immune from enforcement action. The requirement to submit a new application is unreasonably punitive and will put the applicant to unnecessary expense. The outcome will be the same in either case.

The applicant was poorly advised in the past and was not aware of the requirement to upgrade his existing entrance. However, that is in the past and the house is now immune from enforcement action.



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 /Ocallaghanplanning

In the past, the local planners for this area took the view, when dealing with issues of this nature was that if the house was immune, this had to be taken into account, and refusal of the application would serve no useful purpose.

An example of this approach has been included, overleaf. The Council now suggests that it is not bound to process applications in the same manner as was the DOE. That is unreasonable. There have been no planning policy or legislative changes brought into effect that would cause this Council not to process this application the same way as application P/2013/0355/F at Forkhill Road, Newry.

Legislative Provision

Section 45 (1) of the Planning (NI) Act 2011 states:

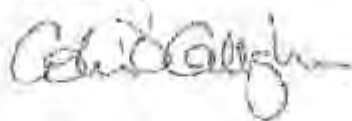
"Subject to this Part and section 91 (2), where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations

The Council is therefore legally obliged to consider All material considerations, and it is unlawful to concentrate on planning policy (and guidance) alone.

There is no legal definition for material considerations; however they are held to include all the fundamental factors involved in land-use planning. Essentially a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. Material considerations will vary depending on the specific circumstances of each case. In this case, there is no valid reason why the existing property's immunity from planning enforcement action would not be given greater weight than the fact the access would fail to meet current design standards. Refusal of planning permission would serve no useful purposes in these circumstances hence we submit that the case in support of this application is robust.

In the event that the Committee requires further information, please do not hesitate to contact this office.

Yours Faithfully,



Colin O'Callaghan
Chartered Town Planner
BSc Hons Dip TP MRTPI

LIST OF ANNEXES

- ANNEX 1** DEFERRED CONSIDERATION OF APPLICATION P/2013/0355/F
- ANNEX 2** DEVELOPMENT MANAGEMENT PRACTICE NOTE 16 "THE DETERMINATION OF PLANNING APPLICATIONS"
- ANNEX 3** NEWRY, MOURNE AND DOWN COUNCIL'S LETTER CONFIRMING THE SUBJECT DWELLIGN IS IMMUNE FROM PLANNING ENFORCEMENT ACTION

Deferred Application P/2013/0355/F**Consideration 20th October 2014**

The application was deferred at Council on January 9th 2014 after being presented with an opinion to refuse based on two refusal reasons:

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

Following scrutiny of this file, discussions with enforcement and with the agent, the Department considers that this application can be recommended as approval. On the balance of probability, based on evidence presented, the dwelling is immune from enforcement action.

RECOMMENDATION: Approval

Andrew Davidson

Development Management Practice Note

PRACTICE NOTE **16**

The Determination of Planning Applications

April 2015

(6) (4), determining planning applications by the council or, as the case may be, the Department must be exercised with the objective of furthering sustainable development.

4.10 There is also a statutory duty on government departments and district councils to promote sustainable development under **Section 25 of Northern Ireland (Miscellaneous Provisions) Act 2006**.

4.11 The NI Executive published 'Everyone's Involved – A Sustainable Development Strategy' in May 2010, which sets out a number of priority areas for action and a number of strategic objectives to achieve in the pursuit of sustainable development. The Strategy states that Sustainable Development can be defined as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs" (The Brundtland Report: "Our Common Future" - the Report of the 1987 World Commission on Environment and Development). Near the same time the NI Executive published 'Focus on the Future – The Sustainable Development Implementation Plan 2010-14'.

Any other material considerations

4.12 There is no legal definition for material considerations; however they are held to include all the fundamental factors involved in land-use planning. Essentially a material consideration is one which is relevant to making a planning decision as to whether to grant or refuse an application for planning permission. Material considerations will vary depending on the specific circumstances of each case.

4.13 In case law an often quoted definition is by Cook J (*Stringer v. M.H.L.G [1971]*):

"In principle, it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration.

Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances”.

- 4.14 There are two main tests in deciding whether a consideration is material and relevant:
- (i) it should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and
 - (ii) it should fairly and reasonably relate to the particular application.
- 4.15 Examples of material considerations include the local development plan; planning policy; planning history; need; public opinion; consultation responses; existing site uses and features; layout, design and amenity matters; precedent; alternative sites and planning gain.
- 4.16 Examples of matters that would not be considered to be material considerations include the protection of private interests, moral considerations, political considerations and issues covered by other legislation.
- 4.17 In considering relevant material considerations there are two essential matters:
- (i) all relevant material considerations must be fully considered and the appropriate weight given to each. It is not sufficient to rely on any one factor to the extent that all others are displaced; and
 - (ii) weight is a matter for the decision maker.
- 4.18 In determining planning applications the decision maker is the council or, as the case may be, the Department.



Newry, Mourne and Down District Council

Newry, Mourne and Down District Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Ms Shona Marley
19 Bettys Hill Road
Newry
Co Down
BT34 2LZ

Date: 30th December 2015
Your Ref:
Our Ref: P/2012/0090/CA
(Please quote at all times)
Please Contact: Davy Watson
Contact Number: 0300 200 7830

Dear Ms Marley

Nature: Unauthorised changes to design and siting of dwelling approved under P/2006/0815/F.

Location: East Of 19 Bettys Hill Road, Commons, Newry, Down, BT34 2LZ.

I refer to previous correspondence concerning the above.

Following an investigation of the above case, I can confirm that the Council has now completed its investigations of this case and I can advise as follows

The matter referred to above is immune from enforcement in accordance with Time Limits set out in Section 132 of the Planning Act (Northern Ireland)

Accordingly the Council does not intend to pursue this matter any further

Yours sincerely,

N. Stranney

Newry, Mourne and Down Planning Manager

ITEM NO	22			
APPLIC NO	LA07/2017/1388/O	Outline	DATE VALID	11/09/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Michael and Marion Young 24 Grange Road Kilkeel		AGENT	Collins & Collins 2 Marcus Street Newry BT34 1AZ

LOCATION Adjacent to No. 24 Grange Road
Kilkeel

PROPOSAL Proposed domestic dwelling and garage

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	1	Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings;
 - The cluster does not appear as a visual entity in the local landscape;
 - The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; &
 - The dwelling would if permitted significantly alter the existing character of the area.
- 3 The proposal is contrary to Planning Policy Statement 3, Access, Movement and parking, Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since the width/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.
- 4 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grange Road.
- 5 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings; would not respect the traditional pattern of settlement exhibited in the area; would create a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.



Application Reference: LA07/2017/1388/O

Date Received: 25th August 2017

Proposal: Proposed domestic dwelling and garage

Location: Adjacent to No. 24 Grange Road, Kilkeel

Site Characteristics & Area Characteristics:

The application site is an agricultural field located immediately adjacent to 24 Grange Road, approximately 2.4 miles south-west of the settlement limits of Kilkeel in the Mourne Area of Outstanding Natural Beauty. The boundaries are defined by mature trees and hedgerow.

The site is located at the junction of Grange Road / Benagh Road / Greencastle Pier Road. The Lurganconary Road is located approximately 36m north-east of the road junction in what can be described as a staggered cross-roads. The surrounding area is rural in character. There is a ribbon of development to the north of the site, along the Greencastle Pier Road, consisting of 4 dwellings (numbers 1, 3, 7 & 9 Greencastle Pier Road) a number of associated agricultural sheds/outbuildings and a potential infill site.



Figure 1 – Satellite Image of Application Site

Site History:

- P/1992/0077 – Extension to dwelling to form self-contained flat at 24 Grange Road – Permission granted 02.06.1992
- P/1994/1431 – Extension and alterations to dwelling at 24 Grange Road – Permission granted 09.02.1995
- P/2003/1549/O - Private dwelling and detached garage on land opposite nos. 1 & 3 Green Castle Pier Road (& to rear of no. 24 Grange Road) Kilkeel – Permission refused 08.07.2005

Planning Policies & Material Considerations:

- The Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 – Natural Heritage.
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside;
- DCAN 15 – Vehicular Access Standards.

Consultations:

- TransportNI:** The proposal is contrary to PPS 3 in that it would, if permitted, prejudice the safety and convenience of road users since the width/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.
- Env. Health:** The site is within 75 metres of working farm buildings which are not associated with the applicant. Farms have potential to cause public health nuisances from odour, noise and flies. The applicant should be requested to consider relocation of the proposed dwelling to achieve a minimum separation distance of 75m from the farm buildings, where possible.
- NI Water:** Generic Response

Objections & Representations

3 neighbour notification letters were issued and the application was advertised in the local press the week beginning 25th September 2017. One letter of support was received from Mary Doran of 3 Greencastle Pier Road on 9th October 2017.

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 currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located within the rural area and the Mourne Area of Outstanding Natural Beauty as designated in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS2, PPS3 and PPS21.

The SPPS for Northern Ireland is material to all decisions on individual planning applications, however other than an update on the definition of what constitutes 'agricultural activity' there is no conflict or change in policy direction between its provisions and those of PPS 21 in relation to dwellings on farms. Accordingly the requirements of the policies contained in PPS 21 are material to the assessment of this application.

Principle of Development

Policy CTY1 of PPS 21 indicates there are types of development acceptable in principle in the countryside. One is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. This policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all six of its criteria are met.

