



January 10th, 2019

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 16th January 2019** at **10:00 am** in the **Boardroom, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

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

# Agenda

## 1.0 Apologies.

- Councillor Harte

## 2.0 Declarations of Interest.

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

---

### *Minutes for Confirmation*

---

## 4.0 Minutes of Planning Committee Meeting held on Wednesday 19 December 2018. (Attached).

📎 *Planning Committee Minutes v.1 19.12.2018.docx*

Page 1

---

### *For Discussion/Decision*

---

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

📎 *Addendum list - 16-01-2019.pdf*

Page 16

---

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

---

## 6.0 LA07/2017/1603/0 - housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development - lands to the west of 34 and 61 Old Railway Close, Leitrim. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from John Cleland, agent, and Mr P Rice, applicant, in support of the application. **(Submission attached).**

📎 *LA07-2017-1603-O (Housing) Old Railway Close.pdf*

Page 17

📎 *Item 6 - submission of support (Railway Close, Leitrim).pdf*

Page 23

## 7.0 LA07/2018/0264/F - extension to dwelling - 36 Demesne Heights, Downpatrick. (Case Officer report attached).

Rec: REFUSL

- Addendum list

[LA07\\_2018\\_0264\\_F- 36 Demense Heights, Downpatrick.pdf](#)

Page 26

## **8.0 LA07/2018/0444/F - proposed replacement dwelling and erection of detached garage - 5 Creevytenant Road, Ballynahinch. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07\\_2018\\_0444\\_F- 5 Creevytenant Road, Ballynahinch.pdf](#)

Page 32

[Item 8 - submission of support \(Creevytenant Road\).pdf](#)

Page 40

## **9.0 LA07/2018/0482/F - proposed conversion of stone barn into a dwelling with associated works - 60m north of 67 Dechomet Road, Dromara. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

[LA07-2018-0482-F Dechomet Rd.pdf](#)

Page 41

## **10.0 LA07/2018/0507/0 - proposed dwelling on infill site - land NW of 69 and opposite 68 Rocks Chapel Road, Kilmore, Crossgar. (Case Officer report attached).**

Rec: REFUSAL

- Addendum list

[LA07\\_2018\\_0507\\_O- Lands Opp 68 Rocks Chapel Road, Kilmore, Crossgar.pdf](#)

Page 45

## **11.0 LA07/2018/1193/0 - off site replacement dwelling with detached garage - approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan. (Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2018-1193-O\\_15\\_Ardglass Road.pdf](#)

Page 52

**12.0 LA07/2018/1456/F - upgrade the existing public grassed area to install play park equipment on lands at Meadowside play park, Drumcloon Walk, Meadowlands, Downpatrick. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📄 *LA07-2018-1456- F Meadowside , downpatrick.pdf*

Page 64

**13.0 LA07/2018/1485/F - erection of 2.4 metre high paladin fence and gate - 83 Commons Road, Ballykinler. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📄 *LA07\_2018\_1485\_F\_Commons\_Road.pdf*

Page 67

**14.0 LA07/2017/0932/0 - 4 no. holiday cottages including fully inclusive design (amended proposal and site address) land immediately adjacent to/south-west of 32 Dougan's Road, Kilkeel. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Ian Crockard, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor H Reilly, in support of the application. **(Submission attached).**

📄 *LA0720170932 Dougans Road.pdf*

Page 71

📄 *Item 14 - submission of support (holiday cottages).pdf*

Page 83

📄 *Item 14 - support from DEA Councillor Reilly.pdf*

Page 85

**15.0 LA07/2017/1469/F - change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars), replacement outbuilding and**

**detached carport for 2 cars (amended plans) - 186 Killowen Road, Rostrevor. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Bernadette Cousins, objecting to the application. **(Submission attached).**
- A request for speaking rights has been received on behalf of Matthew Crothers, Planning Consultant; Robert Dunlop, agent and Frank Judge, applicant, in support of the application. **(Submission attached).**

📄 *LA07,2017,1469, Killowen Road.pdf* *Page 86*

📄 *Item 15 - submission of objection (Killowen Road).pdf* *Page 106*

📄 *Item 15 - submission of support (Killowen Road).pdf* *Page 108*

**16.0 LA07/2018/0504/F - proposed dwelling and garage (in substitution of that approved under P/2007/0405/RM) adjacent and north of 21 Aghadavoyle Road, Jonesborough. (Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2018-0504-F.pdf* *Page 114*

📄 *Item 16 - submission of support (Aghadavoyle Road).pdf* *Page 117*

**17.0 LA07/2018/1533/F - proposed new village play area - former Forkhill Army base site - School Road, Forkhill, Newry. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📄 *LA07-2018-1533-F former Forkhill Army Base Site.pdf* *Page 125*

---

***Section 60 Appeal (in closed session)***

---

**18.0 LA07/2018/1074/F - housing development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments - Lands Opposite No 1 Ashgrove Avenue Newry ( Closed Session). (Case Officer report to follow under separate cover).**

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

---

*For Noting*

---

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

 *Planning HISTORIC TRACKING SHEET - UPDATED 02-01-2019.pdf*

*Page 128*

**20.0 December 2018 Planning Committee Performance Report. (Attached).**

 *DECEMBER 2018 Planning Committee Performance Report.pdf*

*Page 136*

**21.0 Record of meetings between Planning Officers and Public Representatives. (Attached).**

 *Record of Meetings Report.pdf*

*Page 143*

**22.0 December 2018 Appeals and Decisions. (Attached).**

 *December 2018 Appeals and Decisions.pdf*

*Page 144*

**23.0 Register of Contacts Q3 October-December 2018. (Attached).**

 *REGISTER OF CONTACTS - Q3 Oct - Dec 2018.pdf*

*Page 174*

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 19 December 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

**Chairperson:** Councillor M Larkin

**Deputy Chairperson:** Councillor D McAteer

**In attendance:** **(Committee Members)**  
 Councillor W Clarke  
 Councillor G Craig  
 Councillor G Hanna  
 Councillor K Loughran  
 Councillor J Macauley  
 Councillor M Murnin

**(Officials)**

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

**Others**

**In attendance:** Mr R Laughlin DFI Roads  
 Mr K Killen DFI Roads

**P/116/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received Councillor Casey, Devlin, Harte and Ruane.

**P/117/2018: DECLARATIONS OF INTEREST**

Declarations of Interest received from:

- Councillor Macauley Item 11 - LA07/2015/1088/F

**P/118/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 - MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item 9** - LA07/2018/0698/0 - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, , Clarke, Craig, Hanna, Loughran, Macauley, Murnin and.**
- **Item 10** - LA07/2018/0401/0 - Members who were present for the entire item and who could take part in the discussion/decision on this application werere **Councillors Larkin, , Clarke, Craig, Hanna, Loughran, and Macauley.**
- **Item 11** - LA07/2015/1088/F - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Craig, Loughran, Clarke, , Macauley, Murnin, , Hanna, Larkin, McAteer.**
- **Item 12** - P/2013/0242/F - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Hanna, Loughran, Craig, Macauley, Murnin**

#### **MINUTES FOR CONFIRMATION**

**P/119/2018:            MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 21 NOVEMBER 2018**

Read:                    Minutes of Planning Committee Meeting held on Wednesday 21 November 2018. **(Copy circulated)**

**AGREED:            On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 November 2018 as a true and accurate record.**

#### **FOR DISCUSSION/DECISION**

**P/120/2018:            ADDENDUM LIST**

Read:                    Addendum List of Planning Applications with no representations received or requests for speaking rights - Wednesday 19 December 2018. **(Copy circulated)**

**AGREED:            On the proposal of Councillor Loughran, seconded by Councillor Craig, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 19 December 2018:-**

- **Item 14** - LA07/2018/0634/0 – re-location and substitution of previously approved farm dwelling (R/2014/0610/0) from outlying farm group to main



farm group on lands approx 100m SW of 116 Drumnaquoile Road, Ballynahinch.

**APPROVAL**

- **Item 15** - LA07/2018/1402/BC - Internal alterations - Dan Rice Memorial Hall, Drumaness

**APPROVAL**

- **Item 16** - LA07/2018/0378/0 - erection of dwelling and garage on a farm - 200m south of 112 Monlough Road, Saintfield.

**REFUSAL**

- **Item 19** - LA07/2017/1624/0 - replacement dwelling - Site 50m N.W. of 18 Turloughs Hill, Annalong & 80m N.W. of the dwelling which is to be replaced at 20 Turloughs Hill.

**REFUSAL**

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/121/2018: PLANNING APPLICATIONS FOR DETERMINATION**

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

- **Item 18 - LA07/2017/0932/O** - 4 no. holiday cottages including fully inclusive design (amended proposal and site address) - land immediately adjacent to S.W. of 32 Dougan's Road, Kilkeel.  
**REFUSAL**  
**Removed at the request of Councillor Hanna for full presentation at the next Committee Meeting.**
- **Item 20 - LA07/2018/0504/F** - proposed dwelling and garage (in substitution of that approved under P/2007/0405/RM) - adjacent and north of 21 Aghadavoyle Road, Jonesborough.  
**REFUSAL**  
**Removed at the request of Councillor Larkin for full presentation at the next Committee Meeting.**

The following applications were then determined by the Committee:-

- (1) LA07/2018/0085/O**  
**(Audio recorded - NO - Closed Session)**

**Location:**

Land opposite and to the south of 18 Ringdufferin Road, Rathcunningham, Downpatrick

**Proposal:**

Single dwelling under CTY6

**Conclusion and Recommendation from Planning Official:**

**REFUSAL**

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

**Speaking rights:**

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

**Power-point presentation:**

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

Councillor Murnin proposed and Councillor Clarke seconded to accept the officer's recommendation to refuse this application.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to come out of closed session.**

When the Committee came out of closed session the Chairperson reported the following decision had been taken:

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue a refusal in respect of planning application LA07/2018/0085/O - as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(2) LA07/2015/1088/F  
(Audio recorded - YES)**

(Councillor Macauley withdrew from the meeting **Location:**  
100m West of No. 133 Carrigagh Road, Finnis, Dromara.

**Proposal:**

Proposed anaerobic digestion plant.

**Conclusion and Recommendation from Planning Official:  
REFUSAL****Speaking rights:****In objection:**

Carson Harte presented on behalf of the objectors detailing and expanding upon a written statement that had been circulated to Committee Members.

**In support:**

Sarah McDowell, Simon Warke and Thomas Crommie, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

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

Councillor Clarke asked Mr Harte to expand on his claim there were inaccurate and inconsistent facts contained in the planning application.

Mr Harte replied that research had been conducted on other anaerobic digestion plants and it was found the need for imported material was much higher than stated in the supporting documents for the application. Mr Harte said an official road sign had recently been erected at the junction of Slievenaboley Road and Dromara Road, redirecting large vehicles to Castlewellan via a longer route.

Mr Laughlin said he was not aware of any structural reason for a sign to have been erected at this junction and he assumed it was an advisory sign erected by DFI RoadsTraffic Maintenance Section.

Discussion took place regarding the potential for increased volume of traffic that the proposed anaerobic digestion plant would generate. Mr Cromie said the proposal would result in a 76% reduction of farm related trips to and from the site.

Councillor Murnin asked would there not be traffic intensification when the silage was being transported.

Mr Cromie replied that silage was already being cut for the dairy farm, and the proposal would involve storing the grass silage in the existing silos on the farm, therefore there would be no increased farm traffic movement.

Mr Laughlin said he was of the opinion the proposal would result in increased traffic, however he said the subject of increased traffic volume was a matter of debate. He continued, saying there were no obvious formal passing bays along the Carrigagh Road and the use of private driveway accesses as informal passing bays, would not be permitted.

Councillor Craig said the outcome of the application hinged on whether the Committee decided there was intensification on the use of the Carrigagh Road and he asked Ms McDowell to explain how the farm traffic would be reduced.

Ms McDowell said the current farm generated between 13 - 20 farm related journeys per day. She then demonstrated that with the anaerobic digestion site

working at maximum capacity, this would be significantly reduced, resulting in just one journey required for 3<sup>rd</sup> party poultry litter, one journey for 3<sup>rd</sup> party slurry and one journey for 3<sup>rd</sup> party lands for the digestate to be transported to, per day.

Mr Laughlin said he did not know the source location of the digestate, poultry litter and slurry and he understood the lands were not all adjoining. In addition he said the current road infrastructure was grossly inadequate, in terms of road width to deal with any increased traffic volume.

Councillor Clarke said there were gaps in the information provided to the Committee. He asked about the source location of the feed products and the roads that were to be used to transport the feed products, the disposal of high nitrate digestate, and the size of the vehicles that would be used.

In response, Ms McDowell said that whilst it was not possible to provide exact details of the source location prior to planning approval being granted, potential lands had been identified within a 5km radius.

Ms McDowell said with regard to the disposal of the high nitrate digestate, both NIEA and Environmental Health had been consulted and they had no objections to the proposal. Ms McDowell confirmed the size of the vehicles to be used would be 21 tonnes.

Councillor McAteer asked Ms McAlarney what amount of weight Planning Officials would have attached to the application in terms of benefits to climate change.

Ms McAlarney replied that Planning Policy was permissive in terms of encouraging renewable energy, however, she said the main area of concern with the proposed application, was the impact on the roads network, and consequently, greater weight had been attached to this in determining the recommendation for refusal as it contravened planning policy.

Mr Laughlin said it was difficult to gauge the level of traffic intensification without having detail on the precise roads that would be used to transport the waste. He asked what the maximum daily traffic would be in and out of the site.

Mr Warke replied this would be significantly reduced from the current figure of fourteen arrivals and departures per day to seven arrivals and departures per day.

Councillor Murnin proposed and Councillor Loughlin seconded to accept the Officer recommendation to refuse this planning application on the basis that there would be an intensification of traffic on the roads as stated by Dfi representatives.

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

FOR:	2
AGAINST:	5

The proposal was declared 'lost'.

Councillor Clarke proposed to defer the application and arrange for a site visit to take place and also to await additional information on the roads that would be used to transport the source feed. Councillor Hanna seconded the proposal.

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

FOR: 2  
AGAINST: 5

The proposal was declared 'lost'.

Councillor Craig proposed granting an approval in respect of Planning Application LA07/2015/1088/F contrary to the planning officer's recommendation saying he was not convinced the proposed anaerobic digestion plant would result in road traffic intensification. He also said he believed the proposed site for this application was similar to other anaerobic digestion plant sites, in that the majority of anaerobic digestion plants were located on 'C' minor roads. Councillor Hanna seconded the proposal.

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

FOR: 4  
AGAINST: 3

The proposal was declared 'carried'.

Ms Largey referred to Mr Laughlin's statement where he had said the lack of detail on the precise roads to be used to transport feed products had made it difficult for him to comment definitively on road traffic intensification issues, and she said the decision was a judgement call for the Committee to make.

**AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2015/1088/F contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that the proposed anaerobic digestion plant would not result in road traffic intensification. It was also agreed that Planning Officers be granted authority to delegate any relevant conditions.**

(Break 11.50 - 12.00)

**(3) LA07/2018/0401/O  
(Audio recorded - NO)**

(Councillor Murnin withdrew from the meeting)  
(Councillor McAteer withdrew from the meeting)  
(Councillor Macauley re-joined the meeting)

**Location:**

60m south of No. 24 School road, Ballymartin, Killeel (amended address).

**Proposal:**

Proposed site for infill dwelling and domestic garage

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

**Speaking rights:**

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

**Power-point presentation:**

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

Councillor Hanna asked Ms McParland what the definition of a paddock was. Ms McParland replied, saying it was an area of ground for agricultural use, she said it was not a curtilage, it did not have to be of a specific size and that it should form a visual break in terms of road frontage.

Councillor Hanna proposed granting an approval in respect of Planning Application LA07/2018/0401/O contrary the planning officer's recommendation saying he accepted the garage located at No. 20 School Road was a separate building and the proposed gap site was not big enough to accommodate three dwellings. He said the requirements of policy CTY8 were therefore addressed. Councillor Macauley seconded the proposal.

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

FOR:	6
AGAINST:	Nil

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0401/O contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that the garage located at No. 20 School Road was deemed to be a separate building and the proposed gap site was not big enough to accommodate three dwellings.**

**It was also agreed that officers be delegated authority to impose any relevant conditions**

(Councillor Murnin re-joined the meeting)

(Councillor McAteer re-joined the meeting)

(Councillor Clarke withdrew from the meeting)

**(4) P/2013/0242/F**  
**(Audio recorded - YES)**

**Location:**

Lands at Watsons Road/Dorans Hill, Newry including lands to the east of Watsons Road.

**Proposal:**

Proposed residential housing development of 200 no. units (some with garages).

**Conclusion and Recommendation from Planning Official:**

**APPROVAL**

**Speaking rights:**

**In Objection:**

Mr R O'Toole and Mr G McBurney.

**In Support:**

Ms D Loughran and Mr C O'Callaghan.

**Power-point presentation:**

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

During his presentation, Mr Davidson gave a detailed background to Planning Application P/2013/0242 as outlined in his report circulated to Committee Members saying the proposed application complied with all relevant planning policies subject to all forty four conditions being satisfied.

Mr Davidson referred to an email received from an objector after the closing date and advised its contents did not warrant a change of opinion on the application.

Mr McBurney speaking on behalf of the objectors said whilst they were not totally opposed to the development, there were road safety issues that would need to be considered. He continued, saying they did not accept the negative PSD condition that was being proposed and he referred to Article 4 of the Private Streets Order saying it clearly stated there was a legal requirement to have a Private Streets Determination Drawing (PSD) carried out prior to granting planning approval.

Councillor Craig asked for clarity on whether this would need to be carried out prior to granting planning approval.

Ms Largey advised the Committee that should they consider granting approval for Planning Application P/2013/0242/F, they should do so, subject to a Private Streets Determination Drawing being carried out.

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

Mr Laughlin said whilst the provision of PSD drawings would give a level of comfort, he would accept the advice of the Planning Officials.

Councillor McAteer proposed and Councillor Murnin seconded to accept the Officer's recommendation to approve this application subject to a Private Streets Determination being made and also that officers be delegated authority to impose any relevant conditions.

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

FOR:	7
AGAINST:	Nil
ABSTENTIONS:	Nil

The proposal was declared 'carried'.

**Agreed:**                    **On the proposal of Councillor McAteer, seconded by Councillor Murnin it was unanimously agreed to issue an approval in respect of Planning Application P/2013/0242/F as per the information and recommendation contained in the Case Officer report presented to Committee, subject to a Private Streets application being determined and that officers be delegated authority to impose relevant conditions**

(Councillor McAteer withdrew from the meeting)

**(5) LA07/2018/0698/O**  
**(Audio recorded - YES)**

**Location:**

Adjacent to and west of No. 4 Ballykeel Road, Mullaghbawn.

**Proposal:**

Erection of dwelling house (infill).

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

**Speaking rights:**

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

**Power-point presentation:**

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

Mr Davidson said the garage at No. 4 Ballykeel Road did not have relevant planning approval and the house had not been constructed in accordance with planning policy. He continued, saying the application contravened planning policy in that the garage was located behind the dwelling and not in line with it and although the shed had an internal wall subdividing the building, it was the view of Planning officials this was a single farm building.



Mr Malone said the erection of the garage had fallen under Permitted Development and therefore did not require planning permission and he said the garage was adjacent and to the side of the house at No. 4 Ballykeel Road.

Discussion took place among Members regarding the shed and if it should be regarded as a single farm building or, because of its dividing internal wall and independent entrances, it should be regarded as two buildings.

Mr McKay said in assessing the application, Members should consider the number of buildings visual in the landscape and whether they considered there to be substantial frontage. He continued, saying in planning terms, a semi-detached house would be considered as one building.

Councillor Larkin proposed and Councillor Loughran seconded to issue an approval contrary to officer recommendation on the basis that the sub divided farm building represented two buildings.

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

For:	6
Against:	1

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2018/0698/O contrary to officer recommendation on the basis that the sub divided farm building represented two buildings and therefore satisfied planning policy. It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.**

**(Lunch break 1.00pm - 1.50pm)**

**(6) LA07/2018/0489/F  
(Audio recorded - YES)**

**Location:**

76 Drumnaconagher Road, Crossgar, Downpatrick.

**Proposal:**

Proposed conversion of garage and shed to holiday accommodation.

**Conclusion and Recommendation from Planning Official:**

**REFUSAL**

**Speaking rights:**

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

**Power-point presentation:**

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

Discussion took place regarding the building to be converted and whether it was considered to be a locally important building.

Councillor Larkin asked if the historical archway entrance to the building was architecturally significant.

Ms McAlarney said whilst she acknowledged the building was old, it was the view of Planning officials that the building had no historical or architectural merit and it was for the Committee to decide if they deemed the building to be locally important.

Mr McKay said there had been applications before Committee previously that Planning Officials would have viewed to have more historical merit than the application under consideration and on those occasions the Committee had agreed to demolishing the buildings.

**Agreed:**                    **On the proposal of Councillor Murnin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0489/F contrary to officer recommendation on the basis that the entire site was historically significant and had been held as a design icon in 'A Planning Strategy for Rural NI', having received a commendation in the DOR Design Competition and publication, 'Houses in Harmony with the Countryside.'**

**It was agreed the proposed conversion should comply with the NMDDC tourism corporate plan.**

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

**(7) LA07/2018/0377/O  
(Audio recorded - YES)**

**Location:**

20m east of 53 Beechview Road.

**Proposal:**

Replacement dwelling and garage.

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

**Speaking rights:**

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

**Power-point presentation:**

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

Ms McAlarney said the building that was to be replaced was an unauthorised building and did not represent a valid replacement opportunity, in addition to which the physical appearance of the building did not exhibit the essential characteristics associated with a dwelling. She continued, saying in the absence of a CLUD, the building was unlawful.

Discussion took place on whether the structure was mobile or permanent and what the planning position if it were a mobile structure.

Ms Largey advised Members it did not matter whether the building was permanent or mobile, but they should be mindful that it was currently an unlawful structure. She continued, saying it was up to the Committee to decide if the building resembled a dwelling bearing in mind policy required this to be both functional and physical.

Councillor Clarke proposed to defer Planning Application LA07/2018/0377/O to allow time for the applicant to submit an application for a CLUD. Councillor McAteer seconded the proposal.

**Agreed:**                    **On the proposal of Councillor Clarke, seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2018/0377/O to allow time for the applicant to submit an application for a CLUD.**

**(8)      LA07/2016/0925/F and LA07/2017/0301/LBC  
(Audio recorded - YES)**

**Location:**

Within the walled garden at Killeavy Castle, Meigh.

**Proposal:**

Erection of glasshouse and cafeteria/shop.

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

**Power-point presentation:**

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

Mr Davidson advised Members both LA07/2016/0925/F and LA07/2017/0301/LBC were linked planning applications.

Mr McKay said the two applications would require to be considered by the Committee under a Pre-determination hearing before subsequently being determined by the Committee. He asked Members if they were content to proceed to formally consider the proposals before them.

The Committee Members unanimously indicated their agreement to proceed.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor McAteer it was unanimously agreed to issue an approval for Planning Applications LA07/2016/0925 and LA07/2017/0301/LBC as per the information and recommendation contained in the Case Officer report presented to Committee.

**FOR NOTING**

**P/122/2018: HISTORIC ACTION SHEET**

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

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

**P/123/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT\_ OCTOBER 2018**

Read: Planning Committee Performance Report November 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Planning Committee Performance Report November 2018.

**P/124/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives 2018-2019. **(Copy circulated)**

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

**P/125/2018: APPEALS & DECISIONS**

Read: Report re: Appeals and Decisions - November 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Appeals and Decisions November 2018.

The Meeting concluded at 3.10pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 16 January 2019.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**

## Item 5 – Addendum List

### Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 16 January 2019

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

- **Item 7** - LA07/2018/0264/F - extension to dwelling - 36 Demesne Heights, Downpatrick. **REFUSAL**
- **Item 9** - LA07/2018/0482/F - proposed conversion of stone barn into a dwelling with associated works - 60m north of 67 Dechomet Road, Dromara. **REFUSAL**
- **Item 10** - LA07/2018/0507/0 - proposed dwelling on infill site - land NW of 69 and opposite 68 Rocks Chapel Road, Kilmore, Crossgar. **REFUSAL**
- **Item 12** - LA07/2018/1456/F - upgrade the existing public grassed area to install play park equipment on lands at Meadowside play park, Drumcloon Walk, Meadowlands, Downpatrick. **APPROVAL**
- **Item 13** - LA07/2018/1485/F - erection of 2.4 metre high paladin fence and gate - 83 Commons Road, Ballykinler **APPROVAL**
- **Item 17** - LA07/2018/1533/F - proposed new village play area - former Forkhill Army base site - School Road, Forkhill, Newry. **APPROVAL**

-0-0-0-0-0-



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

**Application Reference:** LA07/2017/1603/O

**Date Received:** 19<sup>th</sup> October 2017

**Proposal:** Housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development.

**Location:** Lands to the west of 34 and 61 Old Railway Close, Leitrim

**Site Characteristics & Area Characteristics:**



The site is comprised of a 0.23 hectare site, which forms the western edge of an existing residential development currently under construction. The development contains a mix of dwelling types single and two storey, detached and semi-detached. Those immediately adjacent the proposed site are comprised of two-storey semi-detached dwellings with in-curtilage car parking for two vehicles.

The site is relatively flat, with boundary vegetation on all sides. The site is within proximity of an adjacent watercourse, but outside its floodplain, however, parts of the site are within the predicted flooded areas as indicated on the Surface Water Flood Map.

The site is defined on all sides by vegetation.

The site is located outside the settlement limits of Leitrim and is therefore located in a rural area, which predominantly used for agriculture.

**Site History:**

Q/2001/0634/F

Old Railway Close, Leitrim Road, Castlewellan.

Erection of housing development (13 dwellings and garages)

PERMISSION GRANTED

19.06.2002

Q/2004/1559/F

Lands to the rear of Old Railway Close, Leitrim Road, Castlewellan  
Erection of 16 dwellings and garages (Phase 4 - comprising 2 detached 1.5 storey dwellings and 14 semi-detached two storey dwellings)

PERMISSION GRANTED

20.06.2008

LA07/2016/0108/F

Old Railway Close, Leitrim Village, Ballyward, Co Down,  
Change of house type for 6 dwellings (sites 26-31) and 2 additional dwellings (sites 28A and 31A)

PERMISSION GRANTED

20.04.2016

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

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Banbridge, Newry and Mourne Area Plan (BNMAP) 2015, PPS2, 3, and 7, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 01.11.17

### **Consultations:**

In assessment of the proposal consultations were carried out with Transport NI, Rivers, NIEA, NIW. No objections have been received.

The following neighbours were notified of the proposal 22.05.17

- Nos 27 – 39 Old Railway Close, Leitrim
- Nos 41, 43, 45, 47, 49, 51, 53, 55, 57, 59 and 61 Old railway Close Leitrim

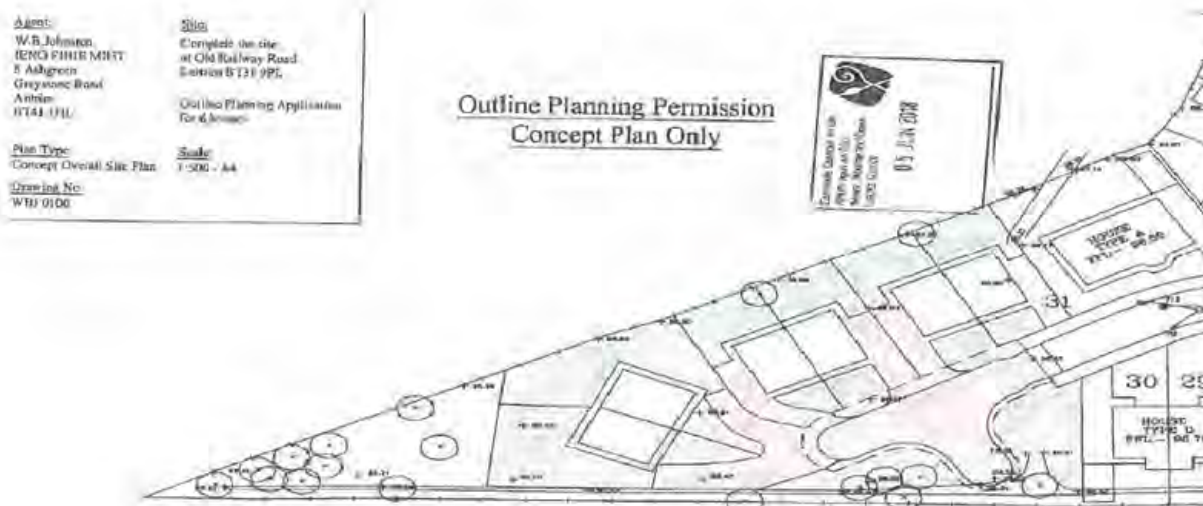
### **Objections & Representations**

No objections or representations have been received

### **Consideration and Assessment:**

The proposal seeks outline planning permission for the erection of 6No semi-detached dwellings.





