



February 4th, 2021

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th February 2021** at **10:00 am** in **Microsoft Teams**.

Committee Membership:

- Councillor R Burgess (Chair)
- Councillor J Tinnelly (Deputy Chair)
- Councillor P Brown
- Councillor S Doran
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor D Murphy
- Councillor D McAteer
- Councillor G O'Hare
- Councillor G Stokes
- Councillor J Trainor

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for the entire item.

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 13 January 2021. (Attached)

 *Planning Committee Minutes 13-01-2021.pdf*

Page 1

For Discussion/Decision

5.0 Addendum list - planning applications with no representations received or requests for speaking rights. (Attached).

 *Addendum list - 10-02-2021.pdf*

Page 4

Development Management - Planning Applications for determination

6.0 LA07/2020/0108/F - 24 Park Avenue Newcastle - demolition of existing 1.5 storey dwelling and garage and redevelopment of land to form 5 apartments with associated parking and siteworks. (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07-2020-0108-F 5 apartments Park Avenue Newcastle.pdf*

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7.0 LA07/2020/0013/F - approx 80m north of 64 Dromara Road Ballyward Castlewellan - farm building and animal handling facility and hardstanding. (Case Officer report attached).

REFUSAL

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

- 8.0 LA07/2020/0788/F Mourne Park House Mourne Park Kilkeel Newry BT34 4LB Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance. (Case Officer report attached).**

REFUSAL

- A request for speaking rights has been received from Karl Pederson, architect, and Marion Russell, in support of the application. **(Submission attached).**

- 9.0 LA07/2020/0843/LBC Mourne Park House Mourne Park Kilkeel Newry Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works. (Case Officer report attached).**

CONSENT REFUSED

- A request for speaking rights has been received from Karl Pederson, architect, and Marion Russell, in support of the application.

- 10.0 LA07/2018/1093/F - redevelopment of existing two and a half storey town centre supermarket with street frontage, including demolition of end of terrace kitchen house to the rear, to provide a new two storey extension to the rear comprising additional deli and fresh food retail space, public toilets, storage and forecourt loading bay with canopy. 18 – 22**

Church Street, Warrenpoint extending to and including No 7 Mary Street, Warrenpoint. (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Jim Maneely, Clarman Architects, and Mark Higgins, applicant, in support of the application.

 *LA07-2018-1093 F Mace Church Street, Warrenpoint COR.pdf*

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11.0 LA07/2018/0860/F - 45 metres north-east of No 14 Rath Road Clonallon Glebe Tb. Warrenpoint Newry BT34 3RX - proposed replacement dwelling (amended drawings). (Case Officer report attached).

REFUSAL

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

 *LA07_2018_0860_F- Rath Road.pdf*

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 *LA07-2018-0860 Recon Report.pdf*

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 *Item 11 - LA07-2018-0860-F.pdf*

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12.0 LA07/2019/1447/O - site immediately opposite and south-west of 19 Ballydesland Road Warrenpoint BT34 3QB - single storey dwelling on a farm with detached garage. (Case Officer report attached).

REFUSAL

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

 *LA07-2019-1447-O- Ballydesland Road.pdf*

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 *Item 12 - LA07-2019-1447-0.pdf*

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13.0 LA07/2020/0407/O - 60m SW of no.42 Levallyreagh Road Rostrevor Warrenpoint Co Down - proposed site for a farm dwelling and domestic garage. (Case Officer report attached).

REFUSAL

- Addendum list

📄 [LA07_2020_0407-O- Levallyreagh Road.pdf](#)

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14.0 LA07/2020/1034/F - Aughrim Hill Wood Ballymeageogh Road Kilkeel Newry BT34 4SX - new, multi-use, non-bitmac, compacted gravel community trails. (Case Officer report attached).

APPROVAL

- Addendum list

📄 [LA07-2020-1034-F.pdf](#)

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15.0 LA07/2020/1035/F - Aughrim Hill Wood Ballymeageogh Road Kilkeel New, multi-use, non-bitmac, compacted gravel community trails. (Case Officer report attached).

APPROVAL

- Addendum list

📄 [LA07-2020-1035-F.pdf](#)

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16.0 LA07/2019/1322/F Slieve Gullion Forest Park 89 Drumintee Road Killeavy BT35 8SW Provision of public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area. (Case Officer report attached).

APPROVAL

- Addendum list

📄 [LA07-2019-1322-F.PDF](#)

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17.0 LA07/2020/0335/F - land between 31 and 35 Foughilletra Road Foughilletra Co. Armagh - proposed 2 infill dwellings and detached garages. (Case Officer report attached).

REFUSAL

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

18.0 LA07/2020/0669/F - 90m SE 21 Ballynalack Road Ballynalack Camlough - 2 dwellings and 2 garages. (Case Officer report attached).

REFUSAL

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

19.0 LA07/2020/0724/F - approx. 120m NW of 64 Chapel Road Meigh - farm dwelling and garage. (Case Officer report attached).

REFUSAL

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

20.0 LA07/2020/1103/O - adjacent to and 30m NE of No 122 Newry Road Silverbridge Newry - site for dwelling and detached garage. (Case Officer report attached).

REFUSAL

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

Local Development Plan Items

21.0 LDP: Progress Report - Quarterly update. (Attached).

For Noting

22.0 Historic Actions Tracking Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated January 2021.pdf*

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**23.0 Planning Committee Performance Report January 2021.
(Attached).**

 *JANUARY 2021 Planning Committee Performance Report.pdf*

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24.0 January Planning Appeals and Decisions. (Attached).

 *Current Appeals January 2021.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13 January 2021 at 10.00am via Microsoft Teams

Chairperson: Councillor R Burgess

In attendance: (Committee Members via Teams)

Councillor P Brown
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes
Councillor J Tinnelly

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism (via Teams)
Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer (via Teams)
Mr F O Connor	Legal Advisor (via Teams)
Ms S Taggart	Democratic Services Manager (via Teams)
Ms C McAteer	Democratic Services Officer (via Teams)

P/001/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:
Councillor S Doran
Councillor J Trainor

P/002/2021: DECLARATIONS OF INTEREST

Councillors Burgess declared an interest in Item 7: LA07/2020/1591/RM - between 62 & 64 Ballynahinch Road Saintfield - dwelling house and garage with vehicular access onto Drumnaconnell Road and withdrew from the discussion/decision on this application.

P/003/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

No declarations received in relation to Paragraph 25 of Planning Committee Operating Protocol.

MINUTES FOR CONFIRMATION

P/004/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 16 DECEMBER 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 16 December 2020. **(Copy circulated)**

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 16 December 2020 as a true and accurate record.**

(Councillor Burgess withdrew from the meeting and Councillor Tinnelly assumed the Chair)

FOR DISCUSSION/DECISION

P/005/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 13 January 2021. **(Copy circulated).**

Councillor Larkin proposed and Councillor Hanna, seconded to approve the Officer recommendation in respect of the two planning applications listed on the addendum list.

The proposal was put to a vote and voting was as follows:-

FOR:	7
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 13 January 2021:**

- **LA07/2020/0621/F** 58 Armagh Road Newry Demolition of existing building and erection of 6 No. apartments (Amended proposal and plans) **APPROVAL**
- **LA07/2020/1591/RM** Between 62 & 64 Ballynahinch Road Saintfield Dwelling house and garage with vehicular access onto DrumnacConnell Road **APPROVAL**

(Councillor Burgess re-joined the meeting and assumed the Chair)

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

Noted: There were no further planning applications to be determined.

FOR NOTING

P/006/2021: HISTORIC ACTION SHEET

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

AGREED: It was unanimously agreed to note the Planning Historic Action Sheet.

P/007/2021: PLANNING COMMITTEE PERFORMANCE REPORT JANUARY 2021

Read: Planning Committee Performance Report for January 2021.
(Copy circulated)

AGREED: It was unanimously agreed to note the Planning Committee Report for January 2021.

P/008/2021: PLANNING APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report for December 2020.
(Copy circulated)

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions for December 2020.

The Meeting concluded at 10.10 am.

For confirmation at the Planning Committee Meeting to be held on Wednesday 10 February 2021.

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 10 February 2021

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

- **LA07/2020/0108/F** - 24 Park Avenue Newcastle - demolition of existing 1.5 storey dwelling and garage and redevelopment of land to form 5 apartments with associated parking and siteworks **APPROVAL**
- **LA07/2020/0407/O** - 60m SW of no.42 Levallyreagh Road Rostrevor Warrenpoint Co Down - proposed site for a farm dwelling and domestic garage **REFUSAL**
- **LA07/2020/1034/F** - Aughrim Hill Wood Ballymeageogh Road Kilkeel Newry BT34 4SX - new, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2020/1035/F** - Aughrim Hill Wood Ballymeageogh Road Kilkeel New, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2019/1322/F** - Slieve Gullion Forest Park 89 Drumintee Road Killeavy BT35 8SW Provision of public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area **APPROVAL**

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



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

Application Reference: LA07/2020/0108/F

Date Received: 16.01.2021

Proposal: Demolition of existing 1.5 storey dwelling and garage and redevelopment of land to form 5 apartments with associated parking and siteworks (Amended Plans)

Location: 24 Park Avenue Newcastle



Site Characteristics & Area Characteristics:

The site is located along Park Avenue Newcastle, at its junction with Shimna Road. The site is comprised of a 0.02 hectare portion of land which contains within it a detached one-and-a-half storey dwelling. The site is located within the settlement limits of Newcastle and overlooks Castle Park to the north. The site is relatively flat and is defined along its southern, eastern and part of the western boundary with mature hedgerow and trees, while masonry walls define the remainder of the site.

The surrounding area of the site is mixed use with commercial and residential properties in close proximity. The dwellings in the area are mixed with a predominance for detached two -storey dwellings along Shimna Road and a variety of apartment developments and detached dwellings along Park Avenue.

Site History:

R/1999/0982/A41 - 24 Park Avenue Newcastle Co Down - Alternations to a dwelling at 24 park Avenue Newcastle - PERMITTED DEVELOPMENT.

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015

- Planning Policy Statement 3
- Planning Policy Statement 7
- Planning Policy Statement 12
- Creating Places and supplementary guidance.

Advertising and Neighbour Notification

The application was advertised in the local press on 5th February 2020.

The relevant neighbours were notified on 3rd February 2020 and again on 28th July 2020 following receipt of amended plans.

Objections & Representations

7 letters of objection or representations have been received from neighbours or third parties of the site.

Nos 41, 45, 49, 51, 53 and 55 Shimna Road have objections along with the owner / occupier of 15 Maghera Court. Maghera who has a family member residing at Shimna Road.

Similar issues raised by all objectors include those relating to parking, scale of the development, its impact on the character of the area and its potential to overshadow properties on the Shimna Road which are located to the west of the site.

These issues will be considered through the assessment of the proposal against the relevant policies below.

Consultations:

In assessment of the proposal consultations were considered necessary with DfI Roads, Northern Ireland Water (NIW), Rivers Agency, Shared Environment Services (SES), Northern Ireland Environment Agency (NIEA), DfC Historic Environment Agency (HED) and the Councils Environmental Health Dept, to which no objections have been received.

Consideration and Assessment:

The applicant seeks approval for the demolition of the existing dwelling at 24 Park Avenue Newcastle and the erection of 5 apartments.

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. The SPPS sets out core planning principles to be employed in the pursuit to achieve sustainable development and aims to support good design and positive place making, while preserving and improving the built and natural environment. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Newcastle.

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

The SPPS states that the Local Development Plan process is the primary focus for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

Principle of development

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

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

Policy DES 2 of the PSRNI

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

PPS 12 - Housing in Settlements

PPS 12 is not an expression of operational planning policy. Paragraph 2 of PPS 12 says 'Its purpose is to provide strategic direction and guidance in the form of regional planning policy to assist the implementation of the RDS.' Paragraph 6 of PPS 12 says 'This statement should be read in conjunction with the relevant sections of the other prevailing planning policy statements, in particular PPS 7 Quality Residential Developments'.

PPS 7

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

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

Criterion (a) of Policy QD1 requires that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard-surfaced areas. The proposal is for a new building which will contain 5 apartments.

The character of the area immediately surrounding Park Avenue is mixed, with a variety of residential properties in terms of size and scale including a number of apartment blocks. To the north of the site lies Castle Park, to the east Newcastle Health Centre with a doctors surgery and car park to the south and the predominantly residential area of Shimna Road to west.

It is considered that the development respects its surrounding residential context and is appropriate in character, layout, proportions and massing to the character of the area. Finishes are appropriate for the area.

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

The site is affected by a known archaeological site / monument – a fortification DOW 049:004. DfC Historic Environment Division, were consulted to advise the Planning Authority on the impact of this proposal on the monument. HED advised in their consultation response that on the basis of the information provided they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist with its integration with the surrounding area;

Creating Places advises that in the case of apartment or flat developments, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10sqm per unit to around 30sqm per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design context.

At this site a communal garden area has been provided for residents with apartments 2-5 also having a 8sqm balcony. The combination of both forms of amenity along with the site's proximity to Castle Park (public amenity area) opposite, is considered to be sufficient in this case.

Given the size of the site and scheme, the provisions of PPS8 OS2 do not apply.

In consideration of the proposed landscaping, it is noted on Drawing No 1038-A4-103 Rev 1, that the existing hedge along the western boundary of the site will be retained and maintained. To the north, east and south new hedging is proposed. New trees are proposed in each corner of the site. The site will also be defined with a 1.8m high dark grey 'Elite' fencing along the Shimna Road to the east, while a dark grey brick wall will form the boundary to the north along Park Avenue.

The boundary treatment will define the site while the proposed landscaping will soften its impact and allow the site to satisfactorily integrate with the surrounding area.

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

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Newcastle. Adequate provision has been provided for bin storage.

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

The development is easily accessible to and from the town centre. Public transport is readily available.

(f) adequate and appropriate provision is made for parking;

7 parking spaces have been provided within the development. This is in keeping with parking standards.

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

The contextual elevations below, highlight the variety of built development within the area and how the proposal would be in keeping with it in terms of its form, scale, materials and detailing.



SP 18 and DES 2 of PSRNI requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposal would meet this aspect of the policy.

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

The proposal has been assessed against Creating Places: Achieving Quality in Residential Environments. The protection of the privacy of the occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties.

The image below shows the proposed layout of the apartments. It is noted that the apartments will occupy the entire frontage of that along Park Avenue and much of its frontage along Shimna Road. The only residential properties affected by the proposal are those along Shimna Road, many of which have objected to the proposal on the grounds that it will affect light into these properties and cause overshadowing.

In assessment of this it is noted that the properties along Shimna Road, particularly that at No 49 Shimna Road, which is directly opposite is separated from the site by approximately 25m. It is considered that this level of separation would not incur any loss of light or overshadowing for those properties along Shimna Road.



The finishes of the proposed are to be dark slate to the roof, with zinc dormers where shown. The walls will be rendered with brick to the ground floor where shown. The rainwater goods will be aluminium, with windows and doors being with dark grey aluminium pvc or hardwood.

The overall design and layout of the buildings are considered to be acceptable and will not create any conflict with adjacent land uses and is considered to be in keeping with the overall character and appearance of the area.

(i) the development is designed to deter crime and promote personal safety.

The layout has been designed so as not to lead to an unsafe environment for residents.

The proposed development complies with the requirements of PPS 7 QD1.

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

Policy LC1 guides that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria (a) to (c) set out under LC1 are met:

- (a) the proposed density is in keeping within the established residential area and is appropriate to its setting in this location
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area as discussed under PPS7;
- (c) The 2 bed apartments proposed are to be built in adherence to the details as set out in Annex A.

PPS 2 – Natural Heritage

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that;

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it complies satisfactorily with the requirements of Policy NH 6.

PPS3 – Access / Movement and Parking

DfI Roads are content with that proposed and therefore the access meets PPS3 and DCAN15 requirements, subject to attached conditions. The parking as discussed under PPS7 is acceptable to DOE Parking Standards.

PPS15 – Planning and Flood Risk

Following a consultation with DfI Rivers it is noted that the site is not located with the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. In consideration of drainage and surface water, while a Drainage Assessment is not required for a development of this size, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Conclusion

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

Recommendation: APPROVAL

Drawings

The Drawings considered as part of this assessment are as follows

1038-A4-100 Rev 1, 1038-A4-101 Rev 1, 1038-A4-102 Rev 2, 1038-A4-103 Rev 1, 1038-A4-104-Rev 1-1038-A1 –110.

Conditions

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved 1038-A4-100 Rev 1, 1038-A4-101 Rev 1, 1038-A4-102 Rev 2, 1038-A4-103 Rev 1, 1038-A4-104-Rev 1- 1038-A1 –110.

Reason: To define the planning permission and for the avoidance of doubt.

3. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on Drawing No 1038-A4-103 Rev 1 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the development.

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. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 1038-A4-102 Rev 2 bearing the date stamp 11 Sept 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Case Officer: Claire Cooney

Date: 27.01.2021

Authorised Officer: Annette McAlarney

Date: 27 Jan 2021



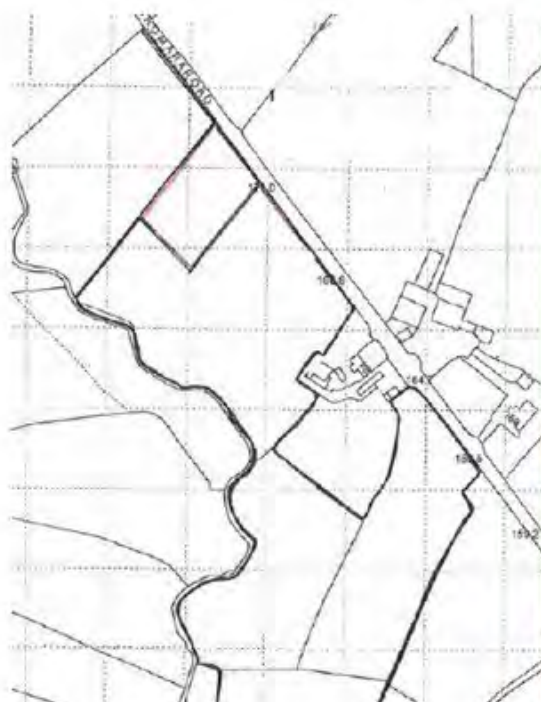
Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0013/F

Date Received: 20.12.2019

Proposal: The application is for full planning permission for a Farm building and animal handling facility and hardstanding.

Location: The application site is located just off the Dromara Road, which is approx. 3miles NW of Leitrim.



Site Characteristics & Area Characteristics:

The site is a rectangular roadside plot which is located off the Dromara Road. The NW boundary is defined by wind bushes as are parts of the roadside boundary, mixed with native species. The remaining boundaries are undefined. The ground level is slightly lower than the roadside, but not significantly.

Site History:

No relevant history on the site.

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside within the Mourne AONB as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The following planning policies have been taken into account:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 21 Sustainable Development in the Countryside:

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

Consultations:

NI Water – No objections

DFI Roads – No objections subject to conditions

DAERA – No objections

Rivers Agency – No objections

Shared Environmental Services – No objections

Objections & Representations

In line with statutory requirements no neighbours have been notified. The application was advertised in the Mourne Observer and the Down Recorder on 22.01.2020. No letters of objection or support have been received in relation to the proposal.

Consideration and Assessment:

SPPS

The SPPS outlines provision should be made for agricultural development on an 'active and established' (for a minimum of 6 years) agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing buildings on the farm holding. An alternative site away from existing buildings will only be acceptable in exceptional circumstances. The SPPS also recognises that there are occasions where new buildings in the countryside are acceptable. Where this is the case, the policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. In addition, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

PPS 21

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. Policies CTY 13 and CTY 14 will also be considered.

Policy CTY10 advises that

-the farm business is currently active and has been established for at least 6 years;

The applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that a number of criteria are met:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

The key considerations in this assessment therefore are:

- The principle of a farm building on the proposed site.
- The effect of the proposal on the Mourne Area of Outstanding Natural Beauty and on the visual amenity and rural character of the area.

In assessing this application, the farm holding will be considered in its entirety.

Thus the primary policy against which to assess this is PPS21 'Sustainable Development in the Countryside,' with consideration for the requirements of the SPPS outlined above.

In assessment of these criterion it is noted that the applicant has provided a DARD (DAERA) business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for the required 6 years. DAERA have advised that the business has claimed payments for the required 6 years. On this basis, it is considered that the farm business can be considered as an active and established business.

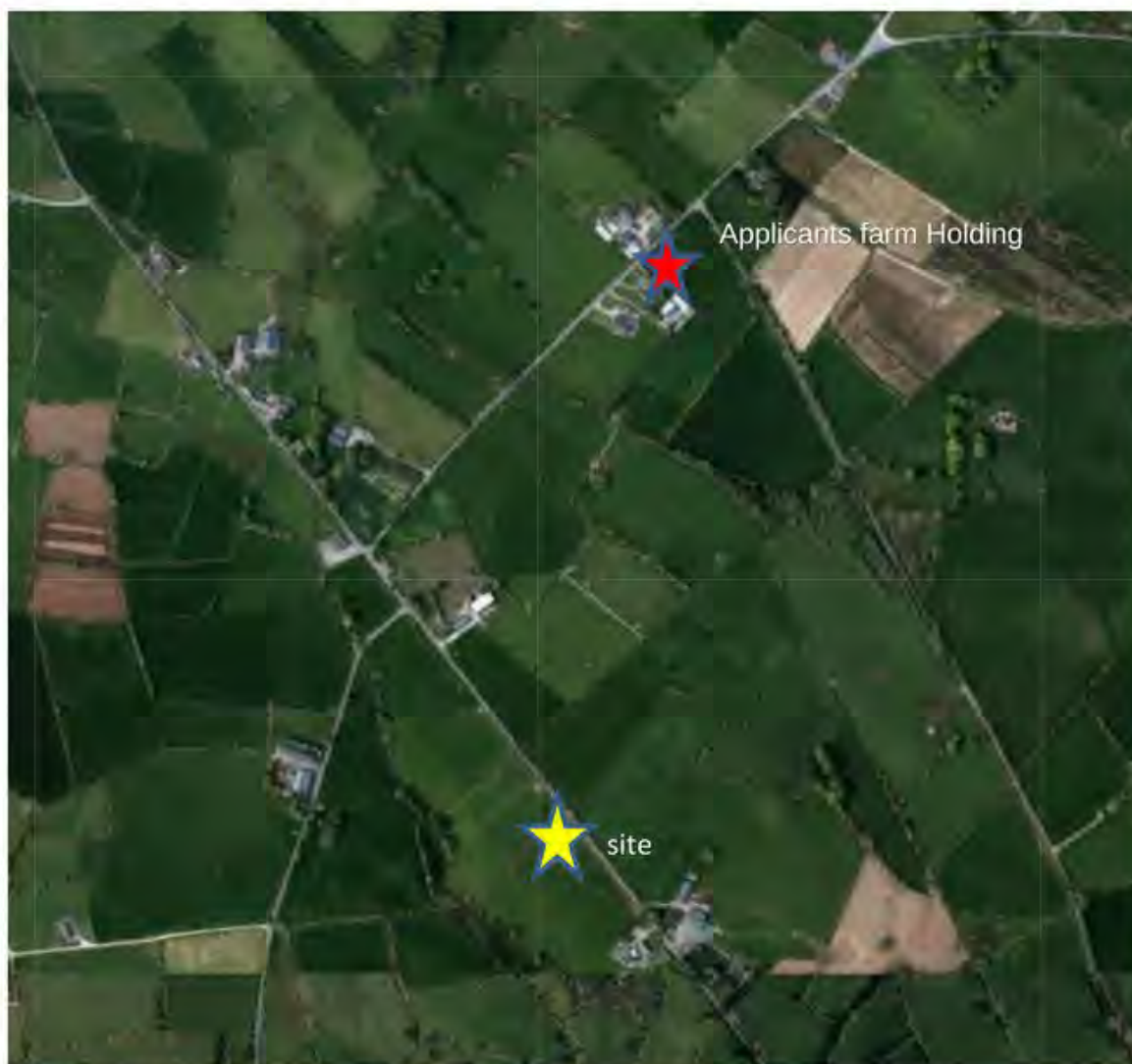
The initial test for farming activity has been met. Given this is the case; criteria (a) to (e) of policy CTY12 must also be met:

(a) It is necessary for the efficient use of the agricultural holding;

According to the DAERA maps the farm holding is 42.04 HA in size. The majority of the lands are all in reasonably close proximity to the registered address at 50 Legananny Hill Road. The lands at the proposed site serve a further 4 fields close to No 64 Dromara Road.

The agent has submitted correspondence stating that the farm is divorced from the main farm complex and would be known as an out-farm which currently has no buildings or handling facilities and is currently used only for the provision of silage and hay and is not used for grazing as it is located away from the rest of the farm. The agent states that the applicant cannot move his stock to it via walking along the public road as this is contrary to the Animal Welfare Act guidance and good animal husbandry, so he requires a shed and handling facilities to make full use of the land as a grazing area. The agent states that this area is not suitable for growing crops due to the climate and as such the land has not been used for grazing as it is remote from the rest of the farm. The agent states that the sheds at Legananny Road are all currently in use, however the need is for a shed on the out farm to allow the applicant the opportunity to use it in a more meaningful way and as he is unable to herd the animals along the road.

The site is approximately 0.5miles away from the main farm holding by road and 0.3miles as the crow flies. The agent has submitted a further supporting statement which is similar to the Design and Access Statement that the building is required to provide a storage opportunity and a safe area to house the animals on this out farm which has no existing buildings. A small number of cattle (approx. half a dozen) have been observed on the land. There is an agreement that the identified site forms part of an active and established agricultural holding. However, having considered the submitted evidence, such a situation is not uncommon in respect of farms and out farms throughout the country. Taking the statements from the agent into account, while the proposed facility may be desirable, it cannot be considered necessary for the efficient use of the agricultural holding. The proposal does not meet this criterion.



Map showing the farm holding in relation to the proposed site.

(b) In terms of character and scale it is appropriate to its location;

The building measures 14.5m in length by 9.4m in width with a height of 7m to the ridge. The building is comprised of block construction, with green 'Agriclad' metal to roof and walls, with metal doors to the front elevation. In terms of character and scale, the proposed building, while it does have an industrial unit appearance, these type of buildings are now becoming more common in the rural area and is therefore considered appropriate to its rural location.

(c) It visually integrates into the local landscape and additional landscaping is provided as necessary;

The site is cut from a larger field with only the roadside boundary and the NW boundary in situ, which is a low lying windbush. Views of the site are open when travelling along the Dromara Road, given the straight alignment of the road. On approach from the south, the shed would be viewed partly against the rising landform beyond. However, given the openness of the lands on this side of the road and given the building's height and close proximity to the roadside, the building would appear as prominent for a long stretch along the site frontage. Levels were requested from the agent, but, none were provided, however, there is sufficient information to make an assessment that the building would be prominent. In this context there are insufficient natural boundaries to adequately integrate the building into the

surrounding landscape. The removal of the roadside vegetation and the introduction of an area of hardstanding along with a 1.2m wall on the SE and SW boundaries would exacerbate this further. No additional landscaping has been provided.

(d) It will not have an adverse impact on the natural or built heritage;

The building is at a sufficient distance as to not impact on any retained vegetation.

The potential impact of this proposal on the natural heritage including 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.

(e) It will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The closest property to the site is 80m away at 64 Dromara Road. Environmental Health recommends that a minimum separation distance of 75m between a livestock building and a residential dwelling should be applied. Given that the proposal meets this requirement the proposal would not impact detrimentally on the amenity of neighbouring properties.

In addition to the above criteria, policy CTY12 also requires applicants to provide sufficient information to confirm all of the following:

There are no suitable existing buildings on the holding that can be used;

The agent was specifically asked to demonstrate that the proposal meets policy CTY 12, and to provide details of current herd numbers on the farm. He was also asked why the shed could not be sited up at the registered farm holding which is 0.5miles away and whether there are any other buildings at the registered farm holding that could be used to serve this purpose. A site layout plan identifying the buildings and their uses at the registered farm was also requested. This information was received via email 06/12/2020 (Emails sent on 04/11/2020 and a further reminder sent 30/11/2020).



Map from agent indicating use of the existing buildings at the registered holding at 50 Legananny Hill Road

The agent has identified the current use of the remaining sheds at the registered holding. These sheds are predominantly used for cattle and pigs and storage of meal. The agent has submitted a further supporting statement similar to the design and access statement and extracts from the applicant's herd book. The agent has indicated that Current Stock levels include Cattle - 55, Sheep - 110, Pigs - 1500-2000. The agent has not identified any other buildings on the holding that would be suitable and could be used instead or given an explanation as to why the facilities at the main holding could not be expanded, with the argument that this building is required to use these fields for grazing animals. However, in the case of the latter tests, exceptionally policy allows consideration to be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where it is essential for the efficient functioning of the business (discussed below).

As mentioned previously, such a situation is not uncommon in respect of farms and out farms throughout the country and this view has been supported by the PAC (2019/A0051). While the proposed facility may be desirable, it cannot be considered necessary for the efficient use of the agricultural holding.

The design and materials to be used are sympathetic to the locality and adjacent buildings;

These types of buildings are now typical in the rural area. The proposed building as described above would be in keeping with the rural area would not appear out of character in this rural context.

The proposal is sited beside existing farm buildings

Whilst the proposal is not sited beside existing farm buildings, exceptionally, consideration may be given to an alternative site away from the existing farm buildings, provided there are no other available sites at another group of buildings on the holding, and where

- It is essential for the efficient functioning of the business; or
- There are demonstrable health and safety reasons

It has not been satisfactorily demonstrated that the proposed Farm building and animal handling facility is essential for the efficient functioning of the business or that any argument has been put forward that there are demonstrable health and safety reasons for this site away from the existing group of buildings on the holding and therefore for the proposal fails this criterion.

The proposal is therefore contrary to policy CTY1 and CTY12 as noted above.

PPS 21 - CTY 13 - Policy CTY 13 – Integration and Design of Buildings in the Countryside

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As mentioned previously the proposal is cut from a larger field. Given the openness of the lands on this side of the road and given its height and close proximity to the roadside, the building would be clearly visible and appear as prominent for a long stretch along the site frontage. In this context the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

PPS 21 - CTY 14 – Rural Character

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 an area. A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The proposed development would be unduly prominent in the landscape, in conjunction with the removal of the frontage hedging, hardstanding, enclosing walls and lack of planting all contribute to causing a detrimental change to the rural character.

PPS 2 : Natural Heritage

Policy NH 1 – European and Ramsar Sites – International

This policy states that planning permission will only be granted for a development proposal that either individually or in combination with existing and / or proposed plans or projects, is likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- listed or proposed Ramsar Site

Similarly Policy NH 3 states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of:

- an Area of Special Scientific Interest;
- a Nature Reserve;
- a National Nature Reserve; or
- a Marine Nature Reserve

A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site.

The planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

As mentioned above, having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site.

Policy PPS 2 natural Heritage- NH 6 Areas of Outstanding Natural Beauty

Planning permission will only be granted for new development within an AONB where it is of appropriate design, size and scale for the locality and where a number of criteria are met. The proposal is considered respectful of the local architectural styles of agricultural sheds, in terms of materials, design and colour.

PPS 3 - Access, Movement and Parking

The proposal involves the construction of a new access onto Dromara Road. DFI Roads have been consulted regarding the proposal and following the request for additional information now have no objections to the proposal and have provided conditions.

Conclusion

Based on careful consideration of all the relevant material planning considerations, it is contended that the application does not meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is a prominent feature in the landscape and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is unduly prominent in the landscape and would cause a detrimental change to the rural character of the area.

Case Officer	C Moane	07/12/2020
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Appointed Officer	A.McAlarney	08/12/2020
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Planning Committee Schedule of 10th February 2021

Planning reference: **LA07/2020/0013/F**

Proposal: **Farm building and animal handling facility and hardstanding.**

Applicant: **Mr H McCracken**

Location **Approx 80m North of 64 Dromara Road, Ballyward, Castlewellan.**

Recommendation: **Refusal**

Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is a prominent feature in the landscape and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new building is unduly prominent in the landscape and would cause a detrimental change to the rural character of the area

Site Description

The site is located in the countryside as defined in the Ards and Down Area Plan 2015. The surrounding area is mainly rural, made up of largely agricultural land.

The site is a rectangular roadside plot, located off the Dromara Road. The North Western boundary is defined by an existing field boundary consisting of wind bushes and hawthorn hedging similar to that along the roadside all other boundaries are undefined.

The existing field ground level is slightly lower than the road level.

Site History

None

Planning Policies & Considerations

RDS, SPPS, PPS21, PPS2, PPS3, Ards & Down Area Plan 2015.

Consultations and Representations

The following consultations were carried out –

Water Ni - No Objections, DfI Roads - No Objections, DAERA - No Objections, Rivers Agency – No Objections, Shared Environmental Services - No Objections

Assessment of reasons for Refusal

Refusal Reason 1

The applicant has explained that holding is divorce from the main complex and has no handling facilities and that animals have to be transported to and from the farm due to the separation from the main complex which is well established and has no redundant building that can be used nor does

it address the issue that this portion of the farm is divorced from the main complex and should the applicant wish to provide facilities at that location he would be able to apply for a buildings under the Agricultural Permitted Development, however such a development at the main complex would not meet the needs of this out-farm which has no facilities. The proposal could also provide an isolation facility and would allow this portion of the holding to be better utilised as it currently has limited use due to not having any buildings located on it.

Refusal Reason 2

The proposal is located on the out-farm some 80m from the nearest building / dwelling as designated by Council Environmental Health rulings. The site chosen is on lower land than the adjacent road and bounded by existing hedging and additional planting can be provided should it be deemed necessary, the existing roadside hedging has to be removed to provide suitable access and the client is willing to replant with mature planting to mitigate against loss of vegetation. The proposal is located on the out-farm some 80m from the nearest building / dwelling as designated by Council Environmental Health rulings. The site chosen is on lower land than the adjacent road and bounded by existing hedging and additional planting can be provided should it be deemed necessary, the existing roadside hedging has to be removed to provide suitable access and the client is willing to replant with mature planting to mitigate against loss of vegetation. It has to be noted that this type of roadside hedge removal is common to all development in the countryside and planting can be conditioned to assist in making sure it is provided. The building cannot be considered as prominent as it is set below road level it is considered to be atypical apex farm building which one finds dotted around the countryside.

Refusal Reason 3

The statement that the proposal is unduly prominent in the landscape is similar to refusal reason 2 and to state that it would cause a detrimental change, as it has to be argued that all new development can be viewed as been detrimental to the rural character of the area this is non-sustainable and as it is alleged that the proposed building is prominent even though it is less than 7m high and is located on low lying ground and as stated the applicant is prepared to agree a suitable planting scheme. The main aspect of this proposal is to provide facilities on an out-farm that currently does not have any handling facilities or isolation unit. The farm land is currently only used for silage and hay and is not capable of been used for provision of crops due to the climate in this specific area. The farm was acquired by the owner in a dispersal sale approx. 20 years ago and as stated is generally use for silage and hay production and as such has limited scope. The applicant currently farms an extensive business mainly cattle and pigs and there are no available buildings which could provide the required facilities which are necessary on this holding to allow it to be fully productive. The applicant has in the past transported small numbers of stock to the farm but this is quite labour intensive and is a non-profitable procedure in the current day farming process. The applicant wishes to extend his herd but cannot as he is unable to exploited the full potential of the out-farm.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for and allow the land owner the opportunity to farm his land to the full capacity which he has been unable to do at presnt.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0788/F

Date Received: 15.06.2020

Proposal: Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance.