The application site occupies a corner plot at the junction of Greencastle Pier Road / Grange Road and has frontage onto both. It is located at a staggered crossroads. There is one dwelling immediately south of the application site – number 24 Grange Road, and four dwellings to the north / north-west with frontage onto the Greencastle Pier Road (No's 1, 3, 7 & 9). Number 1 Greencastle Pier Road is set within a large farm complex and has a number of associated farm and outbuildings to the side and rear. There is no existing development on the opposite side of the staggered crossroads.



Figure 2 – Application Site

A cluster is not defined in Policy CTY2a, but the first three bullet points give an indication of its intended meaning. The initial bullet point requires the cluster of development to lie outside of a farm and to consist of four or more buildings (not ancillary buildings) of which at least three are dwellings. The second bullet point states that the cluster appears as a visual entity in the local landscape and the third is that the cluster is associated with a focal point such as a community building, or is located at cross-roads.

In line with the policy requirements, the ancillary farm/outbuildings at number 1 Greencastle Pier Road cannot be included in the 'cluster' of development. The four dwellings located along this section of Greencastle Pier Road stretch in a linear formation and do not appear as a visual entity in the local landscape given the physical separation and intervening vegetation between numbers 3 and 7. The line of development reads more as a ribbon of development in line with policy CTY8, not a defined cluster.



Figure 3 - Google image illustrating separation distance between numbers 3 and 7 Greencastle Pier Road.

Furthermore, as you can see from the image below, the dwelling house at number 24 Grange Road does not appear as a visual entity in the 'cluster' of development due to the existing boundary treatment of the proposed site – which consists of large mature trees/hedgerow. Although the development is located at a staggered crossroads, it fails to comply with the first two requirements of the policy.



Figure 4 - Number 24 Grange Road does not appear as a visual entity within a 'cluster' of development.

The fourth bullet point requires the identified site to provide a suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. As stated above, the existing development is not considered to be a cluster, and the proposed site is not bounded on at least two sides with other development. The proposal therefore fails to comply with the fourth requirement of the policy.

The fifth bullet point requires the development of the site to 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. There is no cluster of development to be rounded off, and a dwelling on this site would appear as a build-up of development when viewed with existing buildings and would therefore alter the existing character of the area. The proposal fails to comply with the fifth requirement of the policy.

Having regard to the sixth bullet point, the proposed development would not adversely impact on residential amenity.

Ribbon Development

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. A dwelling on this road frontage plot would have common frontage with and visually link with the dwelling at number 24 Grange Road and the outbuildings associated with the farm complex at 1 Greencastle Pier Road. This would create to a ribbon of development as it would extend the development along the road frontage, which would be detrimental to the countryside's character, appearance and amenity.

It is worth noting that the Planning Authority received a number of queries in relation to the development of an infill dwelling on this site from various agents and elected representatives. The Planning Authority consistently advised that this site does not represent a valid infill opportunity and would likely be refused. The policy requires that the frontage be continuously built up (my emphasis). It has been established by the Planning Appeals Commission that if a road intervenes in the line of development, the frontage is not continuous. As Greencastle Pier Road intervenes the line of development it is not considered an infill opportunity.

Design and Integration.

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 is of an appropriate design. Given the existing boundaries and vegetation, a suitably designed dwelling could be successfully integrated into the landscape at this location.

Rural Character

Policy CTY 14 of PPS 21 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 detailed above, the proposal would create ribbon of development and this would result in a suburban style build-up of development when viewed with existing development. A dwelling on this site would not respect the traditional pattern of development exhibited in the area and would create a ribbon of development. The proposal is considered contrary to criteria (b), (c), and (d) of Policy CTY 14.

Sewage

Policy CTY 16 states planning permission will only be granted for development relying on non mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated that fowl sewage will be disposed with by septic tank. No details have been provided at outline stage however I am satisfied the site could accommodate a septic tank and soak-away subject to obtaining the necessary statutory approvals.

Planning Policy Statement 2

The proposed site lies within the Mourne Area of Outstanding Natural Beauty. Policy NH6 of PPS 2 states planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. There are a number of additional criteria in relation to siting, scale and design. As this is an outline application no details of the proposed design have been submitted.

Planning Policy Statement 3

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

TransportNI were consulted and have stated that the proposal is contrary to PPS 3 in that it would, if permitted, prejudice the safety and convenience of road users since the width/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.

Recommendation:

The proposal fails to comply with the Strategic Planning Policy Statement for Northern Ireland; Policies CTY1, CTY2a, CTY8 & CTY 14 of PPS 21; and policy AMP2 of PPS 3. Refusal recommended.

The agent stated they could supply information which would satisfy the personal and domestic circumstances set out under Policy CTY 6 of PPS 21 should the application not be accepted under CTY2a. However, as a safe means of access cannot be achieved at this location it was not deemed to be expedient to request such information.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings;
 - The cluster does not appear as a visual entity in the local landscape;
 - The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; &
 - The dwelling would, if permitted, significantly alter the existing character of the area.

3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and parking, Policy AMP 2 in that it would, if permitted, prejudice the safety and convenience of road users since the width/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.
4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Grange Road.
5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings; would not respect the traditional pattern of settlement exhibited in the area; would permitted create a ribbon of development; and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer Signature: _____ **Date:** _____

Authorised Officer Signature: _____ **Date:** _____

Estate Agents
Surveyors & Assessors
Architectural Consultants

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 & collins

117

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Our Ref: JC.JY.12076
 Your Ref: LA07/2017/1388/O
 Date: 29th November 2017

Newry Mourne & Down District Council
 Planning Department
 Council Buildings
 Monaghan Row
 Newry
 Co Down

Dear Sir/Madam

Location: Adjacent to No. 24 Grange Road, Kilkeel

Applicant: Michael & Marion Young

We note from your recent Planning Schedule that the above application has been put forward to the above Council Meeting with a recommendation for refusal for the following reasons.

The Proposal is contrary to Policy CTY 1, CTY 2a, CTY 8, CTY14 of PPS 21 and is also contrary to PPS3 –Policy AMP 2.

Accordingly we would wish to request speaking rights on the above. There are significant personal and domestic circumstances with respect to the applicant's sister and we are currently waiting for evidence of this from the various Doctors & Consultants involved.

We understand that the Council did not request this evidence as a safe means of access cannot be achieved at this location, we are currently actively seeking an alternative access that would satisfy Policy AMP 2 and would ideally prefer if the application could be deferred until this was explored.

Yours faithfully



John Young BSc Hons, MIAVI
 Collins & Collins

ITEM NO	3			
APPLIC NO	LA07/2016/1407/F	Full	DATE VALID	24/10/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Richard Newell 75A Glassdrumman Road Annalong BT34 4QJ		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
LOCATION	75A Glassdrumman Road Annalong Co. Down			
PROPOSAL	Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Addendum to PPS7: Residential Extensions and Alterations, Policy EXT 1 criteria A in that the proposal is not sympathetic with the built form and appearance of the existing property, and is not located within the established curtilage of the dwelling, and if granted would detract from the appearance and character of the surrounding area.
- 2 The proposal is contrary to the Banbridge, Newry and Mourne Area Plan 2015, in that the siting of the building could compromise the delivery of housing development on zoning AN 02.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1407/F

Date Received: 07.11.2016

Proposal: Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard.

Location: 75A Glasdrumman Road, Annalong

Site Characteristics & Area Characteristics:

The application site which is 75A Glasdrumman Road, Annalong is a smooth rendered two story dwelling. The site has a concrete yard to the rear with a relatively large sized front garden. The site can be accessed off the Glasdrumman Road with the driveway located along the northern boundary continuing through to the rear of the site. The existing curtilage boundaries consist of 1.8m high wall/fence along the rear boundary and southern boundary shared with no.75 Glasdrumman Road. The northern boundary shared with no.77 consists of a mixture of fencing and mature trees to the rear with 1m high wall along the front. The front boundary has a small wall.

The proposed extension of curtilage is located in an agricultural field to the rear of dwelling where the outbuilding/ boathouse is located. At present there are no defined boundaries. The applicant has a number boats stored in the back yard within the curtilage and in the agricultural field.

The proposed site is located within the settlement development limits of Annalong and within land zoned as housing 'AN 02- East of Mullartown Park' as designated within the Banbridge, Newry and Mourne Area Plan 2015.



Location of boathouse and proposed extension of curtilage

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge, Newry and Mourne Area Plan (2015)

Strategic Planning Policy Statement of Northern Ireland

Planning Policy Statements

PPS 7 addendum – Residential Extension and Alterations:

EXT 1 Residential extensions and Alterations

PPS 6- Planning, Archaeology and the Built Heritage.

Site History:

P/2008/0009/F

Erection of Replacement Dwelling and new Dwelling, each with attached Garage.

Permission Granted: 15.08.2008

P/1989/0204

Site for replacement dwelling

Permission Granted: 13.04.1989

The proposed extension of curtilage and boathouse is located within land zoned for housing which has planning history;

P/2008/1182/O

Housing development and associated site works - renewal of outline approval

P/2005/0219/O

Permission Granted: 14.11.2008

P/2005/0219/O

Site for housing development and associated site works.

Permission Granted: 01.10.2005

Consultations:

Historic Environment Division (HED) - No concerns regarding the proposed development.

NIEA- No concerns regarding the proposed development subject to conditions.

Objections & Representations

14 Neighbours notified on 04.11.2016 and was advertised on 31.10. 2017. One letter of objection received from the owners of no.77 Glasdrumman Road.

Consideration and Assessment:

Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard. According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

The site is located within the settlement development limits of Annalong and within land zoned as housing 'AN 02- East of Mullartown Park' as designated within the Banbridge, Newry and Mourne Area Plan 2015. While the proposed shed is associated with existing housing, it could potentially compromise the delivery of new housing on the wider zoned site. The proposal is therefore consider contrary to zoning AN02 in the Area Plan.