As the proposal is outline, the proposed design / appearance of the dwellings is not known.

### Principle of development

The application site is located outside the Settlement Limit of Leitrim as designated in the Banbridge, Newry and Mourne Area Plan (BNMAP) 2015 and is therefore positioned within the rural area. The policy context is therefore contained within CTY 1 of PPS 21.

CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Given the proposal is for a residential development of 6 dwellings, it is considered that Policies CTY 2 and 5 are most applicable.

#### CTY 2 – Development in Dispersed Rural Communities

As the site has not been designated as a DRC within the BNMAP the proposal does not meet the requirements of this policy.

#### Policy CTY 5 – Social and Affordable Housing

As the application has not been submitted by a registered Housing Association but a private developer, the proposal cannot be considered under this policy.

It is noted from the applicants supporting statement that he considers there to be a need for more affordable housing in the Leitrim, however, as the proposal does not comply with the above, it is considered therefore that the proposal is contrary to CTY 1 of PPS 21.

### PP3

#### Policy AMP 2

In consideration of the proposal (from a road safety perspective), Transport NI has been consulted. A response has been received with no objections, subject to submission of a 1:500 scale plan showing construction of the access in accordance with the RS1 Form. It is considered therefore, that the proposal is compliant with Policy AMP 3 of PPS 3.

### Policy AMP 5

This policy is applicable given the presence of a disused rail track bed within the site. Policy AMP 5 states that planning permission will not be granted for development that would prejudice the future re-use of a disused transport route identified in a Development Plan for transport and recreational purposes.

BNMAP 2015 states that the disused rail track bed could be used for transport and or recreational purposes and is protected under the above policy.

The track has not been identified in the concept plan but it appears that it could be affected by the proposed development.

The proposal is therefore contrary to Policy AMP 5 of PPS 3.

### PPS 15 Planning and Flood Risk

The site is located outside the fluvial floodplain of Leitrim River, however, parts of the site are located within a predicted flooded area as indicated in the Surface Water Flood Map. As such Policy FLD 3 of PPS 15 is applicable which states that a Drainage Assessment will be required for all development proposals that exceed the listed thresholds. In assessment of those thresholds it is noted that the proposal is comprised of less than 10 dwellings, is less than 1 hectare in size, and the amended indicative layout plan, dated 5<sup>th</sup> June 2018, shows that the areas of hardstanding are not in excess of 1000sqm. A Drainage Assessment is not therefore required.

### PPS 7

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

- (A) The development is considered to respect the surrounding context given its residential nature and is considered appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (B) There are no features of archaeological / built heritage within or adjacent the development.
- (C) In terms of private amenity space, it is noted that each dwelling will have its own area of private amenity space to the rear of each dwelling. It is considered that each dwelling will have above the minimum amount of space recommended (as per Creating Placed guidance document), sufficient space has been provided.

- (D) There is no requirement for the developer to provide necessary local neighbourhood facilities
- (E) The site is located outside the settlement limit of Leitrim but is within walking distance of all the facilities within the settlement and convenient to public transport etc.
- (F) The proposed dwellings will be accessed via the existing road through the residential development and each will have an individual driveway with in-curtilage car parking for at least 2 cars.

No objections have been received from Transport NI.

- (G) The design of the dwellings is not before the Planning Authority given the outline nature of the proposal; therefore, design should be conditioned as part of any forthcoming approval.
- (H) In consideration of the adjacent residential properties it is noted that concept plan shows the dwellings to be sufficiently separated from those existing and adjacent and will not therefore have detrimental impact on the amenity and privacy of those dwellings. The concept layout shows a pattern of development which is in keeping with those dwellings existing and adjacent which is acceptable.

It is considered therefore that the proposal complies satisfactorily with Policy QD1 of PPS 7

#### Wastewater Treatment Works (WwTWs)

Northern Ireland Water have advised the Council that Leitrim WwTWs is available at present for the proposed development.

#### Summary

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

**Recommendation: REFUSAL**

**REASONS**

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

The proposal is contrary to Designation LM 01 of Banbridge, Newry and Mourne Area Plan 2015, in that it is located outside the settlement development limit of Leitrim, which was designated to prevent ribboning and encroachment into the Mourne AONB.

The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, in that the proposal would, if permitted, mar the distinction between the settlement of Leitrim and the surrounding countryside.

The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, in that the proposed siting of the development is not sympathetic to the special character of the AONB given its location outside the settlement of Leitrim.

The proposal is contrary to Policy AMP 5 of Planning Policy Statement 3, in that it would, if permitted, prejudice the future re-use of a disused transport route identified in a Development Plan for transport and recreational purposes.

Signed .....

Date .....

Signed .....

Date .....

**PLANNING STATEMENT IN SUPPORT OF PLANNING  
APPLICATION LA07/2017/1603 – HOUSING DEVELOPMENT  
COMPRISING 6 NO. SEMI-DETACHED DWELLINGS TO  
COMPLETE THE OLD RAILWAY CLOSE DEVELOPMENT  
AT LEITRIM, CO DOWN**

**D J CLELAND BA, MRTPI**

The planning report to the Committee raises no issues with respect to the type and nature of development proposed. It accepts that the proposals comply with policy QD1 of PPS7- Quality Residential Environments. No objections have been received from consultees – the lands are not subject to flooding; access arrangements are acceptable; and all services are available. Development can therefore commence immediately necessary approvals are received. No objections have been received from members of the public – the proposals make no adverse impact on existing properties.

The core reason for refusal is that the proposed development is outside the settlement limit of Leitrim and would be detrimental to the character of the Mourne AONB and the setting of Leitrim. Our case is that there are significant material considerations in support of the proposals which counterbalance this reason, and that any environmental impact will be minimal.

### **Supporting the community in Leitrim by the construction of affordable homes**

Firstly, the development will make an important contribution to sustaining the community of Leitrim. Old Railway Close is the only housing site being developed in Leitrim to provide the opportunity for local people to buy their own home in their own local area. MRC Builders have made a significant commitment to Leitrim and have developed 45 dwellings at Old Railway Close over the past 17 years. These are predominantly semi-detached dwellings at an affordable price, tailored to meet local needs. Significantly 80% have been bought by local people from the Leitrim area.

The last 2 dwellings in Old Railway Close are currently being constructed. MRC Builders have received 11 applications from local people to purchase these properties, a clear indication of the strength of demand in Leitrim for the type and affordability of the housing proposed.

MRC have no other land holdings within Leitrim. Without further provision for building, this housing demand will not therefore be met. If local people do not have the opportunity to buy a home locally, the only option for them is to move out of the area.

Approval of this application will help to ensure continuity in the supply of housing pending the completion of a Local Plan for the Council District. It will provide further support for the community and services in Leitrim. It will enable MRC Builders to maintain employment locally. Without approval of the application, house building in Leitrim will cease within 6 months.

While there are other undeveloped lands within the development limit to the north of Old Railway Close, these are not serviced and are in part within a river flood plain. Development was commenced on these lands but ceased 7 years ago and the site remains inactive.

### **The lands are a brownfield, previously developed site**

This is not a greenfield site in agricultural use. The proposed site and the existing Old Railway Close development are brownfield lands previously occupied by the buildings and track-beds of Leitrim railway station. The site is the last undeveloped

piece of the station lands. This distinguishes the proposals and minimises any potential for planning approval to set a precedent for greenfield proposals outside settlement limits.

### **The development will have minimal visual impact and minimal impact on the environment**

The proposal is small-scale, 0.23 hectares, comprising 3 blocks to provide 6 semi-detached dwellings. It is designed with a clear and specific purpose to round off and complete the cul-de-sac of Old Railway Close. It does not open up other lands for development outside the existing settlement limit.

The lands are low-lying with no distinctive landscape features. They are not prominently located but are well set back from viewpoints on public roads. The development will read with the existing development of Leitrim. The western point of the field is left undeveloped.

The lands have well-established boundaries of hedges and mature trees. These will be retained to screen the development and provide a clearly defined limit to Leitrim.

Visual impact on the setting of Leitrim and on the character and amenity of the Mourne AONB will be minimal.

There are no features of archaeological and built heritage within the lands and they are not subject to any site-specific conservation or heritage designation.

### **Concept plan for the proposed development**

The last reason for refusal is that the proposals are prejudicial to the re-use of the disused railway through the site. The existing Old Railway Close development has already removed the former track bed but the internal road network through the development including the proposed site provides a ready-made cycle/pedestrian route. In addition, the applicant is prepared to amend the Concept Plan for the proposed development to facilitate a cycle/pedestrian only link from the internal road network to the disused railway to the west of the site towards Banbridge.

### **Summary**

In summary:

- the proposals make a significant contribution to the local community in Leitrim through the continued supply of housing for purchase by local people;
- they represent with the existing Old Railway Close development, the redevelopment of a brownfield site;
- they are specifically designed to round off and complete the Old Railway Close development, and not to open further lands for development;
- they meet prevailing planning policies for housing development;
- the development will have minimal environmental impact; and
- no objections were received from consultees or the public.

The Committee is respectfully requested to take account of these matters and to grant planning permission.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0264/F

**Date Received:** 23.02.2018

**Proposal:** Extension to dwelling

**Location:** 36 Demesne Heights, Downpatrick

**Site Characteristics & Area Characteristics:**

The application site is located at 36 Demesne Heights Downpatrick and measures approx. 0.04 hectares. The site is located within the Demesne Heights residential development, East Downpatrick

The existing dwelling is a two storey end terrace building with an enclosed garden located within a cul de sac of established dwellings which are of similar scale, size, design, materials and finishes.

The dwelling itself is located on level topography however the enclosed garden to the rear and west of the site slopes downwards towards no.04 and no.6 Demesne Road. The application dwelling is therefore somewhat elevated compared to these adjoining properties. The boundaries of the site are defined by a 1.8m high wooden fence.

The application site is located within the settlement limit of Downpatrick and also located within the Strangford & Lecale Area of Outstanding Natural Beauty as designated within the Ards and Down Area Plan 2015.





*Front elevation of 36 Demesne Heights*



*Location of proposed extension*

**Planning Policies & Material Considerations:**

Regional Development Strategy

Ards and Down 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 Environment

**Site History:**

R/2006/0817/F

Proposed 13 residential units with associated site works (amended plans).- Site 24A-33B, The Demesne, Ardglass Road, Downpatrick

Permission Granted: 05.12.2007

R/2001/0359/F

Construction of 212 dwellings. Demesne Housing Development, Ardglass Road, Downpatrick.

Permission Granted: 03.10.2002

R/1998/0268

Infrastructure Roads and sewers layout, plots, finished- LANDS AT ARDGLASS ROAD, DOWNPATRICK, OPPOSITE DOWNSHIRE HOSPITAL AND TO THE REAR OF NOS 17-49 INCLUS

Permission Granted: 30.04.1999

R/1994/0477

Housing development- ARDGLASS ROAD DOWNPATRICK (OPPOSITE DOWNSHIRE HOSPITAL)

Permission Granted: 18.10.1994

**Consultations:**

HED (Historic Environment Division)- Have no objections to the proposed development

**Objections & Representations**

No.11 Neighbours we're notified on 28.02.2018 and the application was advertised on 07.03.2018. One letter of objection has been received from the owner of no.04 Demesne Road.

**Design**

The proposed development must accord with EXT1 of PPS7 addendum in terms of design and amenity considerations. The proposal is for a two storey side extension to provide a utility and lounge on the ground floor and two bedrooms, with accompanying en-suites on the first floor. The original application submitted had the same height and depth as the existing dwelling and a width of width of 6.3m. The agent was advised the application was contrary to policy in regards to large or prominent as to dominate the host property and that general size of the extension should be subordinate to the existing property.

A revised scheme was submitted where the extension has a max height of 8.1m (existing house being 8.3m), a max width of 5m (existing house 5.5m) and a max depth of 8m (reduced to 7.4 at first floor level). The front elevation proposes a large window on the ground floor and two single windows on the first floor. The rear elevation proposes a double patio door and single window on the ground floor and two single windows on the first floor. The side gable elevation proposes a single window on the ground floor and first floor.

Existing dwelling has a floor space of approx. 88m<sup>2</sup> this proposed development seeks to increase the total dwelling floor space to approx. 165m<sup>2</sup> which is near double in size.

The agent was advised again that the amended scheme was still contrary to policy for the aforementioned reasons a further revised scheme was requested. Further information was submitted outlining the reasons for the extension, for their increased family and how they view the application complies with policy. This was accompanied by photographs of the different houses adjoining and throughout the housing estate.

Having considered the additional information provided offices consider that the application is still contrary to policy in that the proposed extension would adversely affect the amenities of the neighbours by reason of its unsympathetic scale and subsequent overbearing and dominant impact on neighbouring properties including no.04 and no.6 Demesne Road and would dominate the character of the host property in regards to size and massing. The application is therefore contrary to Policy EXT 1 of addendum to PPS 7.

### **Overlooking**

Policy states that extensions should not overlook neighbouring properties to an unreasonable degree. In particular careful consideration has been given to no(s) 04 and no.6 Demesne Road. The position and orientation of the windows has been taken into consideration, officers determine that there would be no overlooking on neighbouring amenity.

### **Amenity and Parking**

Policy states that a reasonably sized garden area should be retained for domestic purposes. The proposed extension would not significantly alter the existing residential amenity. Officers consider that there is sufficient off-street parking.

### **Objection Letter**

One letter of objection has been received from the owner of no.04 Demesne Road, there concerns are outlined below:

- Design and footprint not subservient-
- Could be two properties?
- Visual impact- overbearing
- Overlooking-
- Retaining wall not structurally sound

As stated above officers consider the application is of an unsympathetic scale and subsequent overbearing and dominant impact on neighbouring properties including no.04 and no.6 Demesne Road and would dominate the character of the host property in regards to size and massing.

In regards to overlooking, the proposed first floor gable window is for an en-suite therefore will not result in overlooking. The remaining windows have been taken into consideration; officers determine that there would be no overlooking on neighbouring amenity.

The proposed plans show this as one dwelling and there is no indication otherwise. The owner of no.4 has been also been advised that the planning department do not assess the structure stability and this is done at the construction stage with the building control department if approved.

### **Recommendation:**

Refusal

### **Refusal Reasons**

1. The proposal is contrary to Policy EXT 1 from Addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted adversely affect the amenities of the neighbours by reason of its unsympathetic scale and subsequent overbearing and dominant impact on neighbouring properties including no.04 and no.6 Demesne Road.

- 2. The proposal is contrary to Policy EXT 1 from Addendum to PPS 7 Residential Extensions and Alterations in that the extension would, if permitted dominate the character of the host property in regards to size and massing.

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0444/F

**Date Received:** 29.03.2018

**Proposal:** Proposed replacement dwelling and erection of detached garage

**Location:** 5 Creevytenant Road, Ballynahinch

**Site Characteristics & Area Characteristics:**

The site as identified within the red line shows the replacement building which is a detached single storey dwelling with a number of single storey tin/wooden structures to the side and rear of the dwelling. The site is located directly off the Creevytenant Road, the land outlined in red measures approx. 0.38 hectares and consists of the dwelling to be replaced its curtilage and part of the agricultural field to the rear. The topography of the land is relatively level.

The dwelling to be replaced is single storey and of vernacular form and appearance. The nearest dwelling is no. 06 Creevytenant Road which is a single storey detached farm dwelling located opposite approx. 24m southwest of the site, the remaining neighbouring dwellings range from single storey to 1 ½ storey. The boundaries of the application site are defined by a mixture of 1.2m high masonry wall, and hedgerow with a rendered stone wall along the front boundary. The northeast boundary and southwest boundary are defined by mature trees and vegetation. The rear boundary is undefined and forms part of a larger agricultural field. The area is rural in character with development pressure remaining particularly low.

The site is located approx. 2.3 miles west of Saintfield therefore outside any settlement development limits as designated within the Ards and Down Area Plan 2015.



Dwelling to be replaced along the Creevytenant Road







*View of application site to the rear*

#### **Site History:**

R/1976/0689

HV O/H LINE AND MV U/G CABLE

Permission Granted: 25.01.1977

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

Regional Development Strategy

Ards and Down Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

PPS 3- Planning Policy Statement 3 – Access, Movement and Parking

PPS 21- Sustainable Development in the Countryside

#### **Consultations:**

Transport NI- Has no objections to the proposal

NI Water- Has no objections to the proposal

#### **Objections & Representations**

No.4 neighbours were notified on 04.004.2018 and the application was advertised on 04.04.2018. Two representations we're received.

#### **Assessment and Consideration**

The site is located within the countryside. PPS 21 sets out that the proposed development must accord with CTY 1 Development in the countryside, CTY 3 Replacement Dwelling, CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character in terms of design and amenity considerations.

Policy CTY3 states;

**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. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.**

**Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy.**

**Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.**

**In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.**

#### **Non-listed Vernacular Dwellings**

**The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:**

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.**

- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.**

**In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.**

The Planning office requested a structural survey of the dwelling as it was considered to be of non-listed vernacular quality and the planning office initially sought its retention. The agent submitted a structural survey based on a visual assessment of the building by Wilson Design Associates on the 23 August 2018. Initially the Planning Office had concerns regarding the sufficiency of the report however following recent PAC decisions, namely 2017/A0178 and 2018/A0020, which ruled on the replacement of vernacular dwellings, the Planning office shall no longer be pursuing this as a reason for refusal. The Planning office have considered the findings of the PAC within its respective area and consider that weight be attached to the

recommendations of the PAC which have implications for the original recommendation on this proposal.

Whilst the Planning Office are no longer pursuing the vernacular argument the proposal falls to be considered against the remaining provisions of CTY3 namely

#### **All Replacement Cases**

***In addition to 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.***

***For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.***

The dwelling to be replaced is easily identifiable as a dwelling, as all four walls, windows and roof are still intact, the door, windows and chimneys clearly show it to be a dwelling. The existing plot size of the dwelling is 0.09 hectares. The established curtilage is approx. 12-14m in depth. The surrounding plot sizes are as follows:

- 3 Creevytenant Road - 0.19 hectares
- 6 Creevytenant Road- 0.47 hectares
- 14 Creevytenant Road- 0.28 hectares

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house. It is considered that the established curtilage is somewhat restrictive and therefore a small extension to the curtilage would be permissible. However the size of the curtilage extension being proposed at 50m in depth extending into an open Agricultural field to the rear will have a detrimental effect on rural character and is considered unacceptable.

#### **Design and Amenity and Integration**

The proposed dwelling is two storey in nature. The proposal would have a maximum height of 8.8m to Finish Floor Level and would have a maximum depth of 12.8m and a maximum

width of 19.8m. The floor area measures approx. 201m<sup>2</sup>, the dwelling to be replaced measures some 50m<sup>2</sup>. This proposal represents a considerable increase in size. It is considered that the proposed dwelling is not in keeping with the character of the immediate dwellings within the area which are all single storey or storey and a half. It is considered that the dwelling has a significantly greater visual impact than the existing dwelling to be replaced through dwelling scale and mass and the enlarged curtilage. Therefore the proposal does not comply with CTY 3.

In regards to integration, mature trees and vegetation are located along the north eastern and southern western boundaries. New post and wire fence with hedgerow planted on the inside is proposed along the front, rear and north eastern boundaries. The proposal will involve the creation of an entirely new boundary to the NW of the site failing to achieve a sufficient level of integration.

### **Access**

Transport NI has not objected to the proposed development access arrangements are acceptable.

### **Representations**

2 no letters of objection were received from the owner of no.3 Creevytenant Road, Ballynahinch. The concerns are outline below;

- Description on P1 form- Officers considers the description acceptable.
- Replacement dwelling size not in keeping with the character of the area- As stated above officers consider this to be contrary to policy.
- The proposed site lines cross over there property and no permission was given- This is a civil matter, planning permission does not grant right to development on land not within their ownership.
- Drainage from water run off- the P1 Form states that the surface water will be disposed of by a watercourse. In addition there is a distance of 26m from nearest hard surface to the private laneway.
- Red line boundary larger than the site layout plan and location of proposed dwelling- The red line boundary just outlines the location of the site. The site layout plan illustrates the proposed location and orientation of dwelling and garage and the proposed curtilage. If the application was approved it must abide to this plan and any alteration may result in enforcement.

### **Refusal Reasons**

- The proposal is contrary to The SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
  - the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits, and
  - the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

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

**Case Officer Signature:**

**Date:**

**Appointed Officer Signature:**

**Date:**

**WRITTEN SUBMISSION TO PLANNING COMMITTEE****APPLICATION REF: LA07/2018/0444/F****PROJECT: PROPOSED REPLACEMENT DWELLING AT 5 CREEVYTENANT ROAD, BALLYNAHINCH****APPLICANT: SAMUEL MORROW**

The curtilage of the existing dwelling is a long narrow strip of land running parallel to the Creevytenant Road with an area of approximately 0.1 hectares, but with only a depth from the road of 12-14m.

It would be very difficult to site a family sized home within the existing curtilage as it is so restricted in depth and would leave any dwelling very close to the road, with limited amenity space and restricted turning and parking space for vehicles. We would also contend that setting the dwelling further back from the road would have less of a visual impact than if it were positioned close to the road, and would have the effect of providing better and more usable private amenity space for the enjoyment of the occupants.

We feel that the proposed dwelling is of a high quality rural design, and is appropriate to this rural setting. There are a diverse mixture of single store, one and a half store and two store dwellings along the Creevytenant Road, and we feel this proposal fits with the existing built form of the area.

In relation to the size of the proposed dwelling, we cannot dispute that it is much larger than the existing dwelling, however the existing dwelling has only two rooms and is completely inadequate for habitation, therefore any proposal for replacement with a good family sized home, which is what is being proposed, is going to be significantly larger than the existing.

The proposed site area is approximately 0.23 hectares, which is just over twice the size of the existing site, but is similar to or smaller than the nearby plots at numbers 3, 6 & 14 which are 0.19, 0.47 & 0.28 respectively as stated in the case officers report.

In regards to integration, as the proposal is to set the dwelling further back from the road, and with existing mature trees and vegetation along the north east and south west boundaries and with the high quality landscaping proposed, we would contend that the proposed dwelling will adequately integrate into the landscape.

In conclusion, it is obvious from the case officer's report that the principal of replacement is acceptable and for the reasons stated above, we feel this application is suitable in policy terms. It is absolutely necessary to increase the curtilage of the site, to allow the dwelling to be positioned in a way that creates an appropriate and adequate residential environment, with adequate amenity space around it. In relation to the design of the dwelling, the brief was to design a good sized family home and we believe this has been achieved, however the applicant would be willing to consider some design and size alterations to the proposed dwelling should The Committee accept the increase in the site curtilage and deem it appropriate to defer their decision to allow us to reconsider some design alterations.

**Malcolm Kee MCIAT**  
Kee Architecture Ltd.



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0482/F

**Date Received:** 6<sup>th</sup> February 2018

**Proposal:** Proposed conversion of stone barn into a dwelling with associated works

**Location:** 60m North of 67 Dechomet Road, Dromara.

**Site Characteristics & Area Characteristics:**



The site is located along the minor Dechomet Road, Dromara. It is comprised of a 0.129 hectare portion of land, which contains a stone building that sits gable end to the road. The building has a corrugated roof and stone walls with two door openings on the southern gable.



The building is positioned below road level and is visible on approach from both directions along Dechomet Road, given the lack of boundary vegetation. The road side boundary is defined by a post and wire fence, while the remaining boundaries are currently undefined.

The surrounding land is comprised of open agricultural land, which slopes down from the site in an easterly direction.

The area is predominantly used for agriculture but there are several single dwellings dispersed throughout the area.

### **Site History:**

There is no previous planning history on this site.

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

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Banbridge, Newry and Mourne Area Plan 2015, PPS 21 (CTY 4), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 11.04.18

### **Consultations:**

In assessment of the proposal consultations were carried out with Transport NI, and Northern Ireland Water (NIW).

### **Neighbour Notifications**

No 67 Dechomet Road was notified of the proposal on 17.04.18

### **Objections & Representations**

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

### **Consideration and Assessment:**

The proposal seeks full planning permission for the conversion and extension of an existing building to a dwelling.

The existing building is comprised of a single storey stone structure which is approximately 47sqm in size. The building is currently used for agricultural purposes and contains an outhouse and store.



The proposed extension is proposed to the eastern gable of the existing building and will wrap around the northern elevation to provide additional living, kitchen and bedroom accommodation, while the existing will be converted to a bedroom and bathroom. The extension will be single storey with a maximum ridge height of 4.1m above finished floor level. The extension will add an additional 75sqm of floorspace to the existing building creating an overall floorspace of 122sqm.



The proposed finishes of the dwelling will be a natural slate roof, smooth rendered or granite chip render with natural granite stone cleared and pointed, with white pvc windows and doors and black metal rainwater goods.

In assessment of the proposal against current policy, it is noted that the Strategic Planning Policy Statement (SPPS) states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling, where this would secure its upkeep and retention. In assessment of this, it is noted that the applicant has submitted additional information which they consider demonstrates that the building is one of local importance. In consideration of this information, it is acknowledged that the building may have been erected some time ago, however, the building is not considered to be locally important and therefore fails to meet the requirement of the SPPS.

Policy CTY 4 of PPS 21 provides further policy requirements (a) – (g), in assessment of these criteria, it is considered that the proposal would not maintain or enhance the existing building, due to the extent of the proposed extension. It is considered that the proposal will have an adverse effect on the character and appearance of the locality given the size of the proposal and its encroachment into the surrounding rural area. The proposal therefore fails to meet criteria (b).

As detailed above the extension will increase the current footprint of the building from 47sqm to 122 sqm which is a significant increase. It is considered therefore, in light of this that the extension is not sympathetic to the scale and massing of the existing building and therefore the proposal also fails criteria (c)

**Recommendation:** Refuse

**Refusal Reasons:**

- 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 the building to be converted is not considered to be a locally important building in the Countryside and 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 Criteria B of Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would not maintain or enhance the existing building and would have an adverse effect on the character or appearance of the locality.
- The proposal is contrary to Criteria C Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed extension would not be sympathetic to the scale and massing of the existing building.

Signed .....

Date .....

Signed .....

Date .....



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/0507/O

**Date Received:** 10/04/2018

**Proposal:** Proposed dwelling on infill site

**Location:** Land North West of 69 and Opposite 68 Rocks Chapel Road, Kilmore Crossgar

#### **Site Characteristics & Area Characteristics:**

The application site is located along the Rocks Chapel Road. The site is located approx. 0.31 miles southeast of the Kilmore settlement limit. This area is rural in character with a number of outbuildings and rural dwellings. No.68 Rocks Chapel Road is located directly opposite the site and no.69 and no.67 Rocks Chapel Road is located east of the site. Two derelict buildings are located adjacent and west of the application site.

The application site as outlined in red currently fronts on to the public road with no existing access. The topography of the land is level.

The boundaries are defined by a 2m high hedgerow along the eastern boundary shared with no.69 and a post and wire fence with mature trees is located along the northern boundary. The roadside boundary is undefined however a temporary 1,8m high mesh fence has been erected and the western boundary is undefined

The application site is located outside any settlement development limits as designated within then Ards and Down Area Plan 2015.



*Views of application site along the Rocks Chapel Road*

**Site History:**

R/2011/0224/F  
Conversion and extension  
Permission Granted: 29.03.2013

**Planning Policies & Material Considerations:**

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

**Supplementary Planning Guidance:**

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

**Consultations:**

Transport NI- Has no objections to the proposal subject to conditions.  
NI Water- Has no objections to the proposal.  
Rivers Agency- Has no objections to the proposed development.

**Objections & Representations**

2 Neighbours was notified on 16.04.2018 and the application was advertised on 25.04.2018. Two letters of objection was received from the owner of no.68 Rocks Chapel Road.

**Principle of Development**

The site is not located within a development limit identified within the Ards and Down Area Plan 2015. There are a range of types of development which in principle are considered to be acceptable in the countryside, this includes the development of a small gap site within an otherwise substantial and continuously built up frontage. The application will be assessed under CTY 1 Development in the countryside, CTY 8 Ribbon Development and CTY 14 Rural Character in terms of design and amenity considerations.

**CTY 1**

Policy CTY 1 of PPS 21 Development in the Countryside allows for a range of types of development in the countryside and details of there are set out in CTY 1. Planning permission will be granted for an infill dwelling in accordance with Policy CTY 8.

**CTY 8**

Policy CTY 8 of PPS 21 states planning permission will be refused for a building which creates or adds to a ribbon of development:

*An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and*

*continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In this instance 6 buildings (two dwellings, two agricultural outbuildings and two derelict buildings), directly adjacent and east of the application site is no.69 Rocks Chapel Road which is a single storey detached dwelling. Further east approx. 87m of the application site is no.67 Rocks Chapel Road which is a detached two storey dwelling the two accompanying agricultural outbuildings are located between the two dwellings (no.67 & 69).