Address: Mourne Park House, Mourne Park, Kilkeel, Newry

Site Characteristics & Area Characteristics:

Mourne Park house and outbuildings comprise of a double pile/ three bay house with two storeys to front, and three to rear, and two-storey kitchen block abutting NW corner. The main building was largely destroyed by fire in May 2013. It faces to south in a large mature demesne, with three yards of outhouses to rear (HB16/05/009B) and gardener's house behind (HB16/05/009C). The buildings were constructed in the early 19th century in origin but were much altered and extended in the early 20th century. Prior to the fire the buildings had a hipped natural slate roof with flat central leaded section, deeply overhanging eaves to main façade, with timber sheeted soffit and decorated rafter tails to remaining elevations. Abutting to ground floor left is the south elevation of the single storey (billiard room) extension. The porch is c.1900 in style and has a pitched corrugated metal roof. The setting to the front of the house is a three-stage terrace with central linking steps between levels. There is a raised paved area in front of the house, and beyond this a lawned section enclosed by a low granite wall and containing an ornamental pond on either side of a central pathway. Steps link with the lowest terrace, also lawned. All paths have been formed using large concrete blocks. The right elevation has a lawned garden enclosed by a low granite wall to three sides and contains a sundial and a low, rock faced family mausoleum. Beyond, to NW, is a large garden with mature yews, paths and a pergola with concrete block path at the end of which is a pair of wrought iron gates c.1890 leading to a concrete swimming pool which is enclosed by a hedge. The left elevation provides main entrance and has a loop of

gravel driveway, with lawns to the centre and edges. Beyond to all sides the domain has picturesque garden to far right with statuary and pergola etc. The lake to south of house is now mostly silted up.

A series of three yards aligned S-N to north of house (HB16/05/009A) and formed by single storey outbuildings. Each yard is accessed from a lane running up the outside of the west wall.

The demesne, founded in the 17th century, was largely created in its present form in the early 19th century. It covers 1,194 acres (484ha), largely walled and including the mountain behind the house; the present registered area, which excludes the golf course of 112 acres (43ha) in the south-east, extends to 1,082 acres (438ha). The demesne park, enclosed behind a twelve-foot-high granite wall, occupies a remarkably fine site on the south facing slopes of Knockchree (Hill of the Deer) Mountain.

Site History:

P/2003/0865/LB - Mourne Park House, Mourne Park, Ballyrogan, Kilkeel, Co Down, BT34 4LB - Removal of statue known as Ulysees and his dog. – Granted 25.07.2003
P/2003/1757/LB - Mourne Park House, Mourne Park, Kilkeel, Co.Down, Townland of Ballyrogan - Proposed removal of statue known as Francis Jack The Second Earl of Kilmorey Refused and Appeal Dismissed. 11.01.2005

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge & Newry and Mourne Area Plan 2015
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS 6- Planning, Archaeology and the Built Heritage
- PPS 16 Tourism
- PPS 21 Sustainable development in the Countryside

Consultations:

DfI Roads: No Objections.

NIEA: No Objections subject to conditions

HED Monuments: Contrary to BH 6 of PPS 6.

HED Listed Buildings: Contrary to BH 8 and BH 11 of PPS 6.

SES: No objections

Water NI: No objections

Environmental Health: No objections

Objections and Representations:

The Department have advertised the proposal on 3 occasions and Neighbour notified on 3 occasions since the application was validated in June 2020. To date no representations have been received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. This site is located within the rural area, the Mourne's AONB, Mourne Park Historic Park and has a SLCNI also within the sites parameters.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The Planning Department have now assessed, consulted and advertised 4 versions of this proposal. The original submission and 3 revisions. We have also facilitated a meeting with the Agent, Applicant and HED in December 2020 to ascertain if a common consensus could be achieved. This has resulted in the most recent set of amended plans being submitted and these are the drawings which will be considered in this report.

Principle of Development

This proposed development consists of the change of use of the listed building structures of Mourne Park House and its numerous outbuildings together with a large proposed extension to the west of these structures to create a hotel development.

BH 7 assesses the change of use of the listed buildings to hotel use. This policy allows for the change of use to listed buildings where that change would allow for and secure the future upkeep and survival of the building itself. The main building at Mourne Park was substantially damaged in a fire in 2013. The roof is no longer on the main house and there has been significant damage to the internal architectural content of the property. While the change of use to a hotel would secure the upkeep and survival of the building going forward the accompanying new build development and alterations to the listed structure will have an impact on the setting, character and appearance of the listed structure given its scale massing and ancillary works required. This would leave this proposal contrary to BH 7 of PPS 6. The impact on scale, massing and ancillary works will be discussed further below.

PPS 16 Tourism policy TSM 4 allows for the hotel development within the countryside. However, this policy specifically allows for the replacement of rural buildings or new build accommodation on the periphery of a settlement. The agent has referred to paragraph 7.10 of the justification and amplification of this policy in his supporting statement. This paragraph refers the decision maker to PPS 21 and the policy CTY 4 for the reuse of suitable rural buildings. This policy allows for the reuse of rural buildings for a variety of suitable uses. The SPPS also amends this policy to only allow for the conversion and reuse of a locally important building. As this proposal involves a listed building the Planning Department would recognise that CTY 4 is relevant to our consideration and meets the criterion of being a locally important building. CTY 4

states that *"All proposals for the conversion or refurbishment of a building listed as being of special architectural or historic interest for residential purposes will be assessed against the policy provisions of PPS 6"*.

Therefore, the proposal as currently submitted is currently contrary to BH 7, BH 8, BH 11 and CTY 4 as detailed below given the scale, massing and siting of new build development proposed together with the lack of clarity in relation to the profitability of the proposed scheme which is further expanded upon in the economic consideration below.

Impact on Built Heritage and Economic Consideration

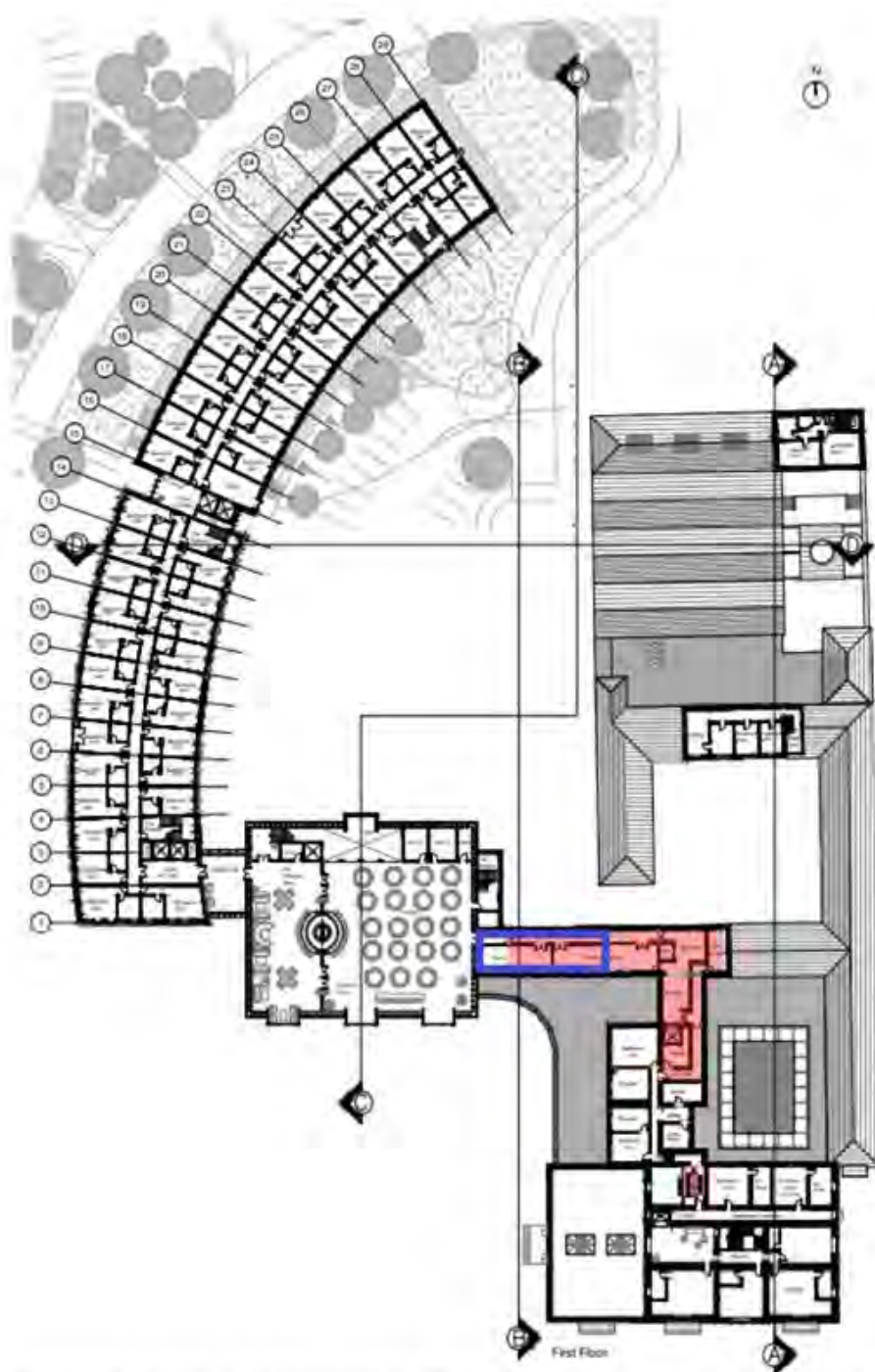
The Planning Department have consulted with HED Monuments and Listed Buildings on the proposals to date. HED Listed Buildings branch have assessed the proposal against BH 7 Change of Use of a Listed building, BH 8 Alterations and Extension of a Listed Building, and BH 11 Development affecting the setting of a listed building.

In assessing the change of use of the listed building to a hotel development, the planning authority have considered the submission from the agent stating that the current proposal for a hotel development is the only financially viable option. He has ruled out options 1, 2, 3 and 5 on this basis. The Planning Authority having assessed the information submitted are mindful that a detailed cost analysis of each option is not available to allow serious consideration to be given to all the options outline as possible alternative uses. Policy BH 7 seeks to ask the developer to conduct *"an assessment of the building and how best to plan a new use which respects the features and characteristics of that building. To find a use first and then seek to adapt the building to accommodate it is likely to result in difficulties and expense as well as an unnecessary loss of historically and architecturally important material."* The policy then requires the decision maker to balance the economic viability against the proposed uses and the impact they would have on the special architectural or historical interests on the building in question. Given the lack of detailed robust cost analysis submitted, the Planning Department are unable to determine that this proposal meets policy BH 7.

The Planning Department also must consider the proposal under policy BH 8 Extension and Alternation of a Listed Building and BH 11 Development affecting the setting of a Listed Building. HED have formally objected under Policy BH 8 (a) *"the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired"* and BH 11 (a) *"the detailed design respects the listed building in terms of scale, height, massing and alignment"*. The size, mass, scale and siting of the new build accommodation to facilitate the hotel development is of concern to the Planning Department. The new bedroom wing measures approximately 110m in length, and together with the massing, scale and location of the function room, together with the lack of detail provided to demonstrate the level of intervention required to the existing listed buildings on site leaves the Planning Department unable to state that this is an appropriate level of intervention. The agent has been asked to provide working drawings to demonstrate the level of intervention on numerous occasions throughout the processing and has been reluctant to do so. This ultimately results in both HED and the Planning Department having insufficient detail to adequately weigh up the appropriateness of the level of intervention of this proposal and its impact on the listed buildings and the setting of the listed buildings.

The development consists of new build accommodation to accommodate 123 new bedrooms and a new function room together with alterations to the several listed buildings on site to accommodate restaurants, spa with pool area, arrivals area and backroom services/function areas. The function room while set back from the front elevation of the main block of the listed structure competes for attention when viewed for the landscaped gardens to the south. This function room together with the large expansion of the newbuild bedroom accommodation will also dominate views and obscure a significant view of the listed buildings structures within the courtyard when viewed from the existing disused entrance road to the south which is proposed to be the main entrance road within this proposal. The agent's letter dated Oct 2020 refers to the Function Room as a 'business in its own right'. Despite efforts to mitigate the adverse impact of this element, its footprint continues to exceed that of the main house. The latter is a neo-classical style house of cube-like form that sits as focal point in the landscape with attached range of outbuildings clearly subservient; this hierarchical arrangement must not be eliminated. The added bulk of the Function Room in such a prominent location is a major contributing factor in our concern that the proposed new-build in comparison to the existing building creates a sense of imbalance which ultimately detracts from the significance of the listed building and its setting.

The removal of the first-floor link is a significant improvement in enabling the visual relationship between the house and outbuildings to remain legible and for the new build elements to be easily reversible. However, refer to Figure 1, below – the amended first floor plan continues to include the removal of a large portion of the hipped roof between Yards 1 & 2 to provide two lifts in very close proximity, and a number of stores. HED have questioned the necessity for this accommodation in the current location. 1:50 detailed sections as previously described were requested to further assess this impact against policy BH 8 and were not forthcoming.



This will have a detrimental effect the character, setting and architectural interest of the existing listed buildings. It is for these reasons that the Planning Department believes the proposal is contrary to BH 8 (a), (b) and c) and BH 11 (a).

The Planning Department recognises that the only suitable areas for development given the site constraints are to the north, which is restricted in area for development, or to the west. However, this is to be balanced against the size, scale and proximity of development proposed. While we would differ from HED Monuments in our opinion that some accommodation to the west can be accommodated we recognised that there will be a significant scale of intervention within the historic park to accommodate the scale and mass of new build accommodation proposed, together with the ancillary development required for car parking. The sections submitted should the level of cut

and fill required to construct the car parking of approximately 2m in places and this together with the approximately 110m long curved block of new build accommodation will have a detrimental impact on the historic park and would be contrary to BH 6 of PPS 6.

The Planning Department in considering this proposal are mindful that the main building is currently fire damaged and of the economic impact that the proposal may have on the local and regional economy. To fully consider this material consideration, the Planning Department requested a detailed business case together with full costings of the renovations, alternations and new building accommodation. While the agent has request that this information is held in commercial confidence, the Planning Department have reviewed the information submitted and are not satisfied that the content of the information is sufficiently robust to give determining weight to it in our consideration of this case. The cost of renovations and alterations appear to be estimates given there are not working drawings, and the business case submitted would not appear to justify the level of new build proposed. At present the information we have to date would not justify the scale, size and massing of the proposed scheme in order to make the proposal financially viable. Therefore, the Planning Department cannot state that the proposal in terms of the mass, scale and size is necessary to result in a financially viable scheme. The Planning Department believe the scale, massing and size could be reduced and still result in a financially viable development. It is for this reason that the Planning Department will not give substantial weight to these economic considerations, as the scale of new build development proposed appears to be excessive and the business plan submitted does not robustly demonstrate otherwise.

Miscellaneous

The proposal has also been assessed against AMP 3 of PPS 3 as amended in PPS 21. This scheme proposed to utilise two existing access points onto the A2 protected route. This involves some interventions to the listed gates and pillars at the White-Water river entrance to allow for turning room for larger vehicles to access this site safely. HED have accepted the interventions required for road safety concerns and DfI Roads have no concerns in relation to the splays and radii proposed for the access. However, the proposal must be assessed against AMP 3 as amended in PPS 21. This amended policy states that for all other types of development considered under criteria d) of this policy that the proposed development must meet the principle of development in the rural area. This proposal has been found to not meet the principle of development in the rural area and therefore is also found to be contrary to criteria d) of AMP3 as amended.

The agent has submitted a drainage assessment in line with FLD 3 of PPS 15 Revised. This has been sent to Rivers Agency for their consideration. Rivers agency have assessed the Drainage Assessment and have advised that they are content with the content and have no reason to disagree with the conclusions within it. Therefore, the proposal meets the criteria of FLD 3.

A PEA was submitted together with a bat survey on the submission of the application. The Planning Department have consulted with NIEA on this documentation and they have advised the Planning Department that they are content with the conclusions and

mitigation measures proposed within it. Therefore, the Planning Department have considered all the material evidence submitted and NIEA response against policy NH 2 of PPS 2 and found that the proposal will not have a detrimental impact on a protected species and conditions will be attached if approval is forthcoming to protect the protected species found on site.

The Planning Department has consulted with SES to undertake a HRA on its behalf. This has been completed and The Planning Department formally adopt its conclusions as its own. 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 has also been assessed against the relevant policies of PPS 21 and NH 6 of PPS 2. The proposal is located in an enclosed woodland area which has limited views from public vantage points. The proposal would therefore not have public views unless the principal of a hotel development was approved. If this were the case then the access roads would become public vantage points, however we must base our recommendations on the current situation. Given the current vantage points the proposal would comply with CTY 8, CTY 13, CTY 14 of PPS 21 and NH 6 of PPS 2. However, as the principal of development has not been established it would remain contrary to CTY 1 and CTY 4 as outline above.

Refusal Reasons:

The proposal is contrary to policies CTY 1, CTY 4 of PPS 21, paragraph 6.73 of the SPPS and BH 7 of PPS 6, in that the proposal if permitted would have a determinantal impact on the essential character, setting and appearance of the Listed Buildings of Mourne Park.

The proposal is contrary to Policies BH 6, BH 7, BH 8 a), b), c) & BH 11 (a) of PPS 6, in that the proposal if permitted would have a significant detrimental impact on the character, setting and appearance of Mourne Park Historic Park and the Mourne Park listed buildings and their curtilage by reason of the mass, scale, siting and design, alignment and height, materials and traditional architect details and techniques.

The proposal is contrary to policy AMP 3 in that the proposal does not meet the criteria for suitable development within the countryside.

Case Officer Signature: Jacqui McParland

Date: 26/01/2021

Appointed Officer Signature: Anthony McKay

Date: 27/01/2021

1729: Deputation to NMDDC Planning Committee in support of applications LA07/2020/0788/F & LA07/2020/0843/LBC

Comments are noted relative to the headings contained in the Case Officer Reports dated 26th January 2021.

1 Site Characteristics & Area Characteristics (refer to slides 3 – 14 of presentation)

- Mourne Park House (MPH) suffered a devastating fire in 2013, gutting the building and rendering it both uninhabitable & unsafe.
- Post fire it remains as a ruin. With the building becoming uninhabitable, the grounds too have fallen into disrepair.

2 Consultations (refer to slides 15 of presentation)

- No statutory objections have been received on the proposals, other than from HED.
- HED advised in their consultation response dated 19th January '21 *"HED Historic buildings will request conditions should the council be minded to approve this application"*

3 Representations (refer to slides 16 – 19 of presentation)

- No public objections have been received on the proposals - quite the opposite, there has been unanimous local support.
- In particular, the proposals are not only supported by the electorate (as evidenced by the public PAN response), but are also endorsed by the Chamber of Commerce, local businesses such as Franklin Products and Greiner Aerospace, and the adjacent land users.

4 Considerations – principle of development**4.1 Commentary under BH7 of PPS6** (refer to slides 20 of presentation)

- The change of use to a 5-star hotel will secure the future survival & upkeep of MPH, and as such is in accord with BH7 of PPS6.
- We believe that the suggestion that the proposal will have an impact on the setting, character & appearance of the listed building, is incorrect. The "before" & "after" verified view images of the proposal demonstrate that the proposal does not negatively impact on the setting, character & appearance of the listed building (which significantly is now an unsafe ruin)

4.2 Commentary under PPS16 Tourism (refer to slides 21 – 28 of presentation)

- The proposal satisfies the requirements PPS16 and CTY4, which allows for the reuse of rural buildings. HED have already noted in their consultation dated 03rd Aug '20 that *"there is no objection in principle to the proposed change of use to hospitality"*
- We believe that the suggestion that the proposal does not satisfy PPS16 due to i) scale & massing and ii) lack of clarity in relation to profitability is unfounded. The verified images & specification of natural materials identify appropriate scale; the self-imposed restrictions on height demonstrate appropriate massing; the profitability forecast was prepared by the chairman of the Invest NI backed Hospitality & Tourism Skills, a past president of the Northern Ireland Hotel Federation, and who is also the operator of the award-winning Grade B listed Bishop's Gate Hotel, (No2 hotel in the UK award 2019) & is conclusive.

5 Considerations - Built Heritage

- The proposals were amended during the application process all to accommodate & reflect the commentary received from HED – reduction in function room size; reduction in bedrooms numbers; removal of a first-floor link area to the function room; repositioning of the bedrooms and function rooms; reduction in height of the bedroom wing; change in colour of function room external materials.

5.1 BH7: Change of use (refer to slides 29 – 35 of presentation)

- HED has identified that their own appraisal process is limited by the fact that they have no developed guidance Policy available to them by which they can consider the impact of financial viability on historic buildings. However financial viability is an over-riding aspect and primary reality of any scheme. If a proposed scheme does not stack up financially, it simply cannot be procured.
- BH7 identifies that the *"best viable use may not necessarily be the most profitable use."* We concur with this statement. The applicant has a passionate connection with this land, and at the outset, did not predetermine that the mechanism to salvage MPH would be a hotel development. She undertook a feasibility study (which was made available to Planning) so as to determine the available options. The outcome of the study identified that the ONLY financially viable use for the site was for a hotel of this size.
- It is also worthy of note that this proposed use is in fact safeguarding the future of the existing listed buildings. If this proposal does not proceed, all of the buildings (both listed and non-listed) at MPH will become lost forever. The proposed development safeguards the economic future of Mourne Park, whilst also providing much needed economic regeneration to the area.

5.2 BH8: Extension to a Listed Building (refer to slides 36 – 40 of presentation)

- Scheme proposals for MPH have been in development by Grade 1 Conservation Architects for almost four years. The applicant and agents have an intimate knowledge of the site. HED have spent approximately 1.5 hours on the site, the majority of which time was spent in discussion in one of the outbuildings. They then left the site to attend another meeting without having inspected the properties.
- We consider that the proposal allows that the "essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired", all in accord with BH8. Maximum attention has been paid within the application to retain whatever existing fabric can be retained, following from the devastating fire in 2013.
- The only salvaged material from the fire is stored in the Long Room. This was available for inspection whenever HED visited the site but they chose not to inspect it. Notwithstanding this, the material is full of dry rot. The application drawings clearly indicate historic fabric to be retained, historic fabric to be removed and new interventions and construction.

5.3 BH11: Setting of a Listed Building (refer to slides 41 – 46 of presentation)

- We have had to pay due regard to all of the aspects and criteria that impact upon the appropriate and successful development of the site. This process involves a careful balance of all parameters, and cannot concentrate on singular aspects. The scale of development at Mourne Park is what is required to achieve a successful outcome. The application proposal responds to this challenge to create a scheme that is respectful to the setting and the existing, albeit dilapidated, structures.

- The verified views (from the exact vantage points requested by HED) clearly identify the limited impact that the proposed development has upon the setting of the existing structures.
- The new build elements of the proposed development respect the scale, height and massing of the existing elements. All new build elements are lower in height than the highest part of the existing structures. The tripartite massing of the existing house is reflected in the tripartite massing of the proposed new build elements.
- The proposed positioning of the function room in the application is both appropriate and correct. The suggestion to relocate the function room to the back of the site would technically negate the functional operation of the hotel facilities and trivialise this important element of the attraction. In any proposal for a five-star hotel, appropriate recognition must be given to the functions that will take place within the building, and the ability to maintain proper quality and service threshold.
- We would advise that the positioning of the function room within the proposed scheme as shown is critical and as such, it is not possible to relocate it. Notwithstanding this, and acknowledging that the principle of change of use has been accepted, one must be mindful that the function of Mourne Park House shall change from a private residence to a publicly accessible five-star hotel. As such, the logical location and presentation of the function room as shown must also be accepted. It would not be appropriate to "hide" the function room to the back of the site.
- We note that the bedroom wing has deliberately been designed as a crescent form on plan so as to visually reduce the length of this section of the building. HED has acknowledged that this form also compliments the original curved site path as shown on the 1859 OS Mapping. One must acknowledge that seldom is any building viewed in true elevation format (as is the case in this instance), and to simply focus on its length in plan (as quoted by Planning) is misleading.
- Furthermore, as agreed with HED, the bedroom wing as presented has been shown sub-divided into three sub-sections to further minimise its impact.
- We would respectfully note our opinion that the addition of the proposed new elements does not dilute the significance of the existing structure. The size and scale of accommodation presented is the minimum required to be economically feasible. The alignment, orientation and positioning of the proposed massing as indicated is required to facilitate the orderly functioning of the hotel brief. These economic and functional principles cannot be compromised and are fundamental to facilitate a sustainable project.
- We consider that the alignment of the proposed new build element of the proposal provides a harmonious addition which is complementary to the existing structures and provides a balanced and considered intervention.
- High-quality natural material external finishes have been proposed to harmonise with what remains of the existing structures.

• We consider that the alignment of the proposed new build element of the proposal provides a harmonious addition which is complementary to the existing structures and provides a balanced and considered intervention.

• High-quality natural material external finishes have been proposed to harmonise with what remains of the existing structures.

5.4 BH6: Protection of Parks and Gardens (refer to slides 47 – 52 of presentation)

- It is accepted by Planning that the only area available for appropriate development at Mourne Park is to the west of the existing structures. Great care has been taken not to impact upon the historic garden areas to the east. The proposed landscaping reinforces this existing contextual arrangement.
- It should be noted that the proposals will allow the special and beautiful east garden landscape to become accessible to the general public, whereas they are currently private grounds and not accessible to the public.
- HED have identified that the demesne contains 1,194 acres, and noted that the proposed development "would significantly alter the layout of the demesne and would adversely impact upon designed views and the integrity of the setting and character of the designed landscape". However, the development area of the application site is only 10.9 acres – less than 1% of the demesne. As such, we would consider the claim of "significant impact" is a somewhat cavalier statement. Careful consideration has been given to the siting, setting and arrangement of the new interventions, which only occur to the west of the existing outbuildings and north west of the fire damaged ruin.
- HED consultation has suggested a loss of mature woodland, which is incorrect. Within the vicinity of the development there are currently 232 mature trees. The submitted application involves the removal of only 12 trees. These trees are also currently in a poor state of health. Furthermore, the application proposes the addition of 340 new trees. As such, the application is in effect promoting and safeguarding the mature woodland of Mourne Park House. All trees that have been identified as containing protected habitats remain untouched, and neither SES nor NIEA have objections to the proposals.
- The 2m development cut described in the Planning report is misleading, as this is over a tiny localised area only.

5.5 Economic Detail (refer to slides 53 – 57 of presentation)

- The economic statistics for the application have been determined by a specialist involved in hotel development (see 4.2 above) & are robust. The provided construction data contained only the summary sheets, as is normal in such presentations.
- The size of the scheme is comparable to other hotel developments as detailed in the Business Case Report (which accordingly provides direct evidence of sustainability volume) and cannot be reduced in size.

5.6 AMP3 of PPS3: Access, Movement, Parking

- The project complies with CTY1 - a community facility to serve the local rural population for which there is no existing facility that can meet this need. It is considered that the detail above identifies that the design standards set out in PPS 21 are indeed met.
- The project complies with CTY4 - the re-use and refurbishment of a locally important building, where this would secure the retention and upkeep of the building. It is considered that the detail above identifies that the design standards set out in PPS 21 are indeed met.

6 Summary (refer to slides 58 – 64 of presentation)

- The proposed development at MPH is supported by the local electorate and business communities.
- The proposal provides public access to a historic garden, (to which they currently have no access) and safeguards its survival.
- During construction the proposal will create 430 construction jobs and 120 long term jobs thereafter
- The proposal has the potential to bring £30M to the local economy, and will be a huge economic benefit to the Council area and N.Ireland

Mourne Park

HOUSE

Kilkeel, County Down

Deputation to Newry, Mourne and Down District Council
Planning Committee
in support of application LA07/2020/0788/F &
LA07/2020/0843/LBC

Wednesday 10th February 2020



mullarkey pedersen architects

Presentation Overview

- 1.0 Site Characteristics
- 2.0 Consultations
- 3.0 Representations
- 4.0 Considerations – principle of development
 - 4.1 Commentary under BH7 of PPS6
 - 4.2 Commentary under PPS16 Tourism
- 5.0 Considerations - Built Heritage
 - 5.1 BH7: Change of Use
 - 5.2 BH8: Extension to a Listed Building
 - 5.3 BH11: Setting of a Listed Building
- 6.0 Development Summary



MOURKE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7 MILLION
EMPLOY **120**
£3.5M PAYROLL
GROSS VALUE ADDED **£1.7M**





1.0 Site Characteristics



Mourne Park Demense



CREATING
430
CONSTRUCTION JOBS



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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



MPH to attract over
55,000 visitors per year

The First **5 Star Hotel**
in NMD area and only the
Second in Northern Ireland

1.0 Site Characteristics

38

- i. Entrance Driveway
- ii. Mourne Park House
- iii. Yard 1
- iv. Yard 2
- v. Yard 3 & Gardener's House
- vi. View towards Knockree
- vii. Gardens
- viii. Jubilee Drive
- ix. Lake
- x. Threegate Wood
- xi. White Water River
- xii. White Water Gate Lodge
- xiii. Green Gate Lodge
- xiv. Famine Wall (Newry Rd)
- xv. Kilkeel Golf Club



THE CONSTRUCTION PROCESS
WILL CONTRIBUTE TO THE
£30 MILLION
TO THE LOCAL ECONOMY



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1.0 Site Characteristics & Area Characteristics

Historical Background

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1.0 Site Characteristics & Area Characteristics

Historical Background

40

KEY



1806



1820



1859



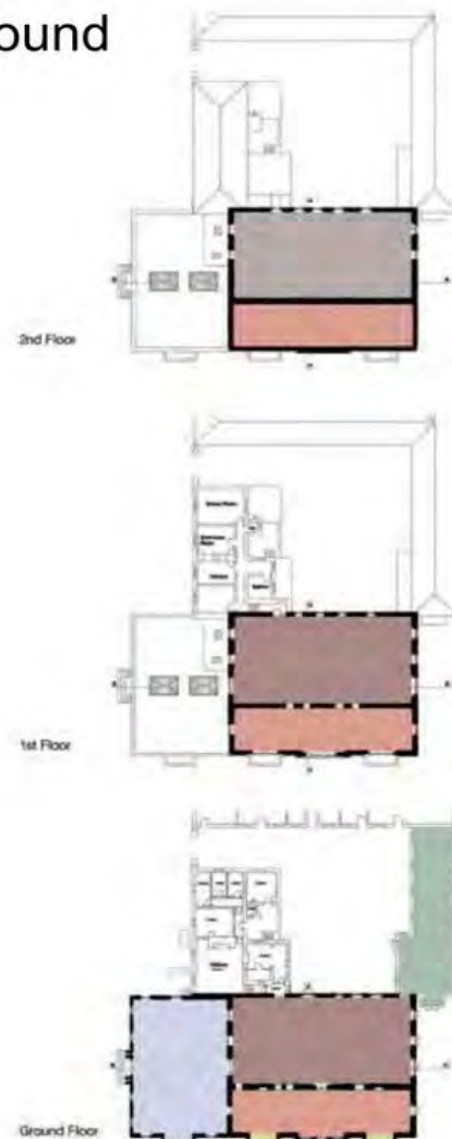
1892



1904



1919-21



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Current Condition of Mourne Park House

41



EXISTING ARCHITECTURAL DETAILING & FEATURES OF SPECIAL INTEREST TOTALLY DESTROYED



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Current Condition of Mourne Park House

42



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43



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Current Condition of Mourne Park House



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Current Condition of Mourne Park House

45



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Current Condition of Mourne Park House

46



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Current Condition of Mourne Park House

47



**CREATING
430
CONSTRUCTION JOBS**



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Current Condition of Mourne Park House

48



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SUPPLY CHAIN SPEND **£1.7M**



2.0 Consultations

49

- DfI Roads: **No Objections**
 - NIEA: **No Objections subject to conditions**
 - SES: **No objections**
 - Water NI: **No objections**
 - Environmental Health: **No objections**
 - HED Monuments: **Objection**
 - HED Listed Buildings: **Objection**
- but**

*“HED Historic buildings will request conditions should the council be minded to approve this application” **

**HED Consultation Response 19 January 2021*



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3.0 Representations

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UNANIMOUS PUBLIC SUPPORT FROM COMMUNITY CONSULTATION

“The design and scale of the intended works is fantastic and I truly believe that it will be a **game changer to our area**, bringing a completely different clientele to Kilkeel and the surrounding area.”

“The Mourne Park House project will **generate a lot of interest, excitement and support from the local community.**”

ALAN KNOX, PRESIDENT OF KILKEEL CHAMBER OF COMMERCE



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3.0 Representations

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“Franklin Products **very much welcome the successful development of Mourne Park House.**”

Franklin Products is a US company manufacturing cushions, dress covers and furnishings for the aerospace industry. The Kilkeel facility is one of the top suppliers to Collins Aerospace Kilkeel.

“It would be a **perfect base for visiting US personnel and guests.** We regularly have US people here for seat testing reviews etc. so Mourne Park House would be the **ideal location for their visits.**”

EUGENE MCCANN OF FRANKLIN PRODUCTS



MOURNE PARK HOUSE
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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



3.0 Representations

52

“The development at Mourne Park would be **a huge asset** to the area. We are an **international company** continually bringing in customers and executives to visit and this type of accommodation would be **exactly what they would be looking for**. I believe it would be a **massive boost to tourism** in the area.”

FRANK REILLY FROM GREINER AEROSPACE KILKEEL



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SUPPLY CHAIN SPEND **£1.7M**



3.0 Representations

53

“The golf club have hosted **many championships**, which include the Women’s Home Internationals and **accommodation is always a problem.**”

“**Kilkeel Golf Club fully supports the project.** The club intends on hosting majors in our centenary year (2022) with potential visiting golfers **requiring accommodation close to the course.**”

“Would be lovely to have a hotel in the grounds of Mourne Park.”

MAIRE MCKIBBIN, HON. SECRETARY OF KILKEEL GOLF CLUB



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4.0 Considerations – Principle of Development

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4.1 BH7 PPS6 CHANGE OF USE OF A LISTED BUILDING

The Department will normally permit the change of use of a listed building where this secures its **upkeep and survival** and the **character and architectural or historic interest** of the building would be **preserved or enhanced**.

Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.



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4.0 Considerations – Principle of Development

55

4.2 PPS16 TOURISM

“There is **no objection in principle to the proposed change of use to hospitality**. Mourne Park House suffered from fire damage in 2013 and has been left vacant and unsafe since.”

HED consultation 19th January 2021

Proposals to ensure the ongoing viability and upkeep of these important listed buildings have been welcomed by HED.