Policy EXT 1 of the Addendum to PPS7 will permit a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external materials of the proposal are sympathetic with he built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;**

Scale/ Massing

The proposed boathouse to be retained measures 9.9m x 6.9m and which 4.2m high subordinate in scale to the existing property.

Design and siting

In terms of design, the boathouse is constructed with green Tin with a large roller shutter door along the front elevation with a single door along the side elevation.

The addendum to PPS7 requires external finishes to use similar or complementary materials to those of the existing property. Officers consider the green Tin finish not to be read as ancillary and is not sympathetic with the built form and appearance of the existing property and if granted would detract from the appearance and character of the surrounding area. It would be more suited to a commercial/ industrial/ agricultural building.

The agent was asked to reconsider the siting of the boathouse to be within the existing curtilage. No evidence has been submitted to demonstrate the need for the boathouse outside the existing curtilage. The existing yard to the rear is approx. 298sq m with the boathouse approx. 68sq m. Officers consider that the existing curtilage could easily accommodate a boathouse and have sufficient space for recreational, domestic uses and parking and manoeuvring of vehicles.

(b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;

Officers consider that there are no issues of overlooking, overshadowing or dominance as a result of the development. One objection letter was received from the owners of 77 Glasdrumman Road regarding right of way and the existing 'large corrugated shed' having been constructed without planning permission.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;

There would no loss of or damage to trees or landscape features as a result of this proposal.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles

The proposal is for extension of existing curtilage. It was determined that if the boathouse was relocated within the existing curtilage sufficient space remains within the curtilage of the property for recreational and domestic purposes.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Addendum to PPS 7: Residential Extensions and Alterations, Policy EXT 1 criteria A in that the proposal is not sympathetic with the built form and appearance of the existing property, and is not located within the established curtilage of the dwelling, and if granted would detract from the appearance and character of the surrounding area.
2. The proposal is contrary to the Banbridge, Newry and Mourne Area Plan 2015, in that the siting of the building could compromise the delivery of housing development on zoning AN 02.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	4			
APPLIC NO	LA07/2017/0289/F	Full	DATE VALID	24/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Gerard McGrath 4 Saul Road Downpatrick BT30 6NN		AGENT	David Burgess 24 Templeburn Road Crossgar BT30 9NG
LOCATION	Adjacent to 4 Saul Road Downpatrick BT30 6NN			

PROPOSAL New Dwelling and improved vehicular access

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	0	1	Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.
- 2 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 massing and appearance of buildings, structures and landscaped areas.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0289/F

Date Received: 21.02.2017

Proposal: New Dwelling and improved vehicular access

Location: Adjacent to 4 Saul Road, Downpatrick, BT30 6NN.



Site Characteristics

The site is a roadside garden site within the settlement limits of Downpatrick. It is the side garden of a detached single storey dwelling known as 4 Saul Road. The site has a mature hedge boundary along the southern boundary with the public road. To the west of the site is a detached single storey dwelling and large garden, No 8 Donard View Crescent (DVC). No.8 DVC shares its rear boundary with the proposed site. This boundary is defined by an open wood fence some mature vegetation and trees. The northern boundary abuts the turning area for DVC as well as the front boundary of No 7 DVC. The eastern boundary is defined by a retaining wall structure serving 4 Saul Road.

The site is a sloping site, from a high point at Saul Road to a low Point with DVC.



Site from 8 Donard Crescent



View of Site boundary with Saul Road



View of the site adj to 4 Saul Road



Site and Boundary with No.4 Saul Road

Site History

R/2009/1099/O 28.05.2010 (APPEAL)

Site for dwelling (amended scheme) Adjacent to 7 Donardview Cres and 4 Saul Road, Downpatrick Co Down.

Adjacent approval

LA07/2016/1378/O M Starkey

Proposed new dwelling adjacent to 8 Donard View Crescent, Saul Road, Downpatrick

GRANTED 01.06.2017

Planning Policies & Material Considerations

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS3 Access, Movement and Parking as well as Department Guides

Consultations

Transport NI

Response dated 28.3.2017 requested amended plans illustrating a minimum of 2 car parking spaces plus a satisfactory turning area.

Response dated 15.5.2017 no objections and conditions proposed relating to the access and access gradient.

NI Water

Standard generic response detailing information for the benefit of the applicant.

DAERA Water Management Unit

No objections with advice for the applicant detailed.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 15.03.2017. A total of 13 neighbouring dwellings were notified. No representations have been received to date.

Consideration and Assessment

The proposal is a full application for a 4 bedroom detached dwelling on the Saul Road. The dwelling proposed has the appearance of a bungalow to the front elevation with Saul Road and full two storeys (9.2m) to the rear elevation with DVC. The result is a split level dwelling on this sloping site. The dwelling has a hipped roof with a front and rear roof dormer which facilitates bedroom windows in the roofspace bedroom. The dwelling incorporates an attached garage and a small front porch. The rear elevation includes 2 rear 2-storey projections. The dwelling is to be finished with flat grey/black roof tiles, rendered walls and uPVC windows and guttering.

The outline application on this site (R/2009/1099/O) was allowed on appeal (2010/A0063) in 2011 subject to the following conditions:

1. Development largely in accordance with the indicative site layout
2. Ridge height not greater than 5m above FFL
3. Site sections
4. Access to be 5m wide in keeping with site layout which illustrates a shared
5. No windows or openings on either gable wall of proposed dwelling
6. Access between proposed dwelling and 4 Saul Road with parking to the front
7. Retention of hedgerow, wall and fencing along Saul Road frontage at a minimum height of 3m
8. Retention of hedgerow along boundary shared with 7 Donard View Crescent at minimum 2m above ground level
9. Details location numbers species of trees to be planted along boundary shared with 7 & 8 Donard View Crescent and 4 Saul Road at a minimum height of 1.8m



Approved at Appeal



Current proposal

An extract from the Commissioners assessment of the appeal proposal is relevant to the consideration of the current proposal in terms of what was deemed acceptable on the site

"The submitted 1:500 site plan indicates the erection of a small single storey dwelling with a footprint of 126 sq m, aligning with the front building line of the adjoining bungalow at No. 4. A shared access is proposed with an area of parking to be provided across part of the frontages of both properties. The land falls away steeply from the Saul Road frontage, levelling off in the northern half of the plot close to the existing garage. The block plan indicates that the ridge of the proposed bungalow would be 1.4m below the level of No. 4. Set back a minimum of 6m from the footpath, it would align with the front building line of No. 4, offering a greater setback from the road than Nos 1 and 8 Donard View Crescent and No. 2 Saul Road and so would therefore respect the existing localized building line."

In allowing the appeal the Commissioners assessment was based on a dwelling which mirrored the size, scale and proportions of adjacent bungalows in the immediate vicinity and respect for the established building line. The commissioner concluded that the introduction of a small single storey dwelling at this location would not have in adverse impact on the environmental quality of this established residential area subject to the retention of all frontage vegetation, it would be barely discernible in the street scene and in this context would not appear out of character with the surrounding development.

The proposal as submitted on the 14th of February 2017, the height, scale and massing of the dwelling, access details and landscaping proposed are not reflective of what was considered by the PAC. Proposing as it does a split level dwelling, bungalow in form, to the front with Saul Road and two storey to the rear elevation with DVC.



Since the determination of the previous application on site the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) has been published and is material to all decisions on individual planning applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. There is no conflict between the SPPS and the current policy context of PPS7 and its Addendum.

PPS 7 QD1 which states that 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.

PPS7 Addendum Safeguarding the Character of Established Residential Areas LC1 states that in established residential areas planning permission will only be granted for the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

Both Policies are key policy considerations in assessing the acceptability of the current proposal in this established residential area.

As per the PAC assessment, Saul Road has no dominant character, displaying a wide range of dwelling types and plot sizes. The character relevant to the consideration of this proposal is however the bungalows of DVC and the mix of dwelling types on the Saul Road.

The proposed dwelling whilst sympathetic in visual terms with the Saul road with its bungalow frontage form, the rear of the dwelling is not in keeping with the bungalows of DVC, by virtue of its 2 storey nature, which appears overly dominant, overbearing and grossly oversized in this small site in this enclosed setting.

The proposed dwelling sits further forward of the established building line along the Saul road. The hedging along the frontage to the Saul Road is to be removed to allow for the access and associated splays, this has the effect of opening up the site to public view from the Saul road drawing attention to the gable depth of the dwelling and the 2 storey rear extent. Accentuating its incongruous form when compared to the existing surrounding dwellings.

The shared access arrangement was previously agreed to serve the site and No 4 Saul Road and Transport NI offers no objections to the proposal.

The drawings submitted show the retention of the boundary vegetation with No.8 DVC, the remainder of the boundaries are provided with no details of landscaping or boundary treatments proposed. It is considered however that the introduction of landscaping would not screen or make acceptable the current proposed development.

The rear elevation of the dwelling will be highly visible from DVC. As the dwelling is a bi-level dwelling within this sloping site, the proposal would read as a 2 storey dwelling at a height of 9.2m when viewed from DVC.