Directly adjacent and west of the application site are two derelict buildings and shall be referred to as Building A and Building B. Building B is slightly off the public road and located closest to the application site and Building A is located further west situated directly off the public road. Both buildings are built of stone with all external walls substantially intact, however the roof is missing in building B and part in building A. All buildings have a clear frontage and access onto Rocks Chapel Road.

Directly opposite the application site is no.68 Rocks Chapel Road which is a two storey detached dwelling, this is not considered part of the substantial built up frontage.

The average plot width along the existing frontage is approx. 60m, with plot widths varying from 36m to 67m. Based on previous PAC recommendations which state that the infill gap is building to building in this instance from no.67 Rocks Chapel Road and building B is approx. 66m, however the red line boundary frontage is 30m as illustrated below.

The proposed site has a plot size of 0.11 hectares. The surrounding plot sizes have been stated below:

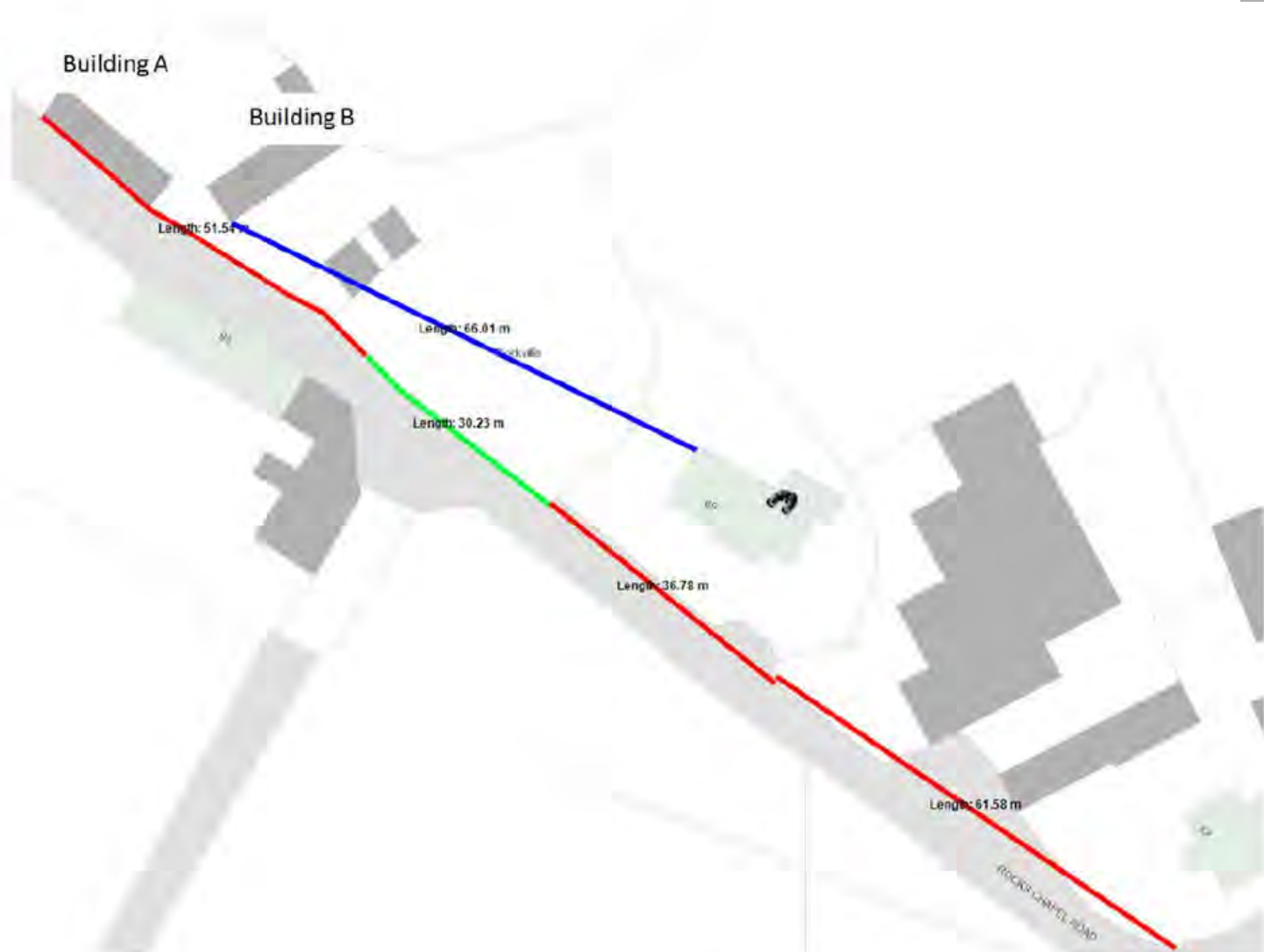
No. 69 Rocks Chapel Road - Area: 0.10ha

No. 67 Rocks Chapel Road - Area: 0.16ha

No. 65 Rocks Chapel Road - Area: 0.24ha

No. 68 Rocks Chapel Road - Area: 0.16ha

Policy states that any proposed development must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. Officers consider this not to be the case; the proposed red line frontage is only 30m. The average frontage is approx. 60m with the shortest 36m. The proposal is contrary to Policy CTY8.



*Distance of infill gap site and existing frontage*

### Design and Integration

CTY13 states that a new building in the countryside will be unacceptable where, it would be a prominent feature in the landscape, the site lacks long established boundaries or is unable to provide a suitable degree of enclosure; relies on new landscaping; ancillary works do not integrate or the proposal would fail to blend with the landform and other natural features which provide a backdrop or where the design of the building is inappropriate for the site and its locality.

Views of the site are relatively limited to a small section of the road; this is due to the site being confined between no.69 Rocks Chapel Road and the derelict buildings. The application site has defined boundaries along the eastern and northern boundaries. While the particulars of the design and layout of the site will be determined at the Reserved Matters stage, it is appropriate to consider the siting, curtilage, size and height of the dwelling that may be considered if approved. Officers would be concerned regarding the potential impact on the adjacent dwellings through loss of privacy or loss sunlight/dominance; any dwelling would

have to be uniquely designed to insure that they are not impacted. Further a specific ridge height of 6 metres would be in keeping with the development in the immediate vicinity and appropriate considered the landform of the site.

In terms of Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY8, the proposed development would add to ribbon of development along the Rocks Chapel Road and therefore does not comply with CTY 14.

#### Impact on residential Amenity:

No.69 Rocks Chapel Road- is located directly adjacent east to the proposed application site. The neighbouring property is situated on similar topography with the dwelling located approx. 10m from the site boundary. Mature hedgerow is located along the adjoining boundary.

No.68 Rocks Chapel Road located directly opposite the application site. The neighbouring property is situated on similar topography and separated by the public road. It is advised that the proposed dwelling should be set back from the road and the position and orientation of any windows is taken into consideration to insure no impact on neighbouring amenity.

#### Access and Parking

The proposal must accord with AMP 2 and AMP7 of PPS3. Transport NI has advised that they have no objection to the proposed development and therefore officers consider that the proposed development accords with policies AMP2 and AMP7 of PPS3.

Policy CTY16 ensures the site can facilitate non-mains sewerage without creating or adding to a problem of pollution. Drainage details should be provided at a later stage and is subject to obtaining consent to discharge from NIEA.

#### Letter of Objection

There is two letters of objection from the owners of no. 68 Rocks Chapel Road. The objection letters have raised concerns regarding.

1. Contrary to CTY8 within PPS 21- as outlined above the application has been assessed against the relevant policy and it is considered to comply with policy.
2. Road Traffic safety impact- Transport NI we're consulted and have not raised any concerns regarding road safety. This is an outline application and an accurate site survey shall be submitted and access shall be constructed and other requirements in accordance with the attached form PS1 at the reserved matters stage.



3. Flooding Risk- The application site is not zoned within the any flood plain areas in addition Rivers Agency have been consulted and have not objected to the proposed development.

### Recommendation

Refusal

### Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not respect the existing development pattern along the road frontage.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would add to a ribbon of development along the Rocks Chapel Road.

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



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1193/O

**Date Received:** 02/08/2018

**Proposal:** Off site replacement dwelling with detached garage

**Location:** Approximately 215 metres southwest of 15 Ardglass Road, Backaderry, Castlewellan



### Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined are irregular in shape, located approx. 225m west of No. 15 Ardglass Road. A larger blue line extends to the north, south and west elevations of the site. The structure to be replaced is approx. 185m north of the site which is carved out of a larger agricultural field. The site consists of open grassland, which has been carved out of a larger field. The boundary treatment of the larger square shaped area of site consists of dry stone wall with post and wire fencing above. The site is on a sloping topography with the elevation rising steadily toward the NE corner of the site.

There is currently no access to the site via the lands outlined in red, however there is a field gate located at the south eastern tip of the lands outlined in blue. The structure is sited in an elevated position with sited in an exposed location. There is several outbuildings immediately west of the main structure outside the red line but within the blue line, which cluster to the structure.

Characteristics of area: The application site is located outside any settlement development limits as designated with the Banbridge/Newry and Mourne Area Plan 2015. The area is of typical rural character and predominately agricultural use. The site is located within a designated Area of Outstanding Natural Beauty (AONB).



Views of existing structure (left) and views of site (right & above)

**Site History:**

No planning history associated with this site.

**Planning Policies & Material Considerations:**

Banbridge/Newry and Mourne Area Plan 2015

SPPS - Strategic Planning Policy Statement for Northern Ireland

PPS 2 - Natural Heritage

NH 6 – Area of Outstanding Natural Beauty

PPS 3 - Access, Movement and Parking

AMP 2 - Access to Public Roads

AMP 3 - Access to Protected Routes

AMP 7 - Car Parking and Servicing Arrangements

PPS 21 - Sustainable Development in the Countryside

CTY 1 - Development in the Countryside

CTY 3 - Replacement Dwellings

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY 14 -Rural Character

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

**Consultations:**

NI Water - Generic response

DFI Roads - No objections subject to the access being in accordance with the RS1 form.

**Objections & Representations:**

2 Neighbours within close proximity of the site were notified on 18/09/2018. This application was advertised in the local press on 15/08/2018. No objections or representations have been received.

## Consideration and Assessment:

### PPS 21 - Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for a replacement dwelling in accordance with Policy CTY 3. For planning permission to be granted the replacement dwelling must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantial intact. Furthermore the following lists the criteria that must be met in all replacement cases to satisfy the policy.

Having inspected the site on 23/08/2018, case officer is satisfied that the existing building is a dwelling that exhibits all the essential characteristics of a dwelling house. The building is of a linear form, chimney elevating from the gable end and an internal chimney breast located along the opposite gable. The front elevation consists of 3 window openings and a front door entrance with a small porch entrance. There is a door opening to the rear of the building, but no window openings. The building is divided into three room and appears to be built from stone.

Proposals for a replacement dwelling will only be permitted, whereby the proposed replacement dwelling is 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 applicant seeks to locate the replacement off-site to an agricultural green field approx. 185m south of the current location.

The acting agent submitted a statement of support at the time of the original application providing the reasoning to justify the off-site location. The document states that the original access is no longer physically present, and if it was reconstructed it would fail to meet current access standards.

Case officer would question the credibility of this justification, as no demonstrable evidence has been submitted to substantiate this claim. Furthermore case officer questions the agents siting of the historic access as I feel based on an O.S map dated 1957-1986 and 1905-1957 the original access appears to 115m north than what is shown. Therefore case officer is under the opinion that this reasoning fails to satisfy the off-site location.

The document goes further to explain that the existing dwelling is set high on the mountain and if the dwelling was replaced in-situ it would have a significant visual impact. Adding that the replacement dwelling could comfortably integrate into the surrounding landscape, not having a visual impact significantly greater than existing. I would however disagree with this statement, and feel that with if a replacement dwelling was sited accordingly within the established curtilage, with a condition

restricting ridge height the visual impacts would not be significantly greater than existing. Whereas the offsite location given its current use as an open green field, lacking long established natural boundaries would in fact cause a visual impact which is significantly greater than existing. The proposed off site location is not in compliance with CTY 3.



View of existing structure, which is set back approx. 175m from Ardglass Road

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. The area inside the red line takes in a full agricultural field, and no specific site has been pin pointed. As this is an outline application the siting and design would be determined at the Reserved Matters stage. The proposed site relies on new access from the Ardglass Road, and it appears that a laneway can be it could be, as far as practicable, be run alongside existing northern boundary consist of a dry stone wall. However case officer feels that the proposed dwelling and garage would primarily rely on new landscaping for integration and considered to be a prominent feature in the landscape contrary to requirement to CTY 13.

Policy CTY14 requires that buildings in the countryside where it does not cause a detrimental change to or further erode the rural character of the area. The proposed development meets the requirements of Policy CTY 14.

Policy CTY 16 – Development relying on non-sewage waste. The application would appear to comply with this policy.

#### SPPS - Strategic Planning Policy Statement for Northern Ireland.

This policy affirms that the replacement dwelling must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. As discussed above the acting agents justification for the off-site replacement fails to demonstrate the need for the dwelling to be located at alternative position.

#### PPS 2 - Natural Heritage

As this site is located within a designated Area of Outstanding Natural Beauty (AONB) policy NH 6- requires that new development within a designated AONB must be of an appropriate design, size and scale for the locality. As this is an outline application design would be determined at the Reserved Matters stage. However the siting of a dwelling within the lands marked in red would be considered unsympathetic to the special character of the AONB.

#### PPS 3 - Planning Policy Statement 3 – Access, Movement and Parking

The proposal seeks to create a new access to the site located along the Ardglass Road. DFI confirmed on the 03/08/2018 that they have no objections to the proposal with regard to the above policy criteria subject to access being in accordance with the RS1 form.

**Recommendation:**

Refusal

**Refusal Reasons**

1. The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policies CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
3. The proposal is contrary to The Strategic Planning Policy Statement (SPPS) and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed off site replacement dwelling would be a prominent feature in the landscape; boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape; the proposed dwelling relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to the SPPS and Policy NH6 (criteria a) of Planning Policy Statement 2 Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting which does not respect the distinctive character and landscape quality of the locality.

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



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

09<sup>th</sup> January 2019

Dear Sir / Madam,

**Ref: LA07/2018/1193/O**  
**Off site replacement dwelling with detached garage**  
**Approximately 215 metres southwest of 15 Ardglass Road Backaderry Castlewellan**  
**Mr Daniel Rooney**

The above mentioned application has been recommended for refusal. It is to be presented to the Planning Committee on 16<sup>th</sup> January 2019. We would be grateful if the Council could acknowledge receipt of this request to speak in support of the application. This written submission shall form the basis of our presentation, however we hope to be provided with the opportunity of displaying a photographic analysis on a powerpoint presentation at the forthcoming committee meeting.

The proposal involves an off-site replacement dwelling. It is apparent that the principle of development is not in question and it is accepted that there is a valid replacement opportunity in place.

The justification for the off-site replacement was twofold:

Access benefits; and  
Amenity Benefits.

The original access is no longer in place. It is overgrown and defunct. It would not be appropriate to reinstate this access, owing to inadequate visibility splays (these are impeded by a crest approx. 38 metres south west of its former location). The applicant's ownership does not extend to the roadside from the dwelling to be replaced. Legally he would have to construct a new access if the dwelling was to be replaced in situ. This access would be in excess of 300 metres long. The impact of these ancillary works would be contrary to planning policy.



**RTPI**  
Chartered Town Planner



The planning report questioned the credibility of our arguments, without attempting to counter. No reference was made to the fact the original access is overgrown, or to the adequacy of same if measured against current standards, or to the fact that the applicant does not own the land along which the former access passed (meaning it is essential to build a new access irrespective of whether the house is replaced in situ or not). These material considerations have all been ignored.

We believe there will be amenity benefits accrued through our alternative siting arrangement. In the planning officer's report it is acknowledged that

"The structure is sited in an elevated position with (*sic*) sited in an exposed location".

The photographs contained within the planning report indicate that the dwelling to be replaced was viewed from its current location and from the adjacent roadside.

It is clear that no attempt has been made to view the structure to be replaced from positions of access or assembly in the wider area. We have taken photographs of the present building from alternative positions, which show it as being more elevated and exposed than the planning officer first thought. Since the planning officer did not fully appreciate how elevated and exposed the dwelling to be replaced is, he could not have considered the possibility that it would have a worse impact if replaced in situ than it would if replaced at the chosen location. The refusal recommendation is therefore fundamentally flawed.

The planning report referenced a sentence in our initial submission – "the document goes further to explain that the existing dwelling is set high on the mountain and if the dwelling was replaced in-situ it would have a significant visual impact". The planning report did not elaborate upon this any further – there was no attempt to explain whether or not the impact of a new dwelling would be significant nor was there a complete and fulsome attempt to compare the two locations, undermining the robustness of the refusal recommendation.

The planning report indicates that "if a replacement dwelling was sited accordingly within the established curtilage, with a condition restricting ridge height the visual impacts would not be significantly greater than existing". Factually, this statement is incorrect, since the case officer has not viewed the present location from other positions nearby (from where it is more exposed than he first countenanced).



**RTPI**  
Chartered Town Planner



We believe that the planning officer has misapplied the relevant policy tests: the planning report focuses on the issue of whether or not the new dwelling would have a greater visual impact than the building to be replaced. However, the Policy also states that the new dwelling must be able to integrate into the surrounding landscape. Whereas the remains of this dwelling can successfully integrate into the surroundings, a new dwelling of even the most modest dimensions could not successfully integrate on this site.

The planning report has ignored the fact that planning policies are not self-contained (as per the *Hyde* Judicial Review). Whether or not an on-site dwelling would have a significantly greater visual impact, it must still meet the requirements of Policies CTYT 13 and CTY 14. The planning officer has failed to ask the question whether an on-site replacement would meet the requirements of Policy CTY 13 / 14. In doing so, he has failed to follow this investigation further and ask the question whether the proposed location is truly superior to the location of the structure to be replaced. Again, this undermines the robustness of the refusal recommendation.

When it came to the assessment of the "alternative site" hereby applied for, there is no evidence that the site was assessed from the surrounding vantage points. Within the planning report, photographs were helpfully provided to show what the application site looked like. However, these photographs are of no relevance to the assessment of what the site would look like from positions of general public access or assembly.

We submit that the planning officer believed the proposed site was open and poorly enclosed, because he incorrectly failed to view it from the surrounding area, concentrating instead upon how the site appeared from within.

Contrary to the planning report, the boundaries within the application site are long-established, as demonstrated by the same 1905 historic map referred to in the said report.

The planning report blandly repeated the requirements of Policy CTY 13, in finding the proposed site unacceptable. No attempt was made to consider the Justification and Amplification to the said policy, and no reference was made to the supporting guidance Building on Tradition. All material considerations were therefore not properly considered.

Criticism was levelled at the applicant's decision to outline the entire field red. This is standard practice with outline planning applications. The aim was to afford the planning authority sufficient freedom to consider more than one corner of the field, for the purposes of a siting condition.



We believe that the elevated part of the field is actually the part that is most hidden from views and we contend it could be adequately integrated.

Even at the lower part of the field, while the dwelling would be visible, it would be consumed by a backdrop of rising terrain, however the eastern part of the field is considered most suitable owing to the two ridges passing this part of the site (leaving the site positioned at the bottom of a "saddle" in the terrain).

The planning department's consideration of the issue of integration and enclosure was limited to its belief that a dwelling in the lower part of the site would stand above the field boundaries and it is inferred that the dwelling is not close enough to the field boundaries to avail of the necessary standard of enclosure / integration (the reference to the outlining of the entire field red).

If the dwelling was positioned at the upper (northern/north-eastern) part of the site it would not stand above the field boundaries nor would there be any perception of distance between the dwelling and the field boundaries (because there would be so few opportunities to actually see the dwelling).

We find it inconsistent that the application has been deemed contrary to Policy CTY 13 on the grounds of prominence, but not contrary to CTY 14 (which also contains a test regarding prominence). We submit the proposal is not actually prominent and we have photographed the site from a wider geographical area than the planning officer did. Taking the wider context, we believe that the proposal is actually adequately integrated.

In relation to Policy NH 6 of PPS 2, the only identified concern was that "the siting of a dwelling within the lands marked in red would be considered unsympathetic to the special character of the AONB". We are given no indication as to the source of the concern or the problem. We can only assume it is in relation to perceived "poor integration". This test overlaps with Policy CTY 13 however, so if it is accepted we meet CTY 13 then we meet this Policy also.

The current practice of declining requests for meetings is clearly succeeding only in reducing processing times for planning applications but we believe that an effective public service would not be unduly hindered by facilitating engagement with applicants whose proposals are acceptable in principle.

Ultimately, this is an outline planning application. Whether or not this application is refused, a detailed planning application would have to follow at some point in time. We believe the public





interest would be best served by facilitating a meeting with the applicant and ourselves to discuss possible alternative siting arrangements in the event this application is to be refused. In that respect, I can confirm our willingness to meet at the site or at the local planning office to discuss how this case could be brought to a successful conclusion.

Yours faithfully,

.....  
**Colin O'Callaghan**  
Chartered Town Planner  
Bsc Hons Dip TP MRTPI





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1456/F

**Date Received:** Sept 2018

**Proposal:** Full permission is sought to upgrade the existing public grassed area to install play park equipment, on lands at Meadowside, Drumcloon Walk, Meadowlands, Downpatrick.

(Amended plan received)

Applicant: Newry, Mourne and Down Council.

**Location:**

The site is located within the development limits of Downpatrick on land zoned as an existing area of amenity open space and recreation, as identified in the Ards and Down Area Plan 2015. This area of open space is surrounded and enclosed by the housing development of Meadowlands.

**Site Characteristics & Area Characteristics:**

The site outlined in red extends to include a portion of the grassed lands within the development of Meadowlands. The development of Meadowlands is low lying and is residential in character comprising rows of housing which overlook and enclose the existing grassed area. This existing grassed area is centrally located and is maintained and undulates gently.

**Site history**

A history search has been carried out for the site and surrounds, whereby no relevant history was observed.

**Representations**

None received to date (13-12-18).

Having account the nature of this application and extent of red line, neighbour notification was undertaken with a number of properties within Drumcloon Walk and Quoile Crescent in Oct 2018, and was also advertised in Oct 2018.

Following receipt of amended plans further rounds of NN were undertaken in Oct and Nov 2018.

Several representations have been received regarding this application.

A letter from Mothers of Children in Meadowlands was received (received 30th Oct) which supported a new play park but objected to the location indicated. Also that this part of Meadowlands is largely occupied by pensioners. This representation was based on the original submission/proposals.

A representation was received from an owner/occupier of a property in Quoile Crescent which supported a play park but required more details.

2 representations were received from the owner/occupier of no.19 Drumcloon Walk. The first letter (dated 27th Oct) objected to the location and entrance to the play park, while the second letter (dated 13th Nov) advised they have no objections to the revised siting.

2 representations were received from Meadowlands Community Association. The first letter (received 30th Oct) advised that while they support the need for a play park have issues with the siting and recommended other locations. The second letter (received 29th Nov) advised they are in full support of the new location.

Amended plans were received showing the park re-sited in Oct, while additional details were submitted in Nov showing the entrance details.

As outlined above further rounds of NN were undertaken following receipt of these amended plans whereby no further objections have been received to date (13-12-18)

A total of 6 representations have been received to date 13-12-18.

### **Consultations**

Having account the nature of this application, and constraints of the site and area consultation was undertaken with Transport NI (TNI) and Rivers Agency, whereby it is considered no objections are offered in principle.

During the processing of the case an amended plan was submitted showing the park relocated, whereby the responses from both TNI and Rivers Agency are based on the revised siting.

It was not considered necessary to seek comments from any other body for an application of this nature.

### **Policy consideration-**

#### **RDS, Ards and Down Area Plan 2015, SPPS, PPS3, PPS8, PPS15, and supplementary guidance**

As outlined above the site is located within the development limits of Downpatrick on land zoned as an existing area of amenity open space and recreation, as identified in the Ards and Down Area Plan 2015. This area of open space is located within the housing development and cul-de-sac of Meadowlands and is surrounded by housing.

It is proposed to erect a new play park in a portion of this existing area of open space, which comprises a maintained grassed area at present. This park will be located in the south western corner of this grassed area immediately adjacent to and in front of Drumcloon Walk and to the side of Quoile Crescent.

This play park will measure approx 31m by 31m, being enclosed by a 1m high fence, and will open onto a new path and connect to the link road connecting Meadowlands and Drumcloon Walk, and will include a variety of children's play equipment.

PPS8 (Open Space, Sport and Outdoor Recreation) sets out the Dept's policies for the protection of open space.

It is considered this proposed play park falls within the definition of open space, thus will not result in the loss of any of this existing area of zoned open space.

It is also noted the proposals include no provision for floodlighting.

As outlined above Transport NI and Rivers Agency were consulted as part of this application.

Following receipt of clarification regarding the location and access to the play park Transport NI offer no objection.

Consultation was also undertaken with Rivers Agency as it is noted from the Flood Maps the site is impacted by the local floodplain and surface water both at present and with the predicted impacts of climate change.

Rivers Agency advise the site is outside the 1 in 100 year fluvial floodplain mark, however a part of the site is within the historical flood plain of Saul Stream.

Accordingly Rivers Agency strongly advise the applicant takes this information into consideration when finalising the site layout.

This issue was discussed internally whereby it was concluded FLD1 does not apply as Rivers Agency have advised the site lies outside the 1 in 100 yr fluvial flood plain, thus policy FLD1 does not apply.

Accordingly it was considered Rivers Agency offer no objections to the proposals subject to informatives.

Taking into account the above Approval is recommended.

**Recommendation: Approval**





## Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

### Newry, Mourne and Down District Council

**Application Reference:** LA07/2018/1485/F

**Date Received:** 01.10.2018

**Proposal:** The application is for full planning permission for the Erection of 2.4 metre high paladin fence and gate

**Location:** The application site is located within the settlement limits of Ballykinlar a village, on land that is unzoned, the site is within the AONB as designated in the Ards and Down Area Plan 2015.



#### **Site Characteristics & Area Characteristics:**

The site is located off Commons Road and is the site of a former primary school which has since been demolished and the site is vacant. The foundations of the primary school are visible on site. The eastern boundary backs onto housing at the Links and is defined by 2m close boarded garden fences from the 2 storey dwellings. The southern boundary also

backs onto housing which also forms part of the Links development. To the west is the entrance to Ballykinlar Army Barracks and this boundary forms the edge of the settlement limit for the village. The vehicular access serving the site exists onto Commons Road. There is also a pedestrian access to the west of the site which serves the nearby housing. A garage is located to the north of the site.



#### Site History:

Site - LA07/2018/1114/F - prefabricated single storey building for use by community group for meetings and activities. Existing bitmac surfaces for access route and on-site parking. Grass areas to be retained for outdoor open space, and other associated community activities. Permission granted.

#### Surrounding area

R/2009/0048CA The Links, Ballykinlar. Operational Devt - Enforcement Case Closed.2009

R/2004/0182/F Lands off Ringsallin Gardens & to rear of Tyrella Primary School, Ballykinlar Private residential housing PERMISSION GRANTED 02.02.2005

R/2003/0728/F Tyrella Primary School,83 Commons Road,Ballykinler,Downpatrick. Window replacement and re-roofing. PERMISSION GRANTED 07.08.2003

R/2002/0711/O Lands contained in & adj to 79A & 79 Commons Road, Ballykinler. 1 no. dwelling house PERMISSION GRANTED 15.08.2006

R/2000/1350/O Off Ringsallin Gardens, Ballykinlar, Downpatrick Housing development. PERMISSION GRANTED 23.06.2001

R/1994/0434 Tyrella Primary School Commons Road Ballykinler 2 no 9 x 6m Temporary Classrooms PERMISSION GRANTED

R/1990/6020 Land of Commons Road Proposed Housing Development Land of Commons Road & Sand Lane Ballykinlar

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

The application site is located within the settlement of Ballykinlar as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 2, PPS 3.

### **Consultations:**

DFI Roads – No objections

### **Objections & Representations**

In line with statutory requirements 26 neighbours have been notified on 08.10.2018. The application was advertised in the Mourne Observer and the Down Recorder on 17.10.2018. No letters of objection have been received to date.

### **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 Ards and Down Area Plan 2015 as the new council has not yet adopted a local development plan. The site is within the settlement limit of Ballykinlar on the above Plan, and is within unzoned land.

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.

Any conflict between retained policy and the SPPS is to be resolved in favour of the SPPS.

### **Policy COY 1 - Community Uses (ADAP 2015) is relevant to the application**

Planning permission will be granted for community uses provided all the following criteria are met:

- There is no significant detrimental effect on amenity;
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;
- The proposals are in keeping with size and character of the settlement and its surroundings;
- Where necessary, additional infrastructure is provided by the developer; and
- There are satisfactory access, parking and sewage disposal arrangements.

This submitted application involves the erection of a new security fence around the partial perimeter of grounds to a former primary school, which now has planning permission for a prefabricated single storey building for use by community group for meetings and activities.