MOURNE PARK HOUSE
HOTEL 5/5/5/5
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



4.2 PPS16 TOURISM



VERIFIED VIEW A –SOUTH WEST APPROACH - **BEFORE**



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



4.2 PPS16 TOURISM

57



VERIFIED VIEW A – SOUTH WEST APPROACH - **AFTER**



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7 MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



4.2 PPS16 TOURISM

58



VERIFIED VIEW B – SOUTH EAST APPROACH - **BEFORE**



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



4.2 PPS16 TOURISM

59



VERIFIED VIEW B – SOUTH EAST APPROACH - **AFTER**



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**





4.2 PPS16 TOURISM

60

Business Plan Credentials

The Business Case Plan has been prepared by Ciaran O Neill, Director of LCMA Hotels Consultancy and Managing Director of Bishops Gate Hotel Derry. He is currently Chairman of the Invest NI backed Hospitality and Tourism Skills, and past President of the Northern Ireland Hotel Federation.

Bishops Gate Hotel previously known as The Northern Counties Club was a **Grade B1 listed building** which was **vacated in 2006**, after which time the entire structure fell into **disrepair** and the survival of the iconic structure was in **jeopardy**.

After lying derelict for over a decade, the former Northern Counties Club, re-opened as 'The Bishop's Gate Hotel', which was the first project in the UK to be completed under the Heritage Lottery Fund 'Heritage Enterprise' grant scheme.

THE HOTEL **WON MULTIPLE INDUSTRY AWARDS** WITHIN 12 MONTHS OF OFFICIAL OPENING

- Georgina Campbell Hospitality Guide **'Hideaway of the Year'**
- **2017 & 2019 TripAdvisor** Travellers' Choice awards - Named the **no. 2 hotel to visit in UK**
- Northern Ireland Hotels Federation **'Most Promising' Hotel**

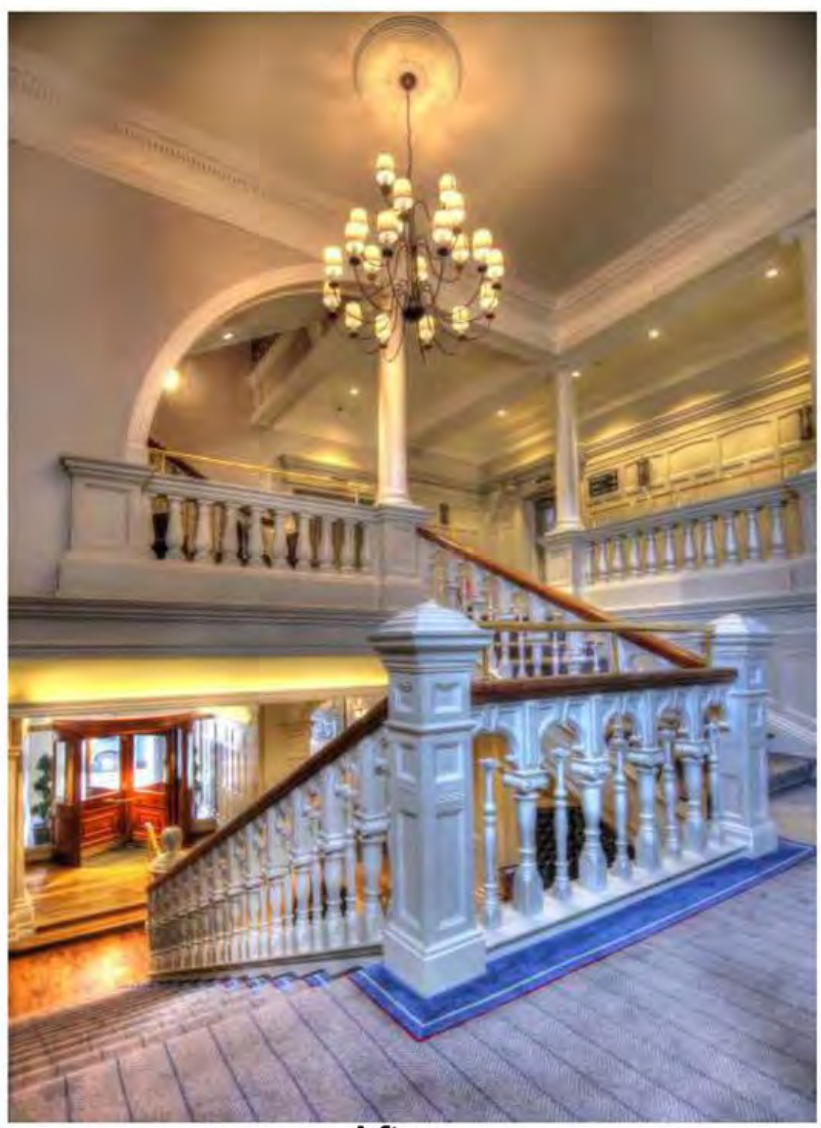


MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
(2019) Only 2019 **£1.7M**





Bishops Gate Hotel Restoration



After



Before



After



**CREATING
430
CONSTRUCTION JOBS**



**MOURNE PARK HOUSE
HOTEL & SPA**
ANNUAL REVENUE OF
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EMPLOY 120
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



MPH to attract over
55,000 visitors per year

The First 5 Star Hotel
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Second in Northern Ireland



THE CONSTRUCTION PROJECT
WILL CONTRIBUTE TO THE
£30 MILLION
TO THE LOCAL ECONOMY



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SUPPLY CHAIN SPEND **£1.7M**



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5.0 Considerations – Built Heritage

63

The project has been designed by award winning Grade 1 Certified Conservation Architects.



MOURNE PARK HOUSE
HOTEL & SPA

ANNUAL REVENUE OF
£9.7 MILLION

EMPLOY **120**

£3.5M PAYROLL

SUPPLY CHAIN SPEND **£1.7M**



5.0 Considerations – Built Heritage

64

5.1 BH7 CHANGE OF USE

“There is **no objection in principle to the proposed change of use to hospitality**. Mourne Park House suffered from fire damage in 2013 and has been vacant since; the yards and outbuildings also appear to be unused.

Proposals to ensure the ongoing viability and upkeep of these important listed buildings are therefore welcomed, subject to compliance with BH8 and BH11 of PPS6 and paragraphs 6.12 & 6.13 of SPPS.” *

* *HED consultation 3RD August 2020*

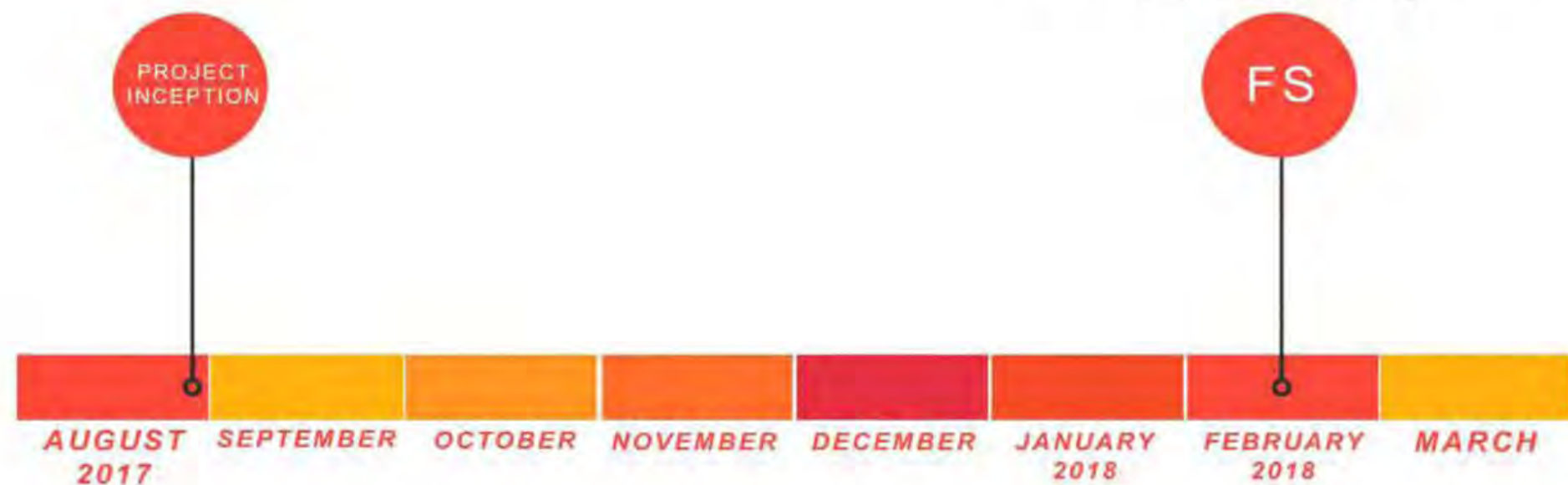


MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7 MILLION
EMPLOY **120**
£3.5M PAYROLL
GROSS ONSITE SPEND **£1.7M**



5.1 BH7 CHANGE OF USE

*Mullarkey Pedersen Architects
presented completed Project
Feasibility Study*



The feasibility Study determined that the only economically viable redevelopment option for Mourne park is the conversion of Mourne Park House from a fire damaged ruin to a five star hotel and spa.

Without the proposed interventions, the entire restoration and redevelopment project cannot proceed. This would then result in the entire loss of Mourne Park House and its setting.



5.1 BH7 CHANGE OF USE

66



Between April 2018 and April 2019, Mullarkey Pedersen Architects developed a considered scheme which was a carefully balanced proposal, based upon the specifics of the site; the existing structures contained therein; and the functional pragmatics of hotel design.



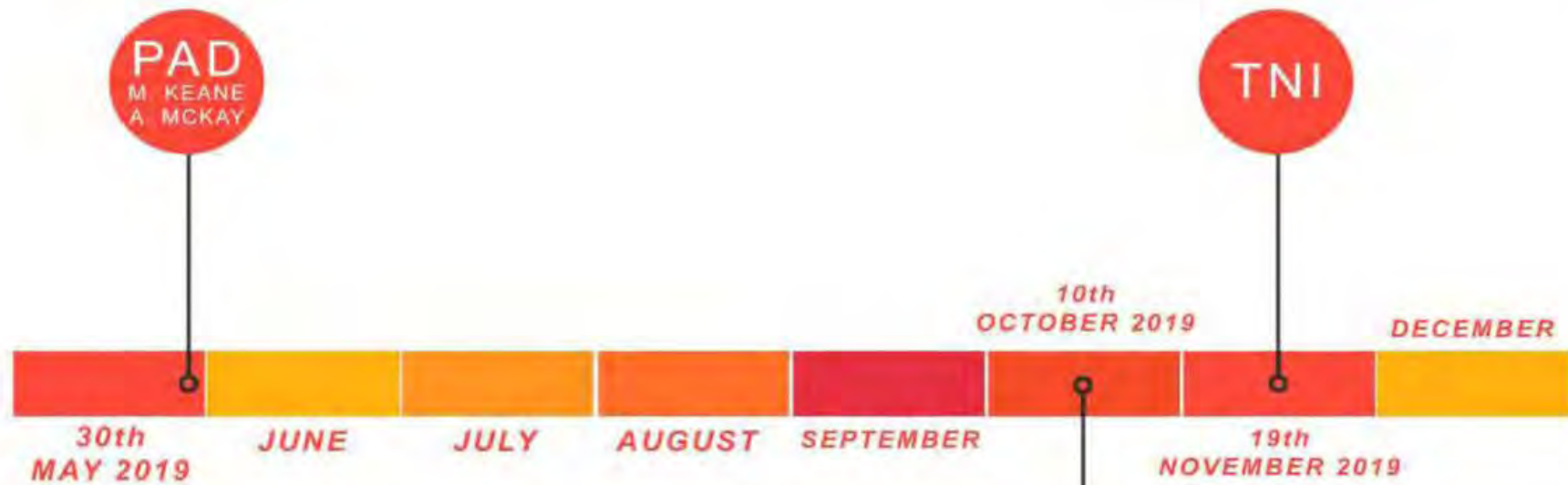
MOURNE PARK HOUSE
HOTEL & SPA
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£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**





5.1 BH7 CHANGE OF USE

NMDDC held hosted PAD meeting with TNI and Design Team to discuss PPS 3 Access, Movement and Parking. Extent of additional information required agreed for resubmission.



MPA received a formal response letter from NMDDC with consultee responses. TNI suggested having an office meeting to discuss the proposals while HED provided a written response.



CREATING 430 CONSTRUCTION JOBS

MOURNE PARK HOUSE HOTEL & SPA

ANNUAL REVENUE OF **£9.7MILLION**

EMPLOY **120**

£3.5M PAYROLL

SUPPLY CHAIN SPEND **£1.7M**

MPH to attract over **55,000 visitors per year**

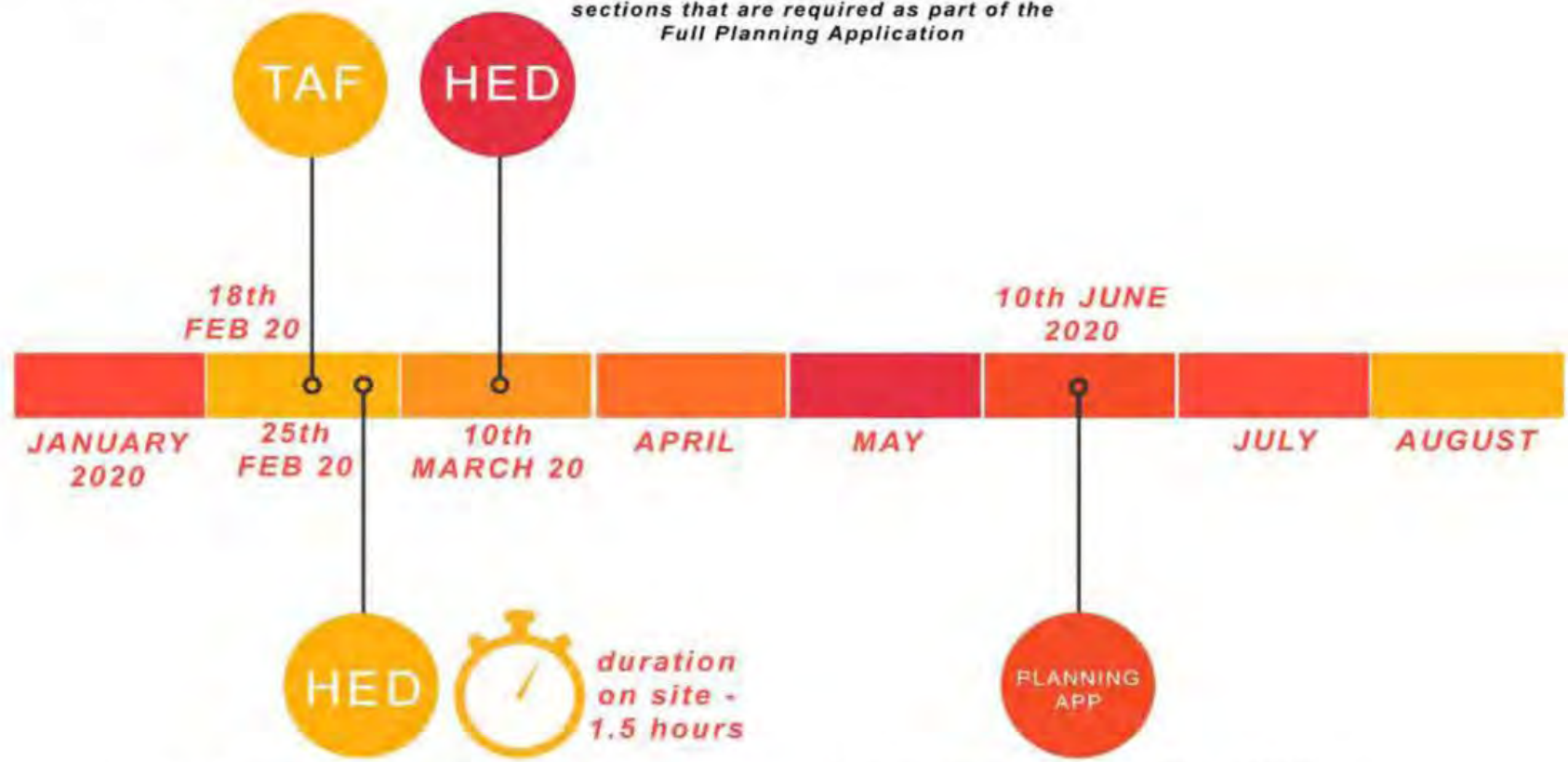
The First 5 Star Hotel in NMD area and only the **Second in Northern Ireland**



5.1 BH7 CHANGE OF USE

MPA submitted a completed Transport Assessment Form (TAF) and updated access drawings to NMDDC for their consideration ahead of the Full Planning Application

HED emailed MPA their summary of the meeting and identified verified views and existing and proposed sections that are required as part of the Full Planning Application



Onsite meeting with NMDDC & HED

Mullarkey Pedersen Architects on behalf of our Client Marion Russell, submitted Full Planning Application and Listed Building Consent Application for the proposed development of a new luxury hotel and spa at Mourne Park House



CREATING 430 CONSTRUCTION JOBS



MOURNE PARK HOUSE HOTEL & SPA
ANNUAL REVENUE OF **£9.7MILLION**
EMPLOY 120
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



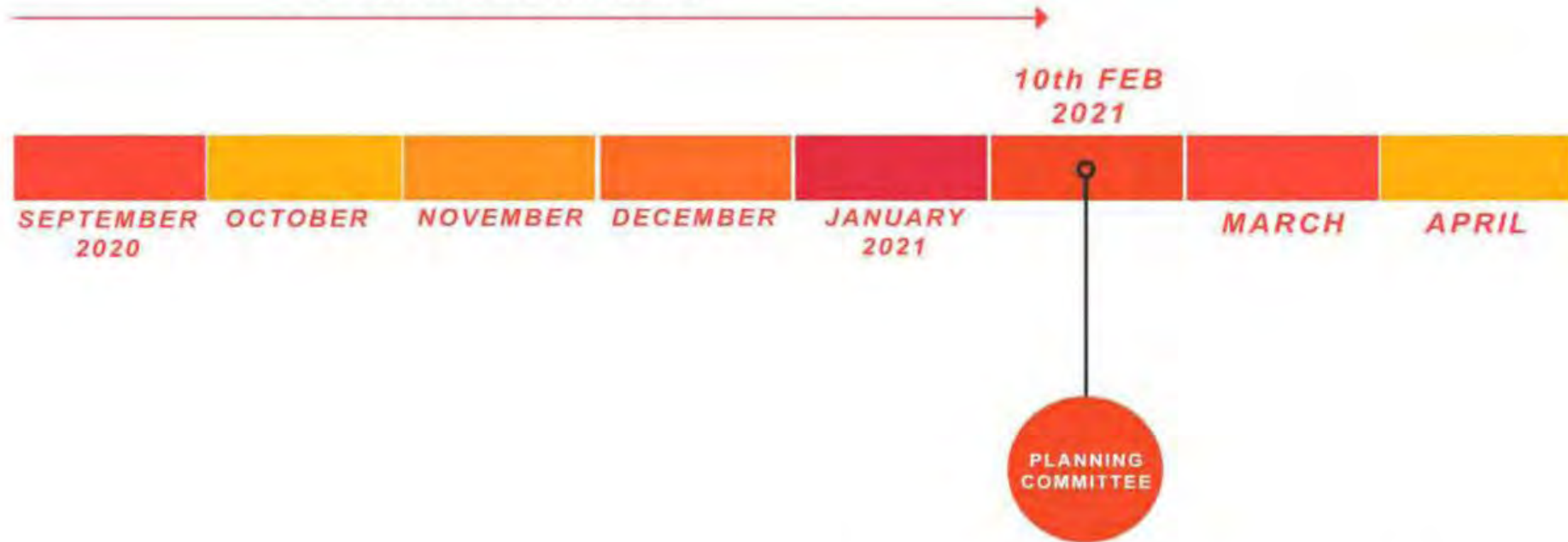
MPH to attract over **55,000 visitors per year**

The First 5 Star Hotel in NMD area and only the **Second in Northern Ireland**

5.1 BH7 CHANGE OF USE

69

CONSULTATION RESPONSES **NO OBJECTIONS** OTHER THAN HED



NMDDC PLANNING COMMITTEE MEETING



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUES OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



5.2 BH8 EXTENSION TO A LISTED BUILDING

70

PPS 6 – POLICY BH 8 EXTENSION OR ALTERATION OF A LISTED BUILDING

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (a) the **essential character** of the building and its setting are **retained** and its **features of special interest remain intact and unimpaired**;
- (a) the works proposed make use of **traditional and/or sympathetic building materials** and **techniques** which match or are in keeping with those found on the building; and
- (b) the **architectural details** (e.g. doors, gutters, windows) **match or are in keeping with the building**.



MOURNE PARK HOUSE
HOTEL 5 STAR
ANNUAL REVENUE OF
£9.7 MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



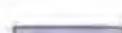
5.2 BH8 EXTENSION TO A LISTED BUILDING

71

Existing floor plan showing existing **historical fabric** to be retained.

Surviving features of special interest to remain intact and unimpaired.

ALTERATIONS KEY

-  HISTORIC FABRIC TO BE RETAINED
-  HISTORIC FABRIC TO BE REMOVED
-  NEW INTERVENTIONS & CONSTRUCTION



MOURNE PARK HOUSE
HOTEL & SPA
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SUPPLY CHAIN SPEND **£1.7M**



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5.2 BH8 EXTENSION TO A LISTED BUILDING

72



EXISTING ARCHITECTURAL DETAILING & FEATURES OF SPECIAL INTEREST TOTALLY DESTROYED



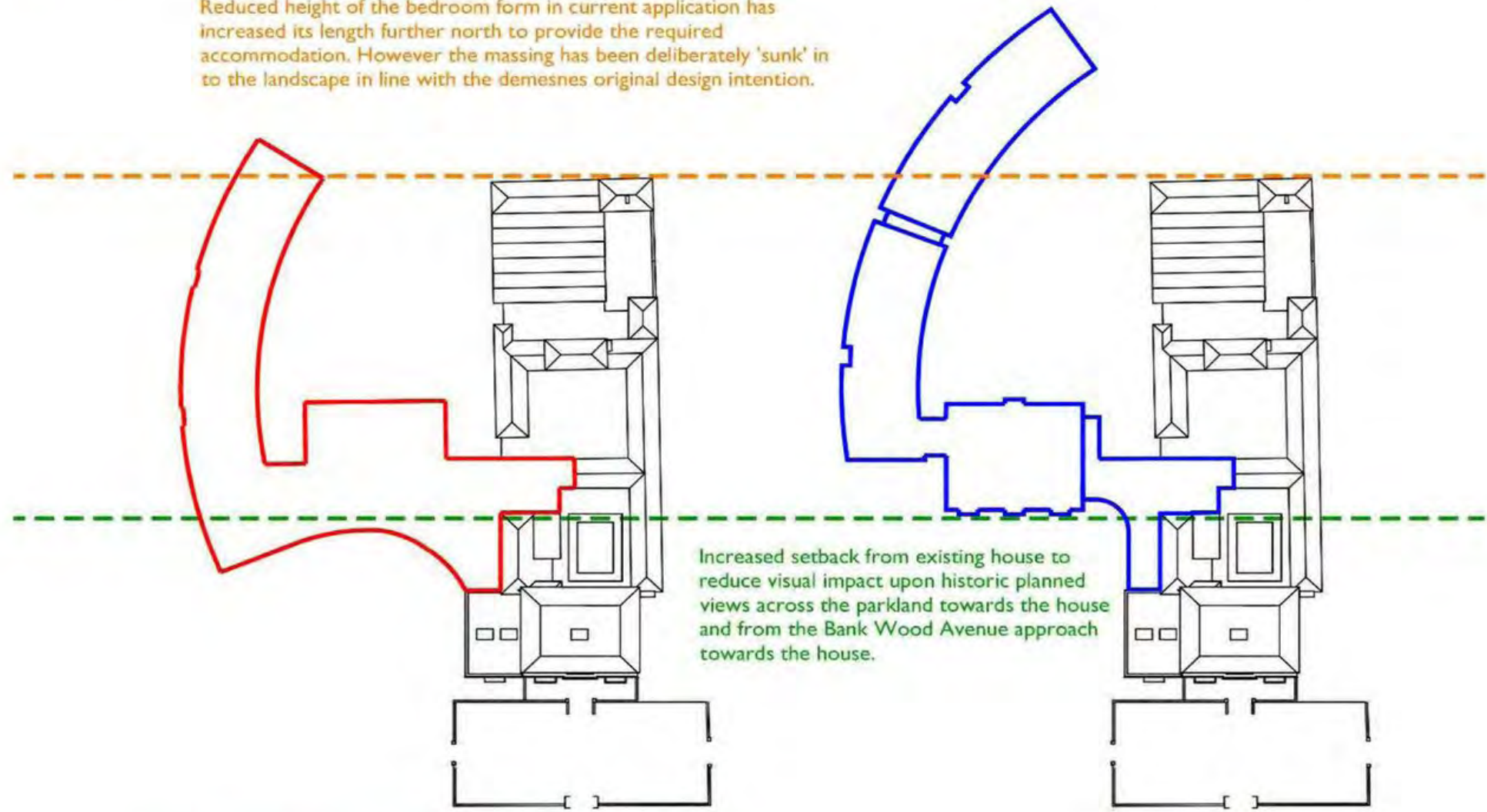
MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**





5.2 BH8 EXTENSION TO A LISTED BUILDING

Reduced height of the bedroom form in current application has increased its length further north to provide the required accommodation. However the massing has been deliberately 'sunk' in to the landscape in line with the demesnes original design intention.



Outline of Pre Application Discussion Application - 04th June 2019

Outline of Current Application



CREATING
430
CONSTRUCTION JOBS



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**

MPH to attract over
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★★★★★

The First 5 Star Hotel
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5.2 BH8 EXTENSION TO A LISTED BUILDING

74



SOUTH ELEVATION

South Elevation from Current Application



Red shading indicated original proposal

SOUTH ELEVATION

South Elevation from Current Application with outline of PAD application dated 04th June 2019 overlayed



THE CONSTRUCTION PROCESS
WILL CONTRIBUTE TO
£30 MILLION
TO THE LOCAL ECONOMY



**CREATING
430
CONSTRUCTION JOBS**



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5.3 BH11 SETTING OF A LISTED BUILDING

75



VERIFIED VIEW A –SOUTH WEST APPROACH - **BEFORE**



MOURNE PARK HOUSE
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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



5.3 BH11 SETTING OF A LISTED BUILDING

76



VERIFIED VIEW A –SOUTH WEST APPROACH - **AFTER**



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EMPLOY **120**
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5.3 BH11 SETTING OF A LISTED BUILDING

77



VERIFIED VIEW B – SOUTH EAST APPROACH - **BEFORE**



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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



5.3 BH11 SETTING OF A LISTED BUILDING

78



VERIFIED VIEW B – SOUTH EAST APPROACH - **AFTER**

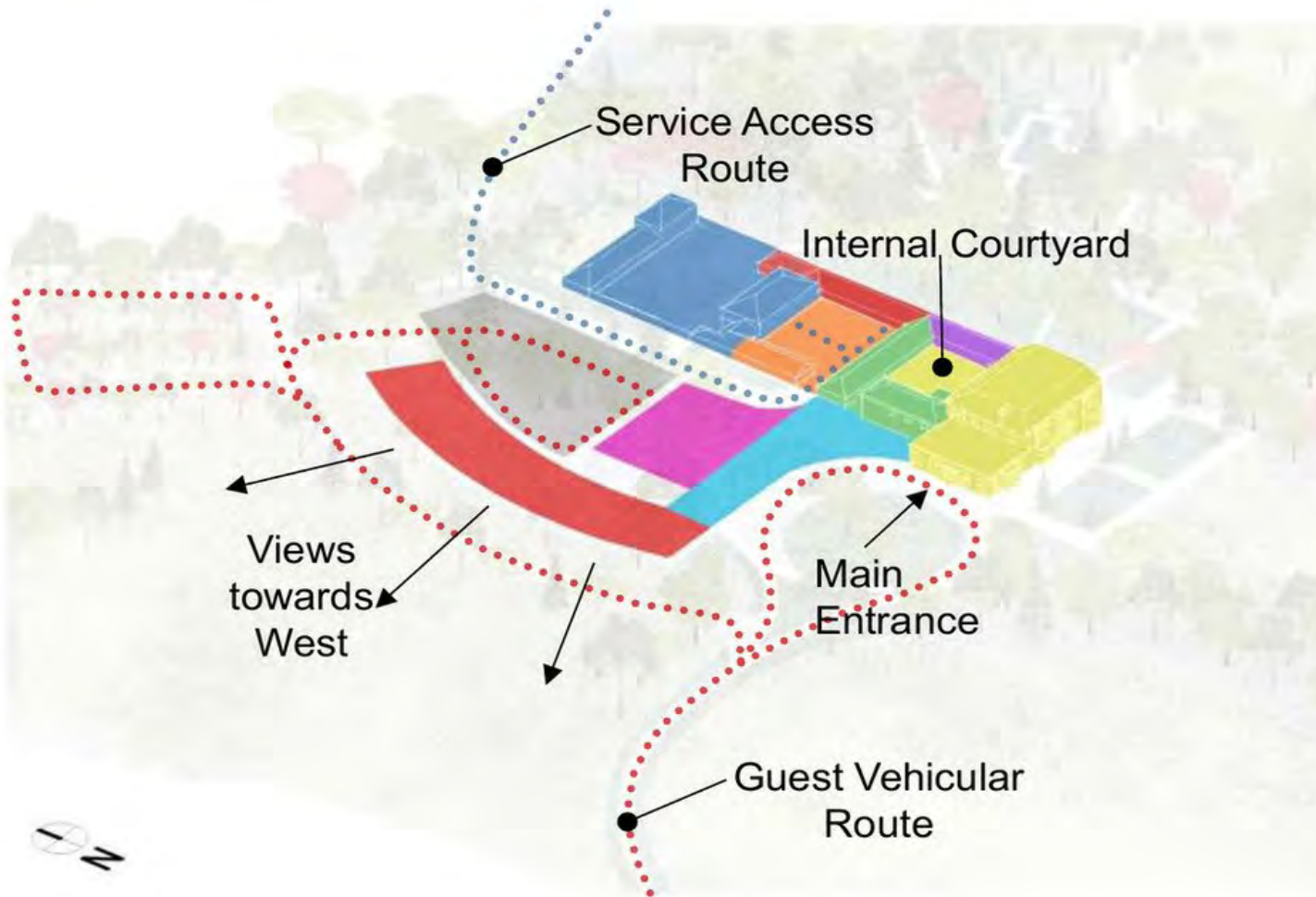


MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



5.3 BH11 SETTING OF A LISTED BUILDING

79



-  Main House – Restaurant / Bar
-  Bedrooms
-  Spa
-  Kitchen / Back of House
-  Function Room
-  Foyer / Bar
-  Service Yard
-  Conference Suites
-  Car Park

Proposed Zoning



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**

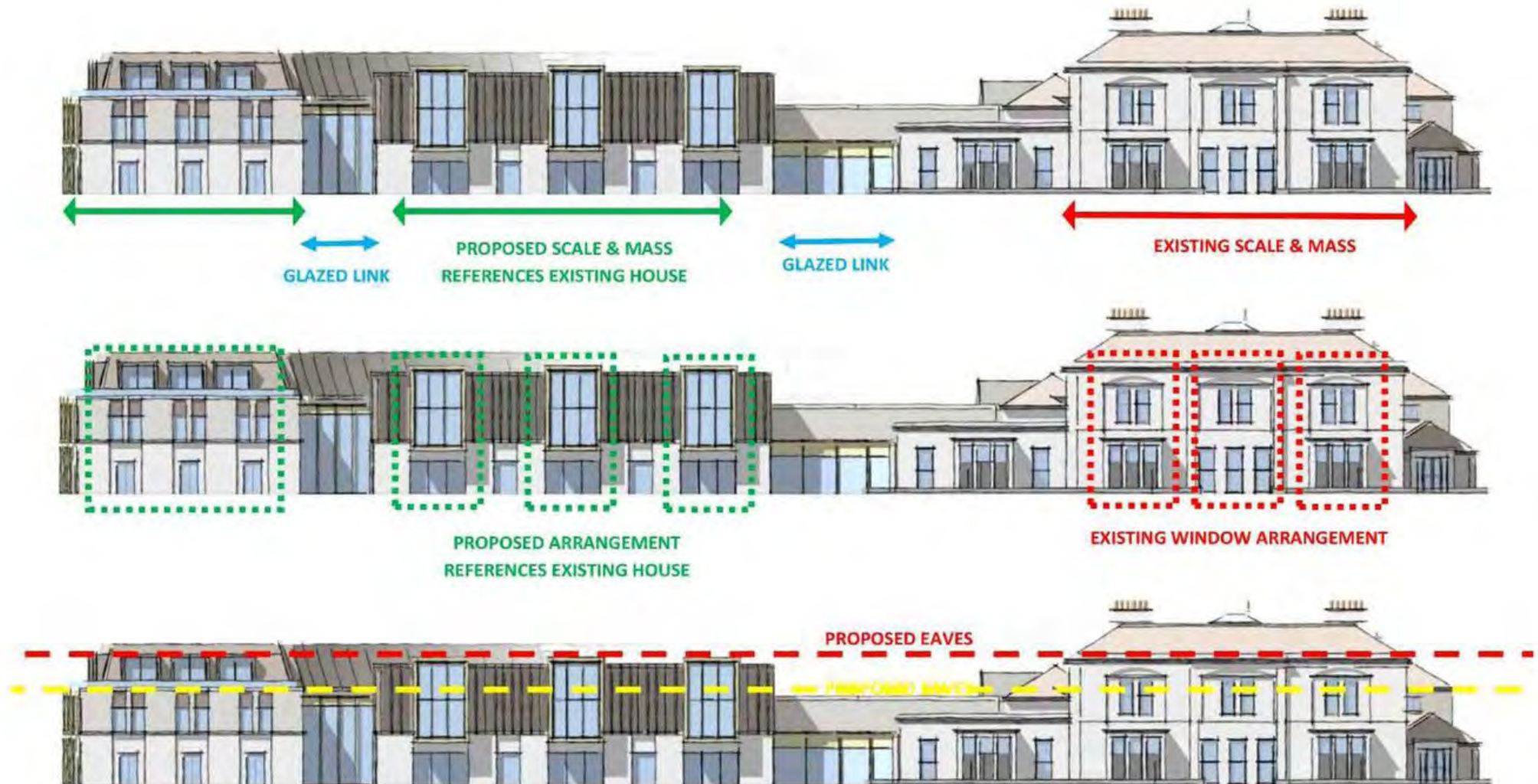


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5.3 BH11 SETTING OF A LISTED BUILDING

80



MOURNE PARK HOUSE
HOTEL & SPA

ANNUAL REVENUE OF
£9.7 MILLION

EMPLOY **120**

£3.5M PAYROLL

SUPPLY CHAIN SPEND **£1.7M**



5.4 BH6 PROTECTION OF PARKS & GARDENS

81



OPENING OF HISTORIC GARDENS

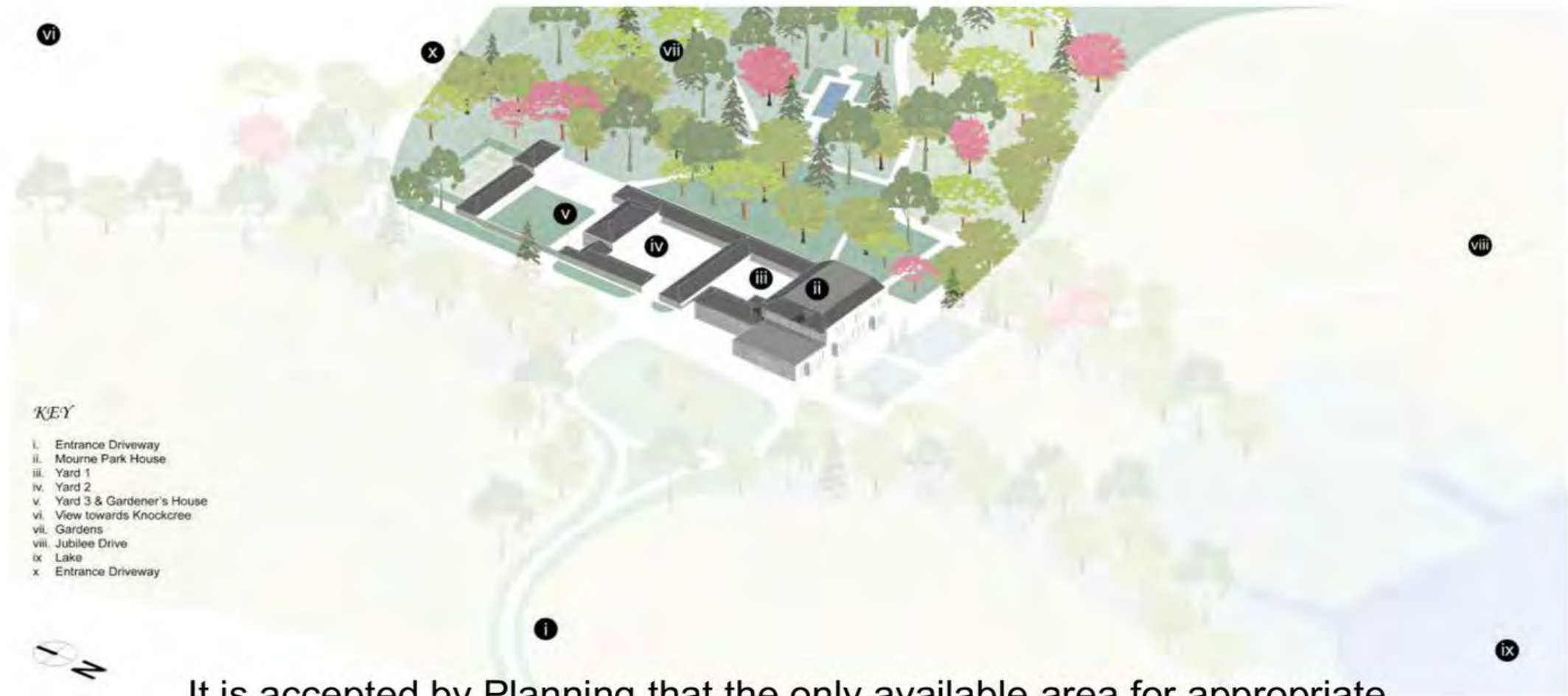


MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



5.4 BH6 PROTECTION OF PARKS & GARDENS

82



It is accepted by Planning that the only available area for appropriate **development** is **to the west** of the existing structures. Great care has been taken not to impact upon the **historic gardens to the east**.