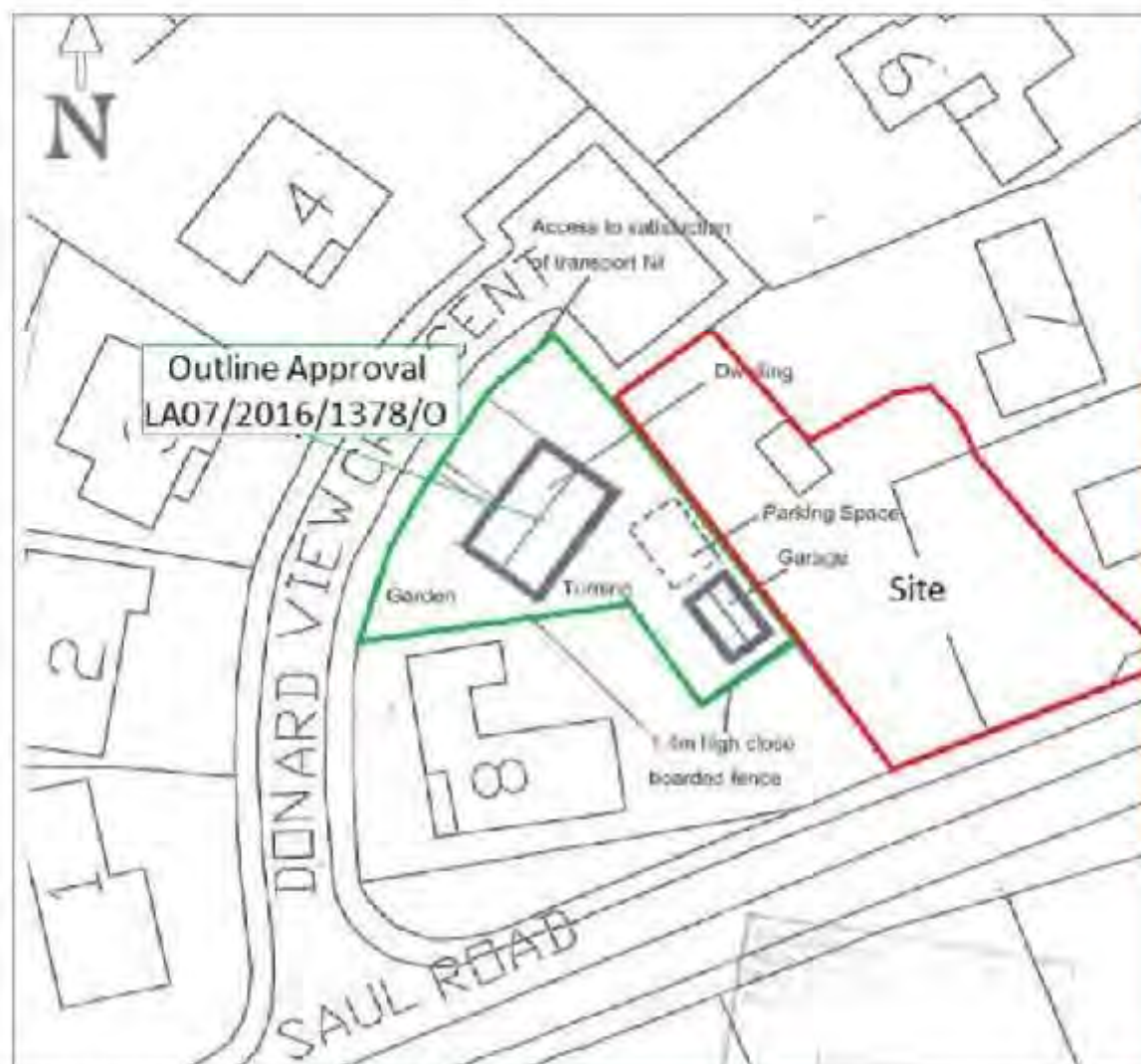
It is apparent from the site location map as submitted that the proposed site was at one time part of the curtilage of No.7 DVC. As a result the curtilage of No.7 is now much reduced, the front to No.7 cannot be considered to offer a truly private area of amenity space, therefore it cannot be argued that the proposal would adversely affect the amenity of this dwelling.

The site has no features of archaeological or built heritage. Landscaping and boundary treatments are not sufficiently detailed and therefore contrary to policy. However it must be noted that the proposal can accommodate in-curtilage car parking and a provides a suitable level of amenity space to the rear.



The proposal will share a boundary with the established dwelling at No.8 DVC as well as recent outline approval for a dwelling adjacent to 8 DVC (LA07/2016/1378/O). The proposed development has the potential to dominate the living environment of the recently approved dwelling at No.8 DVC by virtue of its scale and mass and its expanse of windows would result in a very dominant presence with the potential for overlooking of the rear amenity space for that approval. The perception of being overlooked also needs to be highlighted as a concern for No.8 DVC, given the gable window. It is acknowledged that this is an ensuite window.

Due to the detrimental impact the height, scale, position of the dwelling within the site, the proposal would have a detrimental impact on the character and appearance of the area. Therefore contrary to PPS7 Policy QD1 (a) (h) PPS7 Addendum LC1 (b)



Recent approval LA07/2016/1378/O

Recommendation:

Refusal

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 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.
2. 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 massing and appearance of buildings, structures and landscaped areas.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area

Case Officer DATE

Appointed Officer DATE

ITEM NO 14 APPLIC NO LA07/2017/0289/F Full DATE VALID 2/24/17 COUNCIL OPINION REFUSAL

ADDITIONAL INFORMATION

APPLICANT Mr Gerard McGrath 4 Saul Road Downpatrick BT30 6NN

AGENT David Burgess 24 Templeburn Road Crossgar BT30 9NG

Refusal Reason 1 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1 in that the proposed development would result in unacceptable damage to the local character, environmental quality and residential amenity of this established residential area.

Additional information

The site received planning permission previously through the PAC, as stated in the Case Officers report and is within the development limit of Downpatrick so there should be presumption in favour of approval. The Saul Road area has a wide variety of types of designs and dwelling styles; single storey, storey and a half and 2 storeys. All types of design styles representative of trends throughout the past 50 years are in existence. The single storey design towards the Saul Road is acceptable. This single dwelling which sits on an adequately sized site, within the density of the surrounding area will not cause damage to the local character; it will use a previously approved plot for one dwelling, having adequate boundaries, plot size, amenity gardens, separation distances and design style to suit the urban setting. The design takes into account the sloping nature of the site, producing a single storey aspect to the front with an additional basement storey to the rear, facing the long garden and hammerhead of Donard View Crescent. The basement storey does not present any overlooking issue as it is at a substantially lower level, just slightly above the level of the hammerhead. The basement storey is created by reducing the levels on the site. The basement storey makes no difference to the level of the Saul Road floor level; if the basement were not in place the first, or Saul Road floor level would still be in exactly the same position at the same level. The first floor, or Saul Road floor level is level with the neighbouring dwelling at 4 Saul Road and acceptable from the Saul Road. Having established that the basement does not over-look we must also confirm that the first floor, level with the Saul Road is at the correct level for a single storey dwelling in this case. If the basement was not part of the design, the dwelling would be single storey but would be at the same level on the site; the level agreed by the PAC. The sloping nature of the site from the Saul Road to Donard View Cres allows for either of these options; single storey with sloped garden to the rear or with a first floor which has a cutting made into site then basement storey, all with the same ridge level; no effect on height of dwelling or overlooking potential. The design which has been presented takes into account the site, its surroundings and the neighbouring properties.

Refusal Reason 2 - 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 massing and appearance of buildings, structures and landscaped areas.

Additional information

The site is well defined by existing mature boundaries and has elevations to the Saul Road and Donard View Crescent. The proposal is a single dwelling on an adequately sized plot in urban Downpatrick. The scale is one dwelling to an approved site, the layout ensures there is no overlooking directly towards any other dwelling and the appearance is typical of many of the dwellings in the surrounding area; we feel the proposal is acceptable. Mention is made of the rear elevation which includes the basement storey but as we have stated the basement storey goes down from the agreed floor level and as it goes down it does not overlook. The windows in the rear elevation are a necessary part of the room design and do not over-look. The windows in the first floor would be in the current location whether this was a single storey dwelling or the current proposal with a basement floor. With the wide variety of differing designs in the area it is difficult to understand how this design does not respect the surrounding context or character.

Refusal reason 3 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 7 Quality Residential Environments Policy QD1(h) in that the proposed development will result in an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominant effect, in particular No.8 Donard View Crescent and approved development LA07/2016/1378/O.

Additional information

We have discussed overlooking with regards to the first reason for refusal but to reiterate the basement storey does not over look and does not even directly face the recently approved site or No 8 Donard View Cres. The same can be said of the main floor level which faces the hammerhead, not the No 8 or the approved site. The boundary between the proposal and the new site/No 8 is mature and will be maintained, see photographs. This boundary and the existing trees and hedges will provide adequate screening and privacy from the proposal. No trees will be removed as part of this proposal, including the large chestnut tree. The closest part of No 8 to the shared boundary is 14m which is more than enough for amenity and separation distances of 9m. From No 8 or the approved site there will be normal filtered views of a dwelling which will look the same from their viewpoint as the basement floor will not be seen. Regardless of design there will be a dwelling next door in this location. Keeping the ridge height from the Saul Road as single storey will protect the amenity of No 8 and the new site; that is what we have done. The single storey aspect of our proposal will not overlook or be dominant towards these other plots.

Refusal Reason 4 - The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and the Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas , policy LC1(b) in that the proposed dwelling is not in keeping with the overall character and environmental quality of this established residential area

Additional information

We repeat our statement for refusal reason 2 in that the well-defined site and the existing mature boundaries ensure that the proposal can be absorbed into the surrounding area. Its will be in keeping with the wide variety of designs in the area and fits well on to the site. The recently approved site just next door on a much smaller plot is evidence that the area is suitable for additional development. There were many objections to the other site yet none to this application despite that the other was approved and this one refused. In the other approval the existing shared boundary was acceptable but strangely not now acceptable in this application. The boundary has not changed and we feel provides more than enough screening and privacy protection. No trees will be removed for this application yet it is accepted that trees, including 100 year tree, must be removed to accomodate the other approved site despite the tree issue being raised by neighbours.