At the time of the site visit, this building was not on the site. The new fencing is in association with this community use.

This new fence will be 2.4m high paladin fencing with mesh panels fixed to posts. Both fencing panels and posts are to be galvanised and polyester powder coated green.

The proposal is in keeping with the existing community building and the agent has indicated that the fencing is to secure the long term security of the property from crime and antisocial behaviour. The trees at the north of the site are located within the red line and may be impacted due the erection of the fencing. There are also some trees located outside the red line along the boundary of the adjacent property. The Council were advised that the erection of the fencing may have an impact on the existing trees. In order to resolve the issue a number of suggestions were put forwarded which included moving the fencing away from the adjacent property at No 79 a minimum of 1.2m away and also for the post holes to be hand dug to avoid any damage to the root structure. While the fence is 2.4m in height and may have a visual impact on the area given the critical views along the frontage, however, it is felt that the trees will help to aid the integration of the fence and lessen the overall impact. There is similar type fencing already along this part of Commons Road. Providing the trees are retained on the site no unacceptable damage will be caused to the local character and environmental quality of this area.

#### Conclusion

The proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

#### **Recommendation:**

Approval

Case Officer Signature

Date

Appointed Officer Signature

Date



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/0932/O

**Date Received:** 13<sup>th</sup> June 2017

**Proposal:** 4 no. holiday cottages including fully inclusive design

**Location:** Land immediately adjacent to/South-West of 32 Dougan's Road,  
Kilkeel, Newry

**Site Characteristics & Area Characteristics:**

The site is currently vacant with reeds growing throughout site with a raised earthen bank along the small watercourse which runs through site and along the south western boundary. A stone wall bounds the roadside perimeter and along the boundary with no.32 Dougans Road and post and wire fencing along the south eastern border. Mature hedging and tree define the south western site boundary.



View of site from Dougans Road

A large 2-storey dwelling known as 32 Dougans Road exists immediately adjacent to the site to the north east. There are a number of other road side properties opposite

the site and to the north west as well as further along Dougans Road to the north east.



No.32 Dougans Road above



View of site from no.32 Dougans Road

**Site History:**

P/2001/1864/F – 2 –storey dwelling approved on appeal – now 32 Dougans Road, Kilkeel

P/2003/0361/O – 2-storey house 20m south of 35 Dougans Road – Withdrawn after recommendation to refuse on grounds of integration, build up and ribbon development

P/2003/0362/O – 2-storey house 60m south east of 39 Dougans Road – withdrawn following recommendation to refuse on grounds of integration, build up and ribbon development

P/2004/0202/O – Dwelling - Refused (integration, build up and ribbon), appeal (2004/A621) dismissed on grounds of build up and ribbon development.

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

RDS (Regional Development Strategy) 2035

SPPS – Strategic Planning Policy Statement

Planning Policy Statement (PPS) 2 – Natural Heritage

PPS 3 – Access, Movement and Parking

PPS 6 – Planning, Archaeology and the Built Heritage

PPS 15 – Planning and Flood Risk

PPS 16 – Tourism – TSM 5, TSM 6 and TSM 7

PPS 21 – Sustainable Development in the Countryside

Banbridge Newry & Mourne Area Plan 2015

#### **Consultations:**

Transport NI – With regard to PPS 3 and DCAN 15, DFI roads has expressed no objections – subject to RM in accordance with RS1 form

Northern Ireland Water (NIW) – the use of a septic tank (one for each dwelling) subject to written consent being obtained from NIEA (now DAERA) – predevelopment enquiry also required

HED – content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements

Environmental Health – no objections to the revised number of dwellings subject to the applicant applying for consent to discharge from NIEA.

Rivers Agency – accept the logic of the Drainage Assessment and recommend a service strip of at least 5m is retained for maintenance of watercourse.

Shared Environmental Services (SES) - the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

#### **Objections & Representations**

9 neighbours were notified of the proposal on 7<sup>th</sup> July 2017. Objection letters were received from 7 different addresses.

#### **Issues raised:**

- Dougans Road is in a poor state physically and due to the high volume of traffic that use this road such as locals, farmer business (2 businesses within close proximity of site) and those who use it as a bypass through Kilkeel, the proposal of 4 further holiday cottages would put added pressure on the stability of the road;
- The area is known to flood even if agent has stated on P1 form that it doesn't;
- No street lights or footpaths along Dougans Road;

- Very little detail provided with application such as material finishes and aesthetics and detail regarding q25 on P1 form – visitors/vehicles attracted to the site;
- Present 10 bedroom guesthouse and 4 holiday homes would substantially overshadow smaller houses in the area;
- Map submitted not reflective of built environment around site;
- Reference to CTY1, 8,13,14 and 15 of PPS 21;
- Proposal when added to existing development would add, compound the effect that cluster/ribbon development has/will have on the area;
- Taking into account previous planning history, when development would add to a suburban style build-up of development;
- Traffic problems further exacerbated, pedestrians and cyclists also put at risk;
- 4 holiday homes only a stepping stone to a greater/larger scheme;
- Existing guesthouse possibly not fully utilised as a guesthouse nor as a permanent residence; if fully utilised and along with 4 holiday homes if approved would increase the direct volume of traffic by at 30/40%;
- Belief that after 2 years holiday homes could be sold as private dwellings – could cause further problems for existing inadequate infrastructure;
- Proposal out of character with locality and AONB;
- Noise pollution and security issues including safety of children;
- Loss of natural countryside;
- Proposal a worry to locals.

Many issues raised are not planning matters but for other Government Departments. The planning matters will be considered through the assessment of this application below.

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

The RDS Policy RG4 promotes a sustainable approach to the provision of tourism infrastructure. It refers to all new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends.

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 outside any defined settlement and within the rural countryside outside the largest nearest settlement of Kilkeel. It also lies within a designated Area of Outstanding Natural Beauty (AONB). The proposal is for 4 holiday cottages and a determining material consideration in this case is current planning policy and in particular Planning Policy Statement (PPS) 16 – Tourism and PPS 21 – Sustainable Development in the Countryside which are the determining policies in dealing with holiday accommodation in the countryside. However within policy CTY 1 of PPS 21 it refers the reader to the tourism policies contained within PSRNI (Planning Strategy for Rural Northern Ireland) for non-residential development. The PSRNI has now been replaced by PPS 16 as mentioned above.



The SPPS published September 2015 also refers to Tourism however overall the retained policy PPS 16 provides greater clarification than the SPPS but as per para 1.12 where the SPPS introduces a change in policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight and if it is less prescriptive the retained policy is given greater weight.

The application was originally described as 10 holiday cottages at 32 Dougans Road on the P1 form however the red line of the application site only extended around the site adjacent to/south west of no.32. The agent's original proposal was to apply under TSM 5 – Self Catering Accommodation in the Countryside (PPS 16) and use the existing guesthouse at no.32 Dougans Road (Mourne Country House) to meet criteria (a). Changes were however made and the proposal reduced to 4 holiday cottages and accurately described and re-advertised as land immediately adjacent to/south west of no.32 Dougans Road (red line of site). The agent wishes the application to be assessed under TSM 5 and TSM 6 (New and Extended Holiday Parks in the Countryside).

### **TSM 5**

PPS 16 provides more clarity on this policy, and states that planning approval will be granted for self-catering units of tourist accommodation in any of the following circumstances:

- (a) *One or more new units all located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park:-* the actual application site does not include any of the above. The guest house referred to in the Design and Access Statement (known as Mourne Country House) sits on land immediately adjacent to the site. Therefore as the site does not lie within the grounds of this guesthouse, the proposed holiday cottages fail this criterion.
- (b) *A cluster of 3 or more units are provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right:-* With regard to this criterion the proposed 4 units are not close to an existing or approved tourist amenity that is/will be a significant visitor attraction on its own right. Although the site lies within the AONB and close to the Mourne Mountains, Carlingford Lough, these are vast areas and can be accessed from various locations throughout County Down and Louth (Carlingford Lough) and are therefore not tied to a particular spot. The site/area does not host/ or is beside an attraction that would attract a significant number of visitors in its own right and therefore fails this criterion.
- (c) *The restoration of an existing clachan or close, through conversion and/or replacement of existing buildings, subject to the retention of the original scale and proportions of the building and sympathetic treatment of boundaries, Where practicable original materials and finishes should be included:-* There is no existing clachan or close on the site that could be restored/converted/replaced.

The proposed 4 holiday cottages therefore fail to meet any of the criterion from TSM 5.

### TSM 6 – New and Extended Holiday Parks in the Countryside

PPS 16 provides 6 policy provisions for tourism development in the countryside. This proposal is applied for under TSM 6 which lists 7 criterion to comply with. PPS 16 refers to planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality sustainable form of tourism development. The SPPS words this slightly differently stressing that the proposal **MUST** create a high quality sustainable form of tourism development and therefore takes precedence in terms of this element (TSM 6 stated will).

The policy further states that the location, siting, sizing, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context. The layout and landscaping plan that is submitted with the application is subject to the specific criteria which will be assessed as follows:

- (a) Capacity to absorb - I am not convinced that the site's location is in an area that has the capacity to absorb the holiday park development without adversely impacting on the visual amenity and rural character of the area. The surrounding landscape and in particular along this portion of Dougans Road is heavily built up for a rural location. I believe 1 house let alone 4 holiday cottages would exacerbate the problem as the area has reached saturation point with regard to development. The SPPS states at para 6.254, sustainable tourism development is brought about by balancing the needs of tourists and the tourism industry with *conserving the tourism asset*. The major tourism asset in the locality is the site's location within the AONB and its accessibility to the Mourne Mountains however; this precious asset would be further hindered with the addition of 4 holiday cottages on this site.



- (b) Utilisation of existing natural or built features - the site is bound by a stone wall along the roadside and boundary with no.32, post and wire fencing along the south eastern perimeter and hedging/vegetation along the south western border. Although the proposal involves utilising the existing vegetation and

planting new trees within the site, the site's location and features lack the ability to fully integrate 4 holiday homes.

- (c) Adequate provision for communal open space – the proposed layout out plan does provide for adequate provision of communal open space as well as less formal space to the rear/side of the proposed cottages.
- (d) Informal layout – the proposed concept layout plan does show a more informal layout with the grouping clustered towards the north eastern end of the site and a meadow and green area to the south west. Soft landscaping is also proposed.
- (e) Although only at outline stage, the proposed concept plan indicates both single storey and 2 storey units (2 apiece) within the development. Whilst the mix would add variety to the development, I do not believe overall it is suitable for this site. Communal car parking is proposed however I do not believe the internal access loop in front of the cottages is required. Existing boundary vegetation is to be retained and augmented or in the case of the stone wall set behind the required visibility splays and this is acceptable.
- (f) Environmental Assets including archaeological features, built heritage, natural habitats, trees and landscape features are identified – natural features including vegetation, the watercourse are being retained.
- (g) A predevelopment enquiry is needed with NIW however with regard to septic tanks, a separate application to DAERA (formerly NIEA) to gain consent is required. A negative condition would be applied on any approval notice regarding septic tanks that the Planning Authority is furnished with a copy of the consent to discharge prior to the commencement of development.

**TSM 7 of PPS 16 (Tourism) – Criteria for Tourism Development.** In terms of this criterion:

- (a) Although only at outline stage, a concept layout was submitted. It shows 4 self-catering cottages with parking and amenity area and access to the public road. Public transport may not be easily accessible however the site is road side and therefore would support walking and cycling. With regard to supporting people with mobility, the concept plan also shows single storey accommodation however these measures would be provided in more detail at any Reserved Matters (RM) stage.
- (b) Whilst the concept design has an informal layout and a variety of house types, taken as a whole along with the internal road loop, its proposed siting, existing landscape features, the proposal will not assist in the promotion of sustainability as it doesn't comply with other planning policy and therefore will result in further erosion of rural character. In terms of biodiversity, any existing landscape features are to remain and the small watercourse is not to be affected.
- (c) New boundary treatment and landscaping is proposed as mature vegetation is not abundant at present.
- (d) A drainage assessment was provided and Rivers Agency has accepted the logic of its findings. The implementation however rests with the developer and his/her professional advisor. A maintenance strip of minimum 5m is to be retained free of development along the watercourse on site. Further details of sustainable drainage systems and how surface water run-off would be managed would be provided at any RM stage through more detailed plans.

- (e) An appropriately designed scheme at any RM stage to deter crime and promote personal safety is achievable.
- (f) No public art is proposed.
- (g) In general the proposal for 4 self-catering tourist cottages is compatible with the surrounding land use and the AONB in which the site is located. The concern however lies around the built form as the proposed location is unable to satisfactorily absorb these units without detriment to the existing locality and the impact on the landscape quality and character of the area.
- (h) Environmental Health originally requested the submission of noise data to ensure the proposed 10 holiday homes don't cause noise annoyance to anyone. The scheme however was later reduced to 4 holiday cottages on site and the need for noise data was no longer required. Public health has no objection in principle subject to consent from NIEA regarding septic tank. Concerned local residents have raised issues such as the 4 cottages when added to existing guest house would overshadow smaller houses within the area. Given the site's location, the set back and disposition of other properties in the area this will not be the case. With regard to security issues and safety of children, it is up to parents/guardians to look after their kids and know where they are at all times.
- (i) Overall the development as a whole if added to the existing surroundings would impact demonstrably on the natural heritage of the area as an Area of Outstanding Natural Beauty and place further strain on this natural environment.
- (j) With regards to septic tanks, this could be negatively conditioned as this is a process normally carried out after planning permission is granted and by a different governing body. The negative condition imposed on any approval notice would be that prior to the commencement of development, The Planning Authority will be furnished with a copy of the consent to discharge and this shall be agreed in writing by the Council (in line with policy CTY 16 of PPS 21).
- (k) As this is an outline application, DFI Roads has responded with a standard condition requesting that full details in accordance with the RS1 form are provided at the RM stage.
- (l) Access to be provided in accordance with RS1 form at any RM stage.
- (m) The proposed access is onto a main road network which runs through the Mourne to Kilkeel but it is not a protected route. The road network can handle the extra vehicular activity that would be generated by this proposal.
- (n) Dougans Road is not a protected route.
- (o) It does not constrain any access to the coastline or tourism asset.

PPS21 – as the site lies within the rural area, policies from this PPS that are relevant include CTY 8, CTY 13, CTY 14 and CTY 16. There is no conflict between these policies and the SPPS therefore as PPS 21 provides more clarity (in terms of CTY 13 and 14 the current statutory plan does not provide integration or rural character policy therefore, the retained policy will be given more weight).

**CTY 8 (Ribbon Development)** – planning permission will be refused for a building which creates or adds to a ribbon of development and in the case of this application, the proposal of 1 house let alone 4, would cause the creation of ribboning. Previous planning history on the site for 1 dwelling under P/2003/0361, P/2003/0362 (both

withdrawn) and P/2004/0202/O (Appeal 2004/A621 dismissed) were also refused or recommended for refusal on ribboning grounds.

**CTY 13 (Integration and Design of Buildings in the Countryside)** – with regard to this policy, planning permission will only 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 policy lists 7 criterion to comply with. In terms of this application the proposal would:

- (a) Be a prominent feature in the landscape. Although the layout plan shows existing vegetation along the south western part of the site to be retained and augmented, the proposed 4 holiday homes including single storey and 2 storey units with one occupying a plot closer to the road would still be prominent on approach to the site from both directions.
- (b) The site's roadside location and existing screening does not provide a suitable degree of enclosure for the proposed buildings to integrate.
- (c) It would rely heavily on the existing vegetation being augmented and new planting however, this would still not be suitable as the site is fundamentally unsuitable.
- (d) Another new access would be created along this stretch of Dougans Road, however any areas of hard standing proposed are reserved more towards the car parking area and access.
- (e) Although only an outline application, the proposal does indicate both single storey and 2 storey buildings. Given the existing built context, a 2-storey building is not uncommon in the area, however as the site is inappropriate, the introduction of 4 units including 2 2-storey buildings is not acceptable.
- (f) Whilst the site offers little in the way of vegetation cover or a back drop except for the existing no.32, the proposed units would not be prominent from other surrounding roads but on approach to the site.

Integration was a refusal reason also on the withdrawn applications P/2003/0361 & 0362.

**CTY 14 (Rural Character)** – With regard to this policy, the proposed 4 holiday cottages would further erode the rural character of this area as they would:

- (a) Be unduly prominent;
- (b) Result in an suburban style of build-up of development when viewed with existing and approved buildings within the area;
- (c) Not respect the traditional pattern of settlement exhibited in that area; and
- (d) Create ribbon development when added to the existing development of no.30 and 32 Dougans Road.

Again rural character was a reason for refusal on the withdrawn history applications mentioned above and the dismissed appeal.

#### **PPS 2 – NH 6 Areas of Outstanding Natural Beauty (AONB)**

This policy will only grant planning permission where the proposal is of an appropriate design, size and scale for the locality and 3 criterion is met:

- (a) The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality:- the proposed siting along with the scale of the development would not be sympathetic with this existing vulnerable area which has already come under heavy development pressure. The proposal would further aggravate the problem and create additional pressure on this asset – the AONB.
- (b) There are no buildings/features within the immediate vicinity of which are important to the character, appearance or heritage of the landscape to respect or conserve.
- (c) As it is an outline application, limited details were supplied regarding materials and actual design only that 2 2-storey and 2 single storey buildings are proposed on the concept layout. The existing stone wall at the road is to be set back behind required visibility splays which would respect existing roadside boundary treatment.

### **CTY 16 – Development Relying on Non-Mains Sewerage**

The indicative site layout plans shows where an existing septic tank exists within the area outlined in blue (no.32 Dougans Road) and the proposed waste water treatment plant within the south western corner of the site. As stated above this could be negatively conditioned as this is a process normally carried out after planning permission is granted and by a different governing body. The negative condition imposed on any approval notice would be that prior to the commencement of development, The Planning Authority will be furnished with a copy of the consent to discharge and this shall be agreed in writing by the Council (in line with CTY 16 of PPS 21).

### **PPS 15 – Planning and Flood Risk**

With regard to the policies contained within this document, the site lies out any fluvial or coastal flood plain (FLD 1); a maintenance strip can be maintained to protect the existing watercourse (FLD 2); a drainage assessment was submitted and its logic deemed acceptable to Rivers Agency (FLD 3); no modification of any watercourse is proposed (FLD 4) and; the proposed site does not fall within the inundation area of any reservoir (FLD 5).

### **PPS 3 – Access, Movement and Parking**

Although no detailed plans were received, the indicative plan was deemed acceptable to DFI Roads in assessing whether a safe access can be achieved. DFI Roads have no objections subject to the submission of a 1:500 scale plan at the RM stage showing the access arrangements in accordance with the RS1 form.

### **PPS 2 – Natural Heritage – Policy NH1**

*HRA – A Habitats Regulation Assessment* was carried out on the site due to a hydrological link to a European site (Carlingford Lough Marine SPA) and the proposal of 4 holiday cottages with a proposed disposal of surface water to adjacent open watercourse and sewage to septic tank/waste water treatment plant. The report concluded that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

## Recommendation: - Refusal

The proposed development for 4 holiday cottages on land immediately adjacent to/south west of 32 Dougans Road does not represent a sustainable form of tourism development and would actually cause further harm to this vulnerable AONB by way of the reasons stipulated in the above report.

### Refusal Reasons:

- 1) The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2) The proposal is contrary to the SPPS and Policy TSM5 of Planning Policy Statement 16: Tourism, as it is not within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park; it is not at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right, and; it does not involve the restoration of an existing clachan or close, through conversion or replacement of existing buildings.
- 3) The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 16: Tourism Policies TSM 6 in that it has not been demonstrated that the proposal would create a high quality and sustainable form of tourism development in that:
  - the proposal is sited in an area that does not have the capacity to absorb a holiday park without adversely impacting on the visual amenity and rural character of this Area of Outstanding Natural Beauty;
  - the proposal is unable to integrate primarily through the utilisation of existing natural vegetation and will rely on substantial landscaping in order to adequately integrate and soften the visual impact of the development;
  - the design, scale and layout of the development is inappropriate for the site and locality and does not respect best local traditions of form and detailing.
- 4) The proposal is contrary to the SPPS and Policy TSM7 of Planning Policy Statement 16: Tourism, in that it has not been demonstrated that:
  - the site layout, building design, associated infrastructure and landscaping arrangements will assist in the promotion of sustainability;
  - the built form will not detract from the landscape quality and character of the surrounding area; and
  - the proposal will not adversely affect features of natural heritage.
- 5) The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Dougan's Road.
- 6) The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed buildings are 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 buildings to integrate into the landscape;
  - the proposed buildings rely primarily on the use of new landscaping for integration; and
  - the design of the proposed buildings are inappropriate for the site and its locality.
- 7) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
- the buildings would, if permitted, be unduly prominent in the landscape;
  - the buildings would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings;
  - the buildings would, if permitted, not respect the traditional pattern of settlement exhibited in the area;
  - the buildings would, if permitted, create a ribbon of development; and would therefore further erode the rural character of the countryside.
- 8) The proposal is contrary to paragraph 6.187 of the SPPS and Policy NH 6 of PPS 2 Natural Heritage in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the special character of the area by reason of its size, scale and siting.

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



LA07/2018/0932/0 – 4 No. holiday cottages Dougan’s Road, Kilkeel

I therefore include below the points we will be referencing at next Wednesday’s planning committee meeting with these reflecting the 8 points raised as reasons for refusal in the planning case officers report:

- 1 Planning policy allows for tourist accommodation development in the countryside
- 2 The application site is within adjoining ground of an established tourist board recognised bed & breakfast business
- 3 The quality of the proposal cannot conceivably be properly assessed at Outline Planning stage based only on an site plan. We are confident that an visually attractive proposal in terms of the buildings and associated hard and soft landscaping design will create an integrated solution with minimal impact on visual amenity and rural character, especially along a stretch of road that has established development.
- 4 See point 3 above
- 5 The proposal would not sit in isolation and is designed to be visually connected to the adjoining bed & breakfast business. The effectiveness of the final site layout in design terms would be fully demonstrated at reserved matters stage with an accurate 3D CAD model representation including the immediate site context.
- 6 The buildings have yet to be designed and it is premature to suppose that a scheme could not be developed, with appropriate planting if required, to ensure their visual integration. A pre-existing granite stone wall bounds the front of the site with this complementary to that immediately in front of the bed & breakfast accommodation and would therefore aid the visual integration as perceived from Dougans Road.
- 7 The original larger proposed scheme was conceived as a clachan layout and the smaller number now proposed could have its layout adapted to reflect this at a smaller scale and should arguably therefore be considered a more rural form. A quality design on this site would arguably improve the overall visual character of Dougans Road as buildings constructed in the recent past, for the most part, display little in the way of rural design characteristics.
- 8 The small scale nature of the proposal, its final site layout together with the design of buildings and landscaping could be readily demonstrated at reserved matters stage as improving the local character and not being detrimental to it as suggested.

It would be my intention to have our planning consultant add more policy detail to the above by the end of play on Friday, but trust the points we wish to address are covered for now in the above.

It would be helpful at this stage if you could confirm today that the written statement as outlined, secures our speaking rights at the committee meeting.

Kind regards,

Ian

Ian Crockard BSc (Hons) Arch MCIAT  
Crockard Building Design

24 Ballyalgan Road  
Crossgar  
Downpatrick  
Co Down  
BT30 9DR

T 028 4483 1566  
M 077 1483 1566  
E [ian@cbd-architecture.com](mailto:ian@cbd-architecture.com)  
W [www.cbd-architecture.com](http://www.cbd-architecture.com)

LA07/2018/0932/0

The application is in keeping with stated council policy to promote tourism and increase overnight stays in the district.

The application does not breach planning policy as it is clustered to the anchor building that is a successful B&B.

The application will not have any adverse residential affect on the amenity of the closest neighbours.

I would be very grateful if I can request speaking rights for planning application LA07-0932-0

Mr Campbell Dougans Road, Kilkeel.

Thanks

Henry Reilly



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2017/1469/F

**Date Received:** 25 September 2017

**Proposal:** Change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars), replacement outbuilding and detached carport for 2 cars.

**Location:** 186 Killowen Road, Rostrevor

**Site Characteristics & Area Characteristics:**

This rural site is accessed off the main Kilkeel to Warrenpoint Road (A2). The site is elevated from the main A2 Road and the gradient of the site increases to the north. Two dwellings are located approximately 52m and 79m north-east of the dwelling and an agricultural shed is also located to the north of the site. At the time of my site visit a dwelling was under construction on the site.

**Site History:**

- LA07/2016/1448/F Replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars – Granted 07/02/2017
- P/1979/0495 – Proposed extension and improvements to dwelling – Granted 11/10/1979.
- P/1988/0288 – Site for replacement dwelling – Granted 09/11/1988.
- P/1993/0042 – Erection of replacement bungalow – Granted 29/03/1993.

**Planning Policies & Material Considerations:**

- The Banbridge Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- PPS 15 (Revised) – Planning and Flood Risk.
- PPS 21 – Sustainable Development in the Countryside.
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

**Consultations:**

No consultations were required in relation to this application as the proposal is for a change of house type only.

**Objections & Representations**

5 neighbour notifications were issued on 17 October 2017 to neighbouring properties at 188, 188a, 182, 184 and 178 Killowen Road. The application was advertised in local papers on 11 October 2017.

Amended plans were received on 5 December 2017, 18 June 2018 and 7 September 2018. The properties above as well as all objectors to the proposal were notified of the amended plans and the application re-advertised on all occasions.

In total 50 separate objections have been received from 30 objectors to the proposal and the key points from these are summarised below.