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£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**



5.4 BH6 PROTECTION OF PARKS & GARDENS

83



OPENING OF HISTORIC GARDENS

The proposals will allow the special and **beautiful east garden** landscape to become accessible to the **general public**, whereas they are **currently** private grounds and **not accessible** to the public.



MOURNE PARK HOUSE
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SUPPLY CHAIN SPEND **£1.7M**



5.4 BH6 PROTECTION OF PARKS & GARDENS

84



HED have identified that the domain contains **1,194 acres**.

The development area of the application site is only **10.9 acres**.

LESS THAN 1% OF THE DEMESNE.

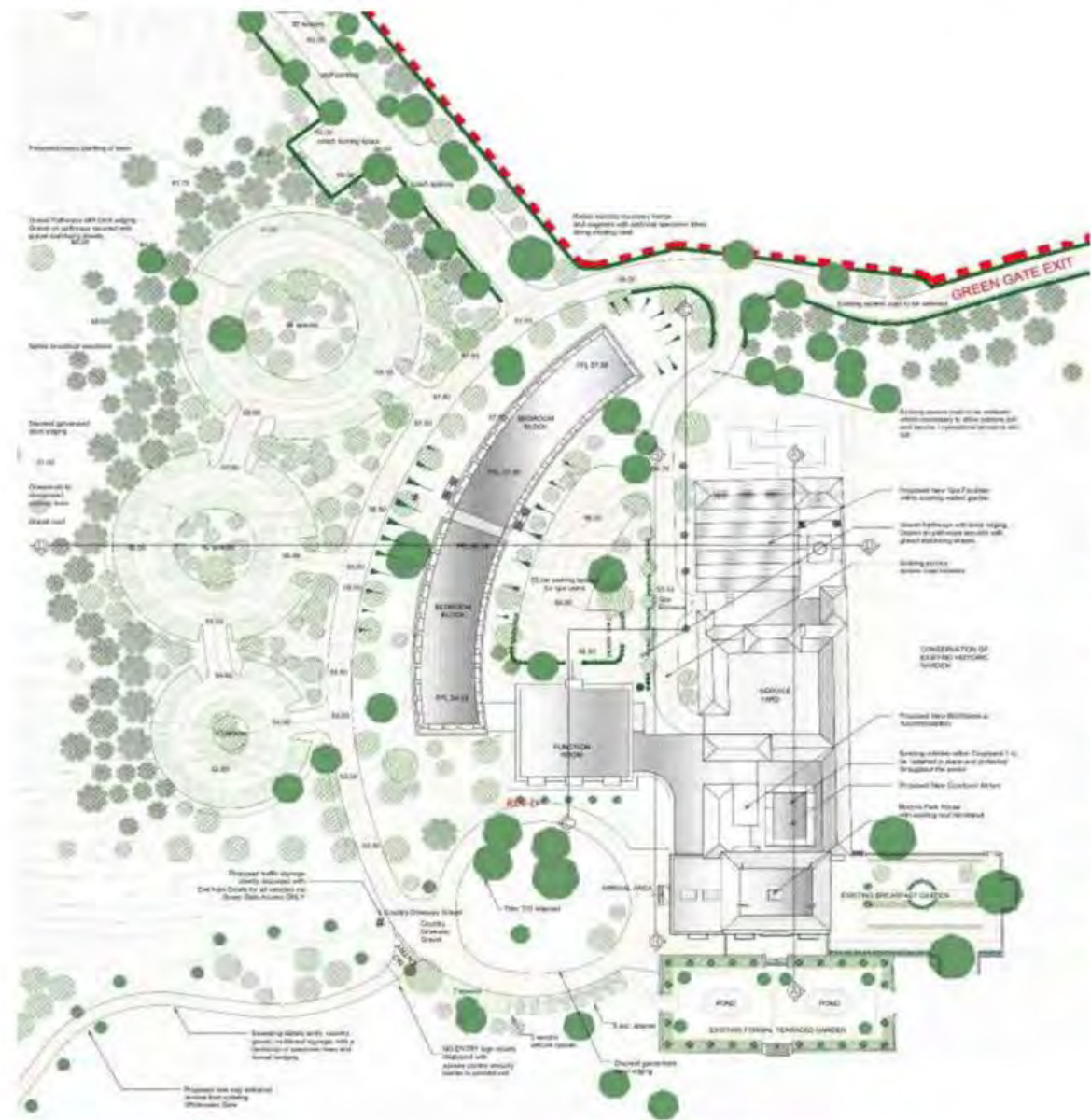


MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PAYROLL
SUPPLY CHAIN SPEND **£1.7M**





5.4 BH6 PROTECTION OF PARKS & GARDENS



Within the development area there are **currently 232 mature trees.**

The submitted application involves **only the removal of 12** – of which many area in a poor state of health.

The application proposes the addition of 340 new trees.



CREATING 430 CONSTRUCTION JOBS



MOURNE PARK HOUSE HOTEL & SPA
 ANNUAL REVENUE OF **£9.7MILLION**
EMPLOY 120
£3.5M PAYROLL
 SUPPLY CHAIN SPEND: **£1.7M**

MPH to attract over **55,000 visitors per year**

The First 5 Star Hotel
 in NMD area and only the **Second in Northern Ireland**



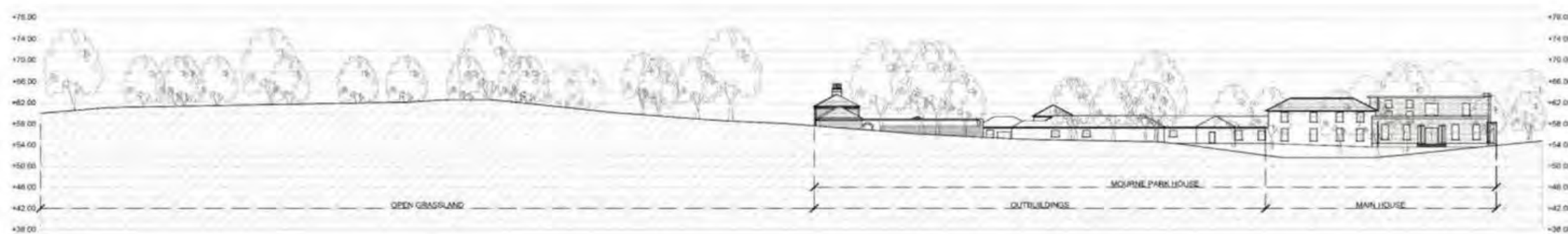
5.4 BH6 PROTECTION OF PARKS & GARDENS

Red hatch – existing ground to be removed

Trees shown in red outline to be removed



PROPOSED SITE SECTION WW - THROUGH PROPOSED CAR PARK AREA



EXISTING SITE SECTION WW - THROUGH PROPOSED CAR PARK AREA



**CREATING
430
CONSTRUCTION JOBS**



**MOURNE PARK HOUSE
HOTEL & SPA**
ANNUAL REVENUE OF
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EMPLOY 120
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SUPPLY CHAIN SPEND **£1.7M**

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5.5 ECONOMIC DETAIL

87

The proposal for a 5 star, 123 bedroom hotel at Mourne Park is to develop a “destination hotel” i.e. a place to stay that is the reason for visiting a country or area because it is special or provides many services or activities. It is envisaged that this property will attract high end visitors for a variety of leisure and business reasons contributing to a sustainable business model. This will be an important, valuable piece of tourism infrastructure for the NMD area. It will provide a reason for visitors to come, stay and spend in the area. It will provide NMD with a property with unique, attractive facilities which it has lacked to date, enabling the area to become more attractive to visitors.

Target Markets:

- Golf
- Weddings
- Spa
- Heritage Gardens
- Fishing
- Experiential Tourism
- Special Events/Meetings/Conferences



MOURNE PARK HOUSE
HOTEL 5 STAR
ANNUAL REVENUE OF
£9.7MILLION
EMPLOY **120**
£3.5M PERROLL
GROSS VALUE ADDED **£1.7M**



5.5 ECONOMIC DETAIL

88

Key features Identified in the Economic Appraisal

123, 5 star bedrooms

Two restaurants

128 seater main restaurant for residents

112 seater courtyard restaurant

220 seater function room and 120 seater pre-function room.

5 meeting rooms

Spa – 7 treatment rooms (room to add 3 more), pool and relaxation area

160 acre estate with heritage gardens and river (fishing potential)



MOURKE PARK HOUSE
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EMPLOY **120**
£3.5M PAYROLL
GROSS VALUE ADDED **£1.7M**



5.5 ECONOMIC DETAIL

89

Competition

NI Hotels - Hotels in NI in the 4/5 star category with some similarity to the proposed Mourne Park hotel are as follows;

Hotel	Location	Star rating	No. of Rooms	Spa	Unique Selling Points
Lough Erne	Fermanagh	5	120	Yes *	Nick Faldo designed golf course and celebrity chef
Slieve Donard	Newcastle	4	180	Yes*	Next door to Royal County Down Golf course. Overlooking Mourne and beach
Galgorm	Ballymena	4	124	Yes*	Thermal village Spa. Large multi location wedding capacity (up to 3 at a time)
Killeavy Castle	Near Newry	4	51	Yes	200 acre grounds. Historic castle. Next to Slieve Gullion and Ring of Gullion
Killyhevlin	Enniskillen	4	71	Yes	Loyal customer base. Overlooking Lough Erne.
Manor House Hotel	Enniskillen	4	78	Yes	Loyal customer base. Overlooking Lough Erne
Dunadry Hotel	Antrim	4	79	Planned	Riverside location, gardens and close to airport

*These spas would be considered large and market leading.

It is notable that these are all rurally located, independently owned and operated. They all operate in similar markets to those proposed for the Mourne Park Hotel.

Canal Court Hotel in Newry would also be considered a competitor for local business. It is 4 star with 110 bedrooms. However it is a city centre property so its overall market positioning is significantly different from what is planned for Mourne Park.

County Louth – County Louth in ROI, is NMD's closest competitor and is a well-established tourism region



MOURNE PARK HOUSE
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SUPPLY CHAIN SPEND: **£1.7M**





5.5 ECONOMIC DETAIL

Original Development Timetable:

Appoint Contractor
Move on Site
Complete Building Works
Interior fit-out period
Site Works Completed
Commissioning Period
Complete Project Programme
Building Handover

July 2021
August 2021
December 2022
October 22 – Feb 23
December 2022
February 2023 – March 2023
March 2023
March 2023

Hotel Opening Date

April 2023



MOURNE PARK HOUSE
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EMPLOY **120**
£3.5M PAYROLL
GROSS ONSITE SPEND **£1.7M**



5.5 ECONOMIC DETAIL

91

COVID RECOVERY

NI Tourism performance showed **notable growth from 2016 to 2019**

- 5.3m visitors to NI – up by 18% (£4.5m 2016)
- £1bn spend – up by 23% (£850m 2016)

COVID - 19

The hospitality sector has had an extremely difficult year due to the pandemic.

However, it is anticipated that regional Tourism will **recover quickly when conditions allow.**

MOURNE PARK HOUSE CAN BE THE CATALYST FOR COVID - 19 RECOVERY



MOURNE PARK HOUSE
HOTEL & SPA
ANNUAL REVENUE OF
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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



6.0 Development Summary

92



The **proposed application** would see the **rescue, restoration and redevelopment** of the historic listed buildings within Mourne Park.

Without this intervention, the entire site would continue to **degrade rapidly to its ultimate demise.**



THE CONSTRUCTION PHASE
WILL CONTRIBUTE APPROX.
£30 MILLION
TO THE LOCAL ECONOMY



CREATING
430
CONSTRUCTION JOBS



MOURNE PARK HOUSE
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MPH to attract over
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6.0 Development Summary

93



Supported by local electorate and business communities.



MOURNE PARK HOUSE
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EMPLOY **120**
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SUPPLY CHAIN SPEND **£1.7M**



6.0 Development Summary

94



OPENING OF HISTORIC GARDENS

The proposals will allow the special and **beautiful east garden** landscape to become accessible to the **general public**, whereas they are **currently** private grounds and **not accessible** to the public.



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6.0 Development Summary

95



Generation of local income by attracting high end golfers. In 2017 it was £39.9m, approximately 123,000 golfers visited NI, spending £2000+per trip. In addition, 60% visit a tourist attraction whilst on their golfing trips. For every **£1 spent on green fees £4 is spent elsewhere** in the economy.



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6.0 Development Summary



THE CONSTRUCTION PROCESS
WILL CONTRIBUTE OVER
£30MILLION
TO THE LOCAL ECONOMY

CREATING
430
CONSTRUCTION JOBS



THE CONSTRUCTION PROCESS
WILL CONTRIBUTE OVER
£30MILLION
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CREATING
430
CONSTRUCTION JOBS



MOURNE PARK HOUSE
HOTEL & SPA

ANNUAL REVENUE OF
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EMPLOY **120**

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55,000 visitors per year



The First **5 Star** Hotel
in NMD area and only the
Second in Northern Ireland





6.0 Development Summary



MOURNE PARK HOUSE HOTEL & SPA

ANNUAL REVENUES OF

£9.7MILLION

EMPLOY **120**

£3.5M PAYROLL

SUPPLY CHAIN SPEND **£1.7M**



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CONSTRUCTION JOBS



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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0843/LBC

Date Received: 15.06.2020

Proposal: Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance.

Address: Mourne Park House, Mourne Park, Kilkeel, Newry

Site Characteristics & Area Characteristics:

Mourne Park house and outbuildings comprise of a double pile/ three bay house with two storeys to front, and three to rear, and two-storey kitchen block abutting NW corner. The main building was largely destroyed by fire in May 2013. It faces to south in a large mature demesne, with three yards of outhouses to rear (HB16/05/009B) and gardener's house behind (HB16/05/009C). The buildings were constructed in the early 19th century in origin but were much altered and extended in the early 20th century. Prior to the fire the buildings had a hipped natural slate roof with flat central leaded section, deeply overhanging eaves to main façade, with timber sheeted soffit and decorated rafter tails to remaining elevations. Abutting to ground floor left is the south elevation of the single storey (billiard room) extension. The porch is c.1900 in style and has a pitched corrugated metal roof. The setting to the front of the house is a three-stage terrace with central linking steps between levels. There is a raised paved area in front of the house, and beyond this a lawned section enclosed by a low granite wall and containing an ornamental pond on either side of a central pathway. Steps link with the lowest terrace, also lawned. All paths have been formed using large concrete blocks. The right elevation has a lawned garden enclosed by a low granite wall to three sides and contains a sundial and a low, rock faced family mausoleum. Beyond, to NW, is a large garden with mature yews, paths and a pergola with concrete block path at the end of which is a pair of wrought iron gates c.1890 leading to a concrete swimming pool which is enclosed by a hedge. The left elevation provides main entrance and has a loop of

gravel driveway, with lawns to the centre and edges. Beyond to all sides the domain has picturesque garden to far right with statuary and pergola etc. The lake to south of house is now mostly silted up.

A series of three yards aligned S-N to north of house (HB16/05/009A) and formed by single storey outbuildings. Each yard is accessed from a lane running up the outside of the west wall.

The demesne, founded in the 17th century, was largely created in its present form in the early 19th century. It covers 1,194 acres (484ha), largely walled and including the mountain behind the house; the present registered area, which excludes the golf course of 112 acres (43ha) in the south-east, extends to 1,082 acres (438ha). The demesne park, enclosed behind a twelve-foot-high granite wall, occupies a remarkably fine site on the south facing slopes of Knockchree (Hill of the Deer) Mountain.

Site History:

P/2003/0865/LB - Mourne Park House, Mourne Park, Ballyrogan, Kilkeel, Co Down, BT34 4LB - Removal of statue known as Ulysees and his dog. – Granted 25.07.2003
 P/2003/1757/LB - Mourne Park House, Mourne Park, Kilkeel, Co.Down, Townland of Ballyrogan - Proposed removal of statue known as Francis Jack The Second Earl of Kilmorey Refused and Appeal Dismissed. 11.01.2005

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge & Newry and Mourne Area Plan 2015
- PPS 6- Planning, Archaeology and the Built Heritage

Consultations:

HED Listed Buildings: Objection to scheme – Contrary to BH 8 (a) & BH 11(a)

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.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

The Planning Department have now assessed, consulted and advertised 4 versions of this proposal. The original submission and 3 revisions. We have also facilitated a meeting with the Agent, Applicant and HED in December 2020 to ascertain if a common consensus could be achieved. This has resulted in the most recent set of

amended plans being submitted and these are the drawings which will be considered in this report.

This proposed development consists of the change of use of the listed building structures of Mourne Park House and its numerous outbuildings together with a large proposed extension to the west of these structures to create a hotel development.

BH 7 assesses the change of use of the listed buildings to hotel use. This policy allows for the change of use to listed buildings where that change would allow for and secure the future upkeep and survival of the building itself. The main building at Mourne Park was substantially damaged in a fire in 2013. The roof is no longer on the main house and there has been significant damage to the internal architectural content of the property. While the change of use to a hotel would secure the upkeep and survival of the building going forward the accompanying new build development and alterations to the listed structure will have an impact on the setting, character and appearance of the listed structure given its scale massing and ancillary works required. This would leave this proposal contrary to BH 7 of PPS 6. The impact on scale, massing and ancillary works will be discussed further below.

The Planning Department have consulted with HED Monuments and Listed Buildings on the proposals to date. HED Listed Buildings branch have assessed the proposal against BH 7 Change of Use of a Listed building, BH 8 Alterations and Extension of a Listed Building, and BH 11 Development affecting the setting of a listed building.

They have advised that the scheme as submitted will impact upon Mourne Park House (Grade B+), House Yards (Grade B1) and Gardener's House (Grade B1), which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division, Historic Buildings, has reconsidered the impacts of the proposal on the listed buildings on the basis of additional information uploaded 08/01/2021, and advises that:

- It falls under a range of advice. Alterations to Mourne Park House and its associated outbuildings and gardener's house may satisfy some aspects of SPPS paragraph 6.13 and PPS BH7 & BH8, subject to further information being provided and assessed. However, in its current form, the proposed extension fails to satisfy SPPS paragraph 6.12 and PPS6 BH8 (a) and BH11 (a).

In assessing the change of use of the listed building to a hotel development, the planning authority have considered the submission from the agent stating that the current proposal for a hotel development is the only financially viable option. He has ruled out options 1, 2, 3 and 5 on this basis. The Planning Authority having assessed the information submitted are mindful that a detailed cost analysis of each option is not available to allow serious consideration to be given to all the options outline as possible alternative uses. Policy BH 7 seeks to ask the developer to conduct *"an assessment of the building and how best to plan a new use which respects the features and characteristics of that building. To find a use first and then seek to adapt the building to accommodate it is likely to result in difficulties and expense as well as an unnecessary loss of historically and architecturally important material."* The policy then requires the decision maker to balance the economic viability against the proposed uses and the impact they would have on the special architectural or historical interests on the building in question. Given the lack of detailed robust cost analysis submitted,

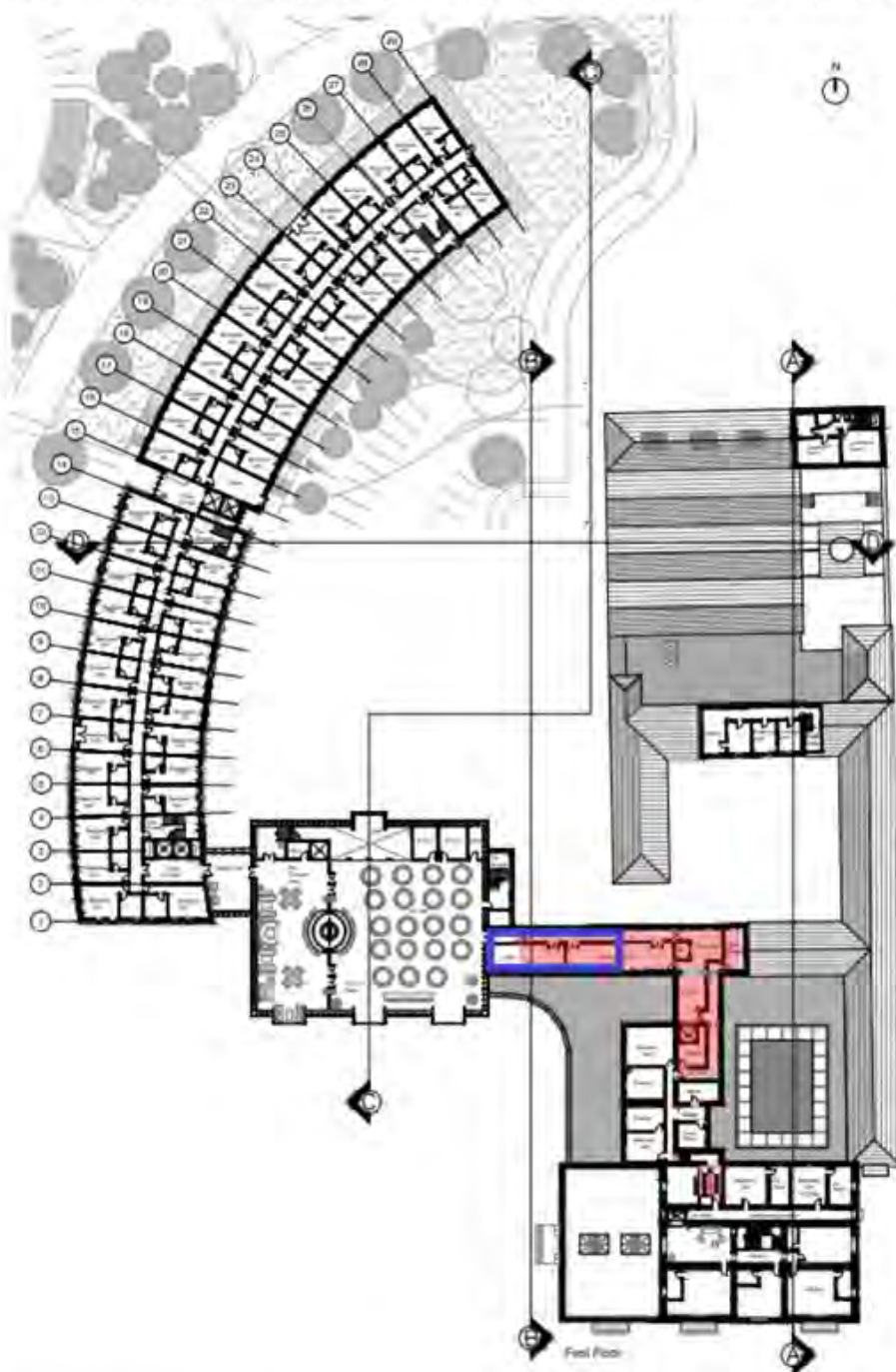
the Planning Department are unable to determine that this proposal meets policy BH 7.

The Planning Department also must consider the proposal under policy BH 8 Extension and Alternation of a Listed Building and BH 11 Development affecting the setting of a Listed Building. HED have formally objected under Policy BH 8 (a) *"the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired"* and BH 11 (a) *"the detailed design respects the listed building in terms of scale, height, massing and alignment"*. The size, mass, scale and siting of the new build accommodation to facilitate the hotel development is of concern to the Planning Department. The new bedroom wing measures approximately 110m in length, and together with the massing, scale and location of the function room, together with the lack of detail provided to demonstrate the level of intervention required to the existing listed buildings on site leaves the Planning Department unable to state that this is an appropriate level of intervention. The agent has been asked to provide working drawings detailing existing & proposed elevations, floor plans and section drawings (at an appropriate scale – usually 1:50) including levels, clearly indicating areas proposed for alteration or demolition must be submitted but has been reluctant to do so to date. This ultimately results in both HED and the Planning Department having insufficient detail to adequately weigh up the appropriateness of the level of intervention of this proposal and its impact on the listed buildings and the setting of the listed buildings. HED having assessed the most recent submission have also requested corresponding drawings SD204 & SD205 to be updated and previously requested sections remain outstanding. These have been requested since Aug 2020. For clarity, they should reflect the 'proposed' version of E-300, E-500 3a-3b, E-501 8a-8b, & E-502 14a-14b (extended to include outbuildings dividing yards 1 & 2) and 15a-15b; and should be at a minimum scale of 1:50 to assess compliance under BH8 (b) and (c).

The development consists of new build accommodation to accommodate 123 new bedrooms and a new function room together with alterations to the several listed buildings on site to accommodate restaurants, spa with pool area, arrivals area and backroom services/function areas. The function room while set back from the front elevation of the main block of the listed structure competes for attention when viewed for the landscaped gardens to the south. This function room together with the large expansion of the newbuild bedroom accommodation will also dominate views and obscure a significant view of the listed buildings structures within the courtyard when viewed from the existing disused entrance road to the south which is proposed to be the main entrance road within this proposal. The agent's letter dated Oct 2020 refers to the Function Room as a 'business in its own right'. Despite efforts to mitigate the adverse impact of this element, its footprint continues to exceed that of the main house. The latter is a neo-classical style house of cube-like form that sits as focal point in the landscape with attached range of outbuildings clearly subservient; this hierarchical arrangement must not be eliminated. The added bulk of the Function Room in such a prominent location is a major contributing factor in our concern that the proposed new-build in comparison to the existing building creates a sense of imbalance which ultimately detracts from the significance of the listed building and its setting.

The removal of the first-floor link is a significant improvement in enabling the visual relationship between the house and outbuildings to remain legible and for the new build elements to be easily reversible. However, refer to Figure 1, below – the

amended first floor plan continues to include the removal of a large portion of the hipped roof between Yards 1 & 2 to provide two lifts in very close proximity, and a number of stores. HED have questioned the necessity for this accommodation in the current location. 1:50 detailed sections as previously described were requested to further assess this impact against policy BH 8 and were not forthcoming.



This will have a detrimental effect the character, setting and architectural interest of the existing listed buildings. It is for these reasons that the Planning Department believes the proposal is contrary to BH 8 (a), (b) and c) and BH 11 (a).

The Planning Department recognises that the only suitable areas for development given the site constraints are to the north, which is restricted in area for development, or to the west. However, this is to be balanced against the size, scale and proximity of

development proposed. We recognised that there will be a significant scale of intervention within the setting of the curtilage of the listed building and its ability to accommodate the scale and mass of new build accommodation proposed, together with the ancillary development required for car parking. The sections submitted should the level of cut and fill required to construct the car parking of approximately 2m in places and this together with the approximately 110m long curved block of new build accommodation will have a detrimental impact on the historic park and would be contrary to BH 11 of PPS 6.

Refusal reasons:

The proposal is contrary to Policy BH 7 of PPS 6, in that, if permitted the proposal would adversely affect the character, setting and historical interest of the listed buildings on site.

The proposal is contrary to Policy BH 8 of PPS 6, in that, if permitted the proposal would adversely affect the essential character of the buildings and their settings; it has not been demonstrated that the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building including the architectural details (e.g. doors, gutters, windows) match or are in keeping with the buildings.

The proposal is contrary to Policy BH 11 of PPS 6, in that, if permitted the proposal would adversely affect the setting of the listed buildings as it has not been demonstrated that the detailed design respects the listed building in terms of scale, height, massing and alignment.

Case Officer Signature: Jacqui McParland

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2018/1093/F

Date Received: 4.07.2018

Proposal: Redevelopment of existing two and a half storey town centre supermarket with street frontage, including demolition of end of terrace kitchen house to the rear, to provide a new two storey extension to the rear comprising additional deli and fresh food retail space, public toilets, storage and forecourt loading bay with canopy.

Location: 18 – 22 Church Street, Warrenpoint extending to and including No 7 Mary Street, Warrenpoint.

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1.** The application site runs from Church Street, on its northern side to Mary Street, on its southern side. Church Street is the main commercial street in Warrenpoint, also providing the main access for through traffic. Mary Street is predominantly residential towards the south east and its character changes to commercial and retail towards its north western section and The Square, the main town centre car park.
- 1.2.** The Church Street frontage contains a 2 storey building, on a double town centre plot, occupied by a supermarket. The supermarket has recently been

extended to incorporate a newsagent. The building is constructed in rendered blockwork with a traditional pitched roof in slate. The first floor windows are vertical in timber and there is a shop-front on the ground floor with an awning.

- 1.3.** The adjacent commercial properties are mainly 2 storey in size and form and this creates a strong uniform frontage to Church Street which has recently been upgraded through a publically funded public realm scheme. A number of the adjacent properties have also been upgraded, incorporating traditional shop front designs in accordance with the Council's Design Guidance.
- 1.4.** The application site is largely open to the Mary Steet frontage to the south. It is located between buildings to the rear of the Eurospar Supermarket to the north-west and 3 small 2-storey residential dwellings to the south-east. The narrow Church Lane provides pedestrian and a single vehicular access between Church Street and Mary Street, beyond which are private dwellings and the Cumann Pheadair Naofa GAA club rooms.
- 1.5.** The site is directly opposite a small public car park at the junction of Mary Street and Thomas Street.
- 1.6.** The site is located within the development limit of Warrenpoint and within the Town Centre Boundary in the Banbridge, Newry and Mourne Area Plan 2015. It includes the site of the former Liverpool Hotel, a designated Development Opportunity Site (WB 30) in the Area Plan. It is designated as an Area of Townscape Character (WB34) and is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Church Street is part of the A2 Protected Route. There is an historic monument, Town Hall, DOW 054:500 to the north of the site, directly opposite.
- 1.7.** This part of the town centre has a range of land uses including residential, commercial and civic buildings.

2.0. SITE HISTORY

LA07/2018/0017/F. Retrospective Application for extension of Fresh Food Centre into existing retail unit at 22 Church Street, Warrenpoint, to include additional floor space and storage at ground floor level only and New Shop Front. Full Approval.

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

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

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 (Planning, Archaeology and the Built Heritage) Addendum - Areas of Townscape Character
- Planning Policy Statement for Rural NI

4.0. STATUTORY CONSULTATIONS:

4.1. A number of statutory consultations were issued, following receipt of the application. Their final comments are listed below:

DfI Roads: No objections 'Following confirmation from planning on the relevant drawings and additional information, DFI Roads are content for the applicant to submit the relevant PSD documentation in 7 Copies.

DfC Historic Environment Division (HED), Historic Buildings & Monuments: No objections subject to planning conditions.

DAERA Natural Heritage and Conservation Areas:

The Land & Groundwater Team within the Regulation Unit have no objections to the development with conditions and informatives, as recommended.

Natural Environment Division: No objections. Informatives are provided.

N,M &DDC, Environmental Health: No objection to revised application form subject to planning conditions.

NI Water: No Objections.

DfI Rivers: No Objections subject to planning conditions.

5.0. OBJECTIONS & REPRESENTATIONS

5.1. Details of the initial application were advertised in the local press and nearest neighbours were notified in August 2018. 18 letters of objection were received, a number from the same addresses. These raised a number of issues: adverse impact on adjacent residential amenity in Mary Street due to noise, nuisance and general disturbance; impact of associated traffic on adjacent road/street network; insufficient supporting data including Transport Assessment, access details, parking surveys; lack of car parking; inadequate capacity of adjacent street network which is not sufficient to accommodate associated traffic; Mary Street often blocked by traffic/parking associated with existing businesses, church and adjacent school; impact of existing GAA clubrooms on residential amenity; unsuitable location for a petrol station (late opening) with underground tank and associated risk of fire; impact of demolition on adjacent buildings; loss of a building within the ATC.

5.2. Details of the revised scheme, referred to at Para 6.1. below, were re-notified in April 2020. Nine further letters of objection were received, a number from the same addresses. Many of the issues raised above in relation to traffic volumes, car parking, location of the proposed loading bay, noise and nuisance and impact on residential amenity were again raised. All of the issues raised were considered as part of the Planning Department's assessment of this proposal.