All-in-all we feel the application as presented complies with policy and should be approved.

Photographic Survey of site and surroundings



Boundary towards No 8, between proposal and No 8



Boundary and mature trees between proposal and recently approved site (see also 8 at left hand side).



Boundary between proposal, towards hammerhead



View of site towards site, Chestnut tree to right of silver car to be retained



View of site from Donard View Cres over the approved site, the proposal is beyond the double Beech trunk, well screened



Photo from end of Donard View Cres at junction with Saul Road, proposal is behind large Beech trees in the centre of the photo



Sample of dwelling on Saul Road, opposite site, chalet type with 2 storey front extension



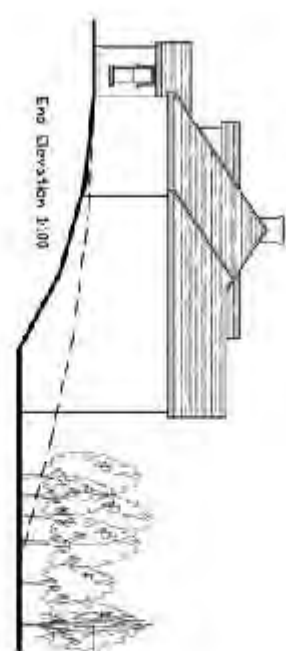
Sample of dwelling on Saul Road, within a few metres towards town centre, 2 storey, dwelling behind at lower level yet this arrangement is acceptable



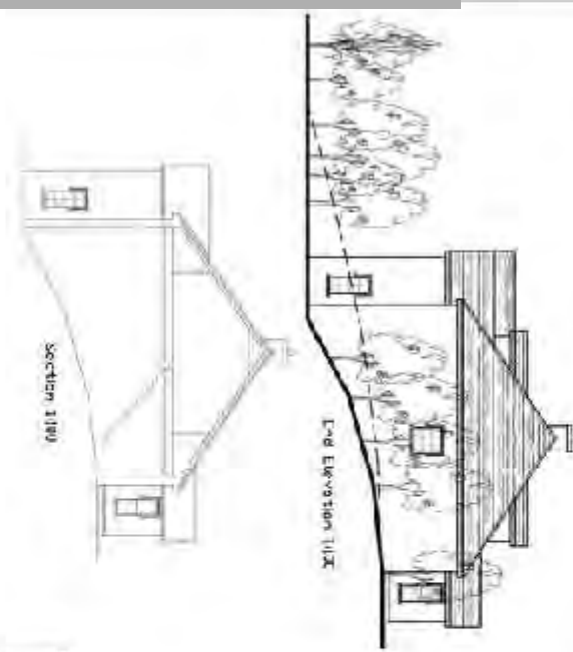
Sample of dwelling on Saul Road, 100m towards town centre, 2 storey



Sample of dwelling on Saul Road, 150m towards town centre, 2 storey with basement storey, dwellings behind can be seen at lower level yet this arrangement is acceptable



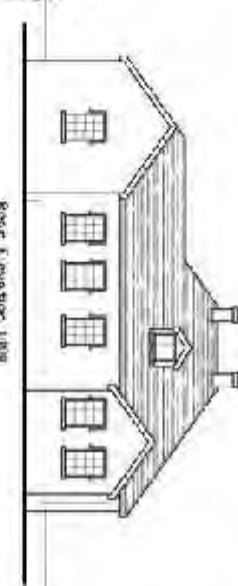
End Elevation 1:00



End Elevation 1:1X



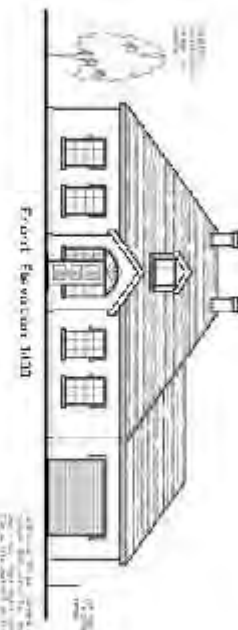
Section 1:80



Rear Elevation 1:80



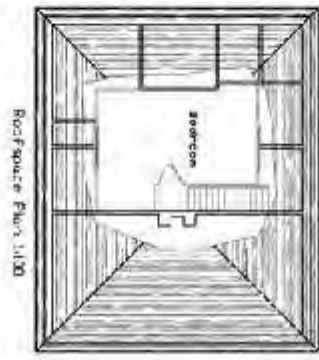
Basement Floor Plan 1:100



Front Elevation 1:100



Ground Floor Plan 1:100



Roofspace Plan 1:100



Proposed Site Plan 1:500



Site Location Plan 1:2500

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	12/15/10
2	ISSUED FOR PERMIT	12/15/10
3	ISSUED FOR PERMIT	12/15/10

ARCHITECT: Gerard McGrath
 1234 Main Street
 City, State, Zip
 Phone: (555) 123-4567
 Email: gmcgrath@mcgrath.com

ITEM NO	5			
APPLIC NO	LA07/2017/0725/F	Full	DATE VALID	15/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mitch Murphy & Simone Curtis 51 Coolderry Road Crossmaglen Armagh BT35 9JA		AGENT	Paul McAlister Architects Ltd The Barn 64a Drumnacanvey Road Portadown Craigavon BT63 5LY
LOCATION	Site 350m South West of 56 Coolderry Road Crossmaglen Armagh			
PROPOSAL	2 storey farm dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 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.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0725/F

Date Received: 15 May 2017

Proposal: 2 storey farm dwelling

Location: site 350m South West of 56 Coolderry Road, Crossmaglen

The site is located south of no. 51 Coolderry Road. No. 51 is a 2 storey residential dwelling sited beside a large complex of sheds. To the rear of no. 51 there is a slatted shed and to the west a number of larger sheds with a horse walking ring. At the time of inspection there was a large volume of gas tanks positioned to the rear and side of the dwelling.

Access to the site is via an existing gated entrance. To the right hand side of the entrance there is an existing sand arena and a number of horse jumps. From the laneway to the site there is no existing vehicular access. The site is positioned on the crest of the hill approximately 4 metres above the level of no. 51.

There is mature screening along the frontage of the site.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/1973/0022/F- proposed erection of a bungalow- approval

Objections & Representations

No. of neighbours notified= n/a

No representations received= 0

Advertise expiry= n/a

Consultations

TransportNI- no objections subject to conditions

NIEA HED- content proposal is satisfactory

EH- standard farm dwelling advice

NIW- statutory

DAERA- see report below

Consideration and Assessment:

The proposal is sited within the countryside area, therefore the provisions contained with PPS 21 will apply to this case.

The applicant has supplied the following information on the P1 C form:

The applicants are Mitch Murphy and Simone Curtis and farm business owner is Mr Frank Murphy and they all reside at Larkins Road to where the business is registered. This conflicts with the information supplied within the P1 form which references the applicants residing at 51 Coolderry Road. The applicants are applying under Frank Murphy's farm business which has a connection with no. 51 Coolderry Road. The farm was established 15-20 yrs ago and that business has a DAERA business number (616672 allocation date unknown and makes a single farm payment return to DAERA. The holding is 35.62 hectares.

From the information provided on the P1C form and the comments from the consultation with DAERA the Planning Department can ascertain that the farm business is currently active and has been established for more than 6 years. There does not appear to be any portions of the farm holding that have been sold off and from our records there is no other approvals for a dwelling on the farm holding apart from the applicants dwelling at 51 Coolderry Road (P/1973/0022/F) and the erection of a dwelling with boarding kennels and cattery (ref: P/1998/1218/F) which appears to be in the ownership of a Ms Denise Finnegan.

The dwelling is proposed to be sited in an agricultural field next to the applicants dwelling at 51 Coolderry Road. It is visually linked and sited to cluster with the existing farm buildings. The proposal is to utilise the existing farm entrance.

The proposed laneway to the dwelling is cut from a large agricultural field. However, having considered the position of the laneway away from public views and the existing mature vegetation between the site and public road, there should be no issues with regards to the integration of the laneway.

The proposal, albeit on the crest of the slope with a ridge height of 7.8metres is not considered to be a prominent feature in the landscape given the limited critical views. The design of the dwelling is not considered appropriate to the rural setting. The hipped nature of the roof with the position of the chimneys is considered more appropriate to the urban setting. Similar issues with regards to design on two recent applications, LA07/2016/0538/F & LA07/2016/0473/F within the Council area have set precedence against this type of roof design and in these applications the Planning Department sought and received an amended and more appropriate design. The same must apply to this application and such inappropriate design must be resisted in order to protect the countryside.

Recommendation:

Refusal

Refusal Reason:

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.

ITEM NO	6			
APPLIC NO	LA07/2017/0788/F	Full	DATE VALID	22/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Conrad Haughian 22 Rathmore Warrenpoint BT34 3SF		AGENT	Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS

LOCATION 12 Great Georges Street
Warrenpoint

PROPOSAL Proposed town house to rear of apartments currently under construction with access through apartments to Great Georges Street

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

- 1 The proposal is contrary to Policy QD 1 (Criteria a, c & h) of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12) : Housing in Settlements in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0788/F

Date Received: 07.06.2017

Proposal: Proposed town house to rear of apartments currently under construction with access through apartments to Great Georges Street

Location: 12 Great Georges Street, Warrenpoint

Site Characteristics & Area Characteristics:

The site is at no.12 Great George street, there are 3no apartments currently under construction fronting on to Great George Street under previous approval LA07/2016/0619/F. The proposed development is located to the rear of the apartments with the proposed front elevation facing the laneway. There is a four story listed building on a prominent corner site to the north and there is a terrace of 2 ½ storey dwellings extending south from the application site.