Objector name	Address if provided	Date	Key points
Thomas O'Rourke	188, Killowen Road	30/10/2017	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• Loss of privacy and overlooking</li> <li>• Too close to 188 Killowen Road</li> <li>• Not in accordance with PPS 7 Annex A - A23,24,25,26,28,29,30,31,32,33,34,35,36,38,40</li> <li>• Dwelling now visible from 188</li> <li>• Description of original application misleading</li> <li>• Height of new shed impacts on outlook from 188</li> <li>• Impact on landscape</li> <li>• Impact on natural heritage</li> <li>• SEA should have been carried out</li> <li>• Environmental Impact study should have been carried out</li> <li>• Impact on Kilfeghan Dolmen and right of way to this</li> <li>• Risk to walkers due to removal of hedge and new fence which impacts site lines</li> </ul>

			<ul style="list-style-type: none"> <li>• Contrary to PPS policy objectives 3.2, 4.5 and 4.6</li> <li>• Contrary to PPS 7 paragraphs 4.27, 2.12 and 2.13</li> <li>• Photographs provided with this letter have been noted.</li> </ul>
Thomas O'Rourke	188, Killowen Road	26/12/2017	<ul style="list-style-type: none"> <li>• Work continuing on site</li> <li>• Site has been elevated and is in the AONB</li> <li>• Inadequate levels on previously approved plans</li> <li>• Photos enclosed have been noted.</li> </ul>
Majella O'Rourke	188, Killowen Road	22.11.2017 (email)	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• Overlooking and loss of privacy with views into kitchen, garden and living room</li> <li>• Damaging to rural setting</li> <li>• Contrary to Creating Places, SPPS, PPS 21 – CTY 2, CTY 3 and CTY 13</li> <li>• Contrary to European Convention on Human Rights</li> <li>• Size and siting un-neighbourly, adverse impact on amenity and overbearing</li> </ul>
Majella O'Rourke	188, Killowen Road	22.07.2018	<ul style="list-style-type: none"> <li>• Proximity to 188 Killowen Road</li> <li>• Overlooking and loss of privacy</li> <li>• Does not respect the surrounding context, character and topography of the site</li> <li>• Impact on character of countryside</li> <li>• Breach of human rights and creating Places, Policy CTY2, CTY 3 and 13 of PPS 21</li> </ul>
Thomas and Majella O'Rourke	188, Killowen Road	21.10.2018	<ul style="list-style-type: none"> <li>• Height and raising of levels</li> <li>• Loss of privacy to 188 Killowen Road</li> <li>• Raised height of shed and distance of buildings to boundary</li> <li>• Breach of human rights – article 8 and Protocol 1, Article 1</li> <li>• Previous objections still stand.</li> </ul>
Bernadette Cousins	188a Killowen Road	05/10/2017 (email)	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• Loss of privacy</li> <li>• Loss of light</li> <li>• Replacement of hedge with fence and potential detrimental impact on wildlife.</li> </ul>
		15/11/2017 (email)	<ul style="list-style-type: none"> <li>• Photographs provided – examples of sites under construction where the dwellings have been "built into the landscape" – (addresses not provided)</li> </ul>
		26/12/2017 (email)	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• Planning permission should be revoked</li> <li>• Entire site elevation has been raised</li> <li>• Loss of privacy to 188a and 188</li> <li>• Impact on AONB</li> <li>• Impact on Hill Walkers</li> <li>• Disruption to business</li> </ul>
		21/10/2018	<ul style="list-style-type: none"> <li>• Elevation of entire site has been raised</li> <li>• Level of shed significantly higher than the original</li> </ul>

			<ul style="list-style-type: none"> <li>building</li> <li>• Pictures attached noted</li> <li>• Loss of privacy</li> </ul>
Mrs J Huston	182 Killowen Road	30/10/2017	<ul style="list-style-type: none"> <li>• Site in and AONB</li> <li>• Significant impact on local landscape and view from costal route</li> <li>• Size</li> </ul>
Seamus Killen	170 Killowen Road	30/10/2017	<ul style="list-style-type: none"> <li>• Height, bulk and design of the house appear overbearing and visually intrusive</li> <li>• Out of character with local area</li> <li>• Ridge height not in keeping with local properties</li> <li>• Contrary to PPS 2 objective 3.0, 3.2, 4.0, 4.5, and 4.6 and NH6 A, B and C</li> </ul>
Ceibha O'Hare		27/10/2017 (email)	<ul style="list-style-type: none"> <li>• Points not material to consideration of this application (e.g. alleged conduct of builders)</li> <li>• Loss of privacy to 188a</li> </ul>
Dierdre Smyth		30/10/2017 (email)	<ul style="list-style-type: none"> <li>• New building is an eyesore and larger than previous buildings, out of keeping</li> <li>• Can be viewed from walking route to Knock She and other hills and mountains</li> <li>• Impact on view of walkers</li> <li>• In breach of SEA directive</li> </ul>
Dierdre Smyth	Fullerton Road, Newry	02/01/2017 (email)	<ul style="list-style-type: none"> <li>• As before with some additional points in relation to size being bigger than previous buildings on site</li> </ul>
Dierdre Smyth		04/07/2018 (email)	<ul style="list-style-type: none"> <li>• Amended plans do not address previous objections</li> <li>• Breach of SEA directive , out of place due to scale, much larger than original dwelling, negative impact on landscape, out of keeping with character of area, clearly visible by hill walkers</li> </ul>
Mark Cousins	15 Council Road, Kilkeel	30/10/2017 (email)	<ul style="list-style-type: none"> <li>• New building is an eyesore and larger than previous buildings, out of keeping</li> <li>• Can be viewed from walking route to Knock She and other hills and mountains</li> <li>• Impact on view of walkers</li> <li>• In breach of SEA directive</li> </ul>
		02/01/2017	<ul style="list-style-type: none"> <li>• As before (same letter submitted)</li> </ul>
		04/07/2017	<ul style="list-style-type: none"> <li>• As before</li> </ul>
Mary Cromac	80 Greencastle Pier Road, Kilkeel	30/10/2017 (email)	<ul style="list-style-type: none"> <li>• Height bulk and design of house overbearing and visually intrusive to neighbouring properties</li> <li>• Out of character with AONB and contrary to policy NH6 of PPS 2</li> <li>• Overbearing and visible from road</li> <li>• Raised ridge height significant and does not comply with PPS annex A</li> <li>• Does not meet SEA directive</li> <li>• Replacing fence with hedge overbearing and detrimental to wildlife</li> </ul>

			<ul style="list-style-type: none"> <li>• Impact on access to Kilfeaghan Dolmen and visibility and safety of those accessing this route</li> </ul>
		29/12/2017 (email) In response to amended plans	<ul style="list-style-type: none"> <li>• Greater impact than originally approved development</li> <li>• Lack of levels on previously approved plans</li> <li>• Lack of clarity as to how much the level of the site has been raised</li> <li>• Suburban style build up</li> <li>• Impact on countryside</li> <li>• View from A2 coastal route</li> <li>• Size and scale contrary to CTY 3, CTY 13 and CTY 14</li> </ul>
		23/07/2018 (email) Photos attached	<ul style="list-style-type: none"> <li>• Contrary to planning policy</li> <li>• Proposal has a greater impact than original dwelling</li> <li>• Not possible to establish how much building has been raised</li> <li>• Detrimental to rural character</li> <li>• Excessive size and unduly prominent from coastal route</li> <li>• Lack of integration</li> <li>• Criticism of original approval</li> </ul>
Timothy Crowley		31/10/2017 (email)	<ul style="list-style-type: none"> <li>• Photographs provided</li> <li>• In breach of planning policy, SEA directive and NI Planning Act</li> <li>• Overlooking and loss of privacy to no 188</li> <li>• Quotes paragraphs from PPS 7 and PPS 7 annex</li> <li>• Concerns in relation to ridge height</li> <li>• Legal duty to preserve and enhance character of AONB</li> <li>• PPS 2 objectives and policy NH6</li> </ul>
Timothy Crowley		26/12/2017 (email)	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• Overlooking and loss of privacy to 188 in particular kitchen, private gardens and living room</li> <li>• European Convention of Human Rights</li> <li>• Contrary to PPS 21 policy CTY 2, 3, 13</li> </ul>
Timothy Crowley		23/07/2018 (email)	<ul style="list-style-type: none"> <li>• Ground levels on amended plans not accurate</li> <li>• Height not in keeping with surrounding area</li> <li>• Shed too close to boundary and elevated</li> <li>• Unacceptable impact on amenity of neighbouring properties</li> </ul>
Daniel McConville	26 Great Georges Street	31/10/2017 (email)	<ul style="list-style-type: none"> <li>• Loss of privacy, overlooking, loss of privacy, visually overbearing, bulk, proximity, ridge height, overshadowing</li> <li>• Impact on adjacent properties</li> <li>• Intended use as holiday/rental accommodation</li> </ul>
Daniel McConville	26 Great Georges Street	27/12/2017 (email)	<ul style="list-style-type: none"> <li>• Dwelling raised several meters above ground</li> <li>• Effect of raised ground level on drainage</li> <li>• Loss of privacy, overlooking, loss of privacy,</li> </ul>



			<ul style="list-style-type: none"> <li>visually overbearing</li> <li>Dwelling closer to the boundary of the site than the old dwelling</li> <li>Detrimental to rural character</li> <li>Use of materials</li> <li>Intended use as holiday/rental accommodation</li> <li>Overshadowing</li> </ul>
Daniel McConville		03/07/2018 (email)	<ul style="list-style-type: none"> <li>Adverse impact on neighbouring properties – overlooking, loss of privacy, overbearing</li> <li>Does not respect local character due to scale, proportions, size and siting</li> <li>Ground levels raised – out of keeping with area</li> <li>Close to boundary with neighbouring properties</li> <li>Dominance and impact on property to rear</li> <li>Impact on rural character</li> <li>Use of materials</li> <li>Potential use as a holiday let</li> <li>Overlooking</li> </ul>
Daniel McConville		05/11/2018 (email)	<ul style="list-style-type: none"> <li>As above</li> </ul>
Sarah Ferris		6.11.2017 (email)	<ul style="list-style-type: none"> <li>Impact on landscape and natural heritage</li> <li>Loss of privacy to neighbours due to height</li> <li>Clearly seen from road compared to previous dwelling</li> </ul>
Elizabeth Crowley	Rowallan, Warrenpoint	17.11.2017 (email)	<ul style="list-style-type: none"> <li>Photographs provided have been noted</li> <li>Points in relation to enforcement</li> <li>Unacceptable visual impact, overbearing, out of scale, out of character in comparison to other dwellings in the vicinity</li> <li>Loss of privacy and reasonable space</li> <li>Contrary to PPS 7</li> <li>European Convention on Human Rights</li> <li>Legal duty to preserve and enhance character of AONB</li> <li>PPS 2 objectives and policy NH6</li> </ul>
Elizabeth Crowley		26.12.2017 (email in response to amended plans)	<ul style="list-style-type: none"> <li>Work ongoing</li> <li>Ground levels provided in revised plans not accurate</li> <li>Shed built on the boundary is too close to site boundaries</li> <li>Impact on amenity of neighbouring properties – overlooking, loss of privacy, over bearing</li> </ul>
Elizabeth Crowley		23.07.2018	<ul style="list-style-type: none"> <li>Ground levels on amended plans not accurate</li> <li>Height not in keeping with surrounding area</li> <li>Shed too close to boundary and elevated</li> <li>Unacceptable impact on amenity of neighbouring properties</li> </ul>
Elizabeth Crowley		21.10.2018	<ul style="list-style-type: none"> <li>Previous objections have not been addressed</li> <li>Inaccurate site levels and potential of creating a precedent to accept incorrect levels</li> </ul>

			<ul style="list-style-type: none"> <li>• Inappropriate height, distance from boundary</li> <li>• Adverse impact on amenity of neighbouring properties</li> </ul>
Gerard McConville		20.11.2017 (email)	<ul style="list-style-type: none"> <li>• Dwelling too high and out of keeping with others in the surrounding area</li> </ul>
Caroline Anderson	72 McAteer Villas, Ballyholland	30/10/2017	<ul style="list-style-type: none"> <li>• Points in relation to enforcement</li> <li>• In breach of planning policy statements, the SEA directive and Planning Act (NI) 2011</li> <li>• Contrary to PPS 7 and addendum to PPS 7 and PPS 2 – several paragraph references given, in terms of privacy, the fence to replace existing hedge, ridge height, elevation and natural heritage</li> </ul>

In addition 15 objection letters (unsigned) were received on 23 July 2018 from addresses in Mayobridge, Attical, Warrenpoint, Newry, Ballynahinch, Kilkeel, Burren and Ballyholland. The points raised in these are:

- Contrary to CTY 3 of PPS 21 and paragraph 6.73 of SPSS as overall size of replacement does not integrate into landscape and would have a significantly greater impact than original dwelling
- Ridge height on higher level than previously approved dwelling
- Contrary to CTY 13 of PPS 21 in that proposal is prominent, site lacks established boundaries, enclosure and integration, building does not integrate
- Contrary to CTY 14 of PPS 21 due to prominence and detrimental to rural character
- Contrary to SPSS and NH6 of PPS 2 in that the proposal is detrimental to the character of the AONB
- Contrary to DES5 of PSRNI
- Inaccuracies in levels and issues with levels provided as part of original application
- Out of keeping with character of the area
- References to policies A35, A24, A29 and A31

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

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside of settlement development limits as defined by the Banbridge / Newry and Mourne Area Plan 2015. The site itself is unzoned however it does lie within the Mourne Area of Outstanding Natural Beauty. There are no specific policies in the plan relevant to the determination of the application so the application will be considered under the operational policies of the SPSS and PPS 21. The impact on the AONB will be assessed under PPS 2. PPS 7 and Creating Places do not apply to dwellings in the countryside, however issues of amenity and character are usually always relevant to the assessment of planning applications and policies in relation to these are set out in the SPSS paragraph 6.7 and policies CTY 3, 13 and 14 of PPS 21 and policy NH6 of PPS 2.

Approval was granted on 07 February 2017 for a replacement dwelling, car port and garage on the site under planning application LA07/2016/1448/F. However, the dwelling currently under construction is not being built in accordance with these

approved plans. The current application is for a change of house type, seeking approval to build the house and outbuildings shown in the most recent set of plans received on 15 June 2018, rather than the dwelling type originally approved. The impacts of these changes are discussed below. Weight must be given to the extant approval on the site and the fact that the house as originally approved could still be built.

A site visit was carried out on 13 November 2017. During this site visit the case officer visited both number 188 and 188a to view the impacts of the proposal from these properties. Following the site inspection, a letter was issued to the applicant on 20 November 2017 requesting sectional drawings for the proposal as well as the removal of the proposed external staircase, door and light fitting.

Amended plans were received on 5 December 2017. These show the removal of the external staircase which has already been constructed on the site.

Following further discussions with the senior planner, who also visited the site, further amended drawings were submitted on 18 June 2018. Following submission of amended plans, the differences between the original approval and the current proposal are as set out below.

#### Outbuilding

It was originally proposed that the existing outbuilding to the north east of the site would be retained rather than replaced. The original approval allowed for the ridge height of the outbuilding to be raised to match the height of the proposed dwelling. However, on site the original outbuilding has been demolished and work has begun to replace this rather than retain it. The proposal is therefore to replace rather than retain the outbuilding. The size of the proposed outbuilding has been reduced in the most recent set of drawings and it now measures 5.7metres by 3.5 metres with a maximum height of 2.9 metres high.

#### Height/Attic space

A ridge height of 6.25m from finished floor level (ffl) was originally approved. This has been increased by 90mm and the ffl increased by 110mm. Therefore the plans show that overall the dwelling will be 200mm higher (from the ffl of the original house) than the originally approved dwelling house.

#### Other alterations

- South facing front elevation – height of 2 window heads reduced, window in centre façade increased in size, metal guard rail
- North facing rear elevation – reduction in size of proposed roof lights, removal of window, external meter box
- East facing side elevation – additional roof light added, approved roof lights reduced in size, new downpipe, windows reduced in size, previously approved canopy removed.
- West facing side elevation – inline tile vents, soil vent pipe, adjusted window position to left hand side, additional window opening to the right hand side.
- New enclosure for oil tank with gate and double board fencing 2.1 metres high
- Repositioning and resizing chimney
- Increases to footprint - increases in wall thickness from 0.2m – 0.3m
- New zinc standing seam link roof between the bedroom and living room areas

## Levels

It is clear from my site inspection that cutting and filling of the site has taken place, and the current proposal includes a retaining wall to the rear of the site which was not part of the previous approval. Photographic evidence of how the site looked before this work took place has been provided by objectors and photographs were also available on the file for previous approval LA07/2016/1448/F. In addition, although not stamped approved, drawings on the original application file (LA07/2016/1448/F) do provide details of the levels on the site as set out below:

- Drawing 02 (not stamped approved) – Existing site plan shows spot level of existing house as 47.54 – 47.64; Shows level of gate to lane at rear of site as 49.09 and levels of existing oil tank as 48.91
- Drawing 03 – (not stamped approved) shows level of existing house at 47.5 and outbuilding at 49 sloping down to 48. The level of the proposed house is indicated as 47.5.

In comparison, the current set of drawings gives the following levels:

- Finished floor level of dwelling indicated as 47.75 and described as +110 when compared to the original ffl of the dwelling house. This would tally with drawing 02 above where the original ffl was indicated as 47.64. 47.64 plus 110mm would give a ffl of 47.75.
- Sections provided show the ffl of the outbuilding at 1.2 metres higher than the ffl of the house which would be 48.95. This matched the ffl indicated on drawing 03 Rev B and appears to match what has taken place on site.

Objectors have alleged that the ground levels provided do not accurately reflect what has taken place on site and that the site levels have been raised. They have also raised the issue that no finished floor level was shown on the approved drawings for LA07/2016/1448/F.

The issue of lack of finished floor levels has been addressed through the current application with finished floor levels now provided. Having studied the photographic evidence provided I consider that the levels provided are now accurate.

To the rear of the site, the level of the laneway is unaltered and can be used as a point for comparison. The photograph below, taken on 13 November 2017 shows the rear of the site where it meets the laneway and views towards the area for the proposed new shed. Filling of the site does appear to have taken place behind the new retaining wall to bring this section of the site level with the laneway. However, this is reflected in the drawings provided by the applicant and is not considered to have an unacceptable adverse impact on the character of the area or on the residential amenity of nearby properties.



Site visit photograph, 13 November 2017



Site visit photograph, 13 November 2017 (from living room of 188)



*Objectors photograph – view towards original shed*

In addition the photographs below show the retaining wall and foundations for the shed taken from the front and side of the site. As indicated by objectors, there is a retaining wall approximately 1.5 metres high underneath the shed foundations. This is reflected in the drawings and sections.



*Site visit photograph, 13 November 2017*



Site visit photograph, 13 November 2017



Case officer's photograph (LA07/2016/1448/F), 02/12/2016



*Photograph provided by objectors*

Objectors have provided photographs of “kerbing disappearing into the ground” below. However, taking into account photographs from the previous case officer’s file I am not satisfied that this demonstrates that the overall site levels have been raised to a significant degree. In comparing the photographs below, the site contours appear to be similar to those in place when the original dwelling house was on the site. Although some levelling out may have been carried out, I do not consider that this is so significant as to have unacceptable adverse impacts on the character of the area or residential amenity.



*Objector's photograph*





*Case officer's photograph (LA07/2016/1448/F), 02/12/2016*



*Site visit photograph, 13 November 2017*



*Case officer's photograph (LA07/2016/1448/F), 02/12/2016*

## Assessment

Overall I do not consider that the proposal will have a significantly greater impact on the character of the area or on the amenity of nearby properties than the dwelling originally approved under planning approval LA07/2016/1448/F.

In relation to the main house, an increase of 200mm in the overall height of the building is proposed. I do not consider that this will have a significantly greater impact on the character of the area or on residential amenity than the dwelling originally approved.

My concerns about the impact of the external staircase and related doorway on the privacy of the neighbouring property to the rear of the site have been addressed as this has been removed from the proposed plans. Although this has already been built on site a condition can be attached to any approval requiring its removal within a specified timeframe. Taking into consideration separation distances as well as proposed fencing and planting, I do not consider that an unacceptable degree of overlooking or loss of privacy will occur. The reduction in the size of the proposed shed will help mitigate the impact on the outlook from 188 Killowen Road.

In relation to the other changes proposed, listed above, such as changes to window types, addition of a zinc link etc. I do not consider that these will significantly add to the bulk and scale of the proposed dwelling or have any unacceptable negative impacts on neighbouring properties. They are considered to be in keeping with the design of the house and therefore acceptable.

In making this assessment I have taken into account potential views from significant viewpoints such as walking routes, Knock She, the main coastal route and the Kilfeghan Dolmen. The impact of the dwelling in the landscape is not considered to be so substantial as to unacceptably adversely impact on these viewpoints. See for example photograph below taken from main coast road in comparison the photograph of the original dwelling house.



*Case officer's photograph (LA07/2016/1448/F), 02/12/2016*



*Site visit photograph, 13 November 2017*

I consider that the proposed planting scheme will also assist with the integration of the dwelling into the countryside. For the reasons above it is not considered that the proposal will have an unacceptable impact on the character of the AONB.

### **Other issues raised by objectors**

Many of these issues raised by objectors have been addressed in the discussion above. Enforcement issues can be dealt with separately through the enforcement process. In addition, objectors have raised the following points:

#### Impact on natural heritage/Impact of removal of hedge on wildlife

NIEA were consulted as part of the original planning application and had no objections. The majority of existing hedgerows are to be retained and additional mature trees will be planted on the site as part of the proposal which should mitigate any adverse impacts due to loss of hedgerows.

#### SEA should have been carried out

A Strategic Environmental Assessment is not considered necessary for a development of this scale. However SEA of the SPPS (taken into account in the assessment of this proposal) was undertaken in accordance with the European Directive 2001/42/EC 'on the assessment of the effects of certain plans and

programmes on the environment' and the Environmental Assessment of Plans and Programmes Regulations (Northern Ireland) 2004.

#### Environmental Impact study should have been carried out

An Environmental Impact Assessment is not considered necessary under the provisions of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

#### Impact on Kilfeghan Dolmen and right of way to this/Risk to walker due to removal of hedge and new fence which impacts site lines

DfI Roads were consulted on the original proposal and had no objections in relation to road safety.

#### Legal duty to preserve and enhance character of AONB

Impacts on the AONB are considered above.

#### Contrary to European Convention on Human Rights

The impacts of the proposal on the privacy of adjacent properties and on the enjoyment of these properties has been considered above.

#### Disruption to child minding business at 188a Killowen Road

Number 188 is primarily a residential dwelling as no planning permission has been sought for business use. The impacts on the privacy and amenity of the dwelling have been considered above and are not considered to be unacceptable.

#### Intended use as holiday/rental accommodation

Use of the site for holiday/rental accommodation has not been applied for and this would require a separate planning consent.

#### Impact on potential right of way

No changes are proposed to the existing lane.

#### Impact on human rights

The impact of the proposal on the amenity of neighbouring properties has been considered above.

**Recommendation:**

Approval

**Conditions:**

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing natural screenings of the site as indicated on approved drawing ref 09, date stamped received 18 June 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

3. All hard and soft landscape works shall be carried out as indicated on approved drawing ref 09, date stamped received 18 June 2018 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 dwelling.

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

4. 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.

5. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To protect the environment and to comply with CTY 16 of Planning Policy Statement 21- Sustainable Development in the Countryside.

6. The development hereby permitted shall be carried out accordance with the approved plans, including removal of the external staircase within 3 months from the date of this approval.

REASON: To ensure that the development is carried out in full accordance with the approved plans.

**Case officer:**

\_\_\_\_\_

**Authorised officer:**

\_\_\_\_\_

Objection to LA07/2017/1469/F

I OBJECT TO THE PLANNING APPLICATION NO: LA07/2017/1469/F

Change of house type for replacement of single storey dwelling, refurbished outbuilding and detached carport.

I object strongly to the proposed development in this location. I have examined the plans and see the proposed development as stands is very nearly complete and therefore breaches planning laws and warrants an investigation by planning enforcement. Given the proximity of the proposed site relative to my own property I am extremely concerned about the process of this application. As the development directly overlooks my property with views into my Kitchen private gardens and living room and bedrooms. This is very invasive and is having a detrimental impact on my privacy and emotional wellbeing. I recently had my home revalued by the land and property services whom have taken thirty thousand pounds off the value of my property which is not as heavily impacted as the property at 188 Killowen road.

The dwellings current location, in the application documentations is demonstrably damaging to the existing setting and rural character of the immediate area. As the proposal is evidently harming my "right to enjoy a quiet private and safe residential environment." An objective of the Creating Places guidance document. Furthermore, my complaints fall under the protection of article 8 and article 1 of protocol 1 of the European Convention on Human Rights stating that everyone has the right to respect for his private and family life, his home and his correspondence.

The proposed is contrary to the Strategic Planning Policy Statement, PPS 21 Policy CTY 2 – Development in Dispersed Rural Communities ---- sates that the design of all proposals should be of a high quality appropriate to their rural setting and have regard for local distinctiveness. This development does not follow this policy as evident in the photography evidence. The proposed development, by reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of its overbearing effect.

Policy CTY 3 – Replacement Dwellings states replacement dwelling will only be permitted where all criteria are met, the following criteria are not met therefore the proposal is conflicting with planning policy again:

- 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;

Policy CTY 13 – Integration and Design of Buildings in the Countryside Planning permission will be unacceptable where: (a) it is a prominent feature in the landscape. The proposed developments mass, bulk and proximity of the now elevated site presents an overbearing and intrusive element to my own property as evident in the photographs. Hence it is in contrary to this policy.

The proposed design does not respect the surrounding context, character and topography of the site and is not policy compliant.

Impact upon character of the area. There would be no impact on neighbouring properties as a result of the proposed development given the existing mature boundaries and separation distances



indicated. Noise, disturbance, overlooking and loss of privacy, the kitchen of the development looks into the kitchen of my parents' property. Not even in residential areas is this acceptable

There would be no impact on neighbouring properties as a result of the proposed development given the existing mature boundaries and separation distances indicated

If Planning Service or the Planning Appeals Commission allow a development, it is difficult for them to refuse a similar development on a similar site, as a precedent has been created. The manner in which this development has been carried out that planning permission is an afterthought and you can build what you like as high as you like and create an eyesore so obvious that it becomes an advertisement to others that want to demolish the local landscape for their own self-gratification. The original planning had no objections as there was no mention of the ground level being manipulated to raise the ground level of the building which is now looking onto mine and my parents' property or the gross bulk it has on the landscape

One point which is controversial is the relevance in planning terms of the loss of a view. It is often said that "there is no right to a view". Whilst this is correct in strictly legal terms, it does not mean that the loss of a view is necessarily irrelevant to planning. The enjoyment of a view could be an important part of the residential amenity of a neighbouring property, and its loss might therefore have an adverse impact on the residential amenity of that property. Loss of a view from a public viewpoint might also have a wider impact on a neighbourhood, and such matters ought to be taken into account where they are raised. This point has been raised many times with the planning team whom have chosen to favour the developers option to maximise his view but deny our privacy and view.

I could talk for hours about how each and every one of the planning policy stipulations are having a detrimental effect on the neighbouring properties as it stands and the manner in which this development has been carried out to by continuing to build whilst being told by the council that they were not building what they had been passed to build. But I have only been afforded five minutes of the councils' time the timber frame construction was erected eighteen months ago. I urge the council to completely revoke planning. My family and I are living everyday with the detrimental affect this development as it stands. The planning policy guidelines are there to be followed by everyone.

Ref: A105505/Planning/MC  
Date: 9<sup>th</sup> January 2019

Democratic Services  
Newry, Mourne & Down District Council  
Monaghan Row  
Newry

By Email (democratic.services@nmandd.org)

Dear Sir/Madam,

**REQUEST TO SPEAK AT PLANNING COMMITTEE MEETING ON WEDNESDAY  
16<sup>th</sup> JANUARY 2019 IN RESPECT OF PLANNING APPLICATION –  
LA07/2017/1469/F.**

I refer to the above.

We wish to reserve speaking rights in relation to the **Newry, Mourne and Down District Council Planning Committee Meeting** scheduled for **10am on Wednesday 16<sup>th</sup> January 2018** in the **Boardroom, Monaghan Row, Newry**, in respect of **Planning Application LA07/2017/1469/F - 186 Killowen Road, Ballintur, Rostrevor.**

Speaking rights are requested on behalf of the applicant for the following people in order to speak in **support** of the planning application:

- **Mr Matthew Crothers, Associate, WYG Planning;**
- **Mr Robert Dunlop, RHD Architects, (Agent); and**
- **Mr Frank Judge (Applicant).**

All of the above will attend and one of the above, will act as spokesperson, upon request from the Committee Chairperson.

We also enclose information which we will be speaking to and would ask that it is circulated to the members of the planning committee for information purposes.

We trust the above is acceptable and look forward to receiving confirmation or our request for speaking rights in advance of the meeting.

Should you have any queries then please do not hesitate to contact me at this office.

Kind regards.

Yours sincerely,



Matthew Crothers MRTPI  
**Associate**  
For and on behalf of WYG

Enc.



## **Killowen Road, Rostrevor – LA07/2017/1469/F – Speaking Notes**

### **Introduction**

- On behalf of our client, we thank you for affording us an opportunity to address Council's Planning Committee.
- We are very pleased that Council's Planning Department has recommended approval.

### **Principle of Development and Background**

- It is very important to understand that the principle of development at this location has previously been established through Planning permission **LA07/2016/1448/F** which was granted on **7<sup>th</sup> February 2017** for: **"Replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars"**.
- This application seeks a change of house type to that granted under **LA07/2016/1448/F**.

### **Amendments Sought Under Planning Application**

- The amendments sought under this change of house type application comprise very minor design changes including:
  - Minor variations in window heights, sizes and positions;
  - Removal and addition of some window openings;
  - Provision of an additional roof light and inline tile vents;
  - Repositioning and additional downpipes/soil pipes;
  - Inclusion of an external electrical meter box;
  - Amendment to an oil tank enclosure;
  - Very minor increase in overall ridge height of circa 90mm (as a result of on-site conditions); the erection of a new outbuilding for domestic storage purposes in place of the refurbishment previously granted under LA07/2016/1448/F (due to structural reasons); and
  - Provision of rear boundary wall of 1.8m maximum height to provide privacy and ensure no adverse impacts upon amenity of adjacent properties.
- The proposed amendments sought under this planning application do not alter or amend the siting previously granted under planning permission LA07/2016/1448/F.
- All proposed development remains within the same position as that previously granted.

### **Visual Impact**

- The proposed amendments do not result in any greater visual impact than that granted under LA07/2016/1448/F. The new outbuilding will be constructed to a smaller footprint from that which previously existed. The proposed car port will be in the same location as LA07/2016/1448/F.
- Some very minor increases are required to the footprint from that previously granted to accommodate increases in wall depth to facilitate external wall finishes and allow for a more sustainable and robust design (thicker wall construction provides greater structural stability and internal heat retention).

## **Killowen Road, Rostrevor – LA07/2017/1469/F – Speaking Notes**

### **Height of Dwelling**

- The very minor increase to the final ridge height will not have any adverse impacts upon the character, setting or amenity of the surrounding area. LA07/2016/1448/F granted a final ridge height of 6.25metres. The dwelling now has a slight increase of approximately 90mm [the height of a ball point pen] increasing the final ridge height to 6.34metres.
- This height difference is so inconsequential and not readily discernible from any viewpoint.