6.0. PLANNING ASSESSMENT & CONSIDERATION

6.1. The application originally proposed the redevelopment of an existing two and a half storey town centre supermarket with street frontage, including demolition of an end of terrace kitchen house to the rear to provide a new two storey extension to the rear comprising additional deli and fresh food retail space, public toilets, storage, loading bay and petrol filling station

forecourt canopy and underground storage tank. The application was subsequently reduced in scale to address concerns raised by the Planning Department and DFI Roads to omit the petrol station and underground storage tank.

- 6.2. The main issues to be considered, in this assessment, are the principle of the proposed use of the site, the demolition of a building and the design of the new building and its impact within the Area of Townscape Character (ATC), impacts on the amenity of neighbouring properties, road safety and parking and other relevant material considerations.
- 6.3. The Planning Department has carefully assessed the proposal in the context of the planning policy context above, including the statutory development plan for the area. The Planning Department has considered the information submitted in support of this application as part of its assessment.

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

- 6.4. Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states, where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.5. The statutory development plan context is provided by the Banbridge / Newry & Mourne Area Plan 2015. The site is located within the designated settlement limit of Warrenpoint in the above Plan, mainly as 'white land' not zoned for any purpose. It is within the designated Town Centre boundary, an Area of Townscape Character (ATC) under Designation WB34, which gives an extensive description of the key features of the area, and the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB). It also includes the site of the former Liverpool Hotel, a designated Development Opportunity Site (WB 30) in the Area Plan.

Strategic Planning Policy Statement (SPPS)

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- 6.6. The proposal involves the extension of an existing supermarket to provide an additional 955 sq metres of retail space within this town centre location. The Strategic Planning Policy Statement (SPPS) promotes a town centres first approach for the location of new retail facilities and introduces a sequential test for the identification of retail sites. The site is within the designated town centre of Warrenpoint, (there is no designated Primary Retail Core). It fits with the sequential test. The proposed retail use is also on the site of an existing supermarket. The proposed use on the site, including the Development Opportunity Site, is considered acceptable in principle in planning policy terms.

PPS6 (Planning, Archaeology and the Built Heritage) Addendum - Areas of Townscape Character.

- 6.7. Proposals within Areas of Townscape Character (ATCs) are assessed under regional operational policy contained in the Strategic Planning Policy Statement (SPPS) and the Addendum to PPS 6. As there is no significant change to the policy requirements for ATCs following the publication of the SPPS and it is arguably less prescriptive, the retained policy in the Addendum to PPS6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.
- 6.8. The SPPS sets out core planning principles. Of particular relevance to this application is the aim to support good design and positive place making while preserving and improving the built and natural environment. Para 6.21 of the SPPS states that the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.
- 6.9. Policy ATC1 of the Addendum to PPS 6 states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material

contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

- 6.10.** The proposal involves the re-development of Nos 18-22 Church Street, Warrenpoint. The existing building onto Church Street is a 2-storey terraced property that forms part of a strong retail frontage within this part of the Town Centre. It has a broad shop front at ground level, which has been modified in the past to recently incorporate a separate shop front. The roof line has also changed with the removal of a number of chimneys which would have contributed to the townscape. The 1st floor has a more traditional vertical window pattern, in keeping with the prevailing townscape. The building is in smooth render with pitched slate roof.
- 6.11.** The detailed layout and elevation drawings shows the existing retail unit to be retained but with significant intervention to the external façade, roofline and internal layout, including partial demolition. On balance it is considered that the re-development and amount of intervention is acceptable in that the amended layout and design changes to the external façade, as outlined below, will enhance the ATC. The revised internal layout is also an integral part of the overall retail design concept, based on a sweeping central aisle.
- 6.12.** The proposal also involves the demolition of a 2-storey dwelling house fronting onto Mary Street to allow for a rear extension to the Supermarket. The townscape character of Mary Street derives, for the most part, from its compact terraces of small 2-storey residential units, particularly towards the south-east. These provide long uninterrupted uniform building lines, fronting onto pavements, to either side of Mary Street. The narrow Church Lane also contributes to the overall townscape character in this part of Warrenpoint.
- 6.13.** The character of Mary Street changes and becomes more open and commercial towards the north-west, beyond Church Lane. The existing dwelling is part of a group of 3 units of similar scale and design, adjacent to Church Lane. They are immediately adjacent to an area of open space which is being used in conjunction with buildings fronting Church Street. The dwellings appear to have been recently modernised.

- 6.14.** On balance it is considered that the while the dwelling forms part of a group of 3 units, it does not make a material contribution to the overall character of the ATC based on its immediate context and character. On balance it is considered that permission can be granted for its demolition as part of the overall proposal. The remaining 2 units will continue to provide a degree of enclosure to the overall application site and also to King's Lane. Any approval can be made subject to the submission of a Construction Management Plan to detail the method of demolition, particularly in relation to the protection of the residential amenity of the remaining 2 units.
- 6.15.** The proposed design of the building was considered against Policy ATC 2 of the Addendum to PPS6 which requires that new development should maintain or enhance the overall character of the area and respects its built form. Policy DES2: 'Townscape' of the Planning Strategy for Rural Northern Ireland, is also relevant. It requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials.
- 6.16.** The application site occupies a prominent position within the Town Centre and ATC. The designation notes how chimneys punctuate the rigid geometry of ridgelines against the sky. It is also important to maintain the traditional pitch and proportions of the roof together with appropriate solid to void window openings and patterns, design details and materials.
- 6.17.** The Planning Department sought a number of changes to the proposed design to the front façade of the building to ensure the maintenance and enhancement of the ATC at this location. These included: changes to the roofline with appropriate chimneys on the ridge and the use of natural slate; more traditional fenestration patterns and details with appropriate solid to void ratios, including the use of deep cills, reveals and hardwood sliding sash windows; revised commercial/shop front and details, incorporating stall risers; and an appropriate smooth rendered façade with appropriate detailing. These amendments have now been incorporated into the revised

design and are considered acceptable and appropriate to the overall setting of the ATC.

- 6.18.** The proposal also includes a rear extension towards Mary Street. This is based a flat rear extension set well below the main Church Street ridge line. As outlined above Mary Street becomes more commercial in character in the vicinity of the application site with a range of building designs and materials. On balance it is considered that the proposed rear extension, including the canopy, is acceptable within the ATC.
- 6.19.** HED (Historic Buildings) also considered the impact of the proposal on an adjacent listed buildings. It has confirmed no objection subject to a number of planning conditions to ensure the use of traditional and sympathetic materials in the setting of a listed building: roof to fronting building (Church St) shall be blue black natural slate; eaves to fronting building shall be shallow corbel/clipped eaves; rainwater goods shall be metal; and windows shall be timber painted or PPC aluminium; and lighting shall be limited to low level bollards to ensure the proposal is not dominant in the setting of a listed building.
- 6.20.** In this context, the proposal is also considered to be in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland. It also complies with Policy NH6 of PPS2 which applies to development within Areas of Outstanding Natural Beauty.
- 6.21.** Policy NH6 of PPS2 applies to development within Areas of Outstanding Natural Beauty. Following the submission of amended drawings it is considered that the the proposal is of an appropriate design, size and scale for the locality and is in in keeping with the character of the area as discussed above. It also conserves a building of importance to the character, appearance and heritage of the area and respects local architectural styles or materials. It therefore meets all three criteria of this policy.

Planning Policy 3 (PPS 3) Access, Movement & Parking.

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- 6.22.** Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy states that a reduced level of car parking provision may be acceptable to serve a proposal in certain circumstances including; where it forms part of a package of measures to promote alternative transport modes; if it is in a highly accessible location well served by public transport; where it would benefit from spare capacity in nearby public car parks or adjacent on street car parking, where shared car parking is available; where flexibility would assist in the conservation of the built or natural heritage.
- 6.23.** The application is based on car parking provision on-street with no provision for car parking within the application site boundary. The agent submitted additional information, in support of the application, and the nature of the car parking provision. It was stated that the existing supermarket functions with on-street car parking. Details were also provided of the available on-street car parking throughout the Town Centre and rates of vacancy; the site's central location within Warrenpoint; and the availability of public transport. It is considered that this level of information is sufficient to enable an assessment of the application in the context of PPS 3.
- 6.24.** The appropriate level of car parking provision is a matter for the Planning Department to consider as part of its assessment of a planning application, taking into account each site-specific circumstance and all relevant material considerations. The Planning Department acknowledges the need to ensure appropriate car parking generally and also acknowledges the demands that are placed on existing on-street provision in Warrenpoint, as highlighted by a number of objectors. On balance, however, it is considered that flexibility, including a reduced car parking requirement, is justified in this particular instance. This is based on prevailing planning policy requirements and the weight that can be attached to: the nature and unique circumstances of the application, an extension to an existing centrally located commercial development; the specific site constraints and the significant environmental benefits the proposal will bring to the designated Area of Townscape

Character; the level of existing car parking within the area and the availability of public transport. This approach is also appropriate where there is a need to reduce reliance on the private car and congestion and to encourage the use of available public transport facilities.

- 6.25.** It is considered that this application will enhance the Area of Townscape Character and bring significant environmental benefits to a tourist destination. It will enhance an existing commercial use and building in a prominent town centre site and bring increased vibrancy and vitality to Warrenpoint Town Centre.
- 6.26.** A number of objectors raised the issue of the lack of car parking and the impact of this, plus additional vehicular traffic on Mary Street, a primarily residential area. This issue was fully considered, by the Planning Department, as part of its assessment of the application. The application initially included a small petrol filling station sited to the rear, accessed from Mary Street. The application was also originally based on a significant level of rear servicing via Mary Steeet and the use of articulated vehicles.
- 6.27.** During the processing of the application the Planning Department raised concerns about the proposed petrol filling staion which it considered to be inappropriate at this location plus the level of anticipated service traffic on Mary Street. Roads Service also raised concerns and requested further details on the nature of the servicing arrangements, including accurate autotracking diagrams to demonstrate the future movement of service vehicles on adjacent streets.
- 6.28.** The application was subsequently amended, by the applicant, to exclude the petrol filling station. A revised Service Delivery Management Plan was submitted which provided details on future servicing. It confirmed that the extended retail premises will be served from both Church Street and Mary Street, to the rear. Deliveries, via articulated truck, will only take place from Church Street, twice a week. The remainder will be via small to medium sized rigid lorries delivering via Mary Street. All deliveries to the retail building will take place between 10am to 12 pm with the exception on newspapers and magazines. The operator of the retail premises will be

required to comply with the requirements of the Service Management Plan. Business will continue to operate to facilitate trading between 7am and 10pm, 7 days a week. Further auto-tracking details were also submitted.

6.29. The Planning Department acknowledges the concerns raised by adjacent residents, particularly those in Mary Street, on this issue. It also acknowledges the further objections, related to these issues, which were received following the receipt of the amended plans and the reduced scheme. It must be said that the current issues around car parking and vehicular movement in Mary Street go beyond this application. It must also be acknowledged that this development will lead to an increase in vehicular movements in the vicinity of the site. That said it is considered that the applicant has sought to minimise the impact through the amendments to the scheme, including the omission of the petrol filling station. It is also considered that the measures outlined in the Service Delivery Management Plan will minimise the impact on Mary Street. An appropriate planning condition could be attached to any subsequent approval to ensure that the development is operated in accordance with the Service Delivery Management Plan.

6.30. In the light of the above, it is considered that the application is in general accordance with Policy AMP7 of PPS 3 and Policy QD1(f) of PPS 7 in that, given the particular circumstances of the application and all relevant material considerations, an adequate and appropriate provision is available for car parking to serve the proposed development and that an appropriate pattern of servicing will be in place.

6.31. Other Material Considerations

6.32. The impact on the residential amenity of the existing dwellings has been considered by the Planning Department, in consultation with the Council's Environmental Health Department, as part of its assessment of the application. It sought further information and amendments to the application to address its concerns on the potential impact on existing residents, particularly in Mary Street. Environmental Health has also confirmed that it has reviewed the revised application form, Service Management Plan and additional information. It confirmed no objections subject to planning

conditions to restrict the time and nature of service delivery patterns. On balance it is considered that in view of the proposed changes: reduced scale of the proposal, the omission of the petrol station and underground tanks, the reduced hours of operation, HGV's off loading to the front of the premises and delivery time restrictions, the proposal is acceptable within this town centre location.

7.0. RECOMMENDATION:

- 7.1. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is acceptable and can be recommended for approval with appropriate planning conditions. The Planning Department has considered the information submitted in support of this application as part of its assessment.

Case Officer Signature:

Date: 23 December 2020.

Appointed Officer Signature:

Date:

Draft Planning Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans

3. The Design Details and Materials shall be as follows:

- Roof shall be blue black natural slate.
- Eaves to fronting building shall be shallow corbel/clipped eaves.
- Rainwater goods shall be metal.
- Windows shall be timber painted or PPC aluminium.

Reason: to ensure the use of traditional and sympathetic materials in the setting of a listed building and Area of Townscape Character.

4. Lighting shall be limited to low level bollards as dwg 05 Rev 1
Reason: to ensure the proposal is not dominant in the setting of a listed building.
5. The development hereby approved shall be carried out strictly in accordance with the approved Service Management Plan submitted with the application and received on
Reason: to ensure the orderly development of the site and to protect the amenity of nearby residential properties.
6. The hours of operation shall be restricted to 07.00 to 22.00 hours
Reason: to protect the amenity of nearby residential properties.
7. All deliveries, with the exception on newspapers and magazines, will be between 10.00 and 12.00 hours, in accordance with the Service Management Plan.
Reason: to protect the amenity of nearby residential properties.
8. All external Plant which has the potential to create noise will be contained within the plant room as noted on Drawing No and constructed according to said drawing.
Reason: to protect the amenity of nearby residential properties.
9. All external plant from kitchen and air conditioning equipment will be installed in lightwell as indicated on Drawing No
Reason: to protect the amenity of nearby residential properties.
10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction,

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

11. After completing the remediation works under Condition 10 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. The Verification Report must fully verify works to address contamination, including waste assessment and classification (in line with Technical Guidance WM3), waste transfer notes and/or hazardous waste consignment notes and verification of appropriate waste disposal (in line with Waste Duty of Care).

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

12. Prior to the occupation of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

13. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

14. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to

throughout the demolition/construction period. The plan/statement shall provide for:

- A detailed method statement to outline the programme of works and specific measures required to demolish No 7 Mary Street, Warrenpoint. This should include full details of the temporary measures required to protect immediately adjacent residential properties during demolition and the nature of the final remedial works required, including detailed finishes, to ensure the future protection of the adjacent properties.
- Hours of operation. All works and ancillary operations during construction, which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste from the site, during construction, must only take place within the permitted hours detailed above.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

Plus Informatives:



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

Application Reference: LA07/2018/0860/F

Date Received: 12/06/2018

Proposal: Proposed Replacement dwelling

Location: 45 Metres North-East of No 14 Rath Road, Clonallon Glebe Tb., Warrenpoint, Newry, BT34 3RX

Site Characteristics & Area Characteristics:

The application site comprises two parts, one part contains the dwelling to be replaced located to the north of 27 Moygannon Road and the other part is located 45m north east of 14 Rath Road. The dwelling to be replaced is located with an existing farm complex and the proposed replacement dwelling is to be sited at the top of an elevated agricultural field. The two sites are approximately 590m apart as the crow flies but c. 1,024m travelling along the road network. The application site is located within an Area of Outstanding Natural Beauty and is in close proximity to Rathturret (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.



Dwelling to be replaced



Planning Policies & Material Considerations:

This application will be assessed under the following planning policies:

- Strategic Planning Policy Statement for Northern Ireland
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 21- Sustainable Development in the Countryside
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 6- Planning, Archaeology and the Built Heritage

Site History:

No previous history on the application site.

Consultations:

- **NI Water-** Generic response provided
- **DFI Roads-** No objection, conditions provided.
- **Historic Environment Division-** *"HED Historic Buildings has considered the impacts of the proposal on the listed building and advises it exerts no greater harm on the setting than currently exists when considered under policy. As advisors on the historic environment, HED requested additional information on the dwelling on the Moygannon Road to be demolished as part of this application for a replacement dwelling. This has not been provided – HED:HB advise council that the first addition Ordnance Survey map shows a building in this location and it is therefore possibly of historic interest. It is for*

council to determine if the replacement proposal fulfils relevant policy requirements". Conditions were provided. If this application were to be approved it could be retained or further information provided on the possible historic interest raised by HED.

Objections & Representations

Two neighbours were notified on 04/07/2018 and the application was advertised within three local newspapers with a statutory expiry date of 12/07/2018. Neighbours were notified of amended plans and the application was readvertised. Two objections were received outlining the following summarised concerns:

- Concerns with the precedent set in building so close to and outside of the settlement boundary of Warrenpoint
- Precedent for continuing ribbon development along Rath Road.
- A replacement dwelling should be sited 'nearby', the site is not visually adjacent nor visually linked to the existing dwelling
- In the case of this planning submission as a proposed replacement dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. The application site is adjacent to the settlement limit of Warrenpoint/ Burren but within the countryside. The SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for a replacement dwelling in accordance with Policy CTY3.

On 21st August 2018 correspondence was sent to the Agent outlining the following:

- *"The principle of this development is considered contrary to Policies CTY1, CTY3, CTY8, CTY13, CTY14 of PPS21 and NH6 of PPS2 for the following reasons:*
 - *The proposal is not considered to meet the initial test of CTY3 in that the Planning Department are not persuaded the subject building was a dwelling;*
 - *Should you wish to submit evidence to demonstrate otherwise, the principle of off-siting is fundamentally unacceptable, and it has not been demonstrated how this proposal is an exception under CTY3 in terms of siting;*
 - *The proposal is considered contrary to Policy CTY8 in that it would create a ribbon of development along Moygannon Road*

- *The proposal is considered contrary to Policies CTY13 and CTY14 in that the dwelling would be an unduly prominent feature in the landscape, the development would result in the creation of ribbon development and there would be a detrimental change to the rural character of this area.*
- *The proposal is considered to be contrary to Policy NH6 of PPS2 in that the proposal is of inappropriate design, size and scale for the locality and is unsympathetic to the special character of the Mourne Area of Outstanding Natural Beauty”.*

Following issuing this correspondence, a meeting was facilitated between the Agent, Senior Planner and Case Officer. On 25th October 2018 supporting evidence, photographs, amended plans were received. The supporting information outlined the following:

- The applicant does not have ownership or control over existing farmyard or buildings adjacent to replacement building and therefore it is not possible to replace on the site
- Griffiths valuations information and census forms have been provided to demonstrate the building was a dwelling
- Personal information was provided in relation to CTY6. This information outlined:
 - The applicants current dwelling is on a steep incline and surrounded by perimeter walls with mature tree boundaries nearby preventing further development.
 - The current dwelling is three miles from local amenities, public transport systems and family support.
 - The proposed site is the only ground owned by the applicant and would provide the applicants the opportunity to live in a fully accessible home within walking distance to the applicant's niece at 27 Moygannon Road who is their main carer and works part time as a pharmacist assistant.
 - A doctor's letter was provided outlining medical conditions recommending that a single storey dwelling would be required.
- CTY8- any future development on the adjacent land and in close proximity to Rathturret, Listed Building, will result in DFC HED not being content at such future development and therefore contrary to CTY8.
 - To develop other lands on Rath Road was result in an exorbitant expenditure prior to any construction.
 - Presence of high tension electricity wires on other lands is incumbent to further development
 - Precedents of possible ribbon development are apparent at the junction of Clonallan Road and Ballymaconaghy Road and on Donaghaguy Road.
- Examples of nearby dwelling which could be considered as unduly prominent are provided
- The design characteristics: slated simple pitched roof, white rendered exterior, small area of local stone works, no overhanging eaves, fascia's and barged with simple straight lines are incorporated into the proposed dwelling
- Well established natural hedge boundaries are preserved.

A second letter was issued on 7th June 2019 stating that *“the additional supporting information will be considered in the assessment of this application. However, concerns remain in terms of the siting of the off site replacement (CTY3), creation of ribbon development (CTY8), prominence, change to the rural character and creation of ribbon development (Policies CTY13 and CTY14).*

Please note, if you wish the application to be considered under Policy CTY6 additional information will be required to demonstrate that there are compelling and site specific reasons to justify this location. The justification and amplification for Policy CTY6 states that: "Applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.
- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.
- any other information considered relevant to the particular case".

The Agent responded to this correspondence and provided a layout plan for 131 Clonallon Road to try to demonstrate why an extension is extremely problematic at the site due to the high surrounding ground and retaining walls. Also stated an extension would undermine the existing root system of mature trees on northern boundary. It was also stated that genuine hardship would result in comparing the travel distance to medical assistance in Havelock Place from the present dwelling and the proposed site.

In order to comply with Policy CTY3, applications must meet the following criteria:

- *Dwelling to be replaced must exhibit the essential characteristics of a dwelling (as a minimum all external structural walls substantially intact)*

Following the submission of additional information, the Planning Department are content that the building to be replaced exhibits the essential characteristics of a dwelling and is fully intact.

- *Proposed dwelling must be sited within the established curtilage of the existing building (Curtilage is defined as the immediate, usually defined and enclosed area surrounding an existing or former dwelling house).*

The Agent has provided justification as to why a replacement dwelling could not be located within the curtilage of the existing dwelling. The dwelling is adjoined by an agricultural building and located within an existing farm yard which the applicant states he does not own. On this basis I do agree the established curtilage would be too restrictive to facilitate the erection of a modest sized dwelling.

- *The overall size of the new dwelling must integrate into the surrounding landscape and have no significantly greater visual impact than the existing building.*

The dwelling to be replaced is located at the end of a long laneway within a farm yard, set back considerably from the public road. The existing dwelling has limited visual impact on the landscape.

There is no visual relationship between the replacement dwelling and the proposed site given the separation distance and location on different roads. As such, there would be no concept of the proposed dwelling on Rath Road being a replacement for the existing dwelling on Moygannon Road. Even a single storey modest dwelling would introduce built development to an elevated agricultural field in the countryside. The proposal would draw the eye in a way that the existing small dwelling located within a farm yard does not. As such the proposal would have a significantly greater visual impact than the existing dwelling which is contrary to Policy CTY3. The lands may be the nearest lands in the applicants control but there are no overriding reasons why it is essential.

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

A storey and a half dwelling is proposed with a ridge height of 6.5m. The dwelling is proposed to be finished in white rendering, with a stone porch with a zinc roof, a dark grey stonework garage and grey zinc cladding dormer box window. To the rear three velux windows are proposed along with lantern lights along the ridge of the rear projection. Whilst the design is modern, I think it would be difficult to sustain a reason of refusal based on the design proposed.

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

Necessary services could be provided without significant adverse impact on the environment or character of the locality.

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

DFI Roads are content with the access proposed and that it will not prejudice road safety or significantly inconvenience the flow of traffic.

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

Policy CTY6

Throughout the processing of this application information has been provided for the application to also be considered as a CTY6 application even though the application sought approval for a replacement dwelling. The Agent was requested to provide additional to include:

- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence from a medical or health professional.
- details of the level of care required in relation to any medical condition again supported by the appropriate health professional, the identity of the main carer, their current address and occupation.
- an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused.
- details of what alternatives to a new dwelling have been considered e.g. extension / annex to an existing dwelling and why such alternatives are not considered practical to meet the site specific need.
- any other information considered relevant to the particular case

A letter from a doctor has been provided supporting the erection of a single storey dwelling to assist with one of the applicant's mobility problems in the future. It was also stated the applicant niece is the main carer and the proposed site would be within comfortable walking distance to the carer who lives at 27 Moygannon Road. It was further stated that an extension of the applicant's current property is extremely problematic at the site due to the high surrounding ground and retaining walls. It was also contended that an extension would undermine the existing root system of mature trees on northern boundary.

I do not believe that sufficient information has been provided to details the level of care required in relation to any medical condition along with an explanation why the care can only be provided at the specific location and how genuine hardship would be caused if planning permission were refused. I do not believe that sufficient details have been provided to demonstrate that there are no alternative options to alter the current dwelling. The proposal is fails to meet the criterion of Policy CTY6.

Policy CTY8

Planning permission will be refused for a building which creates or adds to a ribbon of development. It is detailed within the justification and amplification that a ribbon does not necessarily have to be served by individual access nor have a continuous or uniform building line. It is considered that if this proposal were granted, the additional two buildings would create a ribbon of development with existing buildings along Rath Road which is contrary to Policy CTY8.

Policy CTY13

Policy CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The application site is a highly elevated and visible travelling along Rath Road from the south east and Moygannon Road. A dwelling on this site would be a prominent feature in the landscape and whilst there are existing natural site boundaries they would not be sufficient to screen a dwelling of this size with such open views. The proposal is contrary to criterion a of Policy CTY13.

Policy CTY14

Policy CTY14 relates to rural character and states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As detailed above, it is considered that a building on the application site would be unduly prominent in the landscape and would create a ribbon of development along Rath Road. The proposal is contrary to criterion a and d of Policy CTY14.

Planning Policy Statement 2- Natural Heritage

Policy NH6 relates to areas of Outstanding Natural Beauty and states that planning permission will only be granted where it is of an appropriate design, size and scale for the locality. The siting and scale of this proposal would not be sympathetic for this open elevated site and would not be sympathetic to the surrounding area or the sites located within the AONB. The proposal is contrary to Policy NH6.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
3. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been compellingly demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
4. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Rath Road.
5. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape
6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
7. The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty.

Case Officer Signature: Elaine Hart

Date: 14-09-2019

Appointed Officer Signature: M Keane

Date: 15-08-19



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

RECONSIDERATION REPORT JANUARY 2021.

LA07/2018/0860/F- RATH RD, WARRENPOINT

Background

This is a Full application for an off-site replacement dwelling on lands off Rath Rd, Warrenpoint.

As stated in the original Planning Officers report both the location of the existing structure to be replaced and the siting proposed are located in the countryside. The key policy context is provided by PPS21 and SPPS.

The application was initially recommended for Refusal, being contrary to Policies SPPS, CTY1, CTY3, CTY8, CTY13, CTY14 and CTY6 of PPS21 and NH6 of PPS2. The application was presented to Planning Committee in Sept 2019 at which time it was deferred to allow the submission of further information and clarity and for discussions between the Planning Department and Applicant/Agent.

An office meeting was facilitated in Feb 2020 (Note attached to file) whereby the various issues and concerns, as per the reasons for refusal, were discussed.

Further supporting information has been received from the agent for consideration which advises the following:

- The applicants only own the subject building and the field outlined in red along Rath Rd. The remaining lands around the subject building and holding are owned by extended family.

Also, if they are required to replace the dwelling in-situ the following points were advanced:-

- Access and sight line improvements would be required, which they do not own/control,

- Some of the other lands on the holding are elevated whereby any new dwelling would be prominent,
- Health and Safety and amenity concerns prevent a dwelling being erected in the immediate environs of the existing building,
- Applicant is unable to widen or improve the laneway as does not own it. Only has a Right of Way,
- The access can be prone to flooding,
- There is a rath on the holding that could be impacted upon if a replacement dwelling was sited here, while this portion of lands are also elevated,
- Other lands around the subject building are discounted due to flooding constraints,
- With regards to the siting on Rath Rd, this site was purposely chosen. The dwelling could be moved to a lower portion of this field however this is more prominent and exposed. Siting it on a lower portion closer to the adjacent nursery could create urban sprawl and would mar the distinction between the settlement limit and countryside,
- The main critical views of the proposed site are medium to long distant ranges which will be side on and not full frontal. The dwelling will also be sited close to boundaries,
- The proposals have been amended to alleviate concerns with ground levels reduced by approx. 2m and orientation amended to reduce the profile. No visually obtrusive ancillary works such as retaining walls are proposed,
- The house type has been amended to reduce the overall scale, bulk and massing,
- A significant portion of the dwelling will be obscured within the site and will be carefully sculpted into the site and existing contours.

This supporting information included a detailed covering letter, farm complex constraints map, Rath Rd visuals, existing and proposed block plan and detailed plans, and land registry information.

Reconsideration.

The application has been reviewed and additional supporting information considered. The following comments are made.

This subject building to be replaced comprises a small single storey rectangular shaped structure which is located in an existing farm complex, set back some 250m from the Moygannon Rd, accessed via a private laneway. This laneway serves several properties at present. This existing structure is not readily visible from any public view point, while the adjacent farm complex grouping also has minimal impact from any public viewpoint.

The siting proposed, comprising a portion of a field, is located along the Rath Road opposite No. 14.

The proposed site is located approx. 580m from the existing building as the crow flies, however is some 1000m (1km) when travelling by road. There is no inter visibility between both locations.

The Planning Dept has previously accepted the subject building exhibits the essential characteristics of a dwelling. The primary concern in the first instance relates to the off-site location proposed.

With regards to the existing structure and site it is noted the applicant only owns the subject building and no other lands. All other lands and buildings in the vicinity of the existing building are owned by extended family.

The comments from HED regarding the subject building are also noted, whereby the applicants have also advised they are content to retain the existing building.

It is however noted that the subject building is not currently a Listed Building or a vernacular building. The applicant would not be required to retain the building under current policy and the offer to retain the existing building is given limited weight in this assessment.

While the applicant does not currently own any other lands in the vicinity of the existing structure the agent has provided a map showing alternative sites on the farm complex/holding in an attempt to discount them.

While it is noted the existing structure forms part of a farm complex and is restricted and constrained to a degree, there are other lands immediately adjacent which could accommodate a dwelling. This may involve removing the existing building or acquiring additional lands however it is considered such costs or requirements are not unreasonable.

Both the applicant's circumstances and constraints of the area are noted, however such are not considered that uncommon in a countryside location or unique to this site.

On this basis, it is considered there are sufficient lands available at the location of the existing building to accommodate a modest replacement dwelling without offending policy. The extent of the existing established curtilage is not readily apparent, however following review of the case it is considered an on-site replacement or a site immediately adjacent is achievable. As such there is no justification for an alternative site elsewhere.

It is noted there is an unscheduled rath to the west of the existing subject building, as alluded to by the agent. The boundary of this rath to the gable of the existing structure is approx. 110m. While further comment would be required from HED Monuments in this respect, it is not expected a small decrease in the separation distance to this rath would raise fundamental objection, if a modest size replacement was sited slightly closer.

As stated above the siting proposed is located some distance away along Rath Rd. Policy CTY3 of PPS21 sets out the policy requirements for all replacement dwellings.

With regards siting the policy states:-

The proposed replacement 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.

Also, 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.

In this context it is considered that the proposal does not comply with this policy for the following reasons:

- the proposed replacement dwelling is not sited within the established curtilage of an existing building;
- the curtilage of the existing building to be replaced could accommodate a modest sized dwelling;
- the proposed dwelling is not sited to be 'nearby' the building to be replaced due to the separation distance. It is located approx. 580m from the existing building as the crow flies, however is some 1000m when travelling by road. The existing building, to be replaced, is set back off the Moygannon Rd accessed via an existing laneway and forms part of a grouping, which have no presence or relationship with the siting proposed along the Rath Road; and
- the proposed alternative site would not result in demonstrable landscape, heritage or amenity benefits as it is located within in the middle of an open elevated field. In fact, the proposed siting and associated ancillary engineering works are considered unacceptable when assessed against CTY 13, CTY 14 of PPS 21 and Policy NH 6 of PPS 2, for reasons outlined below and elsewhere in the case officer's report. In contrast, the existing building, sited along the Moygannon Rd, is not readily visible from any public viewpoint, however any dwelling and associated site-works on the currently undeveloped siting proposed will undoubtedly be visible from stretches of both the Rath and Moygannon Roads. While the amendments made to the ground levels and house type have been noted it is considered the siting proposed within the middle of an open field will have a visual impact significantly greater than the existing dwelling and fails this aspect of the policy.

Accordingly, it is considered the proposals remain contrary to Policy CTY3 of PPS21.

Also, it is noted from the recent submission the applicant proposes to reduce the ground levels to try and overcome concerns, however earthworks such as cut and fill to aid in integration are not an acceptable design solution, and in itself are contrary to Policy CTY13.

The retention of the 2 existing boundaries, and proposals for the new boundary fronting Rath Road are noted and welcomed however concerns remain, due to the open and elevated nature of the site and the proposal is considered contrary to CTY13 and CTY14 and also Policy NH6 of PPS2 for the same reasons as previously advanced.

It is however accepted the site layout plan including extent of curtilage does not fail policy CTY8, while no case is being advanced regarding policy CTY6.

In summary, the application remains to be considered unacceptable and is recommended for Refusal for the following reasons, and is to be returned to the Planning Committee.

Recommendation: Refusal.

Refusal reasons:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- The proposal is contrary to Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it is not sited within the established curtilage of the existing building which could accommodate a modest sized dwelling and the alternative proposed siting would not result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape, fails to blend in with existing slopes and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, would create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
- The proposal is contrary to Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be unsympathetic to the special character of the Area of Outstanding Natural Beauty.

Signed: M Keane 05-01-2021

Authorised Officer: P Rooney 05-01-2021

Permission is sought for an off-site replacement dwelling. Officers accept that the existing structure is part of a farm complex, and is constrained and restricted – in their own words. The applicant does not own any land adjoining the dwelling to be replaced. There is simply no prospect of him replacing the dwelling in-situ (which is the suggested solution), because a modern dwelling is larger than the dwelling to be replaced, which is blighted by an inadequate access as well as its lack of amenity offering due to its position within a farm yard.

Officers feel the applicant could purchase more land to build the house, improve the access, and develop a garden and parking area. That is contrary to the entire purpose of a planning application – to develop one's own land. The point of a planning decision is not to suggest improvements that could be made through the acquisition of all the essential components of a development site – i.e. building plot (since a direct replacement would not meet modern living standards); access; and amenity area. That simply suggests that there is no foundation to any "alternative" proposal. Much appears to hinge on the fact the existing dwelling is barely visible in the landscape. A degree of pragmatism is required here, because no matter what is approved it would have a greater visual impact than that of the dwelling to be replaced. Due regard has to be paid to the applicant's unique circumstances, which prevent an on-site replacement. Decision-makers should be able to depart from the Policy, on the basis that it does not neatly address a situation where an existing dwelling is of limited visibility or is not visible at all. Case law does allow for departure from policy, especially where the policy could not have anticipated the myriad situations that could have arisen.

In relation to the refusal recommendation, officers place great weight on the fact there is no intervisibility between the existing dwelling and the proposed siting of the new dwelling. The Council would be making a grave mistake if any weight was given to this matter, because the policy does not contain a requirement that the existing and proposed siting shall be inter visible. All that is required is that the alternative location is "nearby". Officers over emphasise the separation distance between the existing and proposed buildings, travelling by road and under emphasise the true separation distance (550 metres as opposed to 1km).

If officers feel that a suitable alternative to this proposal is to construct the dwelling on lands not under the applicant's control, we would alert members to planning case law on the subject of suitable alternatives – *Tesco Stores Limited v Dundee Council [2012] UKSC 13*. Lord Hope found at para 38 that: –

The words "the proposal" which appear in the third and fifth of the list of the criteria which must be satisfied serve to reinforce the point that the whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer.

Here too the context indicates that the issue of suitability is directed to the developer's proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer's assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.

So the case law is clear, that in deciding whether an alternative is suitable or not, the decision maker is compelled to apply its policies in the real world and assess the proposal before us, not some artificial proposal that could not be developed by this applicant since he has no control over those lands. The only proper means of assessing the availability of alternative / suitable sites, is by having regard to lands that are under the applicant's control, not lands that he has no control over.

Decision-makers are required to be reasonable in determining planning applications. But officers actually state that they consider the cost (of acquiring additional lands) is not unreasonable. This appears to be an absurd means of

determining a planning application. It represents an inexcusable lack of awareness of the role of the planning system, to determine actual proposals and not to expect developers to discount hypothetical solutions on third parties' lands or to accept that a hypothetically better proposal on someone else's land could warrant the refusal of his application. Officers note the applicant's circumstances and note the constraints of the area. They feel that these are not uncommon or unique to this site. To the contrary, the issues are unique to this site since the applicant does not own any other lands, upon which officers feel this proposal could be sited. Notwithstanding, whether the issue is common or not is immaterial. The key issue is whether or not the applicant's access, or amenities, in particular, could be improved if the alternative location hereby chosen is accepted. The answer is unquestionably yes, in which case we remind officers when an off-site replacement can be permitted: where there are landscape, heritage, access OR amenity benefits.

Whereas officers state that they note the applicant's circumstances, they also indicate that a medical or personal circumstances case has not been advanced. However, that is the entire rationale behind this application. Perhaps the applicant's personal circumstances are not sufficient to warrant a permission in its own right. That is not what is requested. What is requested is that the applicant's personal circumstances be treated as a material consideration in determining whether or not it is reasonable to expect the applicant to build the new house in-situ. We suggest this is not the case.

There is a major flaw in officers' analysis: they actually opine that there are sufficient lands available at the existing location. But how can an applicant be expected to construct a dwelling on lands he does not own. Officers feel an on-site replacement, or a site immediately adjacent is achievable. Land registry maps prove otherwise: the applicant has no prospect whatsoever of being given adjacent lands, nor is there any prospect of acquiring additional lands since this would only serve to impede a third party's continued agricultural operations on his farm.

Officers identified another suitable alternative and suggest that moving the replacement closer towards a nearby rath is a suitable alternative, notwithstanding that the applicant does not own the said land.

Officers feel that the curtilage to the existing dwelling could accommodate a modest-sized dwelling, despite earlier conceding that the existing dwelling is constrained and restricted ("located in a farm complex"). They also state that "the extent of the existing curtilage is not readily apparent". If the curtilage is not apparent, how can the decision-maker state that a modest size replacement could be accommodated in this curtilage?

Officers state that the proposal is sited in the middle of an open elevated field. It is actually located close to two field boundaries. While parts of the field are elevated and slightly open, this is a drumlin landscape and views inwards are heavily filtered. It is said that site works will be visible from nearby roads. The test is not invisibility. Being visible does not render the proposal contrary to Policy. Officers fail to elaborate on the extent to which the proposal is visible, or to elaborate on the nature of the views inwards.

Officers express concern about the applicant's proposals to reduce the ground levels within the site. They say that earthworks such as cut and fill are not an acceptable design solution. However, there is no fill to be added / shifted, and what the policy actually tries to prevent is someone cutting into a hill, creating an artificial platform. That will most certainly not happen in this case.

Officers dismiss this as an open and elevated site. However, the terrain rises through and beyond the site, offering a backdrop. The site is not actually as open as has been suggested, and the critical views are so limited, that impact upon the wider landscape will be negligible. Because the site does not appear as prominent as has been suggested, and because the alternative suggested by officers is not in fact suitable, we respectfully request the Committee to approve this proposal.



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

Application Reference: LA07/2019/1447/O

Date Received: 26/09/2019

Proposal: Single storey dwelling on a farm with detached garage

Location: Site immediately opposite and south-west of 19 Ballydesland Road, Warrenpoint, BT34 3QB

Site Characteristics & Area Characteristics:

The application site comprises an irregular shaped agricultural field located at the junction of Ballydesland Road and Lazy Hill. The site contains one small building adjacent to the agricultural gate which allows access to the site. The site boundaries are formed by hedgerows. The application site is located outside any defined settlement limits and within Site of Local Nature Conservation Importance NC 03/141.



Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

Application Site: There is no relevant history on the application site.

Consultations:

- **NI Water-** Generic response provided.
- **Historic Environment Division-** HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- **DAERA-** Confirmed the farm business has been in existence for more than six years, that the business has claimed through the Basic Payment Scheme or Agri Environment Scheme in each of the last six years and that the application site is on land for which payments are currently claimed by the business. DAERA also advised that the name and addresss of the owner of the active farm business quoted on P1C at Q1(b) does not relate to the business id quoted at Q1(d)(i).

This was raised with the Agent who advised that the original farm owner is deceased and the process has begun to change the name. Correspondence with DAERA on the matter was also provided.

- **DFI Roads-** No objections to the proposal subject to conditions.
- **NIEA-** Natural Environment Division requested the following additional information:
 - Clarification regarding plans to either demolish or retain the existing farm building on site (present in Drawing No.02 'Conceptual Site Plan)
 - A Northern Ireland Biodiversity Checklist or a Preliminary Ecological Appraisal.

The Agent confirmed that the building would not be demolished and provided a Biodiversity Checklist. Natural Environment Division has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.

Objections & Representations:

Five neighbours were notified of the application and it was advertised within three local newspapers with a statutory expiry date of 06/112019. No objections or representations have been received.

Assessment:

The site lies outside any settlement limits defined by the Banbridge/ Newry and Mourne Area Plan (2015).

Strategic Planning Policy Statement for Northern Ireland

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

PPS21- Sustainable Development in the Countryside

Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. This application seeks full planning permission for a new dwelling house and detached garage on a farm and as such Policy CTY 10 is applicable.

On 24th July 2020 the Agent was advised that the Planning Department are of opinion the application fails to meet criterion c of CTY10 as the proposed dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm and on this basis the application will be recommended for refusal. Additional information for NED and the DAERA response was also requested.

The requested information was provided by way of Biodiversity Checklist and correspondence to address the DAERA query, no information has been received to provide supporting information as to why the proposal complies with Policy CTY10 c.

Policy CTY 10 states:

"Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least 6 years;*
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years from the date of the application. This provision will only apply from 25 November 2008; and*
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
 - Demonstrable health and safety reasons; or*
 - Verifiable plans to expand the farm business at the existing building group(s).*

In such circumstances the proposed site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16.

Planning permission granted under this policy will only be forthcoming once every 10 years”.

The application will now be assessed against the requirements of policy CTY10 based on the information submitted to date:

- a) DAERA have confirmed the business ID has been in existence for more than six years, that the Business ID submitted claims for Single Farm Payments or Agri Environment Scheme in each of the last 6 years and that the application site is on land for which payments are currently being claimed by the farm business. The proposal meets criterion a.
- b) A planning history search has not identified any dwellings or development opportunities which may have been sold from the farm holding.
- c) The farm is registered to 19 Ballydesland Road which is located opposite the site to the east. Due to the sites physical detachment from the farm complex and its position on at a junction I do not consider that the application site reads with the complex on the opposite site of the road. The application site contains one singular policy and as such the proposal fails to cluster or be sited beside an established group of buildings on the farm.

Policy CTY 10 also states that exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either; demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group. No justification has been provided to demonstrate exceptional circumstances.

The proposed development would not be visually linked to the established group of buildings on the farm and as it is not an exception under Policy CTY 10 it would fail to meet criterion (c) of Policy CTY 10 of PPS 21. As fails to meet criterion (c) of Policy CTY 10 of PPS 21 it also fails Policy CTY 1 of PPS 21 and is not acceptable in principle in the countryside.

This approach has been adopted in appeal decision 2019/A0188 and 2017/A0177.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. To the south the site is adjoined by No 18 and to the north by Lazy Hill. The application site does not qualify as an exception to Policy CTY8 as it does not represent a small gap site within an otherwise substantially and continuously built up frontage. The approval of a dwelling and garage on the application site would create a ribbon of development Ballydesland Road which is conflict with Policy CTY8.

Policy CTY 13 requires new buildings in the countryside to be visually integrated into the surrounding landscape. A new building will be unacceptable where it will be a prominent feature in the landscape, where it lacks long established natural boundaries or is unable to provide a suitable degree of enclosure or where it relies primarily on the use of new landscaping for integration.

It is considered that subject to a ridge height condition and suitable design a dwelling on the site would not appear as prominent in the landscape. However, as outlined above, the proposal would not be visually linked or sited to cluster with an established group of buildings on the farm and would be contrary to criterion g of Policy CTY13.

Policy CTY 14 states that permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. A new building will be unacceptable where it is unduly prominent in the landscape and where it creates or adds to a ribbon of development. As outlined above, the proposal is contrary to Policy CTY8 and therefore conflicts with criterion d of Policy CTY14.

PPS3- Access, Movement and Parking

DFI Roads have been consulted on this application and are content subject to conditions.

PPS 2- Natural Heritage

Policy NH 4 relates to Sites of Nature Conservation Importance – Local and states that planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on a Local Nature Reserve or a Wildlife Refuge. The application site is within a Site of Local Nature Conservation Importance (SLNCI), Burren Lowlands, however NED consider it unlikely that the proposal will significantly impact this SLNCI

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm and health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. This refusal notice relates to the following plans: 27701SE, P02
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballydesland Road.
4. The proposal is contrary to criterion g of Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to criterion d of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, create a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer Signature: E. Hart
Date: 08/12/2020
Appointed Officer Signature: M Keane
Date: 10-12-2020

Representation Against Recommendation To Refuse

Application Ref	LA07/2019/1447/O
Applicant	Alan Lawson & Katie Dinsmore
Site Location	Site immediately opposite and south west of 19 Ballydesland Road, Warrenpoint, BT34 3QB
Proposal	Single Storey dwelling on a farm with detached Garage
Neighbour Notification	No objections
Statutory Consultations	TNI No objections DAERA Acknowledged that Criteria (a)&(b) under CTY10 satisfied. HED No objections NIEA No objections subject to retention of existing farm building and retention or replacement of indigenous boundary treatments.

Considerations:

Planning Services are content that (a) the farm business has been in existence in excess of 6 years, and, (b) no development opportunities have been sold off.

The issue is whether the application site visually links to or is sited to cluster with an established group of farm buildings. In my opinion it does.

The attached visuals, (Figs. 1 & 2), show the proposed site in context with existing farm building, baling, and existing entrance. Also, adjacent farm buildings, neighboring property, and mature natural landscaping. Planning Services are incorrectly dismissive of the existing farm building on the proposed site, (Fig. 3). This building provides visual integration required by CTY 10. Additionally, (and in general accordance with the same policy), the proposed access lane, as shown on the site concept plan, (Fig. 4), is on existing stoned ground and may be accessed from the more minor road, Lazy Hill. By consultation TNI also noted that the application also provides planning gain by improving poor visibility egressing from this road.

Other locations within the farm holding, more acceptable to Planning Services, have been considered, (e.g.) due North of existing barn. However, this would reduce the farm holding by destroying intensively farmed, and strictly rotated, arable land. I believe the quality of this land is evident from the bird's eye view (Fig. 1). A location due east was also considered. However, this is farmed in the same way. Additionally, it is directly opposite a large farmyard and milking shed owned by others. This would have obvious health & safety repercussions.

The proposed site, on the other hand, is described in the Biodiversity Checklist & Preliminary Ecological Assessment as"poor improved pasture that is grazed and managed and of low conservation value" ...

The Professional Planning Report quotes two historical decisions upheld by Planning Appeals Commission. These applications, in my view, are not comparable.

2017/A0177, (LA07/2017/0375/O) relied on a neighboring farm for visual integration, while 2019/A0188, (LA07/2018/0901/O), is on the opposite side of a protected route with no natural visual link of any kind.

If the above commentary is accepted, then reasons for refusal under CTY 1, 8, 13 and 14 are unsustainable.

In summary, I contend that the site proposed meets all criteria set out under PPS21, CTY10. The existing on-site farm building, either on its own, or in conjunction with the strong established context, provides the visual link. The proposed dwelling is also sited to cluster. Also, the site access makes use of the existing hard standing.

I respectfully request that the Planning Committee overturn Planning Services recommendation and approve this application

Signed



1st February 2021

BERNARD DINSMORE
Chartered Architect



Figure 1 – Site Context



Figure 2 - Farm Building Providing Visual Link. Existing Hardstanding & Gate at Entrance



Figure 3 - Existing Farm Building, Bales, Gate, And Established Surrounding Context





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

Application Reference: LA07/2020/0407/O

Date Received: 09/03/2020

Proposal: Proposed site for a farm dwelling and domestic garage

Location: 60m SW of no.42 Levallyreagh Road, Rostrevor, Warrenpoint, Co Down

Site Characteristics & Area Characteristics:

The application site relates to a parcel of land located to the south of No 42 Levallyreagh Road. The application site contains a farm shed along the western boundary and a small shed to the east of the site which does not benefit from planning permission. The remainder of the site is grassed with levels rising from the roadside towards the west. The site is located outside any defined settlement limits and within an Area of Outstanding Natural Beauty.



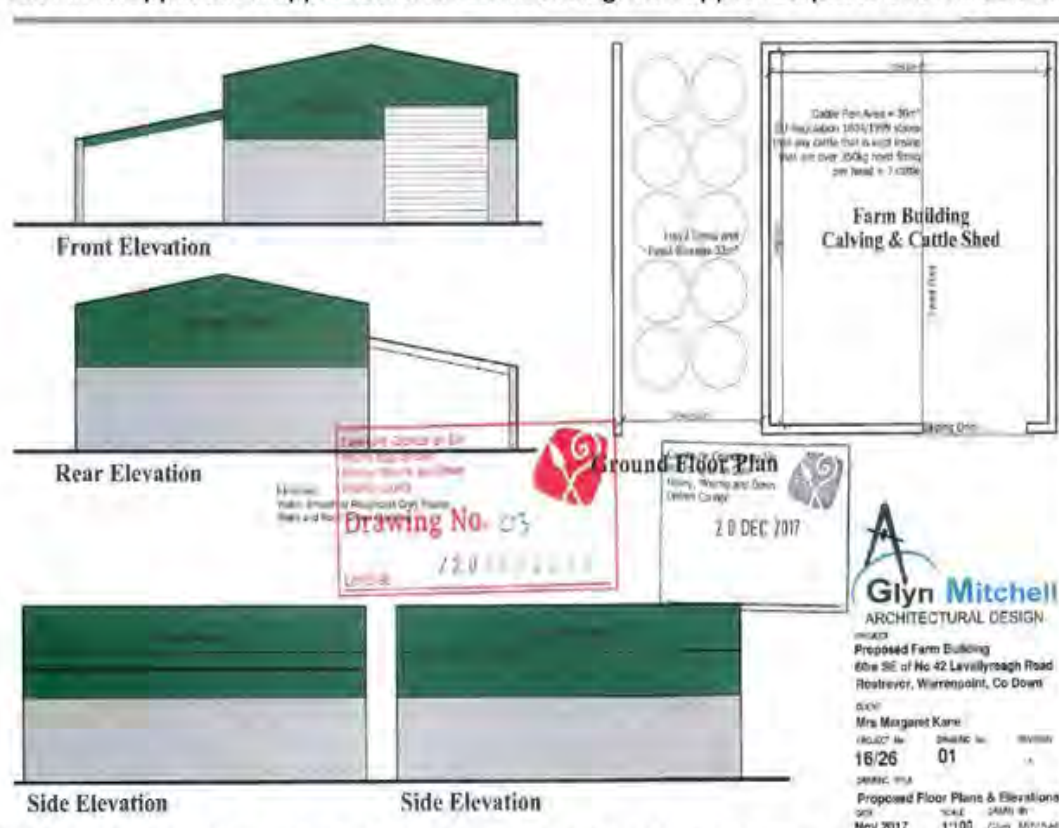
Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Strategic Planning Policy Statement (SPPS)
- Banbridge/ Newry and Mourne Area Plan (2015)
- Planning Policy Statement 3- Access, Movement and Parking
- Planning Policy Statement 2- Natural Heritage
- Planning Policy Statement 21- Sustainable Development in the Countryside

Site History:

- **LA07/2018/0227/F-** Proposed farm building without underground tanks 60m SW of No 42 Levallyreagh Road, Rostrevor, Warrenpoint, Co. Down. Permission granted 30th August 2018. This application approved one farm building with approved plans shown below.



- **P/2006/0420/F-** Site for replacement dwelling 42 Levallyreagh Road, Rostrevor. Permission refused 22/08/2007.

Consultations:

- **Environmental Health-** No objections provided that the dwelling is located a minimum distance of 75m from any agricultural buildings.
- **DAERA-** Confirmed: the farm business has been in existence for more than 6 years, single farm payment or agri environment scheme has been claimed in each of the last six years and that the application site is on land currently being claimed by the farm business.
- **DFI Roads-** No objections subject to conditions.

Objections & Representations:

One neighbour was notified of the application and it was advertised within three local newspaper with a statutory expiry date of 08/04/2020. No objections or submissions have been received.

Assessment:**Strategic Planning Policy Statement for Northern Ireland**

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21- Sustainable Development in the Countryside. Policy CTY1 of PPS 21 sets out a range of types of development which in principal are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This application seeks permission for a dwelling and garage on a farm in accordance with Policy CTY10 of PPS21.

Following a site inspection, correspondence was issued to the Agent on 27/07/2020 advising that the Planning Department are of the opinion that there is only one building on the application site, therefore failing to meet criterion c of Policy CTY10 of PPS21 and therefore likely to be recommended for refusal. It was requested that any comments on the above were provided no later than Tuesday 18th August 2020. No response was received.

On 27/10/2020 a further opportunity to provide additional information was afforded. The Agent was again advised that the Planning Department are of the opinion that the building approved under LA07/2018/0227/F is a singular building and note the presence of a hen house type structure on the site. Further information was requested to provide more clarity on the status of the hen house structure and where it would be proposed to site the dwelling. No response was received. The application will be determined based on information currently available as per the Council's Scheme of Delegation.

Policy CTY 10 states:

"Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) The farm business is currently active and has been established for at least 6 years;*
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years from the date of the application. This provision will only apply from 25 November 2008; and*
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
 - Demonstrable health and safety reasons; or*
 - Verifiable plans to expand the farm business at the existing building group(s).*

In such circumstances the proposed site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY16.

Planning permission granted under this policy will only be forthcoming once every 10 years".

Assessing this planning application against the criteria of CTY 10:

- a) DAERA have confirmed the business ID has been in existence for more than six years, that the Business ID submitted claims for Single Farm Payments or Agri Environment Scheme in each of the last 6 years and that the application site is on land for which payments are currently being claimed by the farm business. The proposal meets criterion a.
- b) Following a planning history search there does not appear to be any development opportunities which could have been sold off from the farm holding.
- c) The farm business is registered to an address on Dundrum Road, Newcastle. On the application site there is one singular building to the west of the site which was approved under LA07/2018/0027/F. At the time of the site inspection there was a small building located towards the roadside which appears to be constructed from corrugated metal sheeting. It was not clear when this was constructed or if it is within the ownership of the applicant. Further clarification was requested from the Agent but was not provided.

Recent appeal decision 2019/A0105 outlines what constitutes a building for the purposes of policy interpretation. The application relates to an infill dwelling, but the interpretation of the Planning Act is applicable to all planning applications, Para 5.5 of the report states:

"The appellant's evidence directs towards Section 250 of the Planning Act (Northern Ireland) 2011 as providing the appropriate definition of a building. This section of the legislation provides supplementary interpretation of what constitutes a building and is a guide to the interpretation of the Act itself. While the definition includes *"any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building"* it is envisaged that the policy writers would not have considered 'any structure' or 'any part of a building' as referred to in the Act as an appropriate building for the purpose of applying the policy. Accordingly, its usefulness in respect of interpreting Policy CTY 8 is limited especially given the overall wording of the policy. The mere fact that something has been erected on land is not sufficient to make it a building for the purposes of the policy and it is for the decision maker to determine what constitutes a building on a fact and degree basis".

On the basis of the information to date, it is considered that there is one lawful building on the application site and therefore the proposal fails to meet criterion c of Policy CTY10.

Policy CTY13 relates to the integration and design of buildings in the countryside and stated that planning permission will only be granted where a building can be visually integrated into the landscape and is of appropriate design. Policy CTY 14 relates to rural character and seeks to ensure new buildings will not cause a detrimental change to the rural character of an area. If this application were to be approved, it is considered a dwelling of a low ridge height could integrate into the site given the backdrop of the existing farm building in accordance with Policies CTY 13 and 14. However, as stated above the proposal is not visually linked or sited to cluster with an established group of buildings on the farm which is contrary to criterion g of Policy CTY13.

PPS3- Access, Movement and Parking

DFI Roads have been consulted on this application have no objections in principle.

Planning Policy Statement 2- Natural Heritage

Policy NH6 relates to new development within an Area of Outstanding Natural Beauty. This is an outline application and as such it is not possible to assess the siting, scale and design of the proposal.

Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
3. This refusal notice relates to the following plans: 01

Case Officer Signature: E.Hart

Date: 10/12/2020

Appointed Officer Signature: M Keane

Date: 10-12-2020



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

Application Reference:

LA07/2020/1034/F

Date Received:

30.07.2020

Proposal:

New, multi-use, non-bitmac, compacted gravel community trails

Location:

Aughrim Hill Wood, Ballymeageogh Road, Kilkeel, Newry

Site Characteristics & Area Characteristics:

The site is located within the rural countryside outside any development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an Area of Outstanding Natural Beauty.

The application site is located at Aughrim Hill which is privately owned and has been leased in the short term by Woodland Trust Northern Ireland in order to carry out planting. The application site is located 1.4km to the south of Attical and 3km north west of Kilkeel. Aughrim Hill comprises approximately 53 acres of open hillside, two summits and farm land, all of which have been recently planted as part of the Forest Expansion Scheme to create a native woodland in the area.

Currently, the only formal access to Aughrim Hill is from Ballymeageogh Road via a steep concrete and gravel vehicle laneway used to access the transmission mast. A historical right of way crosses the saddle of the hill from east to west before turning south. The route is in poor condition and heavily overgrown in places therefore making it difficult to access for much of the community.

This application was submitted alongside two other applications (LA07/2020/1035/F and LA07/2020/1037/F) for a second community trail to provide the local community with a network of safe, off-road walking trails of local significance at Aughrim Hill Wood and a car park to serve the trail. LA07/2020/1037/F was approved 16th November 2020. LA07/2020/1035/F is still under consideration.



Aughrim Hill and existing steep concrete laneway used to access mast

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 8: Open Space, Sport and Recreation

Site History:

P/2000/1364/F - Ballymageogh Road, Aughrim Hill, Kilkeel - Installation of telecoms equipment, 1 No 0.3m dish at 10m height onto existing 45m tower and the installation of a 25 cubic metre mini cabin in existing compound – Permission granted, 11.09.2000

P/2005/0558/F - Existing telecommunications tower at Ballymageogh Road, Aughrim, Co. Down - Installation of 1 no. panel antennae with associated outdoor unit at 21m mean height, 1 no. dish at 21m on an existing 35m tower, a cabinet and ancillary equipment for BT broadband – Permission granted, 17.11.2005

P/2005/1601/F - Existing telecommunications tower at Ballymageogh Road, Aughrim, Co. Down - Installation of 3 No. antenna at a mean height of 27m, 1 No.

0.6m dish and 1 No. 0.3m dish at 25.8m with ground based equipments and ancillary equipment – Permission granted, 14.11.2005

P/2008/0563/F - Broadcast transmitting station at Ballymageogh Road, Aughrim Hill, Kilkeel - Permanent retention of 1 no. equipment cabin and ancillary equipment at ground level – Permission granted, 21.07.2008

LA07/2020/1035/F - Aughrim Hill Wood, Ballymeageogh Road, Kilkeel, Newry, BT34 4SX - New, multi-use, non-bitmac, compacted gravel community trails – Under consideration

LA07/2020/1037/F - 130m north of 67 Ballymageogh Road Kilkeel - New gravel visitor carpark for 8 carparking spaces including cutting into existing ground 1.1 metre high timber perimeter fence and 2.3 metre high height restriction barrier at entrance – Permission granted, 16.11.2020

Consultations:

DAERA Forestry Service – “Forest Service does not object to this planning application. The proposals involve new trails through a recently planted woodland which is not a Forest Service (FS) managed forest and the proposals do not impact on a FS managed forest.”

DAERA NED – Further information was required from the first response 26.11.2020. The red line was amended and further information was submitted by the agent and a reconsultation was issued 17.12.2020. A second response was issued 14.01.2021.

“Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommendations.”

SES were informally consulted 29.09.2020 and outlined that the application does not require formal consultation as “the proposal is located on Aughrim Hill which is approximately 5 kilometres north east of Carlingford Lough Ramsar/SPA, 5 kilometres north west of the East Coast marine proposed SPA, and 3 kilometres south west of the Eastern Mourne SAC, with no risk of direct habitat loss or fragmentation of any.”

Objections & Representations:

Neighbour notification: 14.09.2020

Advertisement: 18.08.2020

One letter of support was received from residents of 67 Ballymageogh Road. The main points within their letter are:

- Highly recommend the application as the trails would be great benefit to the whole area;
- Great attraction to the area for visitors and tourists;
- The trails will improve both mental and physical health.

Following NED's initial response, amendments were required. The red line boundary was amended to remove the trail from areas of concern in regards to areas of habitats. Due to the isolated nature of the trails and the fact that there are no nearby neighbouring properties, it was considered that re notification and re advertisement were not required.

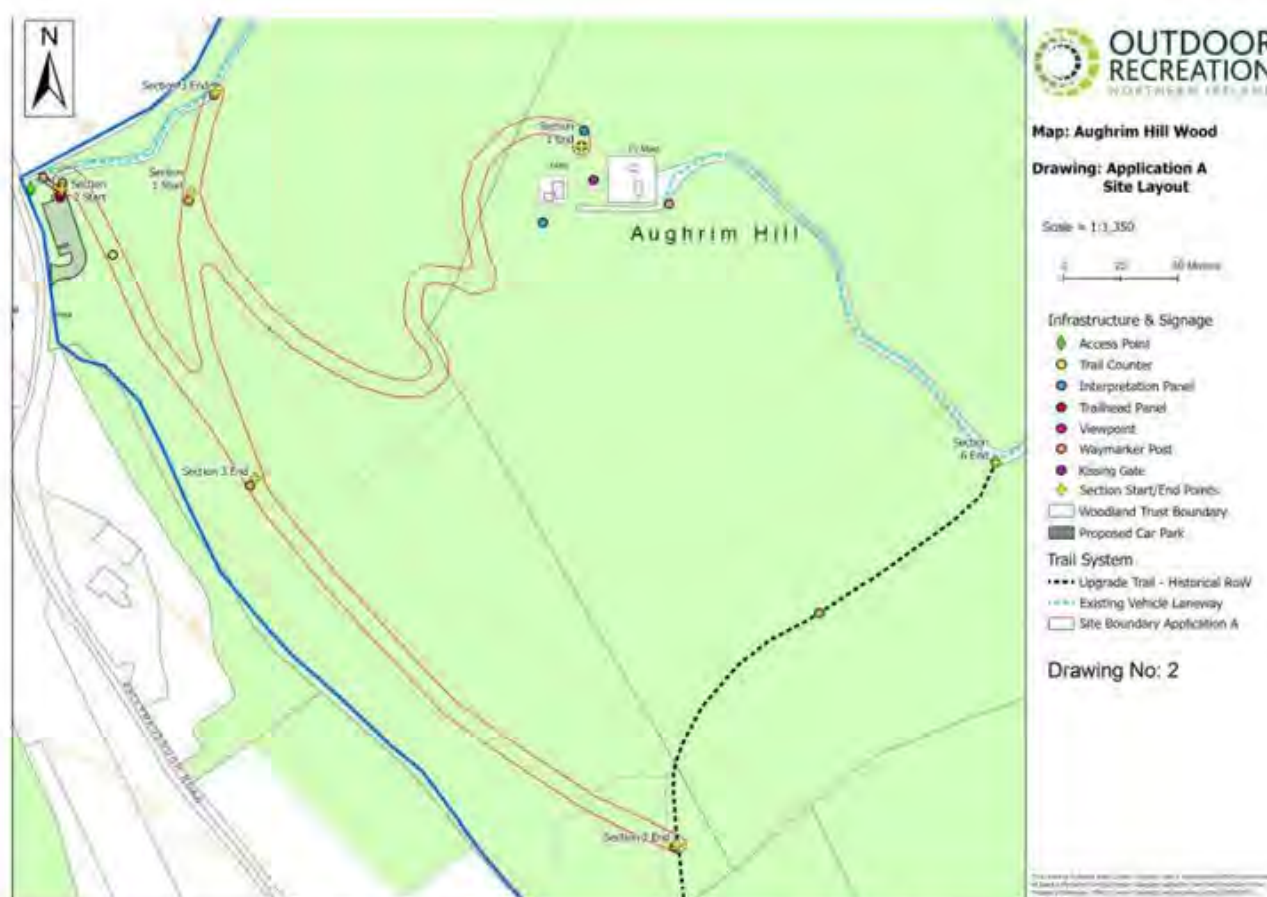
Assessment

Proposal

The proposed is for a new, multi-use, non-bitmac, compacted gravel community trail and associated infrastructure (waymarking, information panels etc.). The overall proposal including LA07/2020/1035/F and approved application LA07/2020/1037/F will involve;

- The creation of a c.3.9km looped community trail
- The trail will be sustainable and finished in compacted gravel
- The creation of 2 new trailheads – at the new car park and at the southern entrance on Ballymageogh Road
- Installation of waymarkers along the trail to aid navigation
- Installation of interpretation panels at viewpoints
- Installation of a visitor counter to record and monitor use

The proposed trail is shown in red on the drawing below.



Drawing No. 2 – Proposed trail outlined in red

Principle of Development

The SPSPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

Policy OS3 of PPS 8 provides policy and criteria for development for outdoor recreation in the countryside.

The policy sets out criteria that needs to be met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The proposal is for a walking path with bit-mac trails. The relevant statutory consultees have been consulted and are content subject to conditions being attached to any approval. The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species as the proposed trail was amended slightly to remove the trail from areas of concern in regards to areas of habitats. The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. The proposal will not be visible unless you are located beside the site and purposely looking upwards toward Aughrim Hill. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area have been notified and a letter of support was received as detailed above. The proposal would not have any demonstrable impact on the residential amenity of dwellings as the site is somewhat secluded. As supported by the letter received from the residents of No. 67 Ballymageogh Road, the provision of community paths within Aughrim Hill facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. The provision of new vehicular access and car parking has already been assessed and approved 16.11.2020 under application LA07/2020/1037/F. The submitted information has accommodated the need for additional detail to establish a principle of development.

PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species. The proposal is considered to comply with the relevant policies with PPS 2 for the reasons outlined above. Moreover, 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: Approval

- Proposal is acceptable against the criteria of Policy OS 3 of PPS 8 and Policies NH 5 and 6 of PPS 2.

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 1 and 2

Reason: To define the planning permission and for the avoidance of doubt.

3. No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECOW) and the details, roles and responsibilities of the ECOW submitted to, and agreed in writing by, the Planning Authority.

Reason: To ensure no protected species are impacted by the proposal.

Informative:

- This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
 - damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
 - damage or destroy anything which conceals or protects any such structure;
 - disturb a badger while it is occupying a structure or place which it uses for shelter or protection.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
- If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

- The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - disturb dependent young of such a bird.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
- It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Case Officer Signature: Eadaoin Farrell

Date: 19.01.2021

Appointed Officer Signature: M Keane

Date: 19-01-21



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

Application Reference:

LA07/2020/1035/F

Date Received:

30.07.2020

Proposal:

New, multi-use, non-bitmac, compacted gravel community trails

Location:

Aughrim Hill Wood, Ballymeageogh Road, Kilkeel, Newry

Site Characteristics & Area Characteristics:

The site is located within the rural countryside outside any development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an Area of Outstanding Natural Beauty.

The application site is located at Aughrim Hill which is privately owned and has been leased in the short term by Woodland Trust Northern Ireland in order to carry out planting. The application site is located 1.4km to the south of Attical and 3km north west of Kilkeel. Aughrim Hill comprises approximately 53 acres of open hillside, two summits and farm land, all of which have been recently planted as part of the Forest Expansion Scheme to create a native woodland in the area.

Currently, the only formal access to Aughrim Hill is from Ballymeageogh Road via a steep concrete and gravel vehicle laneway used to access the transmission mast. A historical right of way crosses the saddle of the hill from east to west before turning south. The route is in poor condition and heavily overgrown in places therefore making it difficult to access for much of the community.

This application was submitted alongside two other applications (LA07/2020/1034/F and LA07/2020/1037/F) for a second community trail to provide the local community with a network of safe, off-road walking trails of local significance at Aughrim Hill Wood and a car park to serve the trail. LA07/2020/1037/F was approved 16th November 2020. LA07/2020/1034/F is still under consideration.



Aughrim Hill and existing steep concrete laneway used to access mast

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 8: Open Space, Sport and Recreation

Site History:

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Consultations:

DAERA Forestry Service – “Forest Service does not object to this planning application. The proposals involve new trails through a recently planted woodland which is not a Forest Service (FS) managed forest and the proposals do not impact on a FS managed forest.”

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“Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommendations.”

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Objections & Representations:

Neighbour notification: N/A

Advertisement: 18.08.2020

One letter of support was received from residents of 67 Ballymageogh Road in reference to LA07/2020/1034/F. The main points within their letter are:

- Highly recommend the application as the trails would be great benefit to the whole area;
- Great attraction to the area for visitors and tourists;
- The trails will improve both mental and physical health.

Following NED's initial response, amendments were required. The red line boundary was amended to remove the trail from areas of concern in regards to areas of habitats. Due to the isolated nature of the trails and the fact that there are no nearby neighbouring properties, it was considered that re notification and re advertisement were not required.

Assessment

Proposal

The proposed is for a new, multi-use, non-bitmac, compacted gravel community trail and associated infrastructure (waymarking, information panels etc.). The overall proposal including LA07/2020/1034/F and approved application LA07/2020/1037/F will involve;

- The creation of a c.3.9km looped community trail
- The trail will be sustainable and finished in compacted gravel
- The creation of 2 new trailheads – at the new car park and at the southern entrance on Ballymageogh Road
- Installation of waymarkers along the trail to aid navigation
- Installation of interpretation panels at viewpoints
- Installation of a visitor counter to record and monitor use

The proposed trail is shown in red on the drawing below:



Drawing No. 1– Proposed trail outlined in red

Principle of Development

The SPPS identifies the regional strategic objective for open space, sport and outdoor recreation. There are several objectives which centre on safeguarding existing open space, ensure new open space is provided where necessary such as within new development, facilitate outdoor recreational activities, ensure new sporting facilities are accessible to all, achieve a high standard of design, siting and landscaping and ensure such proposals are in keeping with the principles of environmental conservation and help sustain and enhance biodiversity.

Policy OS3 of PPS 8 provides policy and criteria for development for outdoor recreation in the countryside.

The policy sets out criteria that needs to be met:

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

- (iv) there is no unacceptable impact on the amenities of people living nearby;
- (v) public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;
- (vi) any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;
- (vii) the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and
- (viii) the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.

The proposal is for a walking path with bit-mac trails. The relevant statutory consultees have been consulted and are content subject to conditions being attached to any approval. The Preliminary Ecological Appraisal and supplementary information raised no queries relating to protected species as the proposed trail was amended slightly to remove the trail from areas of concern in regards to areas of habitats. The impact the proposal would have on the natural environment is limited to the paths and mitigation measures have been detailed by the applicant. The proposal will not be visible unless you are located beside the site and purposely looking upwards toward Aughrim Hill. It will have no impact on the visual amenity of the landscape. The neighbouring properties in the area have been notified and a letter of support was received as detailed above. The proposal would not have any demonstrable impact on the residential amenity of dwellings as the site is somewhat secluded. As supported by the letter received from the residents of No. 67 Ballymageogh Road, the provision of community paths within Aughrim Hill facilitates a more structured use of the asset within the community and encourages users to stay on the paths rather than encroach on priority species and habitats. The provision of new vehicular access and car parking has already been assessed and approved 16.11.2020 under application LA07/2020/1037/F. The submitted information has accommodated the need for additional detail to establish a principle of development.

PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species. The proposal is considered to comply with the relevant policies with PPS 2 for the reasons outlined above. Moreover, 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: Approval

- Proposal is acceptable against the criteria of Policy OS 3 of PPS 8 and Policies NH 5 and 6 of PPS 2.

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 1, 2 and 3.

Reason: To define the planning permission and for the avoidance of doubt.

3. No development activity, including ground preparation or vegetation clearance, shall take place until a competent ecologist has been appointed as an Ecological Clerk of Works (ECoW) and the details, roles and responsibilities of the ECoW submitted to, and agreed in writing by, the Planning Authority.

Reason: To ensure no protected species are impacted by the proposal.

Informative:

- This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
 - damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
 - damage or destroy anything which conceals or protects any such structure;
 - disturb a badger while it is occupying a structure or place which it uses for shelter or protection.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
- If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

- The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - disturb dependent young of such a bird.
- Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
- It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

Case Officer Signature: Eadaoin Farrell

Date: 19.01.2021

Appointed Officer Signature: M Keane

Date: 19-01-21



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1322/F

Date Received: 30.08.19

Proposal: Provision of public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area

Location: Slieve Gullion Forest Park, 89 Drumintee Road, Killeavy BT35 8SW

Site Characteristics & Area Characteristics:

Site comprises of an area of grass within the Slieve Gullion Forest Park. The site is adjacent to the existing courtyard buildings located to the east and also incorporates the existing paths and pond.

Site History:

LA07/2017/1136/F - New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: insitu reinforced concrete retaining walls clad with stone; bitmac hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land x the full width of the new car park will be planted west of the new car park to provide screen planting. Granted.

LA07/2017/0103/F - Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. Granted.

LA07/2017/0208/F -Refurbishment to existing Chambre House with associated site and landscape works to create new Interpretive Centre for Slieve Gullion Forest Park (Amended proposal and plans) – Granted.

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Site is within the open countryside, AONB, Special Countryside Policy Area, Historic Park Garden and Demesne, Site of Local Nature Conservation Importance, Hawthorn Hill. The proposal fully complies with these designations and associated policies of the Area Plan.

PPS2 (NH2, NH3 and NH4): NIEA Natural Environment Division have no concerns in their latest consultation response dated 08.01.21. There is no direct impact upon the SLNCI as designated within the Area Plan. Proposal fully complies with the relevant policies of PPS 2.

PPS3, DCAN 15 and Parking Standards – DFI Roads in their comments have raised no objections. DFI Roads had originally asked for the projected vehicle/numbers increase to the site as well as Traffic assessment information. This information was supplied by the agent and DFI Roads are content on this basis. Given the recently approved and constructed new car parking at the site, it is considered that there will be sufficient car parking to accommodate the proposal if approved.

SPPS and PPS6 - HED in their final comments on 22.01.21 have confirmed that the application is acceptable to the policy requirements of the SPPS and PPS 6 and have raised no objections, subject to a condition regarding finishes/ materials. The policies of the SPPS and PPS 6 are not offended.

SPPS, PPS16 (Policies TSM2 and TSM7), Policy OS3 of PPS 8 and Policy CTY 1 of PPS 21

The proposal is for the provision of a public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area. The proposal is located at the existing tourist attraction of Slieve Gullion Forest Park. The proposal involves the creation of a tiered seating area/ amphitheatre within an existing grass area within the Forest Park together with a stage area and provision for a cinema screen. No new buildings are proposed in this application. The proposal is designed to be used for tourism and recreational purposes associated with the existing tourism and recreation offer provided at the Forest Park. The overall scale, nature, purpose and siting of the proposal is considered to be acceptable and the proposal fully meets the planning policy requirements of TSM 2 (Tourist Amenities in the Countryside), the design and general criteria for tourism development under TSM 7 and Policy OS 3 (Outdoor recreation in the Countryside). The proposal will not cause detrimental harm to the rural character, landscape, environmental integrity or to any historic or architectural interests and it is compatible with the surrounding context. There will be no adverse impact on the visual amenity or character of the area. The proposal also fully complies with the policy requirements of CTY 1 of PPS 21.

Consultations:

HED (04.12.20) Historic Monuments – Content. Application is acceptable to policy BH 6 of PPS 6.

HED (22.01.21) Historic Buildings – The proposal satisfies the policy requirements of the SPPS and PPS 6 subject to a condition.

NIEA Natural Environment Division (08.01.21) – No concerns.

Environmental Health (07.11.19) - No objection.

DFI Roads (16.12.19) – No objection.

Objections & Representations

No objections/ representations received.

Consideration and Assessment:

The overall development is acceptable in principle in terms of design and use and fully meets and complies with the requirements of all relevant planning policy. It is recommended to approve the application subject to appropriate conditions and informatives.

Recommendation:

Approval

Conditions:

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans drawing Nos 27605SW and Drawing Nos.....

Reason: To define the planning permission and for the avoidance of doubt.

3. The materials of the development hereby approved shall be:
 - New stone wall: Natural stone cladding to match the adjacent stone wall in colour and coursing. Joints shall be finished flush or slightly recessed from the stone face.
 - Disabled ramp handrails: Painted metal finish.
 - Disabled ramp surface: Resin Bound surface in Norwegian Pearl.
 - Stage / Performance Area: Limestone paving, Carlow Blue with flamed finish.

- Tiered seating: Timber edge with compacted hoggin surface.

Reason: To respect the setting of the building and ensure the proposal is compliant with Policy BH 11 (Development affecting the setting of a listed building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised codes of practice. The works shall be carried out prior to the operation of the development hereby approved.

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

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

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

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

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

Case Officer: P.Manley

Authorised Officer: A.Davidson



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0335/F

Date Received: 18/02/2020

Proposal: Proposed 2 infill dwellings and detached garages

Location: Land between number 31 and 35 Foughilletra Road, Foughilletra, Co. Armagh

Site Characteristics & Area Characteristics:

The application site is a rectangular field currently in use for agricultural purposes. Lands owned in blue are also highlighted on the site location plan. The site rises slightly from the road to the east. The site is bounded to the road by a combination of low-level hedging and stone walling. The site is bounded to the south by a wall and to the north by fencing.

The application site is located in the countryside, as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site is also designated as an Area of Outstanding Natural Beauty.

Site History: N/A

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Consultations:

Transport NI – No objections

NI Water – Generic response to routine planning application

NIEA –

- Water Management Unit – refer to standing advice.
- NED – please note this proposal may be subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).
- Confirmation received from Shared Environmental Services and following a site inspection that there is no need for further information, as there is no connection/pathways between the proposal site and any European designated site.

Objections and Representations:

2 neighbours were notified of the proposal on 04/03/2020. The proposal was also advertised in local press on 18/03/2020.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY8.

Policy CTY 8 – Ribbon Development

As the application is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built up frontage.
The application site lies within a substantial and built up frontage. A large agricultural shed and number 35 share frontage onto Foughilletra road, as does number 31 (two sheds located to the rear of number 31 are not considered to have frontage). There is also a large two storey building within the curtilage of number 35. A planning search indicated that no application was submitted for the above and this building is also not considered to have frontage onto the Foughilletra

Road. The Planning Department consider the three buildings – the agricultural shed, number 35 and number 31 to have frontage onto the Foughilletra Road.

- b. Establish whether there is a small gap site.
There is a gap site measuring approximately 122 metres (from number 31 to number 35). The frontages of the existing three buildings identified are relatively small, with the shed equating to 25 metres, number 35 having 6 metres and number 31 coming to approximately 31 metres. The gap between buildings is not a small gap site. The gap could accommodate more than two houses and therefore does not meet criteria (b). The application site is not an exception to policy and would if permitted add to a ribbon development. The gap site serves to provide relief and a visual break in the developed appearance of the locality along Foughilletra Road and helps maintain rural character. It is not an exception to policy.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
The proposal is for two dwellings. The proposal is not consistent with the existing development pattern along Foughilletra Road in that it appears incongruous in this rural area. It does not respect the existing frontage in terms of plot size or frontage onto the road. The proposed plot sizes are considerably larger when compared with the existing development either side. The proposed site frontages for both dwellings are approximately 46 metres. This is considerably larger than the frontages of the three aforementioned buildings and is not in keeping with the local area.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).
The proposal is not compliant with planning and environmental requirements in terms of integration and rural character (See below under CTY 13 and CTY 14).

As there are no overriding reasons why this development is essential in this rural location and as the proposal does not meet any of the exceptions listed, it is also contrary to CTY1.

CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The application site is open and exposed and lacks long established natural boundaries to provide a suitable degree of enclosure for the buildings to integrate into the landscape. The stone wall is too low-lying and the planting too intermittent to provide a suitable degree of enclosure for the buildings to integrate into the landscape. The proposal relies primarily on the use of new landscaping for integration and the formation of new boundaries. The design of the proposed dwellings is considered acceptable under criteria e, however the proposal is not compliant with CTY 13 in that it fails to integrate sufficiently with the landscape. The Proposal is contrary to CTY 13 parts (b) and (C).

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The proposal is contrary to CTY 14 in that it does not respect the existing patterns of settlement exhibited in the area - the plot sizes of the two proposed dwellings are considerably larger than the surrounding buildings. The proposal is also contrary to CTY 14 in that if permitted it would add to a ribbon of development along Foughilletra Road and contributes to build up when viewed with existing buildings. The proposal is contrary to policy CTY 14 parts (b), (c) and (d).

CTY 16 – Development relying on non-mains sewerage

The P1 form indicates that foul sewage will be disposed of via septic tank. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2: Natural Heritage.

The proposed site lies within the Ring of Gullion Area of Outstanding Natural Beauty. As such, the proposal will be assessed against PPS 2: Natural Heritage. Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality.

Development proposals in AONBs must be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. I consider that the proposal is contrary to NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB. The proposal is not of an appropriate size for the locality.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 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 CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the application site does not constitute a small gap site in a substantial and continuously built up frontage and would, if permitted, add to a ribbon development along Foughilletra Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development does not respect the existing

development pattern along the road frontage in terms of plot size and does not represent an exception to policy.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed buildings rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area, if permitted would result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.
6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Informatives:

1. This refusal notice relates to the following plans: Drawing No. 01, 02 and 03

Case Officer: E.Moore 4.12.2020

Authorised Officer: A.Davidson 4.12.2020



Representation Against Recommendation to Refuse

Application Ref	LA07/2020/0335/F
Applicant	Sinead Quinn
Site Location	Land between 31 & 35 Foughilletra Road, Foughilletra, Co. Armagh
Proposal	2 no. Infill Dwellings and Detached Garages
Neighbour Notification	No objections
Statutory Consultations	No objections

Considerations:

Under CTY 8:

.....*"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."*.....

Continuously Built-up Frontage:

Planning Services are satisfied there is substantial and continuously built-up frontage.

Buildings Forming a Gap

Planning Services contend the gap exists between no. 31 and no. 35 Foughilletra Road and have dismissed the two storey building at no. 35 and the shed at no. 31 as not having road frontage. As can be seen from the Figures in this submission both buildings have road frontage.

The large two storey building at no. 35, (Fig.1) which has been in situ for 10 years has a greater presence than the house and clearly has road frontage as does the shed at no. 31, (Fig.2)

The gap between these two buildings is approximately 96.0m. (Fig.3)

Road Frontage Analysis

Frontage widths along this stretch of road vary greatly from 23.0m and 65.0m. From (Fig .4), No. 31 has a frontage of approx. 37.0m. No. 35 has a frontage of approx. 24.0m. The agricultural building and its adjoining field / paddock have a frontage of approximately 65.0m, (Fig 5). These give an average frontage of 42.0m which equates to the approximate frontage of both sites of this proposal and is therefore consistent with the existing development pattern along Foughilletra Road.

Plot Size Analysis

Plot sizes along this stretch of Foughilletra Road also vary but most are within the range 1700m² to 2000 m².

No. 31	1700m ²
No. 35	1975m ²
Shed 1 Field	1700m ²
No. 38	2000m ²
Site A	2000m ²
Site B	2000m ²

The proposed plot sizes are comparable to the existing development either side and along this stretch of the Foughilletra Road.

Siting

The siting of the proposal reflects the existing development pattern which follows the contours of the landscape along the foot of Faughil Mountain. This ensures integration of the development which can be confirmed by viewing on site.

In summary this proposal respects the existing development pattern in terms of size, scale, plot size and siting.

Given that the site is indeed a small gap site, under policy CTY8, the recommendations for refusal under CTY13, CTY14 and PPS2 are not sustainable.

I respectfully request that the Planning Committee overturn Planning Services recommendation and approve this application.

Signed



BERNARD DINSMORE
Chartered Architect

1st February 2021



Figure 1 – Road Frontage at No. 35



Figure 2 – road frontage at no. 31



Figure 3 - Showing gap between buildings with frontage.

ACEmap® Single

Printed: 09/12/2019 Customer Ref:

Scale: 1:2,500

Order no. ORD79374

Centre Point (Easting, Northing): 305801, 318366

Plan No. 27610SW

FOUGHILLETRA ROAD, FOUGHILLETRA, JONESBOROUGH, BT35 8JE, 185345264

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PROJECT: Proposed 2no. Infill Dwellings & Detached Garages under PPS21-CITY8
on land between 31 & 35 Foughilletra Road, Foughilletra, Co. Armagh

CLIENT: SINEAD QUINN

bernard dinsmore 
chartered architect

TITLE: FIG 5: Dimension Analyses

19 spring mw3geadows, warrenpoint, co.down, bt34 3jy
telephone (028) 413 40472 Mob: 07767 271615

STATUS: Representation (Planning)

email: info@bdinsmore.co.uk www.bdinsmore.co.uk

JOB NO: J1678

DATE: FEB. 2021

DRAWN BY: BD

CHECKED BY:

SCALE: 1:2500

SHEET SIZE: A4

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Figure 5 – Road frontage to Agricultural Building / Paddock



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0669/F

Date Received: 15/05/2020

Proposal: 2 dwellings and 2 garages.

Location: 90m SE 21 Ballynalack Road, Ballynalack, Camlough.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within a designated Area of Outstanding Natural Beauty.

The site is a portion of agricultural land located on the edge of the public road, the site slopes to the north east towards Camlough Lake which is beyond the site and further agricultural land.

To the south of the site a large agricultural building is located and beyond this and further south is an old dwelling No 24, to the north west of the site is an agricultural field and beyond this is a small agricultural building which is set slightly back from the public road and accessed via a narrow access laneway.

The site is located in a rural area although there are some properties in the vicinity of the site along with some agricultural buildings.

Site History:

No relevant planning history.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections.

NI Water – No objections raised, conditions suggested.

Objections & Representations:

The application was advertised on 16/06/2020, no neighbours were notified as no properties abut the site, no objections or representations were received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for gap site which is accordance with policy CTY8.

Principle of Development

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided it 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 continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Policy states that an exception will be to develop a small site sufficient only to accommodate up to a maximum of two dwellings, given that the gap between the agricultural buildings on either side of the site measures 113 metres this is not seen as a small gap but rather a gap that could accommodate three dwellings.

The application site has to the south a large agricultural building and adjacent yard area and beyond this No 24 a derelict dwelling, it is considered that there are two buildings to the south which have a frontage with the public road. To the north of the site there is an open field and beyond this there is a small agricultural building which is set back from the road edge with its access via a narrow laneway, the agricultural building is not positioned within the agricultural field adjacent to the site but instead is detached, there is a distance of approximately 25 metres between the application site and the agricultural building to the north. It is considered that the agricultural building does not have a frontage with the road given that it is set back from the road edge with only a very narrow agricultural access adjoining the public road. It is also considered that as the agricultural building is detached from the adjacent field with no direct

access it is not seen as forming part of that field but instead is considered a separate plot. As such the building is not considered to have a frontage with the road and it is also considered that the area of agricultural field between the site and agricultural building is a break in the frontage. The agent for the proposal was made aware of the concerns and additional information was provided along with the information originally submitted. The information argued that the agricultural building to the north does have a frontage given its close proximity to the public road and the existing access point and it also argues that the agricultural building and the adjacent field should be considered as one plot which extends to the boundary with the application site.

The information submitted was considered and it remains that the building is not considered to have a frontage and the adjacent field is seen as a separate plot which provides a visual break between the application site and the building to the north. It also remains that if all other requirements of policy had been met the gap is not considered small but instead it could accommodate three dwellings.

As such, the application site is not considered to be a small gap within an otherwise substantial and continuously built up frontage but instead it is considered that it would create a ribbon of development.

The proposal is not considered an exception to policy but is contrary to CTY8 and as there are no overriding reasons why the development is essential in this rural location and it does not meet any exceptions it is also contrary to CTY1.

Design, Appearance and Layout

The proposal is for two properties with both to be one and a half storey in design and include detached garages, driveways and parking areas and surrounding garden space. The proposed dwelling types are quite contemporary in their design, but it is considered that their designs would be acceptable if the principle of development was acceptable. The proposed layouts include areas of hard standing, these areas have now been reduced and it is considered that the level of hard standing is now acceptable on balance. The proposed garages are of a size and scale that are considered acceptable, the proposed materials for the dwellings and garages are not seen as a concern. The surrounding area includes a variety of different house types, it is considered that the design, appearance and layout of the proposed dwelling would be acceptable in this area if the principle of development was acceptable.

Integration, Design and Rural Character

Policy CTY 13 - Integration and Design of Buildings in the Countryside, requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. In terms of CTY13 the proposal will be critically viewed from the Ballynalack Road in both directions with existing vegetation removed from the road frontage. The site is unable to provide a suitable degree of enclosure and relies primarily on the use of new landscaping to enable the dwellings to integrate into the landscape and as a result, the proposal is contrary to CTY13 (parts b and c).

Policy CTY14 requires that buildings in the countryside do not cause a detrimental change to or further erode the rural character of the area. Given that the proposal is not considered as an infill opportunity it will create a ribbon of development along Ballynalack Road, this will therefore result in a suburban style build-up of development

when viewed with existing buildings. The proposal is considered contrary to parts (b) and (d) of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location in the AONB, the siting (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

- 1.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Ballynalack Road and does not represent an exception of policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed buildings rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would create a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the

siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: **Wayne Donaldson** **Date: 07/01/2020**

Authorised Officer: **Andrew Davidson** **Date: 07/01/2020**

In this case Planning permission is sought for two dwellings and 2 garages on a gap site. This application has been called before the Council's planning committee as the applicant feels that Officers' consideration has been unduly harsh and based upon a stringent interpretation of Policy.

The proposal is deemed not to comply neatly and fully with policy. One of the planning department's key issues is the size of the gap (between the buildings to either side of this site). However, Policy CTY 8 does not prescribe upper or lower limits for the recommended size of a gap site. Cases inevitably need to be looked at according to their own merits. There is a concern that this gap has been considered excessive, on the basis of mathematical formulae. The Planning Appeals Commission does not feel such an approach is warranted. Their approach is outlined as follows: *"a measure such as average frontage width can inform assessment of the existing frontage development pattern, the policy does not necessitate duplication of such a mathematical factor in respect of proposals for infill development. The assessment of whether a proposal would respect the existing development pattern along the frontage requires consideration of the matters of size, scale, siting and plot size in the round"* (PAC Ref. 2019/A0027). Officers are concerned at the size of the gap, at 113 metres. Their treating of this as if it is not small, and arbitrarily finding that this overall gap could potentially accommodate 3 x 35m plots is an inflexible and unyielding approach. Account has to be taken of the pattern of development, the layout of the terrain, and the actual prospect of a third party potentially seeking an infill dwelling down the line (which is the underlying concern here). Officers appear not to have full confidence that they could resist a future application for a house in the remainder of the gap. When looking at the site from an aerial view it is clear that the remaining land between the small agricultural shed and application site is too small to accommodate a hypothetical third dwelling that would itself meet the requirements for an infill dwelling. Evidence of similar cases of where the gap size is similar or has exceeded 113 metres and has been accepted by this council as a 'small gap' have not been alluded to or cited in the officers' assessment, despite being referenced in supporting documentation lodged on the applicant's behalf:

- LA07/2018/0401/O - 145 metres
- LA07/2018/1855/F - 135 metres
- LA07/2019/0620/O - 123 metres
- LA07/2019/1030/O - 110 metres.

The analysis of this plot size and importantly, the pattern of development on the frontage, requires greater consideration than has been shown by officers. For example, at the other end of the frontage, there is an agricultural building, a small yard and a dwelling, across a 70m frontage. It would appear that this development has been arithmetically and subconsciously rationalized into two or three plots. In actual fact, that development is all part of the one holding. At worst, that can be thought of as a house and yard or a shed and yard. It is not appropriate to categorise that development as two buildings occupying plots that are an average of 35m apiece. Because the Policy does not require qualifying buildings to be situated on individual plots (appeal (2016/A0146 stated, *"policy CTY 8 does not indicate that each of the qualifying buildings must stand on its own plot or occupy its own curtilage"*) then clearly those other buildings could have been associated with the one plot, not two. Having regard to that typology, the applicant's gap is easier to recognise as a two-dwelling-gap. The planning department consider the agricultural building to be detached from the agricultural field adjacent to the site. This is not the case, there is but one planning unit, and this is not comprised of more than one plot along that frontage. Whatever aerial cover the vegetation to the south east of the shed provides, there is little perceptible separation on the ground. A recent planning approval for

application LA07/2020/1126/F is relevant to this case. The pattern of development in that case involved two dwellings, and one outbuilding. While the outbuilding had its own access and was situated in its own yard, the planning authority correctly recognised the clear permeability between the dwelling and its outbuilding (there is an opening in the hedgerow allowing the owner to walk backwards and forwards). Having regard to the principles referred to in this recent planning approval in this same District, the department has incorrectly attempted to separate the agricultural shed from its dependent plot. For that reason, we submit that the council should accept our rationale in granting another local planning approval. Officers appear to have arrived at a peculiar conclusion that an agricultural building on the northern end of this line of buildings does not front onto the road. The department feels there is a field between it and the road. The "field" in question is actually a strip of land that is approx. 3 metres in depth. Notwithstanding that this strip of land is associated with the shed in the same manner a front garden would be associated with a dwelling, for the purposes of establishing a frontage, there is simply no physical feature separating the shed from the roadside. Although filtered, the shed in question clearly reads as an individual building with frontage onto the road. There are a number of example cases approved by this council and particular attention should be given to an application on the Ayalogue Road (LA07/2019/0008/F) whereby one of the requisite buildings was set back 100 metres from the road and was accepted as a building on the road frontage. It is hard to recognise how the cited example case could be considered to have frontage onto the road and the agricultural building in this case does not. The planning department considered the proposal to be contrary to Policy CTY 13, however this proposal does not fit any of the typologies of unacceptable development identified in CTY 13. The proposed buildings will not be prominent features in the landscape because they are of modest elevation and are set below the level of the public road. Existing vegetation and boundaries are to be retained for this proposal. Only a small portion of the roadside vegetation is to be removed in order to provide necessary visibility splays. The proposed dwellings will be set back from the road to aid integration with minimal hardstanding and conform with existing dwellings along the Ballynalack Road. There is a range of boundary enclosures to the existing dwellings in close proximity to the site, consisting of open wooden fences and concrete walls facing the roadside. The applicant wishes not to replicate these, but rather to conserve the rural character of the area by retaining a natural roadside boundary. The planning department states that the design, appearance and layout of the proposed dwellings are acceptable, however the siting of the dwellings are not. The applicant has proposed to site the dwellings centrally in the fields to ensure a visual linkage is achieved when viewed from the Ballynalack Road. They will not be prominent features in the landscape because they are set below the level of the public road and therefore should not be considered unsympathetic to the special character of the AONB. The dwellings have a modest, contemporary, appearance. Just because they are sited in a desirable location with views overlooking Camlough Lake does not make this development prominent. From the far side of Camlough Lake, the dwellings will be framed by a backdrop of rising ground and surrounding trees. Equally, from the road frontage, the dwellings have low elevation roof lines and they lie below the road and are framed by substantial trees around the site boundaries, with Camlough Mountain in the backdrop. There is simply no prospect of the development appearing as incongruous as has been suggested. The underlying feeling here is that the "other planning and environmental" issues have been highlighted in order to bolster the case for refusal (which itself is tenuous).

In light of the foregoing, Members' consideration is necessary in order that a balanced decision is arrived at, and one that is consistent with other decisions in this District.



RTPI
Chartered Town Planners



LA07/2018/0401/O



LA07/2018/1855/F



LA07/2019/0620/O



LA07/2019/1030/O



(LA07/2019/0008/F)



Requisite building on the Ayallogue Road (LA07/2019/0008/F) set 100m back from the road was accepted as a building on the road frontage.



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an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0724/F

Date Received: 28/05/2020

Proposal: Farm dwelling and garage

Location: App. 120m northwest of 64 Chapel Road, Ballintemple, Meigh

Site Characteristics & Area Characteristics:

The application site is an agricultural field accessed off the Chapel Road, Meigh. The site is bounded to the road by mature hedging and post and wire fencing. The site is accessed via an existing gate from the Chapel Road.

The application site is located in the countryside and is within an Area of Outstanding Natural Beauty as designated in the Banbridge/ Newry and Mourne Area Plan 2015. The application site is located west of the Danes Cast (south) archaeological site, with linear earthwork visible at several points.

Site History: N/A

Planning Policies and Material Considerations:

Banbridge Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 6

Planning policy Statement 2

Consultations:

Transport NI – No objections.

NI Water – Generic response to routine planning application.

DAERA – The farm business ID identified on P1C form has been in existence for more than 6 years; the farm business has claimed payments through the Basic Payment Scheme or Agri

Environment scheme in each of the last 6 years; the application site is on land for which payments are currently being claimed.

HED - HED (Historic Monuments) content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.

Objections and Representations:

It was not necessary to notify any neighbours of the proposal. The proposal was advertised in local press on 23/06/2020.

No objections or representations have been submitted for consideration.

Consideration and Assessment:

The Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Strategic Planning Policy Statement (SPPS)

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes farm dwellings if they meet the criteria set out in CTY10.

CTY10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) *The farm business is currently active and has been established for at least 6 years*
DAERA have confirmed the farm business is currently active and has been established for at least 6 years.
- b) *No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25th November 2008; and*
No dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

- c) *The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

Located to the south of the proposed new building is an existing farm building. The building resembles a 't' figure and has three openings.

PAC report 2015/A0039 considered the question of building/buildings relating to a farm dwelling and this particular criteria of CTY10 and related criterion (g) of CTY 13. The appellant in this case put forward the argument that a development on-site included semi-detached sheds and was therefore comprised of two buildings. The commissioner outlined in their report that the definition of semi-detached refers to dwellings and not farm sheds. Even though the building may have been internally divided and had multiple openings, the appearance of this structure was one building.

The above-mentioned appeal is similar to this application under assessment. Similarly, in this proposal, it is considered that the building, regardless if it has multiple openings, is considered one building as it appears as such in the landscape. The application therefore fails to meet criteria (c) of CTY 10. The new building is not visually linked or sited to cluster with an established group of buildings on the farm. This was relayed to the agent via email on 08/12/2020 and no further supporting evidence has been submitted with regards to this.

Access to the site is gained from the current access to the site.

CTY10 also states "the proposed site must also meet the requirements of CTY 13 (a-f), CTY 14 and CTY 16.

CTY13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The proposed building has a ridge height of approximately 6m. The site has established natural boundaries to the roadside and proposes a new timber post and rail fence with hedgerow to clearly demarcate boundaries with rest of the site (outlined in blue). The landscape plan compliments the vegetation on site and offers additional integration into the landscape. Ancillary works integrate with the surroundings.

The design of the building constitutes two main blocks, with the kitchen/living/dining area located towards the rear of the site and sleeping arrangements orientated towards the front of the house. The front elevation is of traditional modern design, with a vertical emphasis on fenestration, two chimneys located on the ridge, and a porch area finished in a stone material. Some of the windows to the rear elevation are perhaps not as in keeping with rural design, however given their positioning in this proposal, they will not be visible from Chapel Road and are therefore acceptable. The proposal blends with the existing vegetation and buildings which provide a backdrop.

This proposal is for a dwelling on a farm – as outlined in the assessment of CTY 10 above, the proposal is not visually linked or sited to cluster with an established group of buildings on the farm. The proposal is therefore contrary to criteria (g) of CTY 13.

CTY14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The proposal is not unduly prominent in the landscape. It does not result in a suburban style build-up of development when viewed with existing and approved buildings. The proposal is mindful of the pattern of settlement in the area. It does not create or add to ribbon development. Ancillary works do not damage rural character.

CTY 16 – Development relying on non-mains sewerage

The P1 form indicates that foul sewage will be disposed of via septic tank. The application complies with Policy CTY 16. If approved, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2: Natural Heritage

Policy NH6 of Planning Policy Statement 2 is applicable as the application is located within an AONB. The siting of the proposal is considered unsympathetic to the special character of the AONB in general and of the particular locality due to its inability to group with existing buildings on the farm.

Planning Policy Statement 6

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Recommendation:

Refusal

Refusal reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 1 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 be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:
 - the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm or that verifiable plans exist to expand the farm business at the existing building groups to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy statement for Northern Ireland (SPPS) and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

- the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: E.Moore 07.01.2021

Authorised Officer: A.Davidson 07.01.2021

Permission is sought for a dwelling on a farm, which is provided for under Policy CTY 10 of PPS 21. The applicant meets all its criteria. Refusal is recommended not on the basis that the proposal fails to comply with the **actual** requirements of a planning policy, but solely because officers feel that regardless of how a building / or buildings are constructed, they have the *appearance* of a single building in the landscape. But the Policy does not say that the group of farm buildings to be clustered with must look as if they are separate from each other. Policy simply states that **“the new building is visually linked or sited to cluster with an established group of buildings on the farm”**. At this site, there are a series of co-joined structures. Members will be able to see, for themselves, that each of these structures has been added independently.

The dwelling is said to be unsympathetic to the character of the AONB, only because it is deemed not to be sited beside what appears like a group of buildings (plural). If Members accept this is not the case, NH 6 is not offended. Policies CTY 10, 13 and 1 of PPS 21 will also be set aside, so there is only one issue to be discussed here.

Officers state *“in this proposal, it is considered that the building, regardless if it has multiple openings, is considered one building as it appears as such in the landscape”*. Officers clearly concede the building has multiple openings, inferring that the structure is actually comprised of more than one building, but stop short of stating that because of a reluctance to admit that the proposal does technically comply with policy.

Officers have strayed beyond the everyday meaning of the policy, speculating what the policy is aimed at instead of reading it plainly and applying it according to its actual wording.

Not only do we contend that officers have got their assessment fundamentally wrong, but we also believe that their understanding of how the structures “appear in the landscape” is equally flawed. In reality, the existing buildings are barely visible from Chapel Road (they are well back from the roadside and Chapel Road runs at a right angle to the buildings, making them indiscernible to passers-by).

Policy CTY 10 deals with situations where buildings are well landscaped: *If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation*. Since permission can be granted where there is limited or no visual linkage between a dwelling and its associated buildings, it is irrational to suggest permission cannot be granted if it looks like the proposal only clusters with one building even though it is actually clustered with more than one.

We ask why officers feel compelled to judge this application against standards that do not actually form part of the relevant planning policy. We would caution Members that if this application fails, the applicant must appeal to the Planning Appeals Commission. If the Council is felt to have caused an unnecessary appeal, e.g. for refusing permission based not upon what a policy requires, but based upon something unspoken in policy, then it could be held liable for an appellant’s costs.

The subject of planning appeals is very relevant, because officers cited a particular appeal decision in their report. Fatally, officers ignored and showed no consideration at all to the appeal decision cited by the applicant in his supporting submission.

The decision cited by officers does not in fact advance their cause since the appeal was actually allowed and the PAC accepted that the proposal was sited as prescribed in Policy CTY 10. The issue of whether

that was a building or buildings was not determining, because another structure nearby (with no roof) was recognised as a building and thus there were the requisite two buildings. The very same Commissioner allowed a similar appeal one month after the one erroneously cited by officers (referred to in supporting submissions but not even acknowledged by officers). This is a classic example of a planning authority not just being a slave to policy, but actually going beyond the everyday meaning of the policy.

The fact is that there are a number of co-joined buildings at this site. A building is defined in plain English as a structure with a roof and walls. It is plain to see that there is more than one structure on this site, and more than one roof, and numerous sets of walls that are independent of one another.

It is not possible to walk from one building to another. That shows that the building was never extended – this was a case of a new building being added on each time the building was altered. Mapping (1957-1986) records this site when there was only a single building on it and it is clear to see other buildings have been added over time.

The Planning (General Permitted Development) Order (Northern Ireland) 2015 defines a building:

“building” does not include plant or machinery or a structure or erection of the nature of plant or machinery and for the purposes of the Schedule does not include any gate, fence, wall or other means of enclosure but **includes any structure or erection and any part of a building as so defined**. Having regard to this legislation, there are clearly multiple structures in situ. Officers appear not to have consulted with the relevant legislation in their assessment.

The appeal relied upon by the appellant is relevant and should have been given considerable weight (but it was not even acknowledged) as it involved “an established group of buildings comprising two sheds which were co joined in a modest yard”. The PAC noted that both buildings were constructed in different materials (as per this applicant’s). The PAC agreed it is not uncommon for farm buildings to be attached to each other”, and that CTY 10 does not contain the requirement that new dwellings should be sited beside the main buildings on the farm. That is relevant because the applicant has other groups of buildings at other farms. It is clear that there is an unwritten preference, among officers, to site beside the main farm buildings when that is not actually spelt out in policy.

Although not dealing with a farm dwelling, this Council treated a structure as two buildings, for the purposes of establishing that there were three buildings (for a gap site) at Ballykeel Road, Mullaghbawn (LA07/2018/0698/O). The same applied to co-joined farm buildings at Bog Road, Forkhill (LA07/2019/0472/O). In the interests of fairness and equity, the applications should be handled consistently.

Officers must be compelled to outline why their approach differs from that of the PAC, and why they relied upon an outdated appeal that was actually successful but ignored the only known comparable appeal. In land use planning, the long-established practice has been that where there is a lack of clarity in a policy, then it will be the applicant that is the beneficiary of any element of doubt. The policy in question outlines when permission should be granted, so members are asked not to refuse permission on the basis of something not argued against or even acknowledged in Policy but to approve this in recognition that it categorically meets with the policy.



The PAC ruled in this case (2015/A0069) that the appellant's group of farm buildings comprised two sheds and were co joined. It was highlighted within the commissioner's report that "it is not uncommon for farm buildings to be attached to each other" and emphasised that there is no requirement to cluster with the main group of buildings on the farm. This appeal decision was cited in supporting documentation but not referenced in the planning report (which relied instead upon a previous decision that was actually allowed and in which the matter was not determining because there was a group already



Although not dealing with a farm dwelling, this Council treated two different structures as two buildings, for the purposes of establishing that there were three buildings (for a gap site) at Ballykeel Road, Mullaghbawn - top (LA07/2018/0698/O). The same applied to co-joined farm buildings at Bog Road, Forkhill (LA07/2019/0472/O) – bottom.



This picture illustrates a collection of co-joined buildings. It is clear that the works occurred in at least three separate stages. It is not possible to walk between building 1 to 2, or 2 to 3. Policy simply requires applicants to cluster with a group of buildings – it does not say the buildings have to appear as if they are separate from each other.

Shed 1, to the right hand side, has a half rounded corrugated roof covering. Shed 2 has a box-profile roof, which is different to the others, and this points to the presence of a separate structure.



Note the rendered wall to the right inner side to Shed 2 (left hand images). This wall is solid and there is no internal access between sheds 1 and 2. They are separate albeit co-joined buildings. It can be seen that the other face of that wall has not been faced. It is obvious then that the images on the left hand side show the original outer wall to Shed 2, which would not have been rendered if this was merely an extension to Shed 1. The wall would have been rendered for weather proofing, and this would have been necessary because building 2 was not then in place to provide shelter to Shed 1.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1103/O

Date Received: 11.08.2020

Proposal: Site for dwelling and detached garage

Location: Adjacent to and 30m NE of no 122 Newry Road, Silverbridge, Newry

Site Characteristics & Area Characteristics:

The site takes in a rectangular roadside portion of a larger agricultural field situated along a frontage with the main Newry Road. The area is rural in character with an increased but dispersed settlement pattern noted locally. The land rises to the rear of the site gradually.

Site History:

No relevant site history.

Consultations:

Transport NI – No objections subject to compliance with RS1 form.

NI Water – Generic response, no objections.

DFI Rivers – Following further information and amended plans no objections.

Objections & Representations

6 Neighbours notified on 28.08.2020 and the application was advertised on 01.09.2020. No objections or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 15

Planning Policy Statement 3 / DCAN 15

Building on Tradition

Consideration and Assessment:

The site is located in the countryside as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan to the proposed development.

As the retained policy PPS 21 is more proscriptive than the SPPS and in the absence of a functional LDP, PPS21 will carry the determining weight for this application.

The agent has, in his supporting statement asked for the proposal to be assessed as an infill dwelling under policy CTY 8 of PPS 21.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for a small gap site to accommodate up to a maximum of 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings in an otherwise substantial and continuously built up frontage providing it respects the development pattern along the frontage.

Looking at the developable gap of the site including the adjacent remaining field I consider that the extended frontage lengths of the properties are atypical of the rural area and a pragmatic balanced approach should be considered. The average plot frontage to the nearest three buildings with a common frontage is 28.2m. The total length of the developable frontage along Newry Road amasses approximately 60m which means the site cannot accommodate more than 2 dwellings, while remaining respectful to the average frontage lengths of the surrounding dwellings. The proposed frontage of the application site is approximately 42m. Whilst this is higher than the average it is within 1.5m of the adjacent property at No.122. I therefore conclude the proposed frontage to be consistent with the existing development pattern – which varies considerably. The remaining portion (outside the application site) would have a remaining frontage of approximately 18m to the Newry Road. Despite being considerably smaller, this is within 1 metre of the frontage at No. 3 Carrig Place and therefore, is equally consistent with the established development pattern. The proposed site therefore meets the definition of a small gap site in policy CTY 8.

The policy also requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings along a road frontage without accompanying development to the rear. The dwelling at No. 122 Newry Road clearly has a frontage to the Newry Road as do Nos 3 and 5 Carrig Place. However, the Drumill Road (a two lane public road) breaks the frontage between Carrig Place and the proposed site. For this reason I do not consider the frontage to be continuous, and therefore contrary to the exception noted with policy CTY 8.

The agent has referred to Appeal Ref 2018/A0186, an infill dwelling in the Omagh area regarding the existence of a public road within the frontage as the justification of same. I note the road in question to be a single lane minor road and upon reading the statement, was not referred to by the LPA or PAC.

Planning Appeal Ref 2017/A0009 an appeal in this Council area and dismissed by the PAC is of particular note which deals specifically with this issue. The road in question was the Magheralone Road, a two-lane public road. Quoting from the Commissioner's report he says "The Magheralone Road, a two-car width roadway, represents the end of the frontage development along that part of Crawfordstown Road. The Commissioner goes on to say "Whilst Policy CTY8 does not refer to adjoining roads

or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and continuously (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site before the Planning Authority.

Additionally, planning ref LA07/2017/0038/O was for an infill dwelling along the Maphoner Road. This application was refused by this Council for a number of reasons including that Smith's Brae broke the frontage and was considered a break in development. This position has been consistent within the decision making of this Planning Authority.

For the above reasons, the proposed site is not considered to represent an exception to ribbon development, but instead add to a ribbon development when viewed alongside existing properties along the Newry Road.

Consequently, as the proposal does not meet any exceptions listed under Policy CTY1 and there are no overriding reasons why this dwelling is essential at this location, the proposal is contrary to the SPPS and policies CTY1 and CTY8 of PPS21.

Whilst the site does benefit from a rising backdrop, it appears open and exposed and lacks the natural boundaries and enclosure required for a rural site. The site would rely primarily on new landscaping for integration. The proposal is contrary to policy CTY 13 part (b) and (c). As the proposal adds to a ribbon of development when viewed along Newry Road and contributes to build up when considered against existing buildings in the immediate vicinity of the site, the proposal is contrary to policy CTY 14 (b) and (d).

Sewage arrangements are minimal at Outline however a condition can be added to any approval notice to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

Following the submission of an amended site location plan, DFI Roads have no objections with regard to Planning Policy Statement 3; Access, Movement and Parking provided any RM application adheres to the attached RS1 form.

DFI Rivers has no objections with regards to PPS 15 following amended site layout. I recommend conditioning a working strip adjacent to the watercourse and all site storm drainage to the proposed soakaways to be located to the front and rear of the property.

Recommendation:

Refusal

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, add to a ribbon development along Newry Road and is not considered to represent an exception to the policy.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

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

and therefore would not visually integrate into the surrounding landscape.

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

Case Officer: Ashley Donaldson 01/12/2020

Authorised Officer: Andrew Davidson 02/12/2020

Application LA07/2020/1103/O. Site for a dwelling and detached garage at Newry Road, Silverbridge.

This application proposes an infill dwelling, which would front onto Newry Road in half of a larger gap which could accommodate 2 houses within a frontage of 6 dwellings at Newry Road, Silverbridge.

The junction between Drummill & Newry Roads lies within the frontage of dwellings. Drummill Road runs away from Newry Road at a 90 degree angle. The officer's report contends that Drummill Road breaks the frontage of dwellings which in the eyes of the Council removes the opportunity for an infill dwelling to be approved.

Helpfully, the officer's report for this application is for the most part very thorough and concise. The report confirms that the application complies with **all of the remaining criteria in CTY 8** for an infill dwelling. If the application is ultimately found to comply with CTY 8 the remaining refusal reasons would automatically be set aside and the application would be approved.

Policy CTY 8 and the justification text which follows **does not advise** that a road or lane running between buildings creates a break in a ribbon of development. Furthermore, this Council has approved applications for infill dwellings in cases where a road or lane is located within the frontage of development.

In deciding to refuse this application, the Council has relied heavily on the circumstances and the outcome of an unsuccessful planning appeal, 2017/A0009 for an infill dwelling at Drumaness. In this case a Commissioner concluded that a junction which was located within the frontage of buildings broke the frontage. As the frontage was broken, a new dwelling was therefore seen as an extension to a ribbon of development and not an infill opportunity.

For an appeal to be relevant to the consideration of a planning application, the circumstances of the appeal must be exactly the same, or "*on all fours*" with the circumstances of the application. The appeal referred to by the officer is clearly not "*on all fours*" for 2 reasons.

Firstly, the applicant was relying on an un-implemented approval for a dwelling where no building had been constructed. Secondly, the dwelling which the Commissioner took as being the "*book end*" of the ribbon of dwellings fronted onto another road. The Commissioner has used the fact that the dwelling fronted 2 roads along with the existence of the junction to create/establish a break in the frontage of development which proved fatal to the appeal. In contrast, all of the dwellings at Silverbridge Road front Silverbridge Road and the applicants are not relying on any other approvals being constructed.

The statement, which was submitted with this application referred to Appeal 2018/A0186 relating to an infill dwelling in the Omagh area. Unlike the appeal referred to by the planning officer, this successful appeal is "*on all fours*" with the subject application in that all houses fronted onto one road and a junction was located within the frontage of development.

The planning officer who considered this application refers to the Omagh appeal in his report. He notes that the presence of the road within the frontage of development was not referred to by the Council nor the PAC when considering the Omagh site.

I would contend that the road was not referred to by the Council who refused the application and the Commissioner who decided the appeal because neither party felt that it was having a detrimental effect to the situation. The application was recommended for refusal for reasons which did not relate to the presence of a road within the frontage.

Having dealt with several planning authorities, I would contend that if the Council had thought that using the junction to break the ribbon of development would have bolstered their chances of defending a refusal at appeal, perhaps they would have referred to the presence of the junction.

In a similar way, if the commissioner who decided the appeal had thought that the road broke the frontage, he or she would mentioned this and dismissed the appeal.

The planning department has not explained why the un-successful appeal at Drumaness is relevant to the consideration of this application and why the successful appeal at Omagh is not relevant to the consideration of this application. The applicants contend that the findings/outcome of the un-successful appeal has been given greater weight simply because it was un-successful.

It is noteworthy that the successful Omagh appeal which I have referred to was decided in August 2019, **2 years after** the unsuccessful Drumaness appeal to which the Council has referred. Against this background, the Omagh appeal may very well be the most recent appeal decided in a situation such as that at Silverbridge Road.

What happens if we approach this from a different angle?

If an application were submitted for a dwelling at the end of a row of 3 houses, it would be considered as an extension of a ribbon of development and refused contrary to CTY 8.

If an application were submitted in exactly the same circumstances but with a road running between 2 of the houses, it would still be refused contrary to CTY 8. No planning authority would overlook the extension of a ribbon of development just because there is a road located within the frontage.

If the presence of a road or lane would not affect the outcome of such an application, logic and administrative fairness would and should dictate that a similar road within a frontage of houses would not prevent the approval of an infill dwelling.

During my presentation to the Committee I will use some maps and drawings to further explain the circumstances of the 2 appeals.

I will compare the situation at New Road to the successful Omagh appeal.

Finally, I hope to demonstrate that the Council's decision to use the presence of Drummill Road as a reason to refuse this application is not well founded.

Brendan Quinn.

BSc Hon's ICIOB

Report to:	Planning Committee
Date of Meeting:	10 February 2021
Subject:	LDP: Progress – Quarterly Update
Reporting Officer:	Anthony McKay, Chief Planning Officer
Contact Officer:	Andrew Hay, Principal Planning Officer

Confirm how this Report should be treated by placing an x in either:-

For decision	☐	For noting only	☒
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1.0	Purpose and Background
1.1	The purpose of this report is to provide Members with a quarterly update on progress in respect of the preparation of the Local Development Plan (LDP).
1.2	The report outlines progress over the last three months (Oct – Dec 2020; 3 rd Q 2020-21) and sets out what is programmed for the next three months (Jan – Mar 2021; 4 th Q 2020-21).
2.0	Key issues
2.1	The last update on progress in respect of the preparation of the LDP was reported to Members at the Planning Workshop on 16 September 2020. For the purposes of this quarterly update, the progress report includes activity since that date.
2.2	The most significant development over the last three months has been a revision to the LDP Timetable.
2.3	The Timetable details the key stages, actions, and an indicative timeframe in the plan preparation process. The Timetable is a public statement of the Council's programme for the production of the LDP, it helps to ensure that the plan process is efficiently managed and that the key stakeholders such as the statutory consultation bodies and the PAC are kept informed and can manage their own resources to facilitate their involvement in the LDP process. The Timetable sets out the Council's indicative programme for the production of the LDP and details the key stages of the plan preparation process.
2.4	The Timetable is a statutory requirement which requires to be kept up to date. The Planning Act (Northern Ireland) 2011 requires the Council to prepare, and keep under review a timetable for the preparation and adoption of the LDP. The Timetable is required to be formally revised as necessary to reflect progress and changes to the projected timeframe.
2.5	Members were advised at the Planning Workshop, in taking account of progress to date and projected timeframes, that it was considered necessary to revise the Timetable. A revised Timetable was reported to and agreed by the Planning Committee on 18 November 2020 and approved by the Council on 7 December 2020. Following approval by the Council, the revised Timetable was submitted to DfI on 21 December 2020 for agreement. By way of further update, Members are asked to note that the revised Timetable was agreed by DfI on 12 January 2021 and has now been published and made available for inspection in accordance with the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

2.6	Over the last quarter, work has continued in progressing the preparatory work for the draft Plan Strategy and will continue over the next quarters. As set out in the revised Timetable, the indicative timeframe for the publication of the draft Plan Strategy is now 3 rd – 4 th Quarter 2021/22.
2.7	Members will appreciate that over the last year the Development Plan Team has experienced a number of challenges that have impacted on the plan preparation process. The ongoing crisis, associated restrictions, and changes to working practices of the Development Plan Team and others (e.g. Central Government Departments, statutory consultees, consultants), continues to impact on the progress of a number of work strands. The Team continues to face up to the various challenges - with new found ways of engagement and going about our business, the Team is ensuring these work strands are being progressed.
2.8	With continuing restrictions, the last quarter has demonstrated the need to take account of the implications of the crisis in our preparatory work, particularly in respect of the economy, which will require reviews and updates of our evidence base to ensure its soundness. In planning for a post-pandemic future there is also a need to reassess our objectives and policy approach and consider how best the LDP can address the new challenges and opportunities, and build resilience. This is now being reflected in the work being progressed, particularly in respect of our Planning Policy Review exercise which has now commenced, and which will be the focus of the Team's workload over the coming months.
2.9	Appendix 1. provides an update of the key work strands and study areas that have progressed in the preparation of the draft Plan Strategy over the last three months (Oct – Dec 2020), and what is currently programmed for the next three months (Jan – Mar 2021). In summary over the last quarter, the Team completed much on-site survey work across a number of work strands, which has advanced work in respect of the Urban Capacity Study, Housing Monitor, and Industrial and Economic Land Monitor. During the quarter, the Team also finalised a number of major studies i.e. Retail and Commercial Leisure Study, Landscape Character Assessment, and Employment Needs Analysis; and commenced work on the Employment Land Supply Analysis, Village Centre Assessment, and the Planning Policy Review exercise.
2.10	In managing and responding to the evolving situation, progress in the preparation of the LDP against the Timetable will continue to be monitored. Members will be kept advised of progress and developments through subsequent quarterly updates.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i> It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☐

5.2	<i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i> Yes ☒ No ☐ If yes, please complete the following: The policy (strategy, policy initiative or practice and / or decision) has been equality screened ☐ The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation ☒
5.3	<i>Proposal initiating consultation</i> Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves ☐ Consultation period will be 12 weeks ☐ Consultation period will be less than 12 weeks (rationale to be provided) ☐ <i>Rationale:</i>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes ☒ No ☐ If yes, please complete the following: Rural Needs Impact Assessment completed ☐
7.0	Appendices
	LDP: Progress Report – Quarterly Update
8.0	Background Documents
	- The Planning Act (Northern Ireland) 2011 - The Planning (Local Development Plan) Regulations (Northern Ireland) 2015 - LDP Timetable (Revised January 2021)

Appendix 1:**LDP: Progress Report – Quarterly Update****Progress: Oct – Dec 2020 (3rd Q 2020-21) ***

*Note: For the purposes of this quarterly update, the progress report includes activity since the last update provided to Members at the Planning Workshop on 16 September 2020

- **Revised LDP Timetable**

Following update provided at the Planning Workshop in Sept, a revised Timetable was drafted for Members consideration and agreement. Revised Timetable reported to and agreed by the Planning Committee on 18 Nov, and approved by the Council on 7 Dec. Following approval by the Council, revised Timetable submitted to DfI on 21 Dec for agreement. Following initial consideration, DfI requested further information and clarification; sent to DfI on 31 Dec.
- **Urban Capacity Study**

The on-site survey work progressed over the summer months proved to be a slower process due to restricted Covid-19 arrangements. Site analysis work completed for all towns in Oct. Drafting of UCS reports ongoing (Oct – Dec).
- **Housing Monitor**

Following some delays experienced as a consequence of Covid-19, which impacted on the ability to visit sites, the 2019 Housing Monitor (HM) assessment data was finalised; this was coupled with realigning and updating the site analysis data to provide the 2020 HM assessment (Oct-Dec).

2020 HM completed for all settlements except Newry.
- **Retail and Commercial Leisure Study**

Members workshop held on 4 Aug. Following further online meetings with the consultants, final report signed off at meeting on 18 Sept.
- **Village Centre Assessment**

To support the work of the Retail Study, which was undertaken for each of the Districts existing and proposed towns, the Dev Plan Team is undertaking an assessment/health check of the Districts villages in respect of their viability, vitality, quantity and quality of retail and service provision.

Assessment exercise commenced Oct and has been ongoing Oct-Dec. Progress of on-site survey work hampered by Covid-19 restrictions.
- **Landscape Character Assessment**

Members workshop held on 12 Aug. Following further online meetings with the consultants, final report signed off at meeting on 16 Oct.
- **Employment Needs Analysis**

Prepared by Ulster University: Economic Policy Centre (UUEPC), the Employment Needs Analysis report establishes the demand for employment space. Initially finalised in March 2020, in response to Covid-19, UUEPC were asked to update the report to take account of the ongoing situation, and the impacts it would have on the economy and employment

needs. The updated report was received in Aug and following further consideration by the Team, and need for minor amendments, the report was finalised and signed off end of Oct.

- **Employment Land Supply Analysis**

Following receipt of the updated Employment Needs Analysis report (as referenced above), discussions held with SIB to procure a suitably qualified agency through its consultancy framework to undertake an analysis of employment land supply. Terms of Reference for the project considered in consultation with Economic Development.

Meeting held with SIB on 8 Oct to discuss the project, agree ToR, and identify a suitable agency.

CBRE appointed at end of Oct. Agreed with CBRE to commence study in Jan, following availability of the 2020 Industrial and Economic Land Monitor (IELM) data, together with the supply of other information and data as researched and undertaken by the Team.

- **Industrial and Economic Land Monitor**

Review and update of 2018 IELM, expanded to include additional sites and use classification information. Desk top research and site visits undertaken Oct – Dec. 2020 IELM data collated and completed end of Dec.

- **Planning Policy Review**

Commencement of Planning Policy Review (PPR) exercise - Nov.

Dev Plan Team commenced review of all operational planning policy provisions as contained in over 20 existing policy documents. Team will prepare a series of PPR Papers, with policy recommendations, for various planning and land use subject areas. The PPR Papers will be brought to the LDP Steering Group/Planning Committee for consideration and agreement. The PPR will be ongoing for several months. Initial consultation engagement and preliminary work (Nov-Dec)

- **Consultation/engagement with neighbouring councils and statutory consultees**

Ongoing Oct – Dec

- **Development Plan Working Group**

Meeting of the inter council/Dfl working group – 7 Dec

- **NIW**

Meeting with NIW to discuss latest NIW Capacity Data Spreadsheet (Sept 2020) – 9 Oct.

- **Louth County Council**

Notice of Preparation of the Draft Louth County Development Plan 2021-2027 for consideration and comment - received 8 Oct; representation response submitted 21 Dec.

- **Dfl: Transport Planning, Policy and Modelling Unit**

Draft NMD Local Transport Study – received 7 Dec, for consideration, general comment and feedback.

Programmed: Jan – Mar 2021 (4th Q 2020-21)

- **Revised LDP Timetable**

Revised Timetable to be agreed by Dfl (Jan). Following agreement of Dfl, revised Timetable to be finalised and published and made available for inspection at the Council offices and

uploaded to the Council's website (Jan). Public Notice to be prepared (Jan) and published/advertised in the local press (Feb)

- **Urban Capacity Study**
Drafting of UCS reports ongoing (Jan – Mar) and made ready for review and consideration by the Dev Plan Team at future UCS workshop sessions.
- **Housing Monitor**
Site analysis data for Newry to be completed by end of Jan.
2020 HM to be completed (Feb).
- **Village Centre Assessment**
Assessment exercise ongoing Jan - Mar. Progress of on site survey work subject to ongoing Covid-19 restrictions.
- **Employment Land Supply Analysis**
Inception meeting with CBRE and SIB - early Jan.
Provide CBRE with 2020 IELM data, and other information and data - early Jan.
CBRE progressing study Jan – Mar, with input, support and meetings with the Dev Plan Team as necessary.
CBRE to submit draft study report for consideration by Dev Plan Team end of Mar.
- **Industrial and Economic Land Monitor**
Mapping/GIS spatial data to support collated information and statistical data to be compiled Jan – Feb.
2020 IELM to be completed end of Feb.
- **Policy Review Exercise**
Planning Policy Review exercise ongoing Jan – Mar.
Draft of first PPR Paper (Transport) to be completed by end of Jan.
Dev Plan Team workshop session to discuss first PPR Paper early Feb.
Subject to consultation and engagement with statutory consultees and associated progress in drafting papers, the programme for PPR Papers is:
End of Feb: Transport; Flooding
End of Mar: Open Space; Natural Heritage; Telecommunications
- **Consultation/engagement with neighbouring councils and statutory consultees**
Ongoing Jan – Mar
 - **Development Plan Working Group**
Meeting of the inter council/Dfl working group – 15 Mar
 - **Dfl: Transport Planning, Policy and Modelling Unit**
Draft NMD Local Transport Study – response with general comments and feedback; and meeting with Dfl to discuss dLTS - Feb.

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with alterations and new bulk fuel tank in yard – site between 54	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	and 58 Edenappa Road, Jonesborough				
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee Under consideration.	N
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2019			
LA07/2018/0860/F	Proposed replacement dwelling (amended drawings) – 45 metres NE of No. 14 Rath Road, Clonallon Glebe to Warrenpoint	Defer for further discussion between Planning Officers and agent/applicant – additional information to be provided	M Keane	Remains under consideration	N
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Meeting to be convened with CPO and Agent/applicant	N
PLANNING COMMITTEE MEETING 11 MARCH 2020					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2019/1455/F	New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry	Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted	A Davidson	Remains under consideration. New agent on application.	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting consultation response from DFI Roads on new info submitted.	N
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney		N
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney		N
LA07/2019/0329	Dwelling and garage - approx 60m south of 144 Loughinisland Road, Downpatrick	Removed from the agenda as agent unable to attend	A McAlarney		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered	A Davidson		N
PLANNING COMMITTEE MEETING 15 DECEMBER 2020					
P/2013/0189/F	Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works	Site visit to be arranged	J McParland	Date to be agreed	N
LA07/2020/0167/F	The Manse 17 Downpatrick Road Crossgar New Manse and detached domestic garage (Amended proposal description)	Site visit to be arranged	A McAlarney	Date to be agreed	N
LA07/2020/0299/F	Adj. to 7 Annacloy Road North Dunnanelly Downpatrick Single storey dwelling	Removed from the agenda at the request of Councillor Trainor	A McAlarney		N
LA07/2020/0719/F	171 Rathfriland Road Dromara Off site Replacement Dwelling	Defer to give the applicant an opportunity to submit evidence to support their case	A McAlarney		N

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1. Live Applications

MONTH 2020/21	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
March, April & May	338	989	242
June	164	965	232
July	175	1,002	241
August	165	1,038	231
September	192	1,046	233
October	179	1,082	234
November	192	1,068	218
December	177	1,044	209
January	186	1,080	218

2. Live Applications by length of time in system

Month 2020/21	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
May	540	207	103	43	96	989
June	562	171	101	40	91	965
July	587	174	105	44	92	1,002
August	598	209	93	51	87	1,038
September	613	200	89	49	95	1,046
October	655	193	89	44	101	1,082
November	662	188	81	49	88	1,068
December	654	181	70	50	89	1,044
January	677	185	80	51	87	1,080

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3. Live applications per Case Officer

Month 2020/21	Average number of Applications per Case Officer
May	53
June	66
July	68
August	71
September	71
October	74
November	82
December	81
January	79

4. Decisions issued per month

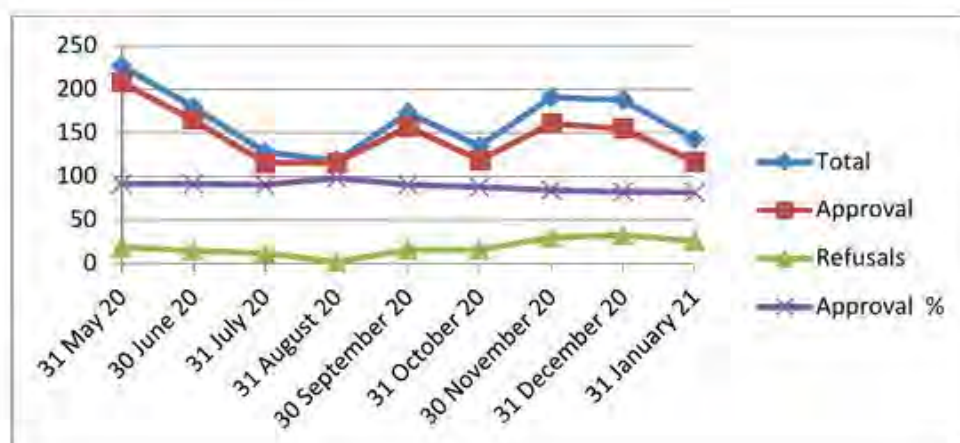
Month 2020/21	Number of Decisions Issued	Number of Decisions Issued under delegated authority
March, April & May	227	216
June	180	166
July	128	122
August	118	110
September	173	163
October	135	129
November	191	179
December	188	182
January	143	138

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5. Decisions Issued YTD

Month 2020/21	Number of Decisions Issued	Breakdown of Decisions	
March, April & May	227	Approvals (208)	92%
		Refusals (19)	8%
June	407	Approvals (373)	92%
		Refusals (34)	8%
July	535	Approvals (489)	91%
		Refusals (46)	9%
August	653	Approvals (605)	93%
		Refusals (48)	7%
September	826	Approvals (762)	92%
		Refusals (64)	8%
October	961	Approvals (881)	92%
		Refusals (80)	8%
November	1,152	Approvals (1,042)	90%
		Refusals (110)	10%
December	1,340	Approvals (1,197)	89%
		Refusals (143)	11%
January	1,483	Approvals (1,314)	89%
		Refusals (169)	11%



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6. Enforcement Live cases

Month 2020/21	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+ysrs	Total
March, April & May	180	177	174	89	35	91	746
June	229	168	175	95	35	89	791
July	236	158	187	97	35	92	805
August	238	158	179	107	40	93	815
September	246	147	190	110	44	93	830
October	226	148	175	106	53	93	801
November	229	139	171	99	59	94	791
December	230	130	177	96	57	95	785
January	226	135	166	94	58	95	774

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
3 June 2020	15	15	0	6
1 July 2020	5	4	1	1
29 July 2020	6	2	4	0
26 August 2020	16	8	8	4
23 September 2020	9	7	2	2
21 October 2020	9	5	4	2
18 November 2020	13	13	0	6
16 December 2020	14	10	4	2
13 January 2021	2	2	0	0
Totals	89	66	23	23

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8. Appeals

Planning Appeal Commission Decisions issued during period 1 November 2020 to 31 January 2021

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	12	0	-	-	-
Down	13	0	-	-	-
TOTAL	25	0	-	-	-

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Statutory targets monthly update - December 2020 (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 ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	-	0.0	0.0%	63	3	18.2	33.3%	17	18	146.8	33.3%
May	1	-	0.0	0.0%	97	93	24.2	17.2%	9	69	228.2	14.5%
June	1	3	87.0	0.0%	122	161	26.4	18.6%	49	31	111.8	41.9%
July	2	1	31.8	0.0%	137	113	20.0	25.7%	41	19	91.8	31.6%
August	1	-	0.0	0.0%	138	115	21.2	32.2%	29	23	35.4	73.9%
September	0	1	64.6	0.0%	147	148	19.4	33.8%	26	22	36.5	72.7%
October	1	-	0.0	0.0%	148	115	17.0	34.8%	28	58	100.3	53.4%
November	1	-	0.0	0.0%	160	160	16.9	43.1%	36	37	109.8	35.1%
December	0	-	0.0	0.0%	147	160	14.9	51.3%	16	24	187.5	25.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	8	5	64.6	0.0%	1,159	1,068	19.6	33.1%	251	301	126.4	39.2%

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.

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Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0065
Planning Ref:	P/2014/0920/F	DEA	Crotlieve
APPELLANT	Mr Brian Mulholland		
LOCATION	To The Rear Of 37A Ballyholland Road Ballyholland Lower		
PROPOSAL	Newry Retention of existing agricultural shed, hardstanding, agricultural laneway and earthen embankments		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 27/06/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT	Anthony Flanagan		
LOCATION	152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 04/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2019/1313/	PAC Ref:	2019/A0159
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2019/0691/	PAC Ref:	2019/A0238
APPELLANT	Paul Fitzsimons Esq	DEA	Rowallane
LOCATION	65m South East 47 Saintfield Road Crossgar BT30 9HY		
PROPOSAL	Proposed infill dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/03/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT	Mr James Rogan		
LOCATION	Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission	Date Appeal Lodged	10/03/2020
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2019/E0059
Planning Ref:	LA07/2019/0876/	DEA	Downpatrick
APPELLANT	Mr Michael Trainor		
LOCATION	42b And 42c Clanmaghera Road Tyrella		
PROPOSAL	Downpatrick 2 no dwelling units		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	20/01/2020
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2019/1526/	PAC Ref:	2019/E0072
APPELLANT	John Mc Williams	DEA	Crotlieve
LOCATION	Land Extending From A Point 190m SW Of No 97 Rathfriland Road Newry To 22 Sheeptown Road		
PROPOSAL	Newry Form an agricultural lane		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/1559/	PAC Ref:	2020/A0002
APPELLANT	EDB Constructions Ltd	DEA	Newry
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9		
Planning Ref:	LA07/2019/1021/	PAC Ref:	2020/A0003
APPELLANT	Mrs E Fitzsimons	DEA	Rowallane
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10		
Planning Ref:	LA07/2019/1257/	PAC Ref:	2020/A0014
APPELLANT	Mr Shane Robinson	DEA	Downpatrick
LOCATION	87 Seaview Killough Downpatrick		
PROPOSAL	2 Storey extension to side of dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

234

ITEM NO	11	PAC Ref:	2020/A0020
Planning Ref:	LA07/2019/0584/	DEA	The Mournes
APPELLANT	Mr David Gordon		
LOCATION	34 Dougans Road Kilkeel BT34 4HN		
PROPOSAL	Erection of farm dwelling and retention of existing building as a garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2020/A0029
Planning Ref:	LA07/2019/1184/	DEA	Rowallane
APPELLANT	Mr D Graham		
LOCATION	Lands Between 12 And 18 And Neighbouring House On Private Lane Raleagh Road Crossnac		
PROPOSAL	2 infill dwellings and garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

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ITEM NO	13		
Planning Ref:	LA07/2019/0573/	PAC Ref:	2020/A0045
APPELLANT	Mills Smyth	DEA	Slieve Gullion
LOCATION	95 Aughnagurgan Road Altnamackan		
PROPOSAL	Newry Proposed demolition of all existing buildings and replace with dwelling house and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	10/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2020/0194/	PAC Ref:	2020/A0060
APPELLANT	Drumee Farms Ltd	DEA	The Mournes
LOCATION	Lands Approx. 100m NE Of 125 Newcastle Road Castlewellan		
PROPOSAL	Retention of multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2020/A0066
Planning Ref:	LA07/2019/1819/	DEA	Slieve Croob
APPELLANT LOCATION	William Henry McMaster 42a Cherryhill Road Spa		
PROPOSAL	Retirement bungalow		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2020/A0067
Planning Ref:	LA07/2019/1815/	DEA	Newry
APPELLANT LOCATION	David & Bronagh Strain 15 Liska Road Newry BT35 8NH		
PROPOSAL	Proposed new dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17		
Planning Ref:	LA07/2019/1575/	PAC Ref:	2020/A0073
APPELLANT	Mr Gerard Rice	DEA	Crotlieve
LOCATION	8 Corcreeghy Road Newry		
PROPOSAL	Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2019/1218/	PAC Ref:	2020/A0090
APPELLANT	Mary B. Agnew	DEA	Slieve Gullion
LOCATION	50 M. NW Of 38 Killnasaggart Road Jonesborough BT35 8JA		
PROPOSAL	Erection of dwelling house		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	27/10/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

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ITEM NO	19		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
LOCATION	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
PROPOSAL	Erection farm animal shelter and wintering shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/11/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2019/1119/	PAC Ref:	2020/A0124
APPELLANT	John McKay	DEA	Slieve Croob
LOCATION	75 Mill Hill Castlewellan		
PROPOSAL	2 semi-detached dwellings and 1 detached dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	25/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21	PAC Ref:	2020/A0126
Planning Ref:	LA07/2020/0027/	DEA	Downpatrick
APPELLANT	Judy Meharg		
LOCATION	7 Rocks Road Ballyhornan Downpatrick		
PROPOSAL	Wooden hut on a raised deck (retrospective)		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	22/01/2021
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2020/C002
Planning Ref:	LA07/2018/1616/	DEA	The Mournes
APPELLANT	David Trevor Shields		
LOCATION	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel BT34 47N		
PROPOSAL	Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		

APPEAL TYPE	DC- EIA Determination - app ES is required		
Appeal Procedure	Formal Hearing	Date Appeal Lodged	11/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23	PAC Ref:	2020/E0001
Planning Ref:	LA07/2019/1600/	DEA	Slieve Croob
APPELLANT	Mr Paul Cunningham		
LOCATION	5c Teconnaught Road Downpatrick		
PROPOSAL	Existing dwelling		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	16/07/2020
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24	PAC Ref:	2020/E0009
Planning Ref:	LA07/2018/1250/	DEA	Newry
APPELLANT	Mr Brian McNulty		
LOCATION	154 Dublin Road Newry BT35 8NF		
PROPOSAL	Retention of prefabricated building.		

APPEAL TYPE	DC - Non Determination of a Planning Application	Date Appeal Lodged	18/08/2020
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	25		
Planning Ref:	LA07/2020/0159/	PAC Ref:	2020/E0017
APPELLANT	Mr PJ Duffy	DEA	Crotlieve
LOCATION	16A Derryleckagh Road Newry		
PROPOSAL	RT34 2NI Retention of building of temporary construction		
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			