The proposed site is located within the settlement development limits of Warrenpoint and within the Town Centre Boundary. It is designated as an Area of Townscape Character (WB34) as designated within the Banbridge, Newry and Mourne Area Plan 2015 and is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. There is an historic monument DOW 054:500 to the north and the site is adjacent to a listed building HB6/11/032. The surrounding area has a range of land uses including commercial, residential and civic buildings.



Location of proposed apartment block

Planning Policies & Material Considerations:

Regional Development Strategy
 Banbridge, Newry and Mourne Area Plan (2015)
 Strategic Planning Policy Statement of Northern Ireland

Planning Policy Statements

PPS 2- Natural Heritage
 PPS 3- Access, Movement and Parking
 Parking standards
 PPS 6 – Planning, Archaeology and the Built Heritage
 Addendum to PS6- Areas of Townscape Character
 PPS 7- Quality Residential Environments
 PPS 8- Open Space, Sport and Outdoor Recreation
 DCAN 8- housing in Existing Urban Areas
 PPS12- Housing in Settlements

Further Guidance

A Planning Strategy for Rural Northern Ireland (policies DES2 & SP18)
 Living Places Urban Stewardship and Design Guide.

Site History:

LA07/2016/0619/F
 3 No Self Contained Apartments
 Permission Granted: 21.09.2016
 P/2014/0027/F
 Proposed 4 no. self-contained apartments on vacant site-
 Permission Refused: 28/07/2014. It was dismissed at appeal on 20th October 2015
 based on policies BH11 and QD1.

Consultations:

Transport NI- No objection to the proposal subject that Planning are satisfied that there will be no need for an off street car parking requirement for this proposal.

Historic Environment Division (HED)- Has no objection to the proposal subject to conditions.

NI Water- Has no objection to the proposal subject to conditions.

Objections & Representations

2 Neighbours notified on 05.07.2017 and 3 Neighbours notified on 14.09.2017 and the application was advertised on 30.05. 2017. No objections or representations received.

Principle of Development

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity if these areas . Therefore the principle of developing within the urban footprint is in line with the regional housing policy of the RDS.

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

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The application site is currently within the settlement limit of Warrenpoint as designated within the Banbridge, Newry and Mourne Area Plan 2015, and is unzoned. It is also within the town centre boundary, an Area of Townscape Character and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. The housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this.

SPPS and PPS 12- Housing in Settlements

Planning Control Principle 1- Increased housing density without town cramming- Officers consider that the proposal will increase the housing density in this area, but will not respect the adjacent housing and will not safeguard the privacy of existing residents.

Planning Control Principle 2- Good design

Officers consider that the design of the scheme does not successfully respect the overall character, quality and sustainability of the area. Further consideration of these issues; see 'Urban design' below.

Planning Control Principle 3- Sustainable forms of development.

The use of sites like this within the urban footprint is more sustainable than one-off housing developments outside development limits and is therefore encouraged. There are local facilities and services available in the town centre at walking distance from the site including a large public park, however consideration must be given to 'town cramming' and respecting the adjacent and surrounding housing.

Planning Control Principle 4- Balanced communities

As the proposal is for a small development, there is limited scope to provide different unit sizes. There have been recent approvals for apartment developments including 3 no apartments within the application site. The developer will not be required by condition to provide any social housing.

Urban Design

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, which is sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. Urban design is taken to mean the relationships between buildings, relationships between buildings and streets, nature and quality of the public domain; the complex relationships between all the elements of built and unbuilt space. The appearances and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves.

The building proposed is located between 10 Great Georges Street and 11 St Peters Street. The building would have a height of 7m and width of 5.8m. HED have recommended external finishes reflect traditional materials. New development in ATCs must maintain or enhance the overall character and respect the built form of the area. Officers consider that the proposed development would result in overlooking to residents 11 St Peters Street. Regard must be given to the private amenity of residents in the proposed development. The proposed double patio doors and balcony area on the first floor rear elevation would create and result in loss of privacy to residents living in the proposed development and those in the 3no apartments currently under construction fronting on to Great George Street under previous approval LA07/2016/0619/F. Officers consider the proposal will result in loss of amenity and would result in overlooking or loss of light.

The application has proposed approximately 26m² private amenity space to the rear yard and under the balcony. The previous approval LA07/2016/0619/F for 3no apartments was granted with 60m² communal amenity space in the rear yard. This application proposes to develop on this communal amenity space. This therefore leaves only 26m² for the private amenity space of the proposed development and the communal amenity space of the 3no apartments. Officers consider that the level

of amenity space is not acceptable. As the proposal is for one apartment the developer is not required to provide any local neighbourhood facilities as part of the development. The site is within walking distance of public transport and local services in the town centre.

The size of the proposed apartment (37sq.m- measurements has been taken internally, hallways and stairways have not been included in the floor space measurements as they are not considered to be habitable space) is particularly small, but the minimum space standards specified in policy LC1 of the Addendum to PPS7- Safeguarding the Character of Established Residential Areas do not apply in designated town centres including brownfield sites (see Annex E of the policy). It is not possible to get any more given the constraints of the site. Officers consider that the development design and layout does not satisfactorily integrate into its townscape setting.

Access and Parking

Transport NI have no objection to the proposal subject that Planning are satisfied that there will be no need for an off street car parking requirement for this proposal. There is no vehicular access to the site. Parking will be on-street, creating Places, Annex A relates to Residential Parking Standards and states that 1 bed apartments should have 1.25 unassigned spaces and 1.75 assigned spaces. However there is substantial parking capacity within the walking distance of the site at all times of the day. On this basis, it is not sustainable to request an off-street parking requirement and the scheme should not be refused on this basis. This is in line with the approach taken by the PAC in the previous appeal on site (P/2014/0742/F).

Impact on Archaeology and listed buildings

There is an historic monument (DOW054:500) to the north of the site. NIEA Monuments Unit was consulted and has no archaeological objections to the proposal under PPS 6.

No12 St Peter's Street to the north of the site is a B1 listed building. The listed St Peter's Chapel is located across the street to the north. The application site is only viewed with no.12 St Peter's Street and forms part of its setting. Section 91 (2) of the Planning Act 2011 places statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy BH11 of PPS 6 states that development which would adversely affect the setting of a listed building will not normally be permitted. HED advised on 21th July 2017 that they are content with the proposal under policy BH11 of PPS 6 subject to conditions to ensure that:

- Roof shall be natural slate
- Rainwater-ware shall be polyester powder coated aluminium
- Windows and external doors shall be opaque painted hardwood
- Wall shall be smooth render
- Eaves shall be clipped

- Railings shall be painted metal.
- Hard landscaping shall be natural stone or gravel.

The council have not requested amended plans from the agent as the proposal is contrary to policy mentioned above.

Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to Policy QD 1 (Criteria A, C & H) of Planning Policy Statement 7 (PPS 7): Quality Residential Environments and Planning Control Principles 1 and 2 of Planning Policy Statement 12 (PPS12) : Housing in Settlements in that the applicant has failed to demonstrate that the proposal will create a quality and sustainable residential environment.

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

JOB REF 2325

PROPOSED TOWNHOUSE AT 12 GREAT GEORGES STREET, WARRENPOINT, NEWRY

STATEMENT OF CASE.

The application under discussion has been recommended for refusal for a single reason which has in effect 3 parts and in summary Plannings concerns are (i) It does not respect the surrounding areas character and context, (ii) There is not adequate private amenity space and (iii) The proposal will conflict with adjacent land uses.

I would address each concern as follows:

(i) The photograph on the Case Officers Report gives a good representation of the site as does my Historical Map of the area (Map 1). Our site was once occupied by a stable /coach shed which was demolished but it can be seen from adjacent properties how the area was and how it has been developed. No 10 has a townhouse at rear as can be seen from photographs provided, No8 still has the stable/coach shed, No 6 has a townhouse and No 4 has a self contained unit. In view of the existing pattern of development our proposal is actually rounding off the area and rebuilding a building that was demolished. Our proposal will indeed fully respect the surrounding area and pattern of development hence the reason for refusal cannot be sustained.

(ii) The Case Officers observations regarding private amenity space are totally inaccurate. Our proposal will have around 12.1m² private space and the apartments will retain over 33m² in total, that is 11m² per apartment. This is fully in compliance with the guidance given in Creating Places and more than that provided in adjacent developments. No 11 St Peters Street contrary to the Case Officers report has no private amenity space. The apartments under construction beside No11 St Peters Street and referred to in my photographs have no amenity space and were approved on 12 Oct 2009 under Planning Reference P/2009/0058 and the development ongoing at 10 Great Georges Street has virtually no private amenity space. Our proposal adheres to Planning guidance while all around existing and ongoing developments have little or no amenity space. In the interests of administrative fairness this reason for refusal cannot be sustained as we have exceeded what is around the site and are within Planning guidelines.