### **Rural Character & Amenity of Adjacent Properties**

- The changes proposed under this application are of a very minor nature. They are wholly in keeping with and involve no substantial changes to the design concept granted under LA07/2016/1448/F.
- The very minor nature of the increases in footprint and ridge height are so inconsequential that they will not have any impact upon the existing rural character. The dwelling can be appropriately integrated and will not appear prominent.
- Bearing in mind the baseline position of LA07/2016/1448/F, no adverse impact upon the amenity of adjacent properties occurs.
- The dwelling has been amended during the application process in order to address concerns regarding impacts upon amenity of adjacent properties. This has included the removal of an external stair case on the northern elevation and the provision of a small length of block wall no greater than 1.8m in height at the rear of the property, to ensure adequate privacy for both existing residents of the area and those of the dwelling.
- The scheme will not result in any impact upon privacy or overlooking of adjacent properties. To the contrary, it will improve the situation from that previously granted under LA07/2016/1448/F.
- Given that existing properties (Nos.188 and 188a) are located to the north (to the rear and off set), the reduction in size of the proposed rooflights and removal of window openings along the northern elevation under this planning application will further reduce any potential intervisibility and overlooking. This is a betterment over that granted under LA07/2016/1448/F.
- Furthermore, the dwelling will not result in any loss or blocking of light or impacts upon privacy or amenity due to the separation distances involved with these nearest properties at Nos.188 and 188a.
- It is also important to note that there will be no impact upon the amenity of surrounding residential properties from any amendments proposed to the eastern and western elevations of the dwelling, given there are no existing residential properties in close proximity to these elevations or facing them.
- This dwelling ultimately strengthens and consolidates the scheme previously granted under LA07/2016/1448/F. It is compliant with relevant planning policy, guidance, advice and legislation.

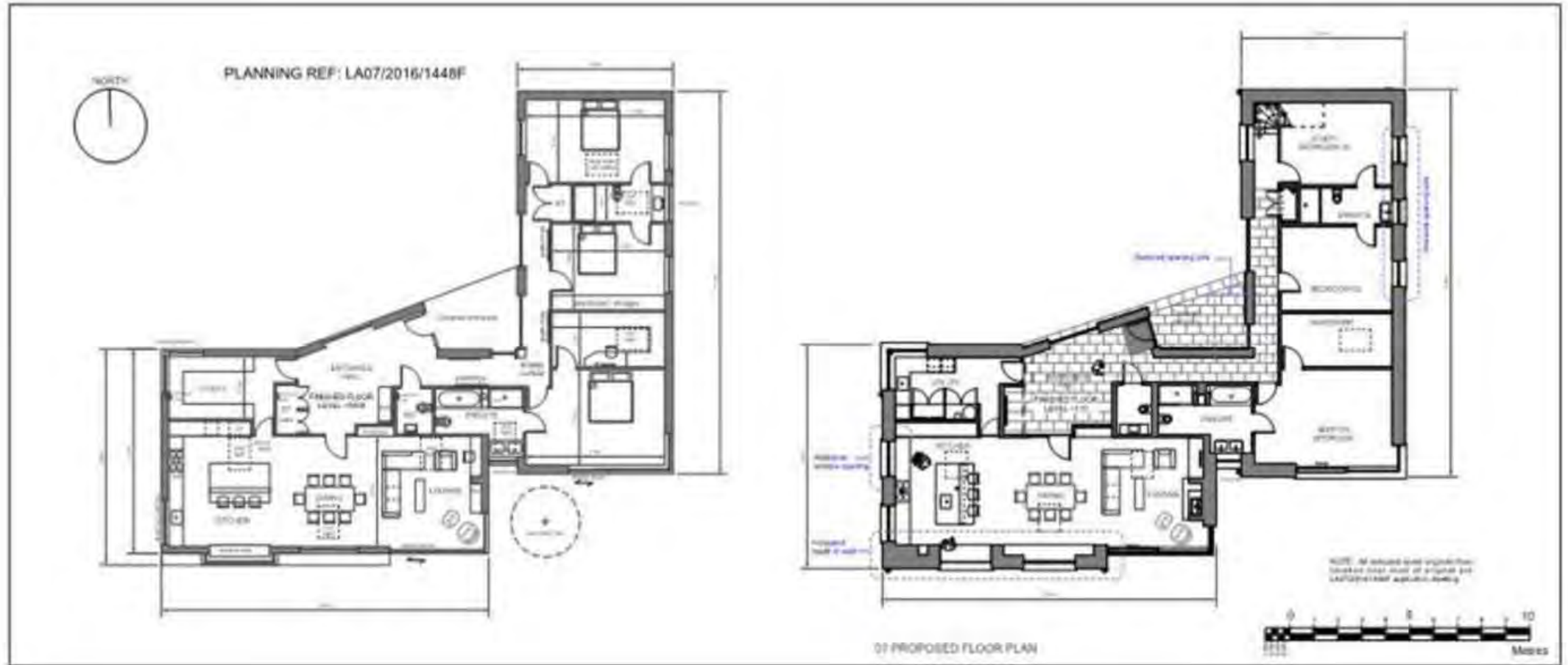
### **Overview**

- We take this opportunity to thank the Planning Committee for the opportunity to speak and we trust that the Elected Members agree that planning permission ought to be granted.
- We would of course be happy, if required to answer any questions regarding this planning application.

End.

# Killowen Road, Rostrevor – LA07/2017/1469/F

Comparison between floor plan as granted under LA07/2016/1448/F to that proposed under this application (LA07/2017/1469/F).



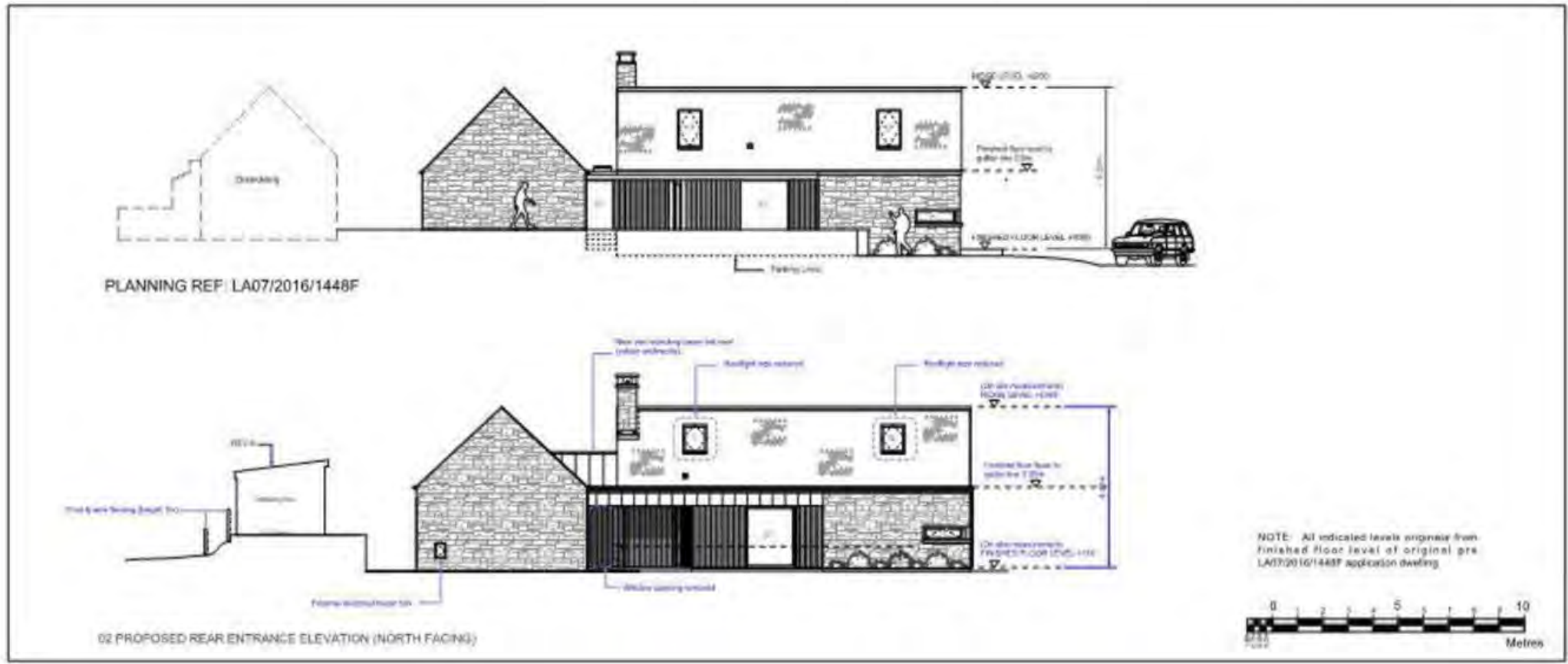
# Killowen Road, Rostrevor – LA07/2017/1469/F

Comparison between front elevation (southern) as granted under LA07/2016/1448/F to that proposed under this application (LA07/2017/1469/F).



# Killowen Road, Rostrevor – LA07/2017/1469/F

Comparison between rear elevation (northern) as granted under LA07/2016/1448/F to that proposed under this application (LA07/2017/1469/F).





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference: LA07/2018/0504/F**

**Date Received: 23/3/2018**

**Proposal: Erection of dwelling and garage (change of house type and garage to that approved under P/2007/0405/RM)**

**Location: Adjacent and north of 21 Aghadavoyle Road, Jonesborough**

At the time of inspection the site had been partially cleared and sight splays in place (to be confirmed by DFI Roads). The site beyond these buildings falls with the natural gradient of the land in an easterly direction. The north and eastern boundaries of the site are currently undefined with the farm and dwelling forming the southern boundary. The roadside boundary is defined by post and wire fencing. The site boundaries are not defined as the site is part of a larger agricultural field.

The site is located within the countryside and An Area of Outstanding Natural Beauty as defined in the Banbridge, Newry and Mourne Area Plan 2015.

**Site History:**

**P/2003/0870/O- Site for dwelling & garage- approval- 5/5/2004**

**P/2007/0405/RM- Erection of dwelling and garage- approval- 31/3/2008**

**Objections & Representations**

*No. of neighbours notified=2*

*No representations received= 0*

*Advertise expiry=03/5/2018*

**Consultations**

**DFI roads- no objections subject to conditions**

**Consideration and Assessment:**



*The applicant is seeking an amended house type on a site in which planning permission has expired. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry of that decision, 31st March 2010. There was a pre-commencement condition attached to the RM approval, the onus was also on the agent/applicant to demonstrate compliance with such condition. The condition related to the access and visibility splays to be in place prior to commencement of works on the site.*

*From Google streetview it is not clear that the pre-commencement condition had been complied with within the require timeframe. It is clear that some sightlines had been formed in April 2011 but there is no evidence to show that this had taken place before the expiry date, 31<sup>st</sup> March 2010.*

*There is no evidence to suggest that any works with regards to development had commenced in the form of foundations. Compliance with the pre-commencement condition, if this was to be proved does not constitute development having commenced.*

*As the agent/applicant has not confirmed that the development as approved under P/2007/0405/RM, commenced within the stipulated timeframe, the Planning Department would consider that the permission has lapsed.*

*No justification has been provided for a new dwelling on the site in line with the prevailing policy. The proposal is therefore considered contrary to PPS 21 CTY1.*

*The proposed house is to be 1 1/2 storey with a ridge height of 7.2 metres above FFL with a single storey detached garage to the side and rear. The proposed dwelling will be no more prominent in the landscape than that previously approved. The layout plan is the same as previously approved showing new boundaries to be defined by post and wire fencing with proposed trees and a boundary hedgerow. The site and roadside frontage to be defined by timber post and wire fencing with native species hedgerow and trees to aid integration. There are a number of existing trees along the southern boundary which are to be retained. The design of the dwelling creates a good solid to void ratio with the windows having a vertical emphasis. In terms of size and scale the dwelling is similar to that previously approved. I have some concern with regards to the front porch as it is quite*

*dominant and out of proportion. The porch should be reduced to single storey with a wall dormer to the first floor landing.*

*The proposed access is as previously approved, DFI roads have been consulted with regards to the application and have returned with no objection subject to conditions. The dwelling and associated works including the access will not cause a detrimental change to, or further erode the rural character of the surrounding area.*

**Recommendation:**

**Refusal- CTY 1 and CTY 13- design**

.....

.....

**Statement in Support of**

**Proposed:**     **Erection of a Dwelling and Garage  
(Change of Housetype and Garage to that Approved under  
P/2007/0405/RM)**

**Address:**     **Adjacent to and North of 21 Aghadavoyle Road  
Jonesborough  
Co. Armagh**

**Applicant:**   **Mr. Sean Hughes**

**Ref:**           **LA07/2018/0504**

## Principle Of Development

**REF:            LA07/2018/0504/F   - Sean Hughes –**

- Outline Approval was granted for a dwelling and garage 5<sup>th</sup> May 2004 under P/2003/0870/O.
- Approval of Reserved Matters was granted for dwelling and garage 31<sup>st</sup> March 2008 under P/2007/0405/RM.
- Access and visibility splays were formed in March 2010 by a local contractor (i.e.) within two years of the approval of Reserved Matters.
- Transport NI have no objections to current proposals.

The Planners Professional Report raises two issues

1. Is the existing Planning Permission preserved?
2. Perceived dominance of two storey porch in submitted proposals.

### **1. Is the existing Planning Permission preserved?**

The applicant is of the firm opinion that it is.

By request the applicant was advised by Planning Services that the formation of the access and visibility splays, provided they were in accordance with the approved plans and constructed before 31<sup>st</sup> March 2010, would be sufficient as a material start to the development. This is in keeping with written planning advice that prevailed at the time.

The applicant duly constructed the access and visibility splays in March 2010. He was satisfied that he had preserved his planning permission by making a material start.

Find attached the following evidence demonstrating evidence of a material start.

1. An invoice for the works from a local Contractor dated 25<sup>th</sup> March 2010.
2. Two letters from Planning Services for similar proposals confirming that the construction of an access, provided that it is in accordance with the approved plans, would be sufficient to indicate that the development had begun, dated 26<sup>th</sup> September 2008 and 20<sup>th</sup> March 2009.
3. Map obtained from DAERA offices, Armagh showing visibility splays already established 2<sup>nd</sup> September 2010 (ortho date added by DAERA mapper. Details available on request)

## 2. Perceived dominance of two storey front porch.

The dwelling proposed is one and a half storey with detached garage. The Planner's Professional Report confirms that the design is generally in keeping with the rural character of the area in terms of size, scale and integration, with the exception of the scale of the porch.

The front elevation faces west toward Slieve Gullion. The applicant wished to avail of this view as much as possible including from the first floor landing. The Planners Professional Report suggest a single storey porch with walled dormer to first floor landing. A sketch proposal of front elevation is attached for consideration.

### Conclusion

The above commentary and evidence demonstrate that the existing approval under P/2007/0405/RM had commenced prior to the expiry of that decision on 31<sup>st</sup> March 2010 and is therefore preserved.

The applicant has amended the front elevation of the proposed change of housetype in line with recommendations within the Planners Professional Report.



Barney Dinsmore RIBA

# Thomas Hughes Contracts

**Building Contractor - NHBC Registered**

11 Kilnasaggart Road, Jonesborough, Newry, BT35 8HZ

Telephone / Fax 028 30 848075

INVOICE

43

DATE 25/3/2010

FROM Thomas Hughes Contracts

TO Mr S Hughes

Excavation work carried out for New House adjacent to 21 Aghadavoyle Rd site lines formed and hard core entrance created according to Planning Permission. Digger works, stones and fencing material supplied and fence erected, gate supplied and hung into new site entrance.

Zero VAT according to P/2007/0405/RM

	£	2500
V.A.T.		0
TOTAL	£	2500

*THOMAS HUGHES*

Date: 20 March 2009  
 Our Ref: P/2007/1090/F (FOI 20278)  
 Being dealt with by : Julie Brown



**Divisional Planning Office**

Marlborough House  
 Central Way  
 Craigavon  
 BT64 1AD

Mr D Mallon  
 3 Ayalogue Road  
 Newry  
 BT35 8QY

Dear Mr Mallon

**Location: Adjacent to No.4 Low Road, Ayalogue, Newry.**

**Proposal: Erection of dwelling and garage in compliance with conditions on approval P/2002/1210/O**

I refer to your correspondence dated 10 February 2009 regarding the above planning application.

I can advise that generally speaking the construction of an access, provided it is in accordance with the approved plans, would be sufficient to indicate that development had begun. Unfortunately Planning Service does not currently have the resources to carry out inspections of works undertaken.

Yours sincerely

for Divisional Planning Manager



An Agency within the Department of the  
**Environment**  
 www.devenl.gov.uk

Tel. (028) 3834 1144 Fax. (028) 3832 0004  
 Email. divisional.planning.office.craigavon@nics.gov.uk  
 Web. www.planningni.gov.uk



INVESTOR IN PEOPLE

Your Ref:

Our Ref: FOI 19415

Being dealt with by:

Date: 26 September 2008

Mr Martin J Baillie MCIAT  
Martin Baillie Architectural Services Limited  
92 Newry Street  
Rathfriland  
Newry  
BT34 5PY



**Divisional Planning Office**

Marlborough House  
Central Way  
Craigavon  
BT64 1AD

*LA/2015/0203/F*

Dear Mr Baillie

Thank you for your letter of 15 September 2008 requesting information about the commencement of development in relation to planning permission.

Every new planning permission is deemed to be subjected to a condition that development shall be commenced within five years or such other period as the planning authority may expressly impose. An outline planning permission has two timescales and the consent will require the submission of a further planning application for the approval of reserved matters within 3 years. Once the last of the reserved matters has been approved, there is usually a two year period within which the development must commence.

No definitive ruling can be given with regard to when development is commenced, as so much will depend on the facts of each case. However, development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Generally speaking the construction of an access or the layout of foundations, provided they are in accordance with the approved plans, would be sufficient to indicate that development had begun.

You should therefore satisfy yourself that a material start has been made in accordance with the above prior to the expiration of your planning permission.

I hope this is helpful.

Yours sincerely

*IAN McAllister*

**IAN McALLISTER**  
For Divisional Planning Manager







Current View

ORTHO DATE  
02/09/10

Legend

This map does not convey legal ownership

1 of 1

Date: 11/12/2018

Based upon Ordnance Survey of Northern Ireland's data with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright and database right (2012)



SKETCH FRONT ELEVATION (FACING WEST)

CLIENT: Sean Hughes

Schedule of Finishes

Roof:	Flat black concrete tiles
Rainwater Goods:	White UPVC
Windows:	White UPVC double glazed
Walls:	Sand / cement render with banding. Feature stone clad single storey porch
Fascias, Soffits & Bargeboards:	Hardwood painted

24a duke street, warrenpoint , co.down , bt34 3jy  
 telephone (028) 4175 3698 fax (028) 4175 3699

email : [info@bdinsmore.co.uk](mailto:info@bdinsmore.co.uk) [www.bdinsmore.co.uk](http://www.bdinsmore.co.uk)



Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**Application Reference:** LA07/2018/1533/F

**Date Received:** 04.10.2018

**Proposal:** Proposed New Village Play Area.

**Location:** Former Forkhill Army Base Site, School Road, Forkhill, Newry

**Site Characteristics & Area Characteristics:**

The site takes in a small portion of the former army barracks in Forkhill. The site has recently been developed to include designated green spaces and paths. The area is urban in character with a number of land uses notable including, retail, residential, education and community.

**Relevant Site History:**

LA07/2016/0330/F

Proposed open space development, provided designed green spaces including new planting and seating areas connected by a series of pedestrian footpaths

Permission Granted: 29.06.2016

P/2013/0200/O

Proposed mixed use development to include community uses (class D1), retail (A1 & A2) and light industrial/business units (B1 & B2). Childrens play areas, multi use games area, access and parking.

Permission Granted; 19.03.2014

**Planning Policies & Material Considerations:**

Banbridge, Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 8

Planning Policy Statement 2

Parking Standards.

**Consultations:**

Transport NI – No objections.

Environmental Health – No objections. Due to previous use of the site, the applicant should investigate levels of soil contamination on the site and carry out remedial action as necessary.

Health and Safety Executive for Northern Ireland – would not advise against development.

GNI UK Ltd. – no objections

Rivers Agency – no objections

### **Objections & Representations**

0 neighbours qualified for notification.

Application advertised on 24.10.2018

### **Consideration and Assessment:**

#### Banbridge Newry and Mourne Area Plan 2015

The proposal lies within the development limit for Forkhill as depicted in the Area Plan. The site forms part of zoning FL 03 which is a mixed use zoning that includes the potential for leisure uses. The proposal is consistent with the policy requirements of the Banbridge Newry and Mourne Area Plan 2015.

#### The Strategic Planning Policy Statement for Northern Ireland. / Planning Policy Statement 2 / Planning Policy Statement 8

The principle of development was established under previous planning application P/2013/0200/O which included reference to a children's play area. This has also been reinforced by the site zoning in the Area Plan.

The proposed play park takes in an area of approximately 1275 sq. m (0.1ha) and includes two new footpaths connecting to the existing footpath to the north of the site which was approved as part of a wider scheme under application LA07/2016/0330/F. A 1.2m fence will surround the play park and the dimensions of the equipment are considered appropriate for the size and scale of the development. The proposal will bring public community facility to the village which will further sustainable development and improve wellbeing. The proposal is consistent with the Strategic Planning Policy Statement for Northern Ireland.

As the proposed site is located within the Ring of Gullion AONB policy NH6 of PPS 2 is applicable. The siting and scale of the proposal is sympathetic to the special character of the AONB and it will have no impact on any features of importance to the character, appearance or heritage of the landscape. The proposal is in compliance with policy NH 6 of PPS 2 Natural Heritage.

Planning Policy Statement 8 defines open space which includes 'play areas'. Policy OS1 seeks to protect open space and the proposal for the play facility will not compromise this policy criteria. Annex B of PPS 8 notes that children's playing space should be 0.8ha and whilst this play area is only approximately 0.1ha, in this instance when you consider the existing surrounding provision for open space, on balance, the area of the playing facility is considered acceptable, particularly as this represents an improvement to the area, bringing a much needed playing facility for children.

Mindful of the previous use of the land, Environmental Health was consulted. The Environmental Health Dept. has no objections to the proposal due to the previous work that has been carried out and approved at this site. It has suggested that the

applicant should investigate levels of soil contamination on the site, however this has been done and the report has been submitted to the Planning Authority (attached to file). There are no concerns of contamination at the proposed location of the play facility.

The site is within the consultation zone for the North / South Gas Pipe line however from the consultation responses as noted above, due to the positioning of the site in relation to the pipe line – there are no concerns from HSENI and GNI UK.

The car parking requirement for this facility is 4 spaces. It is anticipated that most users would walk to the site, however despite this there would be enough on street parking in walking distance from the site to accommodate 4 spaces.

**Recommendation:**

Approval as above.

**Condition:**

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

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

**Case Officer:**

**Authorised Officer:**

**TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS**

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
<b>PLANNING MEETING – 09 MAY 2018</b>					
LA07/2017/1326/F	Peter Morgan – dwelling and garage on a farm – 30m south of 28 Bog Road, Kilcoo	<b>Agreed at August 2018 meeting to defer planning application for further discussion between agent/applicant and Senior Planning Officers on new information submitted</b>	Annette McAlarney	<b>Application considered at August 2018 meeting – agreed to defer application for further discussion between agent/applicant and Senior Planning Officers on new information submitted. Contact to be made with agent.</b>	N
P/2014/0427/0	Joseph McGivern – site for dwelling to the rear and south of 2 Berkley Grove, Warrenpoint	<b>Remove from the agenda to allow for further discussion with Planning Officers</b>	Jacqui McParland	<b>Agent has submitted additional information to address roads issues Sept 2018 Reconsult TNI.</b>	N
LA07/2017/1624/0	Thomas Stevenson – replacement dwelling -50m NW of 18 Turlough's Hill, Annalong	<b>Defer Planning Application LA07/2017/1624/O to allow time for the agent to provide more documentary evidence</b>	Jacqui McParland	<b>Agent has submitted a H&amp;S Report. No additional case for need submitted.</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<p>regarding issues raised by Committee Members including the need for a health and safety report on access through the farmyard and also the case of need for the applicant to be living close to the farm.</p>		<p>Dept has requested this again – 11<sup>th</sup> June 2018. This is still not forthcoming. I have instructed case officer to write up based on information available and bring back as refusal.</p>	
LA07/2017/1721/F	<p>Millvale Services Ltd – proposed parking for neighbouring Millvale Service Station – Millvale Road, Bessbrook</p>	<p><b>Defer Planning Application LA07/2017/1721/F to allow for a Health and Safety Report / Road Traffic Report to be conducted as soon as possible and report back to Committee for further consideration of the application.</b></p>	<p>Pat Rooney</p>	<p><b>21 day letter issued to agent requesting the said information. Expiry date for info is 9.7.18.</b></p> <p>Application deferred at meeting on 29 August 2018 until issues raised by SPO have been considered and Planning Officers are to liaise with the agent/applicant at the earliest possible opportunity</p>	<p>N</p>

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		<b>PLANNING MEETING – 6 JUNE 2018</b>			
LA07/2017/1030/0	Michael Tinnelly - site for 100 bedroom hotel and spa - 200m east of No. 25 Greenpark Road, Rostrevor.	<b>Defer application so that the agent/applicant/Planning Consultant can meet with the SPTO to identify what outstanding information has to be submitted to allow Planners and HED to make an informed assessment and opinion on the application. As it is a major application it be brought back to the Committee in due course</b>	Jacqui McParland	<b>Held meeting on the 14<sup>th</sup> June with agent. Discussed what was required. Allowing 28 days for submission. Information submitted mid-August. Currently out for consultation with HED. Site Meeting with Agent and HED taking Place 31<sup>st</sup> Oct 2018.</b>	N
LA07/2018/0398/0	Shea McAnulty - proposed infill gap site for a new dwelling and detached garage - lands between No. 5 and 5a Cons Lane, Newry	<b>Application removed from the schedule for further consideration by Planners</b>	Andrew Davidson	<b>Application deferred at PI. Meeting on 29-08-2018 to allow for further discussions between applicant/agent and planning officers re: potential for other in-fill or agricultural opportunities. Awaiting information</b>	N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				from the agent in terms of sites owned by the applicant so that the Planning Department can assess the potential for any planning approvals on these sites.	
		<b>PLANNING MEETING – 1 AUGUST 2018</b>			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	<b>Defer application to enable the Council’s Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10</b>	Annette McAlarney	<b>Await legal advice.</b>	N
LA07/2017/1494/0	John Murnion –proposed one and a half storey dwelling and	<b>Defer application for further discussion between agent/applicant</b>	Annette McAlarney	<b>Agent has submitted supporting info</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	detached domestic garage – opposite and north of No. 43 Bryansford Road, Stang, Hilltown	<b>and planning officers in relation to concerns expressed that land at 72 Kilkeel Road, Hilltown, which is the main farm holding, can only be accessed by an existing laneway of which the applicant only has right of way and could not therefore provide sight lines which may be required. Clarification to be sought on this to determine if a site could be achieved at this address and also discussions on the proposed off-site location.</b>		<b>which has to be considered. Further discussion required with enforcement regarding approvals on the lane.</b>	
		<b>PLANNING MEETING – 29 AUGUST 2018</b>			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneywabane, Ballynahinch.	<b>Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting</b>	Annette McAlarney	<b>Issues raised at Planning Committee referred to the outcome of an application which has yet to be submitted to planning. In line with Committee wishes we have to await the submission of this</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				application and its conclusion before returning to consider the current deferred application.	
		<b>PLANNING MEETING – 24 OCTOBER 2018</b>			
LA07/2018/0894/F	Dundrum Cross Community Playgroup - retrospective application for Dundrum Cross Community Play Group Facility (temporary permission) (amended description) - Dundrum Methodist Church 7-9 Manse Road, Dundrum.	<b>Removed from the addendum list at the request of Councillor Murnin to allow objectors to make representations</b>	Annette McAlarney	<b>Requires further consideration on foot of additional information submitted prior to Oct 2018 Committee</b>	N
LA07/2017/1671/F	Mr and Mrs McConnell - farm dwelling - 50m east of No. 77 Ballynahinch Road, Saintfield.	<b>Defer for 6 months to allow for the completion of an agricultural building on site and delegate authority to Planning Officers to issue the decision</b>	Annette McAlarney	<b>Review April 2019 re construction of shed.</b>	N
LA07/2018/0758/0	Mr and Mrs Hickland - new dwelling and garage - lands approximately 50M south of 56 Crawfordstown Road, Drumaness	<b>Defer for a site visit</b>	Annette McAlarney	<b>Proposed date – 09-01-2019</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2017/1694/R M	Mr R Hutton - replacement dwelling (off site) - adjacent to junction of Vianstown Road and Bishopsbrae Road, Downpatrick.	<b>Defer to allow the opportunity for the agent/applicant to avail of one more office meeting with Planners and submit one additional set of amended plans for a dwelling in line with what was originally on site. Delegate authority to Planning Officers to issue the decision</b>	Annette McAlarney	<b>Set up meeting with Agent. Meeting date agreed 29/11/2018.</b>	N
LA07/2018/0537/0	James Donaldson and Roberta Heaney – proposed site for infill dwelling and domestic garage – Ballinran Road, Kilkeel	<b>Removed from the addendum list at the request of Councillor Macauley for full presentation at the next Committee meeting</b>	Jacqui McParland	<b>November 2018 Committee – defer for 3 months to allow the CLUD to be dealt with and delegate authority to officers to issue the decision irrespective of the outcome of the CLUD application</b>	N
LA07/2018/0661/0	Eileen and Dermot O'Hare - erection of dwelling and domestic garage - between 17a and 17b Hilltown Road, Mayobridge.	<b>Defer for a site visit</b>	Jacqui McParland	<b>Proposed date – 09-01-2019</b>	N
		<b>PLANNING MEETING – 21 NOVEMBER 2018</b>			
LA07/2018/0250/F	Mr G Morgan – dwelling and garage on a farm – lands 50m	<b>Defer for a site visit</b>	A McAlarney	<b>Proposed date – 09-01-2019</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	south of 30 Fofanny School Road, Newry				
		<b>PLANNING MEETING – 19 JANUARY 2019</b>			
LA07/2018/0377/0	Replacement dwelling and garage – 20m east of 53 Beechview Road,	<b>Defer to allow for the submission of a CLUD on the building</b>	A McAlarney		
LA07/2017/0932/0	4 no. holiday cottages including fully inclusive design (amended proposal and site address) – land immediately adj. to S.W. of 32 Dougan's Road, Kilkeel.	<b>To be re-presented at the January 2019 Committee Meeting</b>	J McParland	<b>On agenda</b>	
LA07/2018/0504/F	proposed dwelling and garage (insubstitution of that approved under P/2007/0405/RM) – adjacent and north of 21 Aghadavoyle Road, Jonesborough	<b>To be re-presented at the January 2019 Committee Meeting</b>	A Davidson	<b>On agenda</b>	

## Newry, Mourne & Down District Council – December 2018

---

136

### 1. Live Applications

MONTH 2017/18	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
April	129	914	222
May	141	916	217
June	141	909	225
July	150	960	231
August	114	913	244
September	141	958	263
October	168	971	272
November	187	1,002	276
December	133	1,085	297

## Newry, Mourne & Down District Council – December 2018

137

### 2. Live Applications by length of time in system

Month 2017/18	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
April	510	182	79	33	110	<b>914</b>
May	506	193	78	33	106	<b>916</b>
June	483	201	84	33	108	<b>909</b>
July	540	189	90	34	107	<b>960</b>
August	482	187	99	34	111	<b>913</b>
September	511	184	108	45	110	<b>958</b>
October	529	170	114	46	112	<b>971</b>
November	548	178	110	52	114	<b>1,002</b>
December	604	184	115	64	118	<b>1,085</b>

### 3. Live applications per Case Officer

Month 2017/18	Average number of Applications per Case Officer
April	51
May	49
June	48
July	51
August	48
September	56
October	61
November	62
December	64

## Newry, Mourne & Down District Council – December 2018

---

138

### 4. Decisions issued per month

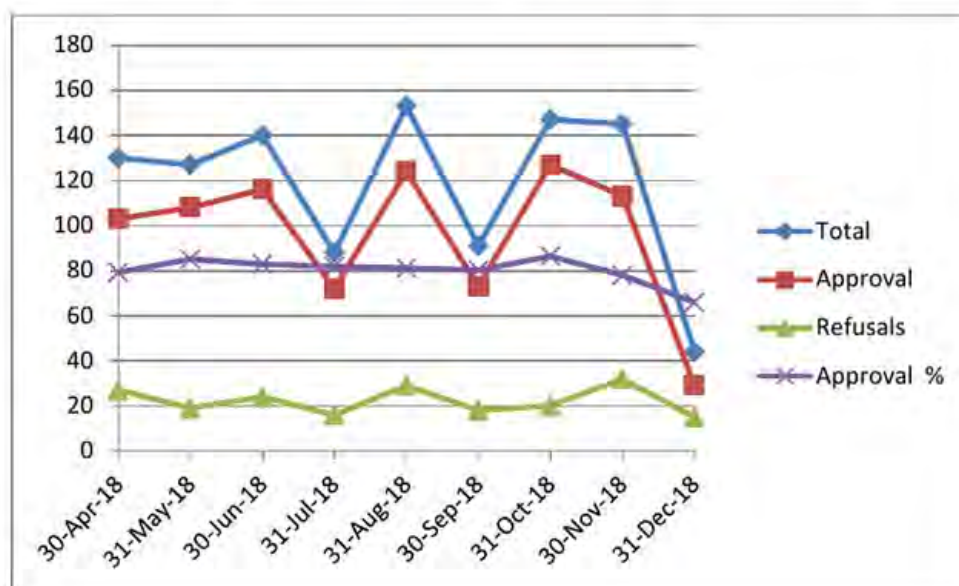
Month 2017/18	Number of Decisions Issued	Number of Decisions Issued under delegated authority
April	130	111
May	127	119
June	140	130
July	88	78
August	153	141
September	91	83
October	147	141
November	145	138
December	44	40



# Newry, Mourne & Down District Council – December 2018

## 5. Decisions Issued YTD

Month 2017/18	Number of Decisions Issued	Breakdown of Decisions	
		Approvals	Refusals
April	130	Approvals (103)	79%
		Refusals (27)	21%
May	257	Approvals (211)	82%
		Refusals (46)	18%
June	397	Approvals (327)	82%
		Refusals (70)	18%
July	485	Approvals (399)	82%
		Refusals (86)	18%
August	638	Approvals (523)	82%
		Refusals (115)	18%
September	729	Approvals (596)	82%
		Refusals (133)	18%
October	876	Approvals (723)	83%
		Refusals (153)	17%
November	1,021	Approvals (836)	82%
		Refusals (185)	18%
December	1,065	Approvals (865)	81%
		Refusals (200)	19%



## Newry, Mourne & Down District Council – December 2018

140

### 6. Enforcement Live cases

Month 2017/18	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
April	305	220	101	77	84	124	911
May	325	208	105	81	84	125	928
June	331	224	106	82	82	130	955
July	332	226	113	82	82	135	970
August	365	246	110	85	73	150	1,029
September	373	250	125	81	76	156	1,061
October	389	239	142	77	80	160	1,087
November	393	232	155	83	71	169	1,103
December	383	220	165	77	74	174	1,093

### 7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/Deferred for future meeting
11 April 2018	25	20	5
9 May 2018	17	10	7
6 June 2018	13	5	8
4 July 2018	14	6	8
1 August 2018	12	8	4
29 August 2018	13	4	9
26 September 2018	14	8	6
24 October 2018	13	4	9
21 November 2018	10	4	6
19 December 2018	15	12	3
<b>Totals</b>	<b>146</b>	<b>81</b>	<b>65</b>

## Newry, Mourne & Down District Council – December 2018

---

141

### 8. Appeals

#### Planning Appeal Commission Decisions issued during December 2018

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	20	2	1	1	1
Down	5	0	0	0	0
<b>TOTAL</b>	<b>25</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>

## Newry, Mourne &amp; Down District Council – December 2018

Statutory targets monthly update - up to November 2018 (unvalidated management information)  
Newry, Mourne and Down

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% of cases concluded within 39 weeks
April	0	2	110.4	0.0%	100	109	14.0	52.3%	49	6	170.2	66.7%
May	0	2	67.3	0.0%	115	118	16.9	43.2%	50	14	48.3	64.3%
June	1	1	20.2	100.0%	135	132	15.1	50.0%	49	25	49.2	60.0%
July	0	-	0.0	0.0%	108	81	15.2	49.4%	39	6	61.9	66.7%
August	0	-	0.0	0.0%	110	136	15.6	47.8%	40	5	34.6	80.0%
September	1	-	0.0	0.0%	118	82	14.9	50.0%	34	5	129.7	20.0%
October	2	-	0.0	0.0%	146	138	16.3	44.9%	50	29	49.8	69.0%
November	0	-	0.0	0.0%	137	123	16.4	44.7%	36	14	58.4	50.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
<b>Year to date</b>	<b>4</b>	<b>5</b>	<b>48.6</b>	<b>20.0%</b>	<b>969</b>	<b>919</b>	<b>15.8</b>	<b>47.6%</b>	<b>347</b>	<b>104</b>	<b>53.9</b>	<b>61.5%</b>

Source: NI Planning Portal

**Notes:**

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures
2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".
3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

## Record of meetings between Planning Officers and Public Representatives 2018-2019

143

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
23/04/2018	A McAlarney	Cllr W Walker Cllr Andrews
27/04/2018	A McAlarney	Cllr Burgess
30/04/2018	A McAlarney	Cllr Walker
30/04/2018	A McAlarney	Cllr Fitzpatrick
10/05/2018	A McAlarney	Colin McGrath MLA
31/05/2018	A McAlarney	Cllr Rice
04/06/2018	A McAlarney	Cllr McMurray
29/06/2018	G Kerr	Cllr B Quinn
10/07/2018	G Kerr / P Smyth	Cllr B Quinn
17/07/2018	A McAlarney	Colin McGrath
09/08/2018	G Kerr / P Smyth	Cllr B Quinn
14/08/2018	A McAlarney	Cllr walker
04/09/2018	G Kerr	Cllr Tinnelly
07/09/2018	A McAlarney	Colin McGrath
12/09/2018	A McAlarney	Cllr walker Cllr Andrews
18/09/2018	A McAlarney	Cllr Walker Cllr Andrews
20/09/2018	A McAlarney	Cllr Rice
03/10/2018	A McAlarney	Cllr W Clarke
18/10/2018	A McAlarney	Cllr Enright
29/10/2018	A McAlarney	Cllr walker Cllr Andrews
13/11/2018	A McAlarney	Cllr Burgess
04/12/2018	A McAlarney	Cllr Walker

## Current Appeals

144

**AUTHORITY**      **Newry, Mourne and Down**

<b>ITEM NO</b>	<b>1</b>	<b>PAC Ref:</b>	<b>2017/A0168</b>
<b>Planning Ref:</b>	LA07/2017/0687/	<b>DEA</b>	<b>The Mournes</b>
<b>APPELLANT</b>	Steven And Diane Campbell		
<b>LOCATION</b>	30m North Of 94 Greencastle Road Kilkeel		
<b>PROPOSAL</b>	RT34 4DF Infill site for new dwelling and garage in existing cluster (amended plans)		

**APPEAL TYPE**                      DC- Refusal of Planning Permission

**Appeal Procedure**                **Written Reps with Site Visit**                **Date Appeal Lodged**

**Date of Hearing**

**Date Statement of Case Due for Hearing**

**Date Statement of Case Due - Written Representation**

**Date of Site Visit**

<b>ITEM NO</b>	<b>2</b>	<b>PAC Ref:</b>	<b>2017/A0213</b>
<b>Planning Ref:</b>	LA07/2016/0952/	<b>DEA</b>	<b>Newry</b>
<b>APPELLANT</b>	D & M Downey		
<b>LOCATION</b>	113-117 Dublin Road Newry		
<b>PROPOSAL</b>	RT35 80P Sub-division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. ground floor class A1 retail units with new shopfronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605); and western extension of site area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	<b>18/01/2018</b>
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

## Current Appeals

145

<b>ITEM NO</b>	<b>3</b>		
<b>Planning Ref:</b>	LA07/2016/1407/	<b>PAC Ref:</b>	2018/A0027
<b>APPELLANT</b>	Richard Newell	<b>DEA</b>	The Mournes
<b>LOCATION</b>	75A Glasdrumman Road Annalong		
<b>PROPOSAL</b>	<small>Co Down</small> Proposed extension of curtilage of existing dwelling house and retention of existing Domestic Boat House and Yard		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/05/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>4</b>		
<b>Planning Ref:</b>	LA07/2017/1192/	<b>PAC Ref:</b>	2018/A0030
<b>APPELLANT</b>	Tranquility Ireland	<b>DEA</b>	Newry
<b>LOCATION</b>	97 Fathom Line Fathom Lower <small>(Main Portion)</small>		
<b>PROPOSAL</b>	Retention of change of use of domestic dwelling and garage to three short term holiday let accommodation with alterations		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	01/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

146

<b>ITEM NO</b>	<b>5</b>		
<b>Planning Ref:</b>	LA07/2017/0969/	<b>PAC Ref:</b>	2018/A0046
<b>APPELLANT</b>	Mr Peter Clerkin	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	160m South Of 106 Leitrim Road Hilltown		
<b>PROPOSAL</b>	Proposed retention and extension of farm shed (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	11/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>6</b>		
<b>Planning Ref:</b>	R/2014/0079/F	<b>PAC Ref:</b>	2018/A0054
<b>APPELLANT</b>	Mr Brendan Maginn	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Approx 285m South West Of No 63 Dundrine Road Castlewellan		
<b>PROPOSAL</b>	Retention of as constructed 225 kw wind turbine with a tower height of 39.5m (to supersede previous wind turbine approval ref R/2010/0555/F)		
	(Additional surveys/info received)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/07/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---



## Current Appeals

147

<b>ITEM NO</b>	<b>7</b>	<b>PAC Ref:</b>	2018/A0066
<b>Planning Ref:</b>	LA07/2017/1394/	<b>DEA</b>	Slieve Croob
<b>APPELLANT</b>	Mr B And Mrs A Gibney		
<b>LOCATION</b>	80m East Of 89 Demesne Road Edendarriff		
<b>PROPOSAL</b>	<sup>Rallynahinch</sup> Dwelling and garage on a farm		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	10/08/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>8</b>	<b>PAC Ref:</b>	2018/A0079
<b>Planning Ref:</b>	LA07/2018/0747/	<b>DEA</b>	Crotlieve
<b>APPELLANT</b>	Joan Henderson		
<b>LOCATION</b>	200m South East 21 Levallyreagh Road Rostrevor		
<b>PROPOSAL</b>	<sup>Newrv</sup> Proposed replacement dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	05/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

148

<b>ITEM NO</b>	<b>9</b>		
<b>Planning Ref:</b>	LA07/2018/0464/	<b>PAC Ref:</b>	2018/A0080
<b>APPELLANT</b>	Mary Slane	<b>DEA</b>	Newry
<b>LOCATION</b>	Between No. 34 And 38 Seafin Road Killeavy		
<b>PROPOSAL</b>	Meigh Dwelling and garage (amended address)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	05/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>10</b>		
<b>Planning Ref:</b>	LA07/2018/0220/	<b>PAC Ref:</b>	2018/A0085
<b>APPELLANT</b>	Mr & Mrs H Coulter	<b>DEA</b>	Rowallane
<b>LOCATION</b>	50m SE Of 7 Old Saintfield Road Creevycarnonan		
<b>PROPOSAL</b>	Crossbar Proposed 2 no infill dwellings, detached garages and site works		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	17/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

149

<b>ITEM NO</b>	<b>11</b>		
<b>Planning Ref:</b>	LA07/2017/0701/	<b>PAC Ref:</b>	2018/A0086
<b>APPELLANT</b>	J&J McKibbin	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Land 60m North East Of No. 181 Moyad Road Kilkeel		
<b>PROPOSAL</b>	RT34 4HI Erection of self-catering tourist accommodation, light industrial units and associated site works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	18/09/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>12</b>		
<b>Planning Ref:</b>	LA07/2018/0865/	<b>PAC Ref:</b>	2018/A0100
<b>APPELLANT</b>	Mr And Mrs C Parke	<b>DEA</b>	The Mournes
<b>LOCATION</b>	25 Oldtown Lane Annalong		
<b>PROPOSAL</b>	RT34 4XF One and a half storey rear extension to include additional living accommodation and home office. Proposed garage to west side		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	05/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

150

<b>ITEM NO</b>	<b>13</b>		
<b>Planning Ref:</b>	LA07/2017/0290/	<b>PAC Ref:</b>	2018/A0117
<b>APPELLANT</b>	Mr & Mrs McMurray	<b>DEA</b>	Rowallane
<b>LOCATION</b>	110 M South Of No 52 Carsonstown Road Saintfield		
<b>PROPOSAL</b>	RT24 ZFR Single Storey 200sqm house with Outbuilding - garage and stores		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	24/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>		<b>28/02/2019</b>	
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>14</b>		
<b>Planning Ref:</b>	LA07/2017/0699/	<b>PAC Ref:</b>	2018/A0122
<b>APPELLANT</b>	Brian & Laura Fealy	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	130m West Of No. 21 Kilkeel Road Hilltown		
<b>PROPOSAL</b>	Proposed dwelling & detached garage on a farm.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps with Site Visit</b>	<b>Date Appeal Lodged</b>	25/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

151

<b>ITEM NO</b>	<b>15</b>		
<b>Planning Ref:</b>	LA07/2018/0554/	<b>PAC Ref:</b>	2018/A0123
<b>APPELLANT</b>	Mr Craig Baxter	<b>DEA</b>	Crotlieve
<b>LOCATION</b>	No. 5 Ringbane Road Ringbane		
<b>PROPOSAL</b>	Newry Change of use from private swimming pool to commercial swimming pool, retention of extension to same and extension to site curtilage		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	25/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>16</b>		
<b>Planning Ref:</b>	LA07/2017/0691/	<b>PAC Ref:</b>	2018/A0124
<b>APPELLANT</b>	Mr & Mrs G Cunningham	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Lands Adjacent To And North East Of 346 Newry Road Kilkeel		
<b>PROPOSAL</b>	RT34 ASF Proposed detached retirement dwelling and garage (additional plans)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	26/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

152

<b>ITEM NO</b>	<b>17</b>	<b>PAC Ref:</b>	2018/A0130
<b>Planning Ref:</b>	P/2015/0200/F	<b>DEA</b>	Newry
<b>APPELLANT</b>	Mr Naill Black		
<b>LOCATION</b>	Approx 150m South East Of No 28 Ferryhill Road Killean Newry		
<b>PROPOSAL</b>	Erection of a farm dwelling and garage.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	30/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>18</b>	<b>PAC Ref:</b>	2018/A0131
<b>Planning Ref:</b>	LA07/2018/0331/	<b>DEA</b>	The Mournes
<b>APPELLANT</b>	David Gordon		
<b>LOCATION</b>	34 Dougans Road Kilkeel RT34 4HN		
<b>PROPOSAL</b>	Retention of dwelling and integrated garage, in substitution of Planning Ref: P/2009/1284/F		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

153

<b>ITEM NO</b>	<b>19</b>		
<b>Planning Ref:</b>	LA07/2017/1316/	<b>PAC Ref:</b>	2018/A0132
<b>APPELLANT</b>	O'Hagan Construction Ltd	<b>DEA</b>	Newry
<b>LOCATION</b>	Site Adjacent And North Of 8 Heslips Court Adjacent And West Of 9 Heslips Court And Opposite And 25 M East Of 16 Chancellors Hall		
<b>PROPOSAL</b>	Retention of retaining wall and raised land and erection of dwelling (Amended Proposal)		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Written Reps</b>	<b>Date Appeal Lodged</b>	30/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>20</b>		
<b>Planning Ref:</b>	LA07/2018/0360/	<b>PAC Ref:</b>	2018/A0133
<b>APPELLANT</b>	Forest Park Developments	<b>DEA</b>	The Mournes
<b>LOCATION</b>	Immediately North West Of 4 Sawmill Road Castlewellan BT31 9GJ		
<b>PROPOSAL</b>	Infill dwelling		

<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	31/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

154

<b>ITEM NO</b>	<b>21</b>		
<b>Planning Ref:</b>	LA07/2017/1151/	<b>PAC Ref:</b>	2018/A0134
<b>APPELLANT</b>	Clark McCourt	<b>DEA</b>	Slieve Gullion
<b>LOCATION</b>	Lands 70 Metres North-East Of 32 Cullentragh Road Jerretspass		
<b>PROPOSAL</b>	Erection of farm building and associated site works to include vehicular access, access lane and hard-standing area		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	31/10/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>22</b>		
<b>Planning Ref:</b>	LA07/2018/1074/	<b>PAC Ref:</b>	2018/A0142
<b>APPELLANT</b>	EDB Construction Ltd	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Opposite No 1 Ashgrove Avenue Newry		
<b>PROPOSAL</b>	Housing Development comprising of 2 No. 4 bedroom Houses and 26 No. 2 Bedroom Apartments (amended proposal)		
<b>APPEAL TYPE</b>	DC - Non Determination of a Planning Application		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	04/12/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---



## Current Appeals

155

<b>ITEM NO</b>	<b>23</b>		
<b>Planning Ref:</b>	LA07/2018/0457/	<b>PAC Ref:</b>	2018/A0143
<b>APPELLANT</b>	D Downey	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands To West And South Of Existing Retail Units At Nos 113-117 Dublin Road		
<b>PROPOSAL</b>	Newry Retention of change of use of Agricultural land adjacent to establish retail units to facilitate safe parking of customer and staff vehicles and servicing of retail units, with associated landscaping works.		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	15/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

<b>ITEM NO</b>	<b>24</b>		
<b>Planning Ref:</b>	LA07/2018/1261/	<b>PAC Ref:</b>	2018/A0151
<b>APPELLANT</b>	Ebony Hughes	<b>DEA</b>	Newry
<b>LOCATION</b>	Premises At Corner Of Upper Edward Street Railway Avenue		
<b>PROPOSAL</b>	Newry Retention of mechanics garage, office store and boundary fencing		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>		<b>Date Appeal Lodged</b>	26/11/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---

## Current Appeals

156

<b>ITEM NO</b>	<b>25</b>		
<b>Planning Ref:</b>	LA07/2018/0467/	<b>PAC Ref:</b>	2018/E0027
<b>APPELLANT</b>	Mr James And Kevin Donnelly	<b>DEA</b>	Newry
<b>LOCATION</b>	Lands Approximately 110 Meters West Of No. 240 Dublin Road Killeen		
<b>PROPOSAL</b>	Newry New agricultural building which complies with the Planning (General Permitted Development) Order (Northern Ireland) 2015 in particular respect to Part 7 - Agricultural Buildings and Operations - Class A - Permitted Development and is development that does not require		
<b>APPEAL TYPE</b>	DC- Refusal of Planning Permission		
<b>Appeal Procedure</b>	<b>Informal Hearing</b>	<b>Date Appeal Lodged</b>	15/06/2018
<b>Date of Hearing</b>			
<b>Date Statement of Case Due for Hearing</b>			
<b>Date Statement of Case Due - Written Representation</b>			
<b>Date of Site Visit</b>			

---



# Appeal Decision

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

157

---

<b>Appeal Reference:</b>	2018/A0080
<b>Appeal by:</b>	Mary Slane
<b>Appeal against:</b>	The refusal of outline planning permission
<b>Proposed Development:</b>	Dwelling and garage
<b>Location:</b>	Between No.34 and No.38 Seafin Road, Killeavy, Meigh
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2018/0464/O
<b>Procedure:</b>	Hearing on 11 December 2018
<b>Decision by:</b>	Commissioner Brigid McGlinchey dated 21 December 2018

---

## Decision

1. The appeal is dismissed.

## Reasons

2. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside and its impact on the landscape and character of the surrounding area.
3. The site lies in the open countryside as defined in the Banbridge and Newry Area Plan 2015. The plan has no material provisions in respect of the appeal proposal. The provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) are a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. During this transitional period planning authorities will apply the SPPS and retained planning policy statements. The relevant retained policy document relevant in this case is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21). Policy CTY1 of this document sets out the types of development that are, in principle, acceptable in the countryside and will contribute to the aims of sustainable development. One of these is a small gap within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.
4. Policy CTY8 is entitled 'Ribbon Development' and states that planning permission will be refused for a building which creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. Even though this type of development has been consistently opposed, the policy goes on to say that an exception will be permitted. This exception relates to the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage, provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. It goes on to note that for the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of three or more buildings along a road frontage without accompanying

development to the rear. A building has frontage to the road if the plot in which it stands abuts or shares a boundary with the road.

5. The appellant referred to two residential properties either side of the appeal site (Nos. 34 and 38 Seafin Road) plus a mobile home and shed as constituting a substantial and built up frontage. The garden of No.34 extends to the road and consists of a dwelling angled on the site with a garage sited to its side and rear of the plot. Whilst the dwelling has a frontage to the road, the garage does not given its subordinate spatial arrangement within the plot. No.38 consists of a dwelling which has a frontage to the road as the plot on which it stands shares a boundary with the road. The mobile home does not have the benefit of planning permission or a Lawful Development Certificate to demonstrate that it is lawful. Consequently, that structure cannot be weighed into the consideration of the above policy requirement. The shed is sited to the north of No.38 and is set back from the road in a plot which is separated from the road by an intervening field. While the shed fronts onto a laneway which connects to Seafin Road, this access arrangement does not negate the functional and physical separation of the building from the road. I find that the baseline requirement of the policy for at least three buildings lined out along the frontage of the road is not met. Accordingly, there is no gap or infill opportunity at this location and the appeal proposal therefore does not represent an exception to Policy CTY8.
6. Paragraph 5.33 of the amplification of Policy CTY8 indicates that ribbon development does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development if they have a common frontage or they are visually linked. Paragraph 5.34 states states that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality. I consider that the lands between Nos. 34 and 38 is such a gap in the existing development. The proposal would visually link the existing dwellings and shed when travelling in either direction along Seafin Road and would add to the existing ribbon of development to the detriment of rural character. The proposal therefore would not comply with Policy CTY8. The Council has sustained its second reason for refusal.
7. The proposal does not represent one of the specified types of development considered acceptable in principle in the countryside under Policy CTY1 of PPS21. Policy CTY1 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. There was no evidence to demonstrate that the proposal is essential. The proposal is at odds with Policy CTY1 of PPS21 and consequently the first reason for refusal is sustained.
8. Policy CTY14 of PPS21 relates to rural character and states that a new building will be unacceptable where it creates or adds to a ribbon of development. The existing gap between the two dwellings provides relief and a visual break that helps maintain rural character. The infilling of this gap would add to the ribbon of development leading to a suburban style build up detrimental to the rural character of the area. The third reason for refusal is sustained.

This decision is based on the Drawing 01- 1:1250 scale Site location plan date stamped received 22 May 2018.

**COMMISSIONER BRIGID McGLINCHEY**

**Appearances**

Planning Authority:- G Murtagh

Appellant:- J Young

**List of Documents**

Planning Authority:- C1 Statement of case + Appendices

Appellant:- A1 Statement of case + Appendices



# Costs Decision

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

160

---

<b>Appeal Reference:</b>	2018/E0027
<b>Appeal against:</b>	The refusal of an application for a Certificate of Lawfulness of Existing Use or Development
<b>Proposed Development:</b>	Agricultural building
<b>Location:</b>	110 metres west of 240 Dublin Road, Killeen, Co Down, BT35 8RL
<b>Claim by:</b>	Mr James and Kevin Donnelly
<b>Claim against:</b>	Newry, Mourne and Down District Council
<b>Decision by:</b>	Commissioner Rosemary Daly, dated 28 December 2018

---

## Decision

1. The claim for a full award of costs is allowed in part.

## Reasons

2. In accordance with the Commission's publication 'Costs Awards Guidance' costs will normally only be awarded where all four of the following conditions are met:
  - the claim relates to a relevant type of appeal;
  - the claim is timely;
  - the party against whom the award is sought has acted unreasonably; and
  - the unreasonable behaviour has caused the party claiming costs to incur unnecessary or wasted expense.
3. Matters relating to discussions between the parties in advance of the appeal are not part of this determination. I therefore make no comment on the conduct of either party in this regard. Furthermore matters relating to the behaviour of the parties in respect of a separate cost claim relating to an appeal 2014/E0014 on the same site does not form part of the consideration in this appeal.

## *Eligibility*

4. The application relating to the appeal was determined under the Planning Act (Northern Ireland) 2011. An appeal was made in accordance with Section 173 of the Act against the refusal to certify a Certificate of Lawfulness of Existing Use or Development (CLEUD). The Commission therefore has power to make an order as to the costs of parties in accordance with Section 205 of the Act.

### ***Timeliness***

5. The Commission's published Cost Awards Guidance states that a claim for costs will not be considered unless it is timely. It sets out various deadlines which, it says, will be strictly applied, unless the claimant can show compelling reasons for missing a deadline. It makes the general point that a costs claim should be made as soon as reasonably practicable after the behaviour that triggered the claim.
6. In this instance events at the hearing caused the Council to concede on two of their presented arguments relating to their reasoning not to certify the development was lawful. The Commission's guidance says that all claims must be made in writing unless they arise from behaviour that occurred or came to light during the hearing, in which case a claim **may be** (my emphasis) made orally at the end of the hearing. This statement is not exhaustive and does not preclude written claims after a hearing.
7. Notwithstanding the Council's views at the end of the hearing the appellant orally stated they would like to make the cost claim in respect of the behaviour of the Council at the appeal. In order to provide a full explanation of the reason for making a cost claim, at the hearing, the appellant requested could the claim be submitted in writing. On this occasion a short time period was permitted to allow the appellant to put their cost claim in writing. I do not consider the parties were prejudice by this action Furthermore I note that the Council did not raise any objection to this course of action at the hearing. The cost claim in written form was forwarded to the Commission within 2 days of the hearing and exchanged in the normal way for comments from the Council.
8. As it was indicated orally at the hearing due to the behaviour of the Council a cost claim was being made and it was submitted in writing to the Commission within 2 days of the hearing I consider the claim was made in a timely manner as indicated by the Commission's guidance. The dead line for making a claim was not missed.

### ***Unreasonable Behaviour***

9. An application for a Certificate of Lawfulness of Existing Use or Development was submitted to the Council on 16 March 2018 (LA07/2018/0467/LDE). On the 20 April 2018 the Council refused to certify that the existing use or development was lawful. The Council specified three reasons why they concluded that the development did was not permitted development in accordance with Class A of Part 7 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015. The three reasons related to the development consisting of 3 buildings; the development not being located on land in an agricultural unit; and the building does not appear to be designed for the purpose of agriculture. An appeal was submitted on 17 August 2018 and the hearing took place on 13 November 2018.
10. Based on the submitted evidence and discussion at the hearing the Council conceded two out of three of their arguments relating to reasoning for refusing to certify that the development was lawful. The Council retained their stance in respect of their third argument relating to 'the purpose of the building' being design for agriculture.

11. Robust evidence was presented in the appellant's written statement of case and 23 accompanying appendices. This included planning history together with a previous Certificate of Lawfulness granted at the appeal site, examples of other agricultural buildings, site photographs, appeal decisions, farm maps and other information to justify and substantiate how the development was consistent with Class A of Part 7 of the Schedule to the Planning (General Permitted Development) Order (Northern Ireland) 2015.
12. The submission of such material to substantiate the appellant's case in the appeal does not amount to unreasonable behaviour. The information in the statement of case clarified the extent of the farm holding on the 15 March 2018 which was the day before the application was made. Matters relating to the appellant's agricultural holding were before the Council, the information provided was not new information but was clarification of the matters before the Council at the time they made their decision.
13. The claimant opinions relating to the Council's interpretation and presentation of their both their written and oral evidence does not amount to unreasonable behaviour. The quality of evidence is something which is tested through the normal appeal process. Likewise the appeal process is a means to clarify errors in the presented written evidence. The matters of error were presented at the hearing and were further clarified by the Council. Whilst errors in the written evidence are not helpful the clarification of such errors is part of the hearing process. This does not give rise to unreasonable behaviour. Furthermore the presentations of evidence to further clarify or make a point which is in dispute does not amount to unreasonable behaviour. The quality and source of such evidence is a matter for the party that is making their case. The presentation of evidence by the Council sourced on the internet does not give rise to unreasonable behaviour at the hearing.
14. Some of the presented evidence was further discussed at the hearing and only during further questioning, probing and investigation did the Council conceded two of the three arguments relating to their reasoning to refuse to certify the lawfulness of the development. Reviewing the evidence presented by the appellant it was clear that the development did relate to development on agricultural land in an agricultural unit and did comprise one building, with three compartments. The Council's concession in respect of these two reasons for refusing to certify the lawfulness of the development amounts to abandoning or not pursuing part of their case.
15. Whilst the appellant's statement of case with information providing further clarification was not before the Council at the time of they made their decision, the evidence was clearly presented to the Council before the hearing took place. Upon further discussion at the hearing the Council failed to produce any credible evidence in support of what had earlier appeared to be an important element of their case. This amounts to unreasonable behaviour.
16. The third reason which the Council did not concede related to building being designed for the purpose of agriculture. The Council provided limited evidence in their statement of case to state why they considered the development was not used for the purpose of agriculture. At the hearing the Council produced some documentation which they considered to assist their position. Whilst the



information was not persuasive of the Council's position it was used as a means to demonstrate their view in respect of the purpose of the building. Disagreement is an expected feature of the appeals process and is not inherently unreasonable and the format or type of evidence presented by the Council is a matter for their discretion. I therefore do not consider it was unreasonable for the Council to maintain their position in respect of the design and purpose of the subject building.

17. It would have been more helpful to the process had the Council made the concession at the outset of the hearing having reviewed the appellant's statement of case. As noted at paragraph 10 of the Commission guidance cost awards will encourage all those involved in the appeals process to behave in a responsible, cost con-conscious manner and to follow good practice by carefully assessing at the outset where they have a reasonable prospect of success, reacting in a timely fashion to changing circumstances and presenting credible evidence to support their case.
18. In this instance I conclude that the unreasonable behaviour presented by the Council is confined to the abandoning or not pursuing part of their case at the hearing. The abandonment of this part of the case was due to the Council not being in a position to make any credible arguments in respect of the matters discussed and only then conceded these points at the hearing.

#### ***Unnecessary Expense***

19. The Claimant presented information as to the nature of the expenses incurred, namely:
  - The cost of the appeal fee.
  - Costs associated with the Company Director of Envirofarm Limited in preparation, consultation, review of statement of case, site visits and appearance at the informal hearing.
  - Costs associated with the Senior Planning Consultant of Envirofarm Limited in preparation, consultation, review of statement of case, site visits and appearance at the informal hearing;
  - Costs associated Architectural Technician in site visit and preparation of addition plans for the Statement of Case
  - Costs of associated with appointment of Counsel (QC) including legal opinion, consultations, assessment of planning authority statement of case, briefing and appearance at informal hearing
  - Costs of Solicitor in meetings with client and agent, instruction of Counsel (QC), consultation with Counsel (QC) and appearance at informal hearing.
20. It is not a matter for the Council to state what they consider to be excessive costs as presented by the claimant. However from the evidence provided I note the costs presented by the claimant amount to a full award of costs for having to proceed through the appeal process.
21. The evidence presented in the appellant's statement of case further clarified matters before the Council at the time of making their decision. The Council was entitled to make their decision based on the information before them at that time.

22. Whilst the Council failed to sustain its arguments in respect of the purpose of the building it is must be noted that costs will not be awarded to a party just because the appeal has been decided in favour of that party. The preparatory expense and time presenting the appellant's arguments relating to the purpose of the building are a justified expense.
23. The withdrawal of the two of the reasons to substantial the Council's reasons for refusing to certify the lawfulness were made on the basis of the evidence and arguments presented in the appellant's statement of case. These matters came to light following the submission of the appellant's evidence. Accordingly the preparation and submission of the appellant statement of case was not unnecessary or a wasted expense in this regard.
24. In this instance I have not been persuaded that Council's decision to refuse to certify the lawfulness of the development gave rise to an unnecessary appeal. The cost of making the appeal, including appeal fee, is not an unnecessary or wasted expense nor do I consider the appellant preparation for the appeal an unnecessary or wasted expense.
25. The unreasonable behaviour of the Council arose when in view of the evidence presented by the appellant's statement of case they continued at the hearing to argue their points. Only then in light of not being able to make any credible argument relating to this evidence the Council conceded to withdraw two out of the three of the reasons why they had refused to certify that the development is not lawful.
26. The unnecessary and wasted expense therefore only relates to the time at the hearing arguing these the two indefensible reasons for refusing to certify the lawfulness of the development, namely that the development was one building and that it related to development on agricultural land comprised in an agricultural unit.
27. I therefore conclude the preparation and submission of the appellant's evidence was a necessary expense. The only unnecessary or wasted expense was the time spent by the appellant's team at the hearing debating the evidence already before the Council, which was conceded at the hearing.
28. The hearing started at 11.00am and ended at around 1.45pm. The time spent arguing these elements of the case would have amounted to around 1 hour and 30 minutes of professional time of the appellant team at the hearing. Given the above reasoning the claim for a full award of costs is allowed in part to reflect this unnecessary and wasted expense of time spent at the hearing.

## Order

**It is hereby ordered** that Newry, Mourne and Down District Council shall pay to Mr James and Kevin Donnelly the costs of professional time at the appeal hearing presenting and clarifying their argument made in their statement of case at the appeal hearing. This amounts to 1 hour and 30 minutes of professional time for those present at the hearing.

On receipt of this order the claimant may submit details of those costs to Newry, Mourne and Down District Council with a view to reaching agreement on the amount. If the parties are unable to agree, the claimant may refer the matter to the Taxing Master of the High Court for a detailed assessment.

**COMMISSIONER ROSEMARY DALY**

**List of Documents**

Planning Authority:- 'R1' Costs Claim (Newry, Mourne & Down District Council)

Appellants: 'C1' Mr James and Kevin Donnelly



# Appeal Decision

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

167

---

<b>Appeal Reference:</b>	2018/E0027
<b>Appeal by:</b>	Mr James & Kevin Donnelly
<b>Appeal against:</b>	The refusal of an application for a Certificate of Lawfulness of Existing Use or Development
<b>Proposed Development:</b>	Agricultural building
<b>Location:</b>	Approximately 110 metres west of 240 Dublin Road, Killeen, Newry, Co Down, BT35 8RL
<b>Planning Authority:</b>	Newry, Mourne and Down District Council
<b>Application Reference:</b>	LA07/2018/0467/LDE
<b>Procedure:</b>	Hearing on 13 November 2018
<b>Decision by:</b>	Commissioner Rosemary Daly dated 28 December 2018

---

## Decision

1. The appeal is allowed and the attached Certificate of Lawfulness is granted.

## Claim for Costs

2. A claim for costs was made by Mr Donnelly against Newry, Mourne and Down District Council. This claim is the subject of a separate decision.

## Preliminary

3. At the outset of the hearing the appellant outlined a number of issues relating to the Council's statement of case. Some of these issues related to a difference between this appeal and a different application (LA07/2017/0665/LDE) and subsequent appeal (2018/E0014) against the refusal of that application. A typed copied of these issues was presented at the appeal (PAC2). These facts have been duly noted and have been taken into account in the determination of this appeal.

## Reasoning

4. The main issue in this appeal is whether or not the development of an agricultural building is permitted development in accordance with Part 7 Agricultural Buildings and Operations of the schedule of development permitted under Article 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO).

5. A Lawful Development Certificate (LDC) is a statement specifying what was lawful at a particular date. In accordance with Section 169 (2) of the Planning Act (Northern Ireland) 2011 a use or operation is lawful for planning purposes if (a) no enforcement action can be taken against it; and (b) it does not constitute a contravention of any of the requirements of any enforcement notice then in force. There is no current enforcement notice in force. The onus is therefore on the appellant to establish that the existing agricultural building is lawful.
6. The application for a Certificate of Lawfulness of Existing Use or Development was submitted to the Council on the 16 March 2018 seeking to certify that the new agricultural building complied with the Class A, Part 7 Agricultural Buildings and Operations of the schedule to the GDPO. This stipulates that development is permitted where the carrying out on agricultural land comprised in an agricultural unit of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operation; reasonably necessary for the purpose of agriculture within that unit.
7. Following consideration of the information provided during the application process the Council refused to certify that the agricultural building was permitted development. On the notice of refusal of the application for the Certificate of Lawfulness the Council stated three reasons why they considered the development not to be permitted development. It was considered firstly that the development consisted of 3 buildings; secondly that the development was not located on agricultural land; and thirdly the buildings do not appear to be designed for the purpose of agriculture. The Council stated there was no dispute that the development met with the other requirements stated in Class A and Class A.1 of Part 7 of the schedule to the GDPO.
8. At the appeal hearing the Council conceded that the development was on a field within the appellant's agricultural unit and that the development was as a whole one building. The Council's first two reasons for its conclusions relating to why the agricultural building was considered not to be permitted development are accordingly not sustained.
9. The remaining issue to be determined is whether the building has been designed for the purpose of agriculture in accordance with Class A.1 of Part 7 of the schedule to the GPDO. The Council considered the use of the building as a cool store was not for the purpose of agriculture and therefore is contrary to Class A.1 (c) of Part 7 of the schedule to the GPDO as the building, structure or works are not designed for the purpose of agriculture on the land.
10. The existing farm enterprise is accessed from the Dublin Road by two separate existing access points. The subject building is accessed by an existing private agricultural concrete laneway which serves an existing dwelling house and the other agricultural buildings on the farm enterprise at the rear of 210 Dublin Road. The development does not make any alteration to the existing access onto the Dublin Road. The building is constructed west of the detached dwelling house at 210 Dublin Road and also other existing agricultural buildings in the ownership and control of the appellant.
11. At the time of my site visit I noted there to be one building subdivided into three parts. To the rear of the building I noted that the two smaller subordinate

compartments were physically constructed and attached to the main part of the building. These two small parts of the building provided space for the plant room; switch room and condenser area associated with the cool store. The main part of the building was full to the roof with the boxes of potatoes which I note to be in the cool storage part of the building.

12. The appellant provided evidence to stating that the building has been inspected by Rates Collection Agency and has been deemed to be "zero rated" as the building is used for agricultural purpose associated with the existing farm holding. It is therefore deemed to be exempt from rates. Notwithstanding that the rates collection agency is subject to separate regulations the exemption from rates because of its agricultural use is relevant. If the buildings were used for any other purpose the rates collection agency would accordingly have this recorded. No other evidence was presented by the Council to persuade otherwise.
13. Documentation was provided from Newry Mourne and Down District Council Building Control Department on 13 April 2017 stating that the unauthorised works had come to their attention and that the works have been undertaken without a statutory application having been made under the Building Regulations (Northern Ireland) 2012 (Amended 2014). A copy of the appellant response by letter and emails were also provided. A file note of a conversation with the Building Control officer dated 19 May 2017 and the appellant's agent was provided stating that a building control application would not be necessary in this instance, as long as the building remained in agricultural use and no packaging or retailing takes place from the building. It was advised if the use of the building were to change from agriculture then a formal application would be necessary. The appellant presented that this evidence demonstrates the use of the building for agricultural purposes. This evidence was not disputed by the Council at the hearing.
14. The appellant stated that the storage and refrigeration of agricultural products derived from agricultural activities which originate from a farming enterprise is compatible with the European Union and planning definition of agricultural activity. Agricultural activity is defined by the Article 4 of the European Council Regulations (EC) No. 1307/2013 as the (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes; (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries; and (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation. The Planning Act (Northern Ireland) 2011 states "agriculture" includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing lands, meadow land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
15. Neither of the above definitions provided by the EC regulations or the Planning Act specifically describes the storage and refrigeration of agricultural products as an "agricultural activity". However to my mind the definition is not conclusive on buildings reasonably necessary for the storage of farm machinery and equipment or crops and seeds necessary for agricultural purposes or activities.

16. The matter to be considered in the context of Part 7 Class A of the schedule to the GPDO is the erection of subject building reasonably necessary for the purpose of agriculture within that unit.
17. The appellant stated that development relates to a significant agricultural enterprise which consists of both crop production, notably potatoes, and a large beef rearing unit relating to some 600 cattle. The building is the appellant's way of providing improved storage systems in order to maximise the amount, variety and quality of their stored crops and farm produce.
18. The appellant explained the purpose of the building is to provide cool storage capacity for their 'home save' ware seed potatoes which are used to seed their own potato lands on their farm. Ware potatoes are any potatoes that are destined for human consumption in potato form. 'Home save' ware potatoes are seed potatoes derived from the original crop, they are small in size and are retained by the grower for replanting the following year. The building is considered by the appellant to be essential to efficient operation of the existing farm enterprise and improved storage capacity on the farm that adds value to the farm produce. I was told that the farm enterprise, subject to weather conditions, produces crops of ware potatoes equating to almost 1,200 tonnes. Some 240 tonnes of the crop is retained as home seed for replanting the preceding year. These seed potatoes must be stored on the farm.
19. The main part of the building is designed with one door opening measuring some 2 metres wide by 2.6 metres in height. The door way size has been designed to limit openings into the building in order to regulate the temperature of the building to maintain an optimal cool temperature. The appellant stated that a forklift is used to move the boxes of potatoes out of the building. The Council stated they were not convinced that the building is designed in accordance with industry practice. They provided a copy of a details and dimensions of a building, sourced on 'YouTube' relating to 'potato and onion storage'. It was the Council's view that the appeal building did not match that as specified by the internet search which they acknowledged related to a building in Australia, located in a different climate. The appellant stated that they had gone to a local company 'Cool-Tec' whom they stated have a reputation of specifying the standards and requirements of the building necessary for cool storage. They had no reason to doubt their expertise or specifications for the building.
20. Whilst I accept that the building may not be designed to exactly match that shown by the Council, I have not been persuaded that this evidence of itself demonstrates that the appeal building does not equally meet the requirement specified by the appellant for the cool storage of the 'ware' potatoes. The appellant stated that a well sealed and insulated store will allow the crop to be kept at an optimal temperature where humidity is controlled in changeable weather conditions. The building has been designed with only one small door opening to control the ventilation of the building. The roof pitch is low level allowing for the even stacking of boxes of potatoes. Fans have been positioned at the top of the building to allow the flow of air through the potatoes. The design of the building is clearly to provide a form of environmental control to stabilise the temperate and humidity for the storage of the potatoes to be reseeded on the farm. I note the Council did not seek any professional advice to support their arguments in respect



of the design of the building. I have not been persuaded by that a internet search provides justification to conclude the building has not been designed for the purpose of agriculture.

21. Furthermore the appellant explained the value of the 'ware' potatoes will increase depending on market circumstances. The appellant stated that adequate storage capacity is essential to the efficient operation of the existing farm enterprise. The appellant stated if necessary for future use the building could be also be used for the storage of beef products but as things stand the building is used for the storage of ware seed potatoes. The appellant stated entirety of the development/building was plainly designed to provide cool storage for agricultural purposes. The Council's evidence does not persuade me to the contrary in respect of the purpose of the building for agricultural use.
22. On the balance of probabilities based on the information provided and from my site inspection I consider that the building is reasonably necessary for the purpose of storing crops for the farm enterprise. The building has been designed for the purposes of agriculture. I do not consider the development to be contrary to the Class A of Part 7 of the schedule to the GPDO nor do I consider it to fall within the development which is not permitted by Class A.1(c) of Part 7 of the schedule to the GPDO. Should the agricultural use of the building change to any another use other than for the purpose of agriculture then that use would be subject to a separate determination. The agricultural building on the site is therefore lawful development in accordance with Part 7, Class A of the schedule to the GPDO.

**COMMISSIONER ROSEMARY DALY**

**List of Appearances**

Planning Authority:-	Mr G Murtagh, Newry, Mourne & Down District Council Mr A Donaldson, Newry, Mourne & Down District Council
Appellant:-	Mr W Orbinson, QC instructed by Steven Begley Solicitors Mr B McKenvitt, Envirofarm Mr S Hughes, Envirofarm Mr Donnelly, Appellant Mr S Begley, Solicitor

**List of Documents**

Planning Authority:-	"A"	Statement of Case and Appendices, Newry, Mourne & Down District
Appellant:-	"B"	Statement of Case and Appendices, Envirofarm

## PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 169

**CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT**

The Planning Appeals Commission hereby certifies that on 16<sup>th</sup> March 2018 the building described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown hatched on the plan attached to this certificate was lawful within the meaning of section 169 of the Planning Act 2011, for the following reason(s):

Signed

*Rosemary Daly*

**COMMISSIONER ROSEMARY DALY**  
**28 December 2018**

## FIRST SCHEDULE

*Agricultural Building as shown on Drawing 01 (existing building) dated received by Newry, Mourne and Down District Council 16 March 2018 and Drawing 02 (site location map and site layout) dated received by Newry, Mourne and Down District Council 16 March 2018.*

## SECOND SCHEDULE

*Land approximately 110 metres west of 240 Dublin Road, Killeen, Newry, Co Down, BT35 8RL*

## Notes:

- (1) This certificate is issued solely for the purpose of section 169 of the Planning Act 2011.
- (2) It certifies that the building described in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus, was not liable to enforcement action under Section 138 or 139 of the Planning Act (Northern Ireland) 2011 on that date.
- (3) This certificate applies only to the extent of the building described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

174

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
27/9/18	ClIr W Walker	Meeting request	A McKay	Direct e mail	5/10/18	
1/10/18	ClIr D Curran	Update requested	A McAlarney/M Keane	E mail sent	1/10/18	
" "	ClIr W Clarke	Update requested	A McAlarney	Direct e mail	1/10/18	
" "	ClIr D Taylor	Enquiry	A Davidson	Call transferred	1/10/18	
" "	<b>C Boylan MLA</b>	<b>Enquiry</b>	<b>A Davidson</b>	<b>E mail sent</b>		
2/10/18	ClIr G Sharvin	Query	A McAlarney	Call transferred	2/10/18	
" "	Brenda – S Bradley MLA	Update requested	P Rooney	E mail sent & Direct e mail	2/10/18	
" "	ClIr T Hearty	Discuss number of applications	P Rooney	Call transferred	2/10/18	
" "	ClIr G Sharvin	Update requested	A McAlarney	Direct e mail	3/10/18	
3/10/18	ClIr H Harvey	Request to discuss	A McAlarney	Direct e mail	3/10/18	
" "	<b>C Boylan MLA</b>	<b>Discuss applications</b>	<b>A Davidson</b>	<b>E mail sent</b>		
" "	ClIr C Enright	Meeting re Social Housing	A McAlarney	Direct e mail	5/10/18	
4/10/18	ClIr R Burgess	Request for meeting	A McAlarney	Call transferred	4/10/18	
9/10/18	ClIr L Devlin	Update requested	A McAlarney	Direct e mail	9/10/18	
" "	ClIr T Andrews	Query re: call in procedure	A McAlarney	Direct email	9/10/18	
11/10/18	Una for E Rogan MLA	Update requested	A McAlarney	Call transferred	11/10/18	
" "	ClIr L Devlin	Re: C McGrath meeting with A McKay 12/10/18	M McIlhone	Call answered	11/10/18	
15/10/18	ClIr L Devlin	Update requested	A McAlarney	Direct e mail	15/10/18	
" "	ClIr L Devlin	Update requested	A McAlarney	Direct e mail	16/10/18	
16/10/18	ClIr W Walker	Request for meeting	A McAlarney	Direct e mail	16/10/18	
" "	Catherine for S Ennis MLA	Update requested	P Rooney	Call transferred	16/10/18	
" "	ClIr R Burgess	Update requested	A McAlarney	Call transferred	16/10/18	
17/10/18	ClIr H Harvey	Updates requested	A McAlarney	Direct e mail	17/10/18	
17/10/18	Catherine for S Ennis MLA	Re discussion yesterday	P Rooney	E mail sent		

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

175

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
18/10/18	Clr W Walker	Enquiry	A McAlarney	Call transferred		18/10/18
22/10/18	Brenda for S Bradley MLA	Re recent e mail	P Rooney	E mail sent		22/10/18
" "	S Bradley MLA	Query representation letter	A McAlarney	Direct e mail		25/10/18
	Clr L Devlin	Query submission to Committee	A McAlarney	Direct e mail		25/10/18
23/10/18	Brenda for S Bradley MLA	Urgent query	P Rooney	E mail sent		
24/10/18	Una for E Rogan MLA	Update requested	A McAlarney	E mail sent		
25/10/18	Clr W Walker	Query	A McAlarney	E mail sent		25/10/18
5/11/18	C McGrath MLA	Query	A McAlarney	Direct e mail		6/11/18
6/11/18	Clr A McMurray	Query	A McAlarney	Direct e mail		6/11/18
" "	Clr D Taylor	Enquiry	A Davidson	E mail sent		6/11/18
7/11/18	Clr W Walker	Meeting requested	A McAlarney	Direct e mail		7/11/18
" "	Brenda for S Bradley MLA	Meeting request	A Davidson	Phone call & e mail sent		
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail		8/11/18
8/11/18	Clr R Burgess	Query	A McAlarney	Call transferred		8/11/18
" "	Una for E. Rogan MLA	Update requested	A McAlarney	Call transferred		8/11/18
10/11/18	Clr L Kimmons	Update requested	A Davidson	Direct e mail		
12/11/18	Clr D Taylor	Updates on a number of applications	A Davidson	E mail sent		13/12/18
" "	S Bradley MLA	Meeting request	A McAlarney	Direct e mail		14/11/18
13/11/18	Clr D Taylor	Updates on a number of applications	A Davidson	E mail sent		13/12/18
14/11/18	Brenda for S Bradley MLA	Update requested	J McParland	E mail sent		

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

176

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
15/11/18	Cllr Sean Doran	Update requested	Anthony McKay	AMcK directly passed info.		
" "	E Rogan MLA	To discuss a number of apps.	A McKay	E mail sent		
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	19/11/18	
" "	Cllr W Walker	Returned call	A McAlarney	E mail sent	19/11/18	
" "	Cllr T Andrews	Deferral request	A McAlarney	Direct e mail	19/11/18	
" "	Cllr H Harvey	Advice on app. For a shed	A McAlarney	Direct email	20/11/18	
19/11/18	Brenda for S Bradley MLA	Query	J McParland	E mail sent		
" "	C McGrath MLA	Update on consultations	A McAlarney	Direct e mail	20/11/18	
" "	C McGrath MLA	Query associated Enforcement case	A McAlarney	Direct e mail	23/11/18	
20/11/18	Cllr L Devlin	Update requested	A McAlarney	Direct e mail	20/11/18	
" "	C McGrath MLA	Meeting request	A McAlarney	Direct e mail	22/11/18	
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail	22/11/18	
21/11/18	Thomas for J McNulty	To arrange a meeting to discuss a number of applications.	A Davidson	E mail sent		
" "	Cllr T Andrews	Update requested	A McAlarney	Direct e mail	22/11/18	
26/11/18	Cllr S Doran	Advice requested	A Davidson	E mail sent	26/11/18	
" "	C Hazzard MP	Query re: Appeal	A McAlarney	Direct e mail	26/11/18	
" "	Brenda for S Bradley MLA	Update requested	A McAlarney 11/12/18	Generic e mail	11/12/18	
27/11/18	Cllr T Andrews	Query	A McAlarney	Direct e mail	27/11/18	
29/11/18	Cllr R Burgess	General enquiry	P Rooney	E mail sent	6/12/18	
" "	Cllr R Burgess	Meeting request	A McAlarney	Call transferred	29/11/18	
30/11/18	Thomas for J McNulty MLA	Query	A Davidson	E mail sent		
30/11/18	Cllr L Kimmons	Query	A Davidson	Direct email	30/11/18	
3/12/18	E Rogan MLA	Call to arrange meeting	A McKay	E mail sent		

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

177

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
" "	C McGrath MLA	Query	A McAlarney	Call transferred		3/12/18
4/12/18	Brenda for S Bradley	Enquiry	P Rooney	Call transferred		4/12/18
" "	ClIr D Taylor	Update requested from L O'Hare	J McParland	Call transferred		4/12/18
" "	ClIr J Macauley	Update requested	A McAlarney	Call transferred		4/12/18
" "	J Wells MLA	Update on Anaerobic Digester application	A McAlarney	E mail sent		5/12/18
5/12/18	C Boylan MLA	Update	A Davidson	Call transferred		5/12/18
" "	J Wells MLA	Update on Anaerobic Digester application	A McAlarney	Call transferred		5/12/18
" "	C McGrath	Query	A McKay	E mail sent		
6/12/18	C McGrath	Query	A McKay	E mail sent		
" "	C McGrath	Query	A McAlarney	Call transferred		6/12/18
" "	C McGrath	Query	A McAlarney	Call transferred		6/12/18
7/12/18	ClIr D Curran	Call back requested	A McAlarney	Verbal request		7/12/18
10/12/18	ClIr L Devlin	Query about delegated lists	M McIlhone	Call answered		10/12/18
" "	C McGrath MLA	Update requested	A McAlarney	Direct e mail		10/12/18
" "	C McGrath MLA	Meeting request	A McAlarney	Direct e mail		10/12/18
" "	Brenda for S Bradley MLA	Query	A McKay	Call transferred		10/12/18
" "	C McGrath MLA	Update on Development Plan	A Hay	Direct e mail		13/12/18
11/12/18	C Boylan MLA	Query	A Davidson	E mail sent		
" "	ClIr L Devlin	Meeting re: Brooklands Grove, Bryansford Road, Newcastle	A McAlarney	Direct e mail		11/12/18
12/12/18	C McGrath MLA	Query	A McAlarney	Direct e mail		13/12/18
14/12/18	ClIr A McMurray	Enquiry	A McAlarney	Call transferred		14/12/18
17/12/18	Brenda for S Bradley MLA	Update requested	P Rooney	Call transferred		17/12/18

## CONTACT FROM PUBLIC REPRESENTATIVES – 1 October 2018 – 31 December 2018

178

DATE	CALLER	REF	ISSUE	REFERRED TO	MODE	DATE CLEARED
------	--------	-----	-------	-------------	------	--------------

" "	Cllr L Kimmons		Update requested	A Davidson	Direct e mail	
" "	C McGrath MLA		Update requested	A McAlarney	Direct e mail	17/12/18
" "	Cllr D McAteer		Query	D Watson	E mail sent	
" "	Cllr C Enright		Energy query	A McKay	E mail sent	
18/12/18	C McGrath MLA		Enquiry	A McAlarney	Call transferred	18/12/18
" "	C McGrath MLA		Enquiry	A McKay	E mail sent	
" "	C McGrath MLA		Enquiry	A McAlarney	Call transferred	18/12/18
19/12/18	Cllr M Murnin		Update requested	A McAlarney	In person	20/12/18
20/12/18	Cllr R Burgess		Query	M Keane	Call transferred	20/12/18
28/12/18	Cllr R Burgess		Did app. appear on a Delegated list?	M McIlhone	Call answered	28/12/18