(iii) Here again the case Officer maintains that the development will conflict with adjacent land uses. This reason cannot be sustained as all around the site we have apartments and townhouses which have been approved as again can be clearly seen from my photographs and Plannings. Our proposal

12 St Peter's Street Warrenpoint



1st survey map, indicating link blocks and mews buildings to rear of street fronting dwellings, red outline to terrace block

MAP NO 1

12 St Peter's Street Warrenpoint



View of rear 12 St Peter's Street, rubblestone wall (ivy) to yard, proposed building extent in approximate position of Heras fencing. Blockwork wall indicates rear of ongoing 3 storey development.

12 St Peter's Street Warrenpoint



Language of the 'backs' – primary mass, secondary link, tertiary mews building

conforms with Planning guidance and there is no conflict whatsoever with adjacent land uses. Indeed the approvals given historically conflict in part regarding amenity provision yet were deemed acceptable. In my opinion this part of Warrenpoint is densely developed and our proposal fully respects that and indeed will create a better living environment to what surrounds it.

In summary our proposal is a continuation of what was in the area and what has been recently approved by Planning. It is in keeping fully with the character of the area .The townhouse is basically a smaller version of the one adjacent located at 10 & 10A Great Georges Street. Here there is an existing larger townhouse with access only onto the rear alley and no private rear amenity space and 3 approved apartments currently under construction which have virtually no private amenity space or access onto the rear alley. The proposed density of development on the site under discussion and under construction at 12 Great Georges Street is the same as that at number 10 in terms of 4 units and this development was approved in January 2016 but in our proposal amenity space has been provided as per guidance given. Our proposed townhouse will have direct access to Great Georges Street and a rear yard for bin storage as well as its own private balcony.

Thank you for your time and I trust you will support this application.

ITEM NO	7			
APPLIC NO	LA07/2017/0795/F	Full	DATE VALID	24/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Laurence Patterson Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West Saintfield BT24 7ND		AGENT	The Bowsie Partnership 3 Lower Clay Road Toye Downpatrick BT30 9PL
LOCATION	Drumnaconnell House 56 Ballynahinch Road Drumnaconnell West Saintfield BT24 7ND			
PROPOSAL	Replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which is proposed to be replaced makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0795/F

Date Received: 24.05.2017

Proposal: The application is for full planning permission for a replacement dwelling.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. The site is less than a mile SE of Saintfield village.



**Site Characteristics & Area Characteristics:**

The application site is located at the junction of two roads, Ballynahinch Road and Drumnaconnell Road. The site accommodates a two storey dwelling (as dwelling is currently being occupied) with attached outbuilding and a number of other outbuildings which form part of a cluster/grouping of buildings. The outbuilding to the north of the site is comprised of nature stone finish, there appear to be two other buildings attached to this building including stables which have a rendered appearance. The outbuildings to the southern part of the site are partly white washed in appearance and partly rendered. The rear of the site opens onto a concrete yard. A dry stone wall surrounds the majority of the site, with the addition of hedging and mature trees in parts.





View from google street

Site History:
No relevant history on the site.

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21 and supplementary guidance - Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.

Consultations:

NI water – No objections
Transport NI – No objections subject to conditions
NIEA Water management – No objections

Objections & Representations

In line with statutory requirements two neighbours have been notified on 29.06.2017. The application was advertised in the Mourne Observer and the Down Recorder on 07.06.2017.

Consideration and Assessment:

Strategic Planning Policy Statement

Under the SPPS, 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. In practice this means 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.

Under the SPPS replacement dwellings, there is a tightening of policy whereby the emphasis has moved from 'should' within CTY 3 to 'must'. Replacement dwellings must be located within the curtilage of the original dwelling where practicable....Replacement dwellings must not have a visual impact significantly greater than the existing building.

PPS3 - Access, Movement & Parking

DCAN15 -Vehicular Access Standards

The existing access as shown above is to be closed and a new access opened up further along the Ballynahinch Road. Transport NI was consulted and has no objections to the proposal.

PPS 21 - Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a replacement dwelling in accordance with Policy CTY 3 is one such case. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14 will also be considered.

CTY 3

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The building to be replaced is currently occupied. The building on the site does appear to exhibit the essential characteristics of a dwelling house. There are a number of different rooms, doors and windows, chimneys on the ridge, and a slate roof. All external structural walls are substantially intact and the building looks to be structurally in tact. It is a two storey dwelling with chimneys at either end of both gables on the ridge. The building is orientated gable on towards the Ballynahinch Road, however access is also gained from the Drumnaconnell Road. The roof consists of Bangor blue slate. Windows to the front elevation and are vertical in emphasis. These windows have been fitted with white PVC window frames. Windows to the side gable towards the rear of the house have a more horizontal appearance. There is a flat roof porch to the front elevation. There is a two storey return to the rear of the dwelling. There is a high solid to void ratio. The building is described as vernacular and along with the grouping of outbuildings represents a good example of a small cluster or clachan style of development.

Non listed Vernacular Dwellings

The existing dwelling which is subject to replacement is an example of a non-listed vernacular dwelling. Retention of such a dwelling is encouraged under Policy CTY3 'Replacement Dwellings'. The test within PPS 3 is whether the existing dwelling makes an important contribution to the heritage, character and appearance of the locality. The retention and sympathetic refurbishment, with adaptation (if necessary) is encouraged in preference to their replacement. The building appears to be structurally sound and could be capable of improvement. The building is an attractive vernacular building, it is located off the Ballynahinch Road, and commands views from both the Ballynahinch Road and Drumnaconnell I Road . Given its

location it would make an important contribution to the heritage, appearance or character of the locality. See below maps taken from PRONI website, where the dwelling dates from approx. 1900 -1907.



Layer List

Operational Layers

- County Boundaries
- Parish and Townland Boundaries
- Points of Interest
- OSNI 1: 10 000 Metric Scale Irish Grid (1957 - 1986)
- OSNI six inch to one mile Irish Grid - (1952 - 1969)
- OSNI Historical Fifth Edition - (1919 - 1961)
- OSNI Historical Fourth Edition - (1905 - 1957)
- OSNI Historical Third Edition - (1900 - 1907)
- OSNI Historical Second Edition - (1846 - 1862)
- OSNI Historical First Edition - (1822 - 1846)



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- OSNI Historical Third Edition - (1900 - 1907)
- OSNI Historical Second Edition - (1846 - 1862)
- OSNI Historical First Edition - (1822 - 1846)



The principle of a replacement dwelling would therefore not be acceptable.

Notwithstanding the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met.

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

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

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

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

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

Since this is a full application consideration has to be given to the plans submitted for a replacement dwelling.

The proposal itself involves replacing the existing dwelling and an attractive attached outbuilding generally on the same footprint as the existing dwelling. The curtilage of the proposed replacement dwelling would be a similar arrangement to what is presently on site.

The proposed dwelling has two storeys with a ridge height of 8.6m to FFL. A single storey utility room is proposed to the side elevation, with a bay window feature proposed to the opposite elevation. The windows to the front have a vertical emphasis. There is a slight roof projection/dormer to the centre of the front elevation. The main element of the dwelling measures 14.3m in length with a gable depth of 9.9m. The front elevation would be described as being traditional in form, but with a neoclassical feature in the form of a granite portico and step. The materials and finishes include:- walls – rendered (pearl grey colour) with raised window bands and raised plinth (same colour as walls), side return – ‘field’ stone; roof – natural stone slates blue/black; smooth render chimneys with angular clay ridge (blue/black); cream uPVC sliding sash windows and black uPVC panelled front door.

The proposal also involves the closing up of the existing access and the introduction of a new access further SE along the Ballynahinch Road. This involves removing the existing stone wall and rebuilding behind the required sightlines. It also involves a new driveway which would be longer than the existing driveway.

Views of the site would be from Ballynahinch Road coming in both directions and along Drumnacconnell Road in both directions. There are a number of outbuildings which form part of the existing grouping of buildings and these are to remain. Given that the ridge height is similar to the building that is currently present the design has elements that are rural in design, with good solid to void. The building will have an impact on the landscape as it is larger in scale to the building that is being replaced, however, taking into account the attached outbuilding which is also being removed on balance the proposed dwelling, would not have a visual impact significantly greater than that of the existing building and the design would be acceptable.

There are no issues of residential amenity as the closest dwelling to the proposed siting of the replacement dwellings is more than the recommended distance.

Notwithstanding the above the proposal will also be considered under the following policies.

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 is of an appropriate design. The dwelling will be integrated into the landscape, given that it is being replaced in a similar position to the existing dwelling in situ with the view that the proposed

building would not have a visual impact that is significantly greater than the existing dwelling to be replaced.

Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. In this case the dwelling on the site would be not unduly prominent in the landscape. A new building sited will not have a detrimental impact to the rural character of the area.

Recommendation:

Refusal

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, as the dwelling which is proposed to be replaced makes an important contribution to the heritage, appearance and character of this area and is capable of being made structurally sound and improved.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	8			
APPLIC NO	LA07/2017/0866/O	Outline	DATE VALID	05/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Miss Michelle Skillen 70 Brackenagh West Road Ballymartin Kilkeel		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
LOCATION	200m SW of No 126 Head Road Kilkeel			
PROPOSAL	Proposed Replacement Dwelling and Domestic Garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure had been re-instated without planning permission and it is evident that prior to these works the external structural walls of the building were not substantially intact.			
2	The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a new building on this site 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; and the proposed building relies primarily on the use of new landscaping for integration.			
3	The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a new dwelling on this site would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to further erode the rural character of the countryside.			



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0866/O

Date Received: 06/06/2017

Proposal: Proposed Replacement Dwelling and Domestic Garage

Location: 200m SW of No 126 Head Road, Kilkeel. The application site is included within the Mourne Area of Outstanding Natural Beauty. It is outside the settlement limits and is approx. 23 kilometres SE of Newry city.

Site Characteristics & Area Characteristics:

The application site forms part of an agricultural field with a stone structure within the south western corner. Access to the application site is provided via an existing lane from Head Road which provides access to land and dwellings further north of the application site. There is a slight gradual slope as you move south to north across the application.

The surrounding area is rural in character. Immediately surrounding the application site is agricultural land. Dwellings and associated outbuildings are further north and east and west of the application site along Head Road. A small community building sits approximately 130m to the SE of the application site. Beyond the application site to the north is the Mourne Mountains.

Site History:

There is no recent relevant planning history.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- The Strategic Planning Policy Statement for Northern Ireland;
- Planning Policy Statement 2 – Natural Heritage;
- Planning Policy Statement 3 – Access, Movement and Parking;
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

Consultations:

There were three consultations issued for this proposal. See details below

- Transport NI – no objection to the proposal RS1 form attached (25/08/2017)
- Environmental Health – no objection (01/08/2017)

- NI Water – generic response (26/07/2017)

Objections & Representations

There were no neighbour notifications issued for its proposal. The application was advertised in the local press on 21st June 2017. No representations were received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is located within the rural area that is classified as open countryside in the above plan. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes replacement dwellings if they are in accordance with Policy CTY 3.

The policy requires as a minimum all external structural walls to be substantially intact and that the building to be replaced exhibits the essential characteristics of a dwelling. On initial inspection of the site and the structure within it during September 2017, there appears to have been substantial works carried out to reinstate the external walls of the structure. Following a review of the application site on Google Street maps, dated March 2011, while it is difficult to see the full extent of works carried out it is clear that the front and rear walls of the building have been reinstated and window and door openings have been created with stone heads set on top. There does not appear to be any planning permission granted for these works. In regards to exhibiting the characteristic of a dwelling the window and door opening have been created through reinstatement works. There does appear to be a fire place within the building however it is difficult to determine whether this is an original feature.

The agent in light of the works undertaken to re-instate the external walls was requested to provide additional evidence to demonstrate that the building on site was previously a dwelling. Signed affidavits were provided giving written affirmation that the building subject of this planning application was previously used as a dwelling. A photograph was provided which is claimed is of the building on site, although this is difficult to determine. Census documents were also provided and a Valuation of Tenements document and corresponding map appear to clarify that the building on site was previously a dwelling. irrespective of this evidence, the policy clearly states that to qualify for a replacement dwelling the building on site must as a minimum have all external structural walls intact and it is clear from historical imagery the front

and rear walls were not substantially intact the proposal therefore fails the policy requirements of CTY1 and CTY 3.

Planning Policy Statement 2

With regard to Planning Policy Statement 2 Natural Heritage, policy NH6 is applicable as the site is within the AONB. The siting of the proposed dwelling will be sympathetic to the locality and there are no adverse impacts on existing heritage in the area and the design of the dwelling would be considered at RM stage (if approved).

Integration and Design

Policy CTY 13 of PPS 21 states planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The proposed site lacks long established natural boundaries along the eastern and northern boundaries and would be unable to provide a suitable degree of enclosure for a new dwelling to integrate into the landscape. A new dwelling on this site would be a prominent feature in the landscape and would rely primarily on the use of new landscaping for integration. While planting could be used to define the curtilage of the site it would take time to establish and mature in order to provide a suitable degree of enclosure. The proposal is therefore considered contrary to criteria (a), (b) and (c) of Policy CTY 13.

Rural Character

Policy CTY 14 of PPS 21 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 an area. As detailed above, a new dwelling on this site would be a prominent feature in the landscape due to the topography of the land and the lack of long established natural boundaries. The proposal is therefore considered to be contrary to criteria (a) Policy CTY 14.

Development Relying on Non-Mains Sewage

The applicant has indicated that fowl sewage will be disposed with by septic tank. No details have been provided at outline stage however I am satisfied the site could accommodate a septic tank and soak-away subject to obtaining consent to discharge from NIEA.

Summary

Works have been carried out to the structure on site in the last five years to reinstate external walls of the building to meet policy requirements without planning approval and historical imagery demonstrates that the external walls of the structure were not substantially intact and therefore not in accordance with CTY 3 of PPS21.

Recommendation:

REFUSAL

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure had been re-instated without planning permission and it is evident that prior to these works the external structural walls of the building were not substantially intact.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that a new building on this site 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; and the proposed building relies primarily on the use of new landscaping for integration.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a new dwelling on this site would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to further erode the rural character of the countryside.

ITEM NO	9			
APPLIC NO	LA07/2017/0867/O	Outline	DATE VALID	05/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Paul Annett 26 Ballyveaghbeg Road Ballymartin Kilkeel BT34 4XG		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB
LOCATION	25m east of the white house No. 26 Ballyveaghbeg Road Ballymartin BT34 4XG			
PROPOSAL	Proposed site for farm dwelling and domestic garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0
1	The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.			
2	The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality			
3	The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. the proposed building relies primarily on the use of new landscaping for integration and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.			
4	The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.			



Comhairle Ceantair
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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0867/O

Date Received: 06/06/2017

Proposal: Proposed site for farm dwelling and domestic garage

Location: 25m east of the white house No. 26 Ballyveaghbeg Road Ballymartin. The application site is positioned approx. 26 kilometres south east of Newry city. The application site is outside the settlement limits and is included in the Mourne Area of Outstanding Natural Beauty as defined by the Banbridge / Newry and Mourne Area Plan.

Site Characteristics & Area Characteristics:

The application site forms part of an agricultural field and includes a small stone outbuilding within the southern portion. The southern and eastern boundaries of the site are defined by a traditional stone wall. Within the application site there is a rise in land levels as you move from east to west. The application site has a frontage along Ballyveaghbeg Road (western boundary).

The surrounding area is rural in character with the dominating land use being agriculture. Farm complexes and single dwellings are evident further north and south along Ballyveaghbeg Road.

Site History:

There is no recent relevant planning history for the application site.

Planning Policies & Material Considerations:

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry and Mourne Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking (PPS3)
- Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21)

Consultations:

There were five consultations issued for this proposal.

- Transport Northern Ireland – No objection , RS1 form attached (25/08/2017)
- Environmental Health – No objection outlined recommended distance from farm buildings. (01/08/2017)
- NIEA- no objection , clarification sought regarding existing stone building south of application site ((18/08/2017)
- Northern Ireland Water – generic response (26/07/2017)
- DAERA yes and yes (01/08/2017)

Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 21st June 2017. There were no representations received.

Consideration and Assessment:

Policy CTY 1 of PPS 21 sets out a range of types of development that are acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 10 states planning permission will be granted for a dwelling house on a farm where all of criteria (a), (b) and (c) can be met. CTY 10 goes on to state the site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16.

Principle of Development

Criterion (a) of Policy CTY 10 requires the farm business to be currently active and have been established for at least 6 years. DARD confirmed the Business ID has been established for more than 6 years and that farm payments have been claimed in the last 6 years. Claiming farm payments is the main means used to determine if the farm is active. I am therefore satisfied that the application complies with the requirements of criterion (a).

Criterion (b) of Policy CTY 10 requires that no dwellings or development opportunities out-with settlement limits be sold off from the farm holding within 10 years of the date of the application. This provision applies from 25th November 2008. The applicant has acknowledged in the P1C form a transfer of land occurred in 2005 on which planning permission was granted under P/2004/1480/RM for the erection of a dwelling. Provided to the Planning Department to demonstrate this transfer of land was an Ordnance Survey receipt dated 12 May 2005 for a map and invoice for Lindsay Annett for OS Map and Tracing on site and printing also included was an OS map outlining the development opportunity site in red. A land registry check has been carried out and confirms this transfer occurred in 2005.

Criterion (c) of Policy CTY 10 requires the new building is visually link with or be sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. The proposed site sits to the west of the existing farm dwelling and buildings which are on the opposite side of Ballyveghbeg Road, it is considered a dwelling on the proposed site could not visually link or cluster with this group of farm building's due to the separation created by Ballyveghbeg Road. There is a stone building within the application site however the policy clearly states that a new farm dwelling must be

sited to visually link and be sited to cluster with an established group of farm buildings. The proposal therefore fails criterion (c) of CTY 10.

CTY 13, 14 and 16.

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping. 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 site lacks established boundaries on two sides and as a result it would require significant new landscaping to achieve satisfactory integration. A dwelling here would not integrate sensitively along with a group of existing buildings. No detailed design has been submitted as this application is for outline permission the design of the proposed dwelling will be considered as reserved matters, should this application be approved.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A dwelling on the application site is considered would be detrimental to the rural character of this area as it would result in a suburban style build-up of development when viewed with existing development.

The planning department would consider a dwelling sited to the south of the farm dwelling (No. 26) a more suitable location for a new dwelling. A dwelling here would not be as prominent and would more easily integrate with the landscape and cluster with the existing farm buildings.

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

PPS2

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within the Mourne AONB. Due to the issues discussed above relating to build-up and the failure to cluster with buildings on the farm it is considered that the siting of the proposal is unsympathetic to the special character of the AONB in general and of the particular locality. The proposal is contrary to policy NH6 of PPS2. As this is an outline application no details of the proposed design have been submitted.

The application site is included within a Site of Local Nature Conservation Importance and therefore Policy NH4 of PPS2 applies. It is not considered development on the application site would have an adverse impact on the local nature reserve.

PPS3

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. Transport NI were consulted and have no objections

in principal subject to a scale plan and accurate site survey being submitted as part of a reserved matters application in accordance with the RS1 form in the event of this application being granted approval.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date: