



May 22nd, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 24th May 2017** at **10:00 am** in the **Boardroom, District Council Offices, Monaghan Row, Newry.**

The Members of the Planning Committee are:-

Chair: Councillor W Clarke

Vice Chair: Councillor J Macauley

Members:	Councillor C Casey	Councillor G Craig
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor K Loughran	Councillor D McAteer
	Councillor M Murnin	Councillor M Ruane

Agenda

1.0 Apologies.

2.0 Declarations of Interest.

Minutes for Adoption

3.0 **Minutes of Planning Committee Meeting held on Wednesday 26 April 2017. (Attached).**

📎 *Planning Minutes - 26 April 2017.pdf*

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For Discussion/Decision

4.0 **Addendum list - planning applications with no representations received and no requests for speaking rights. (Attached).**

📎 *Addendum list - 24-05-2017.pdf*

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Development Management - Planning Applications for determination

5.0 **LA07/2015/0152/F - Accord Building Services - residential development consisting of 2 no detached dwellings + 4 no semi-detached dwellings (6 no Total) and associated detached garages (Amended Form and site location) - 31 Main Street, Clough, Co. Down. (Case Officer report attached).**

Rec: APPROVAL

- Addendum list

📎 *LA07-2015-0152-F Acord Building Services.pdf*

Page 16

6.0 **LA07/2016/0300/F - Patrick Hutley - Change of use from dwelling to restaurant on ground floor, including a single storey rear extension and the amalgamation of the 1st and 2nd floors into the existing Backpackers Hostel to provide additional accommodation (additional information) - 32 Downs Road, Newcastle, BT33 0AG. (Case Officer report attached).**

Rec: APPROVAL

- A request for speaking rights has been received from Bernardine McManus,

objecting to the planning application. **(Submission attached).**

[LA07-2016-0300-F Patrick Hutley.pdf](#)

Page 23

[Item 6 - submission of objection \(P Hutley\).pdf](#)

Page 35

7.0 LA07/2016/0342/F - Mrs V Ward - proposed conversion of outbuildings adjoining existing dwelling to form new dwelling unit - to rear of 3A Fishermans Row, Killough, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0342-F Mrs V Ward.pdf](#)

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[Item 7 - submission of support \(V Ward\).pdf](#)

Page 43

8.0 LA07/2016/0695/F - Mervyn Wishart - erection of additional holiday cottage for the Mourne Cottage self-catering complex - 47 Ballyloughlin Road, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0695-F Merbyn Wishart.pdf](#)

Page 47

[Item 8 - submission of support \(M Wishart\).pdf](#)

Page 55

9.0 LA07/2016/0770/0 - Four Seasons Health Care - proposed residential development (12 units) - lands south of 26 Strangford Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Adam Larkin, Strategic Planning, in support of the application. **(Submission attached).**

[LA07-2016-0770-O Four Seasons Health Care.pdf](#)

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[Item 9 - submission of support \(Four Seasons Health Care\).pdf](#)

Page 70

10.0 LA07/2016/0902/F - Natural Wood Kitchens - proposed new kitchen showroom, offices, store, ancillary accommodation and associated site works under Class B2 light industrial to provide additional facilities to the existing kitchen manufacturer's premises at Natural Wood Kitchens - Lands 10m east of unit 2 84b Dundrum Road Industrial Estate, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0902-F Natural Wood Kitchens.pdf](#) Page 71

[Item 10 - submission of support \(Natural Wood Kitchens\).pdf](#) Page 77

11.0 LA07/2016/0904/F - Doran Precision Engineer - proposed new assembly, packaging, quality inspection room and offices under Class B2 light industrial to provide additional facilities to existing manufacturing premises at Doran Precision Engineering - land 10m East of unit 4, 84B Dundrum Road, Industrial Estate, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0904-F Doran Precision Engineering.pdf](#) Page 83

[Item 11 - submission of support \(Doran Precision Engineer\).pdf](#) Page 89

12.0 LA07/2016/0991/0 - Choice Housing - residential development comprising 4 two-bedroom apartments, new access and parking, on lands at no.19 Downpatrick Road, Crossgar. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Conor Hughes, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from Dermot Nesbitt, objecting to the application. **(Submission attached).**

[LA07-2016-0991-0 Choice Housing.pdf](#) Page 95

13.0 LA07/2016/1378/0 - Michael Starkey - proposed new dwelling - adjacent to 8 Donard View Crescent, Saul Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- A statement of objection has been received from Councillor D Curran. **(Attached).**
- A request for speaking rights has been received from Gerry Tumelty, agent, in support of the application. **(Submission attached).**

14.0 LA07/2017/0016/F - Mr & Mrs E Martin & Sons - proposed livestock and machinery shed with underground tanks and shed for storage of silage - land adjacent to and east of 29 Ballyloughlin Road, Dundrum. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Mr Conor Hughes, of Turley Associates, in support of the application. **(Submission attached).**

15.0 LA07/2017/0050/F - Telefonica UK Limited - proposed 15m telecommunications mast to carry 3no antennae, 2no radio dishes, 2 no equipment cabinets and associated works including site compound - Lands associated with Kilcoo GAA Club, 525m NW of no 4 Moyadd Cottages, Dublin Road, Kilcoo. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Hayley Dallas, Ross

Planning, in support of the application on the basis that Ross Planning support the recommendation made by the Council.

[LA07-2017-0050-F Telefonica.pdf](#)

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16.0 LA07/2017/0189/F - Telefonica UK Limited - Proposed 12.5m telecommunications mast to carry 3 No. antennae, 2 No. radio dishes and associated works including 3 No. equipment cabinets - On lands at Railway Road c. 130m South East of Murphys Bar 2 Drumintee Road Meigh BT35 8JT. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Hayley Dallas, Ross Planning, in support of the application on the basis that Ross Planning support the recommendation made by the Council.

[LA07-2017-0189-F Telefonica.pdf](#)

Page 155

17.0 LA07/2017/0201/F - Haydn Wadsworth - alterations and extension to existing dwelling - No. 5 Grange Avenue, Saintfield. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2017-0201-F Haydn Wadsworth.pdf](#)

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[Item 17 - submission of support \(Haydn Wadsworth\).pdf](#)

Page 166

18.0 P/2015/0167/F - James Morgan - erection of dwelling and detached garage (on a farm) 250m NE of 52 Benagh Road, Mayobridge, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[P-2015-0167-F James Morgan.pdf](#)

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[Item 18 - submission of support \(James Morgan\).pdf](#)

Page 173

19.0 LA07/2017/0240/F - Father B Brown - conversion of stone building to dwelling with extensions - 110m SE of No. 29 Ballymaginthy Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- Councillor Murnin has requested that this application be removed from the addendum list and presented at the next Committee Meeting.

[LA07-2017-0240-F Father B Brown.pdf](#)

Page 174

20.0 LA07/2017/0252/F - Paul Hart - proposed new 2 storey replacement dwelling and associated site works - 3 Vale Road, Listooder, Crossgar. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0252-F Paul Hart.pdf](#)

Page 178

21.0 LA07/2017/0175/F - Owen Miskelly - change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address) - 250m SE of No. 19 Nutgrove Road, Annadorn, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0175-F Owen Miskelly.pdf](#)

Page 185

22.0 LA07/2017/0457/F - Newry, Mourne and Down District Council - demolition of existing changing rooms pavilion and associated work replaced with a new changing room pavilion of similar nature - 750m east of household recycling centre, Bann Road, Castlewellan. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2017-0457-F NMDDC.pdf](#)

Page 193

23.0 LA07/2016/1660/LBC - Newry, Mourne & Down Council - Internal refurbishment works to Newry Town Hall: including refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs - Newry Town Hall, Bank Parade, Newry, BT34 1DQ. (Case Officer report attached).

Rec: CONSENT

- Addendum list

[LA07-2016-1660-LBC NMDDC.pdf](#)

Page 198

24.0 LA07/2017/0103/F - Newry, Mourne & Down District Council - Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. (Amended Plans) - Approximately 120m North of the courtyard buildings Slieve Gullion forest park 89 Drumintee Road Killeavy Newry BT35 8SW. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2017-0103-F NMDDC.pdf](#)

Page 203

25.0 R/2014/0591/F - Kiernan Farms - completion of building nos 4B and 11 along with construction of tank 16. Completion of feed mixing room, farm offices and new access from Shanes Road - 75 Downpatrick Road, Mullagh, Killyleagh. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[R-2014-0591-F Kieran Farm Tradings.pdf](#)

Page 208

26.0 LA07/2015/0150/0 - Clark McCourt - dwelling and garage - lands 30m NE of 32 Cullentragh Road, Jerrettspass, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Ronan Woods, Planning Director, in support of the application. **(Submission attached)**.

[LA07-2015-0150-O Clark McCourt.pdf](#) Page 221

[Item 26 - submission of support \(Clark McCourt\).pdf](#) Page 230

27.0 LA07/2015/0196/F - Mr A McParland - demolition of existing garage and provision of new town houses - adjacent to 22 Erskine Street, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2015-0196-F Mr A McParland.pdf](#) Page 234

[Item 27 - submission of support \(A McParland\).pdf](#) Page 239

28.0 LA07/2015/0461/0 - John Mackin - proposed replacement dwelling - 72 Ballyvalley Road, Mayobridge. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2015-0461-O John Mackin.pdf](#) Page 251

[Item 28 - submission of support \(John Mackin\).pdf](#) Page 258

29.0 LA07/2015/0527/0 - Mr & Mrs P Smyth - erection of dwelling and garage - 61B Sabbath Hill, Ballymartin. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2015-0527-O Mr and Mrs P Smyth.pdf](#) Page 264

30.0 LA07/2015/0700/0 - Derryogue Developments Ltd - site for

housing development - Lands at the junction of Greencastle Road and Kittys Road, Kilkeel (south of No. 39 Greencastle Road (Joinery Works) opposite and south-east of Nos. 18-21 Derryogue Park extending to opposite Nos. 5-11 Kittys Road). (Case Officer report attached).

Rec: APPROVAL

- Addendum list

[LA07-2015-0700-O Derryogue Developments.pdf](#)

Page 274

31.0 LA07/2015/1123/LBC - Quayside Properties Ltd. - demolition of remaining parts of buildings for health and safety reasons - 2-3 Sugarhouse Quay, Lisdrumgullion, Newry. (Case Officer report attached).

Rec: REFUSAL

- Councillor McAteer has requested that this application be removed from the addendum list and presented at the next Committee Meeting.

[LA07-2015-1123-LBC Quayside Properties.pdf](#)

Page 284

32.0 LA07/2015/1161/F - Marie & Eugene Millar - proposed erection of a dwelling house - 24a Kilbroney Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Kevin Brady, objecting to the application. **(Submission attached).**
- A request for speaking rights has been received from Marie Millar, applicant, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor J Tinnelly in support of the application. **(Attached).**

[LA07-2015-1161-F Marie and Eugene Millar.pdf](#)

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[Item 32 - submission of objection from K Brady \(Marie Millar\).pdf](#)

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[Item 32 - submission of support \(M Millar\).pdf](#)

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[Item 32 - submission of support from Cllr. Tinnelly \(Millar\).pdf](#)

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33.0 LA07/2015/1270/F - Michael Teggart - erection of dwelling with

detached garage on a farm - approx 70m east of 51 Ayallogue Road, Newry. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2015-1270-F Michael Teggart.pdf*

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 *Item 33 - submission of support (Michael Teggart).pdf*

Page 323

34.0 LA07/2016/0325/F - L Jay Properties - erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated siteworks - Site adjacent to and north of number 42 Carquillan, Hilltown, Newry, BT34 5UG. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2016-0325-F L Jay Properties.pdf*

Page 336

35.0 LA07/2016/0925/F - Jaramas Investments (NI) Ltd - erection of glass house and cafeteria/shop with ancillary accommodation within the walled garden at Killeavy Castle, Clonlum, Meigh, Co. Armagh - Killeavy Castle. (Case Officer report attached).

Rec: APPROVAL

- Addendum list

 *LA07-2016-0925-F Jaramas Investments.pdf*

Page 347

36.0 LA07/2017/0301/LBC - Jaramas Investments (NI) Ltd - erection of glass house and cafeteria/shop with ancillary accommodation within the walled garden at Killeavy Castle, Clonlum, Meigh, Co. Armagh - Killeavy Castle. (Case Officer report attached).

Rec: CONSENT

- Addendum list

 *LA07-2017-0301-LBC Jaramas Investments.pdf*

Page 354

37.0 LA07/2016/0999/F - NIHE - internal alterations with a two storey rear and side extension with additional single storey rear extension - 12 St. Colman's Gardens, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *LA07-2016-0999-F NIHE.pdf*

Page 359

38.0 LA07/2016/1532/0 - Dermot and Antoinette Murphy - site for dwelling and detached garage with access to Bonds Road via existing lane with access improvements - to the rear of 17B Bonds Road, Dorsey, Silverbridge. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Brendan Quinn, agent in support of the application. **(Submission has been circulated under separate cover).**
- A request for speaking rights has been received from DEA Councillor B O'Muirí in support of the application.

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

📄 *LA07-2016-1532-O Dermot and Antoinette Murphy.pdf*

Page 366

39.0 P/2015/0067/0 - Mrs M McKnight - dwelling and garage - 40m south of 4 Molly Road Lower, Jonesborough. (Case Officer report attached).

Rec: REFUSAL

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

📄 *P-2015-0067-O Mrs M McKnight.pdf*

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📄 *Item 39 - submission of support (M McKnight).pdf*

Page 376

40.0 P/2015/0095/F - Geraldine Fearon - erection of farm dwelling and garage (amended plans) - 140m NE of 61 Foughilletra

Road, Jonesborough, Armagh. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *P-2015-0095-F Geraldine Fearon.pdf*

Page 389

41.0 P/2015/0193/0 - Brian Convery - proposed dwelling on a farm under policy CTY10 OF PPS21 - approx 70m north of 202 Belfast Road, Newry. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Gerry Tumelty, agent, in support of the application. **(Submission attached - information containing personal details has been circulated under separate cover).**

📄 *P-2015-0193-O Brian Convery.pdf*

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📄 *Item 41 - submission of support (Convery).pdf*

Page 400

42.0 P/2007/1508/0 - Grandesign Rentals Ltd - Site for residential development incorporating new access to Dundalk Street, relocation of on street parking and new service bay - Lands between Nos. 44-50 Dundalk Street Newtownhamilton extending to the rear (east/north-east) of Nos. 40-56 Dundalk Street and southwards to the boundary shared with No. 60 Dundalk Street. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *P-2007-1508-O Grandesign Rentals.pdf*

Page 403

43.0 P/2012/0668/F - Damian Mallon - erection of dwelling with detached garage on infill site - 45 m NE of 4 Ballymacdermot Road, Killeavy, Newry. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📄 *P-2012-0668-F Damien Mallon.pdf*

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44.0 April 2017 Planning Committee Performance Report. (Attached).

 *APRIL 2017 Planning Committee Performance Report.pdf*

Page 415

45.0 Record of meetings between Planning Officers and public representatives. (Attached).

 *Recordofmeetingsbetweenplanningofficersandpublicrepresentatives.pdf*

Page 418

46.0 April 2017 Appeals and Decisions. (Attached).

 *April 2017 Appeals and Decisions.pdf*

Page 419

47.0 Newry, Mourne and Down Statement of Community Involvement: Finalised Draft. (Attached).

 *Statement of Community Involvement - Finalised Draft.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Ms Louise Dillon	louise.dillon@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
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Cllr Brian Quinn	brian.quinn@nmandd.org

Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org
Cllr Gareth Sharvin	gareth.sharvin@nmandd.org
Cllr Gary Stokes	gary.stokes@nmandd.org
Sarah Taggart	sarah-louise.taggart@nmandd.org
Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 26 April 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson:

Councillor W Clarke	(10.00am – 11.50am)
Councillor J Macauley	(11.50am – 12.20pm)
Councillor W Clarke	(12.20pm – 4.15pm)

In attendance:

(Committee Members)

Cllr G Craig	Cllr G Hanna
Cllr C Casey	Cllr M Larkin
Cllr K Loughran	Cllr D McAteer
Cllr M Ruane	Cllr M Murnin
Cllr V Harte	Cllr L Devlin

(Officials)

Mr C O Rourke	Director of Regulatory Technical Services
Mr A McKay	Area Planning Manager
Mr P Rooney	Principal Planning Officer
Ms L O'Hare	Senior Planning Officer
Ms J McVeigh	Senior Planning Officer
Ms N Lary	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/060/2017: APOLOGIES / CHAIRMAN'S REMARKS

No apologies.

P/061/2017: DECLARATIONS OF INTEREST

Councillor M Ruane declared an interest in Application No. P/2009/1336/F – Mr J C Campbell.

Councillor D McAteer declared an interest in Application No. P/2009/1336/F – Mr J C Campbell.

Councillor L Devlin declared an interest in Application No. P/2009/1336/F – Mr J C Campbell.

Councillor W Clarke declared an interest in Application No. R/2014/0499/RM – Dunmore Construction.

Councillor L Devlin declared an interest in Application No. R/2014/0499/RM – Dunmore Construction.

**P/062/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 29 MARCH 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 29 March 2017.
(Copy circulated)

Discussion took place on the accuracy of Minute Number P/055/2017 – Planning Applications P/2013/0632/F and P/2014/0286/F – Carncastle Properties, during which specific reference was made to the inclusion of a condition for the provision of a brick wall to close off areas.

Councillors Murnin and Larkin advised their proposal, agreed by the Committee, had been that all areas of the open space, across the top and bottom, should be closed off with a wall, with the intention of removing any sections of the wooden fencing which was continually being vandalised.

Ms Largy gave advice on the matter and emphasised the importance of the Agent being advised of any correction to the Minute of the Committee's decision, as they were not currently present at the Meeting, but had been present at the Planning Committee Meeting on 29 March 2017.

Mr McKay advised that planning permission had not yet been issued in relation to the said applications and the Agent would be contacted to clarify the Committee's decision in relation to the wall.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 29 March 2017 as a true and accurate record, subject to Minute Number P/055/2017- Planning Applications P/2013/0632/F and P/2014/0286/F – Carncastle Properties, being amended to read as follows:

On the proposal of Councillor Murnin, seconded by Councillor Larkin it was agreed to issue an Approval in respect of Application P/2013/0623/F, subject to Conditions 1-12 and to issue an Approval in respect of Application P/2014/0286/F, subject to Conditions 1-12, as per the Development Management Officer Reports.

The above decisions are subject to the inclusion of a Condition for the provision of a 2 metre high brick wall to be provided across the entire length of the top of the open space, and the entire length of the bottom of the open space, to close these areas off and that a locked gate to be provided at the top end of the open space for access purposes. Planning Officials be delegated authority to agree access arrangements to the open space for the relevant authorities regarding servicing works to utilities.

It was also agreed the condition regarding pre-occupancy must be retained and all other conditions must be implemented.

P/063/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 26 April 2017. **(Copy circulated)**

AGREED: **It was unanimously agreed to remove the following Planning Applications from the Addendum List: -**

- **Item 16 – LA07/2017/0252/F** – Mr Paul Hart – proposed new 2 storey replacement dwelling and associated site works – 3 Vale Road, Listooder, Crossgar. **REFUSAL**
(Removed from the Addendum List at the request of Councillor W Clarke for presentation in due course)
- **Item 18 – LA07/2015/0150/O** – Mr Clark McCourt – dwelling and garage – lands 30m NE of 32 Cullentragh Road, Jerrettspass, Newry. **REFUSAL**
(Removed from the Addendum List at the request of Councillor Loughran and Councillor Macauley for full presentation at Planning Committee Meeting)
- **Item 23 – LA07/2016/0748/O** – Mr Andrew Henry and Miss Emma Clarke – erection of dwelling and detached garage – 150m north of 81 Dundalk Road, Newtownhamilton. **REFUSAL**
(Removed from the Addendum List at the request of Councillor Macauley for full presentation at Planning Committee Meeting)
- **Item 30 – P/2015/0167/F** – James Morgan – dwelling and detached garage on a farm – 290m SE of 52 Benagh Road, Mayobridge. **REFUSAL**
(Removed from the Addendum List at the request of Councillor McAteer for full presentation at Planning Committee Meeting)

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Craig it was agreed to approve the Officer Recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List for Wednesday 26 April 2017:**

- **Item 5 – LA07/2015/0103/F** – KCD Homes Limited – residential development of 11 No. dwellings, on lands to the rear of 14 – 21 Woodvale

Burrenwood Road Castlewellan, with access between No. 14 and 18 Woodvale.

APPROVAL

- **Item 9 – LA07/2016/1157/F** – Howell Ltd – 19 apartments, 5 retail units, 23 car parking spaces & associated works, on lands at 87-95 Main Street and 18-20 Valentia Place, Newcastle.(Renewal of planning approval R/2010/0510/F).
APPROVAL
- **Item 10 – LA07/2016/1405/F** – Mr W Herron – proposed detached office block, car parking facility and vehicular entrance to create a larger modern working facility for existing and additional office staff, on lands 200m south east of 15 Herons Road, Leitrim, Castlewellan.
APPROVAL
- **Item 11 – LA07/2016/1485/F** – Mr W Herron – extension to the existing manufacturing/light engineering works to create additional R&D manufacturing and storage facility, also upper level office space and canteen to meet increased export demand and upgrade the existing company corporate image, on lands at 15 Herons Road, Leitrim, Castlewellan.
APPROVAL
- **Item 12 – LA07/2016/1635/O** – Eileen Leckey – erection of an infill dwelling – adjacent to No. 16 Rossglass Road, Killough.
REFUSAL
- **Item 14 – LA07/2017/0065/O** – Mr Jim Andrews – 1 No. new dwelling – land adjacent to 9 Larchfield Park, Tollymore, Newcastle.
REFUSAL
- **Item 19 – LA07/2015/0276/F** – Briega and Terry Rafferty – conversion of existing 1 and 3/4 storey garage and store to self contained 1 bedroom town house – St. Andrews, 13 Seaview, Warrenpoint.
REFUSAL
- **Item 21 – LA07/2015/1360/O** – Mr D K S Halliday – single storey dwelling with detached garage – site adjacent to and east of 195 Bessbrook Road, Mountnorris, Armagh.
REFUSAL
- **Item 28 – P/2014/1076/F** – Habinteg Housing Association – erection of residential development and associated parking provision, landscaping and site works (comprising 27 No. 2-bed apartments (in 3 No. blocks), 5 No. 2-bed detached dwellings and 10 No. 3-bed semi-detached dwellings (42 units in total) (Amended proposal) – Lands opposite Spring Farm Heights and to the rear of no's 2-20 Laurel Hill and no's 1-4 Gortmore Villas, Newry.

APPROVAL

P/064/2017: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following Planning Application from the Schedule as refusal reason regarding CTY 8, ie, infill and ribboning, was not included in the Development Management Officer Report, and therefore requires further discussion:

- **Item 15 – LA07/2017/0131/O** – Mr & Mrs McKeown – proposed dwelling on a farm under Planning Policy CTY10 of PPS 21 – opposite 67 and adjacent to 62 Rocks Chapel Road Crossgar. **REFUSAL**

The following applications were then determined by the Committee:

(1) LA07/2015/1381/O – Mr & Mrs E Kerr

Location:

154a Downpatrick Road, Teconnaught, Ballynahinch

Proposal:

Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

A request for speaking rights was received from Mr Nigel Coffey Agent, in support of the application, but it was noted the Agent was not present at the meeting.

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2015/1381/O, for the reasons recommended as per the Development Management Officer Report.

(2) LA07/2016/0645/F – Mr Thomas Mageean

Location:

Adjacent to 20 Junction Road, Saintfield

Proposal:

Proposed conversion and extension vernacular outbuilding into single dwelling and

associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ms Sheila Curtin Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to defer Planning Application LA07/2016/0645/F, to allow further discussion with Planning Department and Applicant/Agent regarding size and design of the proposed extension.

(3) **LA07/2016/1106/F – John Kelly**

Location:

Lands to east of 58 Drumsnade Road, Ballynahinch

Proposal:

Single storey detached farm dwelling and garage (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr John Kelly, applicant, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2016/1106/F, contrary to Officer recommendation, on the basis that the site was visually linked to yards and farm buildings.

Planning Officers be delegated authority to impose any necessary conditions.

(4) **LA07/2017/0061/O – Anthony Gibson**

Location:

70m NE of 195 Clay Road, Crossgar, Downpatrick

Proposal:

2 dwellings on infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen Dickson, Architectural Services, presented in support of the application.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/20170061/O, for the reasons recommended, as per Development Officer Management Report.

(11.50am – Councillor W Clarke vacated the Chair and withdrew to the public gallery)
(11.50am – Councillor J Macauley Chaired the meeting from this point)
(11.50am – Councillor L Devlin withdrew to the public gallery)

(5) R/2015/0499/RM – Dunmore Construction

Location:

On lands adjacent to 8 Middle Tollymore Road, and opposite no. 11, 13, 15 Middle Tollymore Road, Newcastle

Proposal:

Proposed housing development including alterations to existing junction on Middle Tollymore Road and Tollymore Road, 56 units in total (amended site/access plans received)

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Mr Ciaran MacFerran presented in objection to the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue an approval, in principle, in respect of Planning Application R/2015/0499/RM, subject to Conditions as outlined in Development Officer Management Report, and subject to the Chief Planning Officer reporting back to the Planning Committee Meeting on Wednesday 24 May 2017 confirming the position in regard to roads and visibility matters.

(12.20am – Councillor J Macauley vacated the Chair)
(12.20am – Councillor W Clarke Chaired the meeting from this point onwards)
(12.20am – Councillor L Devlin re-joined the meeting)

(6) LA07/2015/0910/F – Kieran O’Callaghan

Location:

Site adjacent to and south of 20 Chapel Road, Camlough

Proposal:

2 storey farm dwelling & double garage (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ms Siobhan Olarte, Applicant and Mr Paul McAllister Architect, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2015/0910/F, contrary to Officer Recommendation, on the basis as follows:

- The separation buffer zone between the proposed site and road side would not create ribbon development.
- The site can integrate with the countryside and would not have a detrimental change to the character of the road.
- The site being suggested by Planning Department would have detriment to the countryside.

Planning Officers be delegated authority to impose any necessary conditions.

(7) LA07/2015/1363/F – Henderson Group**Location:**

8 The Commons Tullyvallen Newtownhamilton

Proposal:

Proposed new petrol station with associated supermarket and car parking and development.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Ms J Hughes, Mr C Devlin and Mr G Parkes, Business Owners, presented in objection to the application.

Mr D Mountstephen Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2015/1363/F for a period of

one month, to enable the objectors to undertake and submit to the Planning Department, the findings of, an analysis of the impact the proposed development would have on existing businesses in Newtownhamilton if the application was approved.

It was also agreed the Planning Department review the Planning Application in light of comments made by Members at the Meeting regarding the impact of Planning Policy SPPS, with particular reference to points 6.278; 6.285 and 6.290, and an updated Development Management Officer Report be brought back to the Planning Committee for further consideration.

(8) **LA07/2016/1323/F – Cathal Sloan**

Location:

14 Sandy Brae, Attical, Kilkeel

Proposal:

Partial conversion of existing domestic garage to provide ancillary residential accommodation

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colin O'Callaghan Agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to issue a refusal in respect of Planning Application LA07/2016/1323/F, for the reasons recommended in the Development Management Officer Report.

(9) **LA07/2016/1353/F – Seamus Parr**

Location:

109 Rostrevor Road, Hilltown

Proposal:

Change of house type in substitution for previous application P/2006/1811/RM and removal of occupancy condition

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Karl Sherry Agent, presented in support of the Application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application

LA07/2016/1353/F, contrary to Officer Recommendation, on the basis that construction on site showed that development had progressed.

The above decision is subject to the inclusion of a Condition that sight lines must be provided before any further development commences.

Planning Officials be delegated authority to issue any other Conditions as necessary.

(10) LA07/2017/0077/F – Gary O’Hare

Location:

Lands between No. 20B and No. 22 Derrycraw Road, Newry

Proposal:

Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gavin McGill Agent and Mr Gary O’Hare Applicant, presented in support of the application.

Noted:

Councillor Kimmins has advised of her support for this application

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0077/F, for the reasons recommended as per the Development Management Officer Report.

(11) P/2015/0090/F – Mr B Grant

Location:

6 Hilltown Road Mayobridge

Proposal:

Part demolition of existing garage block to facilitate the erection of two No. retail units with single apartment above. Extensions and alterations to existing convenience shop with parking provision and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Cathal Grant Agent and Mr Brian Grant Applicant, presented in support of the

application.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Casey it was agreed to issue an Approval in respect of Planning Application P/20150090/F, contrary to Officer Recommendation, on the basis of the information presented to Committee regarding ensuring the retention and expansion of a family business.

Planning Officials be delegated authority to impose any necessary Conditions including the removal of a window to address issues regarding overlooking.

(3.20pm – Councillor Ruane; Councillor Devlin; Councilor McAteer withdrew from the Meeting)

(12) P/2009/1336/F – Mr J C Campbell

Location:

68 to 72 & 74 Shore Road, Rostrevor

Proposal:

Proposed new 70 bed nursing home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colum Sands presented in objection to the Application.

Mr Richard O'Toole MBA Planning and Mr Eamon Larkin Milligan Reside Larkin, presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Planning Application P/2009/1336/F, contrary to Officer recommendation, on the basis that refusal reasons had been addressed and this development would enhance economic development in the village of Rostrevor and add to the vibrancy of the community that already existed.

Planning Officers to be delegated authority to issue any necessary Conditions.

(4.15pm – Councillor M Ruane and Councillor D McAteer rejoined the meeting.

FOR DISCUSSION/DECISION

**P/065/2017: SCHEDULE OF PLANNING COMMITTEE MEETINGS
MAY 2017 – MAY 2018**

Read: Schedule of Planning Committee Meetings – May 2017 – May 2018.
(Copy circulated)

AGREED: On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to approve the Schedule of Planning Committee Meetings for May 2017 – May 2018.

**P/066/2017: PLANNING COMMITTEE MEETING
PERFORMANCE REPORT**

Read: Planning Committee Performance Report. (Copy circulated)

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

**P/067/2017: REGISTER OF CONTACTS
QUARTER 4 – JANUARY – MARCH 2017**

Read: Register of Contacts for Quarter 4 (January – March 2017).
(Copy circulated)

AGREED: It was agreed to note the Register of Contacts for Quarter 4 (January – March 2017).

P/068/2017: APPEALS & DECISIONS

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

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

It was also agreed to provide an update to the Committee showing the number of Appeals that had been successful / unsuccessful.

P/069/2017: LOCAL DEVELOPMENT PLAN
- **PREPARATORY STUDIES – PAPER 12 (PART 2)**
- **COUNTRYSIDE: DEVELOPMENT PRESSURE ANALYSIS**

Read: Local Development Plan – Preparatory Studies Paper 12 (Part 2) – Countryside – Development Pressure Analysis. (Copy enclosed)

AGREED: It was agreed to note Local Development Plan Preparatory Studies – Paper 12 (Part 2) – Countryside: Development Pressure Analysis.

There being no further business the Meeting concluded at 4.15pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 24 May 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 24 May 2017

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

- **Item 5 - LA07/2015/0152/F** - Accord Building Services - residential development consisting of 2 no detached dwellings + 4 no semi-detached dwellings (6 no Total) and associated detached garages (Amended Form and site location) - 31 Main Street, Clough, Co. Down. **APPROVAL**
- **Item 19 - LA07/2017/0240/F** - Father B Brown - conversion of stone building to dwelling with extensions - 110m SE of No. 29 Ballymaginthy Road, Castlewellan. **REFUSAL**
- **Item 20 - LA07/2017/0252/F** - Paul Hart - proposed new 2 storey replacement dwelling and associated site works - 3 Vale Road, Listooder, Crossgar. **REFUSAL**
- **Item 21 - LA07/2017/0175/F** - Owen Miskelly - change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address) - 250m SE of No. 19 Nutgrove Road, Annadorn, Downpatrick. **REFUSAL**
- **Item 22 - LA07/2017/0457/F** - Newry, Mourne and Down District Council - demolition of existing changing rooms pavilion and associated work replaced with a new changing room pavilion of similar nature - 750m east of household recycling centre, Bann Road, Castlewellan. **APPROVAL**
- **Item 23 - LA07/2016/1660/LBC** - Newry, Mourne & Down Council - Internal refurbishment works to Newry Town Hall: including refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs - Newry Town Hall, Bank Parade, Newry, BT34 1DQ. **APPROVAL**
- **Item 24 - LA07/2017/0103/F** - Newry, Mourne & Down District Council - Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. (Amended Plans) - Approximately 120m North of the courtyard buildings Slieve Gullion forest park 89 Drumintee Road Killeavy Newry BT35 8SW. **APPROVAL**
- **Item 25 - R/2014/0591/F** - Kiernan Farms - completion of building nos 4B and 11 along with construction of tank 16. Completion of feed mixing room, farm offices and new access from Shanes Road - 75 Downpatrick Road, Mullagh, Killyleagh. **REFUSAL**
- **Item 29 - LA07/2015/0527/0** - Mr & Mrs P Smyth - erection of dwelling and garage - 61B Sabbath Hill, Ballymartin. **APPROVAL**

- **Item 30 - LA07/2015/0700/0** - Derryogue Developments Ltd - site for housing development - Lands at the junction of Greencastle Road and Kittys Road, Kilkeel (south of No. 39 Greencastle Road (Joinery Works) opposite and south-east of Nos. 18-21 Derryogue Park extending to opposite Nos. 5-11 Kittys Road). **APPROVAL**
- **Item 31 - LA07/2015/1123/LBC** - Quayside Properties Ltd. - demolition of remaining parts of buildings for health and safety reasons - 2-3 Sugarhouse Quay, Lisdrumgullion, Newry. **REFUSAL**
- **Item 34 - LA07/2016/0325/F** - L Jay Properties - erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated siteworks - Site adjacent to and north of number 42 Carquillan, Hilltown, Newry, BT34 5UG. **APPROVAL**
- **Item 35 - LA07/2016/0925/F** - Jaramas Investments (NI) Ltd - erection of glass house and cafeteria/shop with ancillary accommodation within the walled garden at Killeavy Castle, Clonlum, Meigh, Co. Armagh - Killeavy Castle. **APPROVAL**
- **Item 36 - LA07/2017/0301/LBC** - Jaramas Investments (NI) Ltd - erection of glass house and cafeteria/shop with ancillary accommodation within the walled garden at Killeavy Castle, Clonlum, Meigh, Co. Armagh - Killeavy Castle. **APPROVAL**
- **Item 37 - LA07/2016/0999/F** - NIHE - internal alterations with a two storey rear and side extension with additional single storey rear extension - 12 St. Colman's Gardens, Rostrevor. **REFUSAL**
- **Item 40 - P/2015/0095/F** - Geraldine Fearon - erection of farm dwelling and garage (amended plans) - 140m NE of 61 Foughilletra Road, Jonesborough, Armagh. **REFUSAL**
- **Item 42 - P/2007/1508/0** - Grandesign Rentals Ltd - Site for residential development incorporating new access to Dundalk Street, re-location of on street parking and new service bay - Lands between Nos. 44-50 Dundalk Street Newtownhamilton extending to the rear (east/north-east) of Nos. 40-56 Dundalk Street and southwards to the boundary shared with No. 60 Dundalk Street. **REFUSAL**
- **Item 43 - P/2012/0668/F** - Damian Mallon - erection of dwelling with detached garage on infill site - 45 m NE of 4 Ballymacdermot Road, Killeavy, Newry. **REFUSAL**

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ITEM NO	2			
APPLIC NO	LA07/2015/0152/F	Full	DATE VALID	17/04/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Acord Building Services C/O Agent		AGENT	David Mills Architect Templerise 109 Carryduff Road Lisburn BT27 6YL 07423457449
LOCATION	31 Main Street Clough Co Down BT30 8RA			
PROPOSAL	Residential development consisting of 2 no detached dwellings + 4 no semi-detached dwellings (6 no Total) and associated detached garages (Amended Form and site			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0152/F

Date Received: 17th April 2015

Proposal: Residential development consisting of 2 no detached dwellings + 4 no semi-detached dwellings (6 no Total) and associated detached garages (Amended Form and site location)

Location: 31 Main Street, Clough, Co Down.
The site is within the settlement limits of Clough.



Site Characteristics & Area Characteristics

The site is irregular in shape and is located to the west of an existing grass verge and bank with a picnic area located along Main Street in Clough. The site consists of an existing parking lay-by and access road and an almost wedge shaped area to the west which is predominantly overgrown with vegetation. There are two vehicular accesses into the site from the layby area although both accesses are closed with gates/ fences and have not been used for sometime as they are also covered with vegetation. The site slopes downward from the layby by approximately 1m in areas.

The site is located on the southern edge of the settlement limit with an agricultural field located to the south. To the north and west the site is bounded by residential

properties and a cafe. To the east is the grass verge and Main Street which separates the site from another residential property at the corner of Blackstaff Road. Residential properties in the immediate area are of 1 and 1/2 storey in height.



Site History:

R/1981/0524 GRANTED 09.10.1981
Dwelling at 31 Main Street, Clough

R/1999/0296 GRANTED 27.07.1999
Proposed Housing development at 31 Main Street Clough

R/2002/1033/O GRANTED 11.02.2003
Mr J Killen & Mrs E Faria
Proposed housing development at 31 Main Street, Clough Downpatrick

R/2003/1142/F REFUSED 01.11.2004
J Bailey Esq
Construction of four detached dwellings with garages at 31 Main Street, Clough.
(Reasons – Access, Lack of Concept Plan, PPS7 impact on neighbours amenity and open space)

R/2004/2004/F GRANTED 09.09.2005
Cargan Ltd
Construction of four dwellings with garages and 31 Main Street, Clough, Clough,
Northern Ireland

Planning Policies & Material Considerations:

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, PPS7 Quality Residential Environments, PPS7 Addendum Safeguarding the Character of Established Residential Environments, PPS3 Access, Movement and Parking, PPS12 Housing in Settlements, Parking Standards, Creating Places, Living Spaces, DCAN 8 Housing in Existing Urban Areas, DCAN 15 Vehicular Access Standards.

Consultations:

NI Water Ltd

No objections to the scheme and providing information for the applicant.

NIEA

Histtiric Environment Division (Monuments) – content with the details provided and no objections to the scheme.

Water Management Unit – considered impacts on the surface water and is content with the details of the proposal, no objections and information offered for the applicant.

Transport NI

Responded with no objections to the proposal and highlighted the application fronts onto the Old Road which is not maintained by Transport NI and the red line did not adjoin the public road. This was then amended and Transport NI returned with no objections to the scheme.

Environmental Health Unit

No objections subject to connection with Main Sewer and NI Water Approval.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 6th of May 2015

Further to submission of amended plans the application was re-advertised in the Mourne Observer and the Down Recorder on the 6th of April 2016.

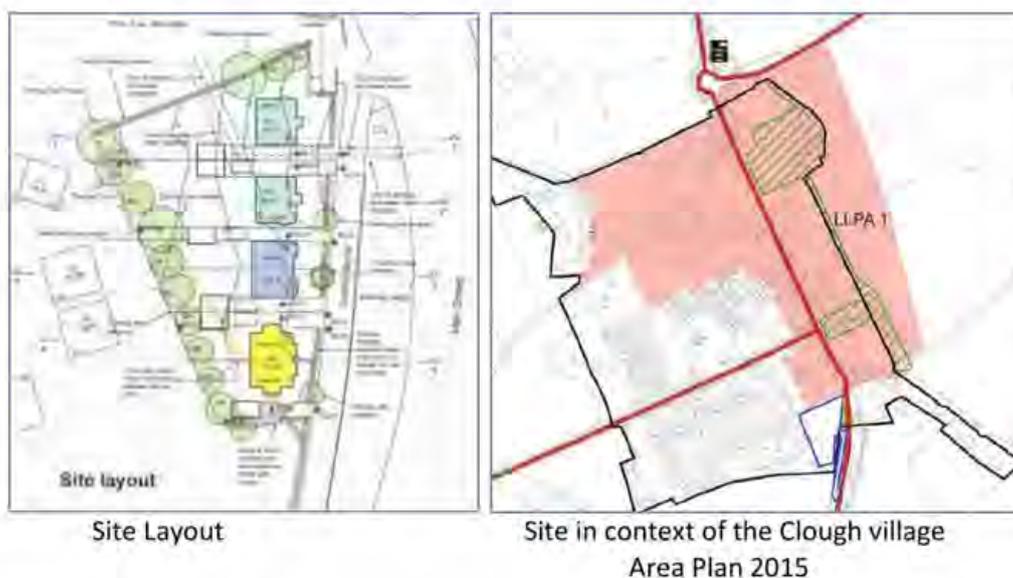
A total of 13 neighbouring dwellings were notified. No representations have been received.

The Council has also advised the DEA Co-ordinator about the scheme.

Consideration and Assessment:

The proposal seeks full planning permission for the residential development of 2no. detached dwellings and 4no. semi-detached dwellings with garages. The dwellings are 2 storey and face onto the layby through which they gain access to each unit.

The dwellings have a small set back from the layby and a side drive providing access to a garage positioned to the rear.



The site is within the Settlement Limits of Clough as detailed within the map below. The site is highlighted in blue and the map is taken from the Ards and Down Area Plan 2015.

The site is not zoned for development however it has no designations and is within the settlement limit. Planning Policy Statement 7 'Quality Residential Environments' (PPS7) states that new residential development will only be granted where it creates a quality and sustainable residential environment.

This is an agricultural field within the settlement limit and the context of the site and character of the area must be considered. The application site is a prominent location and will define the approach to Clough from Dundrum. The southern boundary of the site is close to the settlement limit of the village and the proposal seeks to maintain the existing fence and shrub planting will soften this aspect. This ensures that the settlement limits will be defined as much as possible within the scope of this proposal.

The site abuts the area of archaeological potential however it is not within this designation. The site layout details retention of the trees on site along the shared boundaries and therefore the proposal has identified landscape features and incorporated them within the proposed layout.

The proposal does not meet the requirements as set out within PPS8 Open Space to require communal opens space to be provided within the scope of the proposal. However the proposal provides a suitable level of rear amenity space. To the rear of the site the proposal shares its western boundary with the established residential development of Church Court. The boundary definition of a fence will be maintained and softened through additional landscaping as proposed within LA07/2015/0152/02 stamp received 27 Feb 2017 which will be supported with a condition. The dwellings proposed have a separation distance from the existing dwellings of Church Court which varies in length but maintains a suitable rear garden depth to ensure suitable amenity space for the proposed dwellings and maintain the privacy enjoyed by the rear amenity space of the existing dwellings. The site sections provided within LA07/2015/0152/02 detail the height difference in the position of the dwellings

proposed and that of the dwellings to the rear and due to the length of the gardens for the dwellings proposed coupled with the planting along the boundary shared with the existing dwellings of Church view I am satisfied that the proposal would not dominate, or result in loss of light or overlooking and loss of privacy for the dwellings of Church Court.

The proposal fronts onto a Council layby which provides parking and a small amenity area for the village. Planning advised Council of the proposal and it must be noted that the applicant also served notice on the Council due to the need for access through the lay-by the public road. No representations have been received and the DEA Co-ordinator consulted with the local community and advised there is no objections to the loss of car parking the proposal would cause or the use of the layby for access purposes.

The proposal includes adequate provision for in-curtilage parking through proposed garages and driveways and is in keeping with Parking Standards.

The design, materials, finishes, scale and height of the proposed 2 storey units will reflect residential developments within the settlement limits. The proposal will overlook a layby within the village and would therefore provide an element of determine possible anti-social behaviour .

The proposal while it would result in the loss of car parking, this has been considered by the local community and no objections have been received. The design and layout would not create conflict with the neighbouring land uses.

Considering the proposal in relation to the density and character of the area. The proposal is for 6 units within a site area of 0.26Ha. This would not result in overdevelopment of the site as each unit maintains in curtilage parking, a set beck from the road, and a rear back garden depth that maintains privacy for the established dwellings and the proposed dwellings while reflecting the guidance as set within Creating Places.

Recommendation:

Approval.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

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.

The scheme of planting detailed in drawing LA07/2015/0152/02 stamp dated 27 FEB 2017 shall be carried out during the first planting season after the commencement of the development. Shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others

of a similar size and species unless the Council gives written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscaping.

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

REASON: To ensure there is a suitable provision of car parking for each dwelling.

No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

REASON: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

All services within the development should be laid underground.

REASON: In the interests of visual amenity

Case Officer DATE

Appointed Officer DATE

ITEM NO	10			
APPLIC NO	LA07/2016/0300/F	Full	DATE VALID	02/03/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Patrick Hutley Hutt Backpackers 30 Downs Road Newcastle BT33 0AG		AGENT	Bradley McClure Architects 186 Lisburn Road Belfast BT9 6AL NA
LOCATION	32 Downs Road Newcastle BT33 0AG			
PROPOSAL	Change of use from dwelling to restaurant on ground floor, including a single storey rear extension and the amalgamation of the 1st and 2nd floors into the existing			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	24	4	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



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

**Newry, Mourne
 and Down**
 District Council

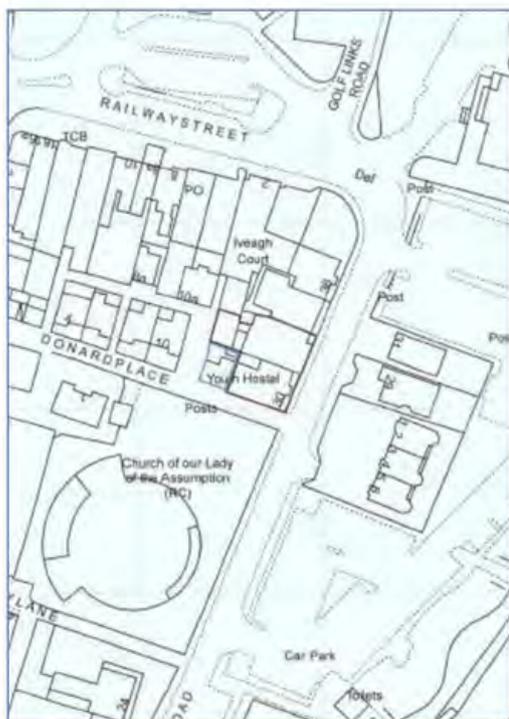
Application Reference: LA07/2016/0300/F

Date Received: 02.03.2016

Proposal: Change of use from dwelling to restaurant on ground floor, including a single storey rear extension and the amalgamation of the 1st and 2nd floors into the existing Backpackers Hostel to provide additional accommodation.(additional information)

Location: 32 Downs Road, Newcastle, BT33 0AG.

The site is within the settlement limits of Newcastle. It is 14 miles south and west of Downpatrick. It is within the Donard Ward and would be described as within the mid-coastal area of the larger district.



Site Characteristics & Area Characteristics

The site is within a terrace row and includes the 2 end units. The terrace row varies in height and design with a mix of uses from a restaurant at the northern corner which shares aspects with Railway Street and Downs Road to the end Hutt Hostel Unit. The proposal consists of 2 separate units that share a gable wall within the terrace row. The end terrace unit is the Hutt Hostel which fronts onto the Downs Road. It stands at 3 stories high with 2 projecting bay window features that start at ground level and end with dormer features on the roof. The building has a rear projection which faces onto the alley. The rear projection is 3 storey high before lowering to a 2 storey high element (note the 2 storey section is not included within the red line of the application). The building is finished with smooth painted render with the front elevation detailed with wood cladding and a small sign above the entry porch at ground floor. The side gable has a large circular wood sign advertising the business. The rear of the building faces onto a small alley which serves a number of neighbouring properties to the side and rear of Downs Road.



The neighbouring terrace unit is a dwelling situated between the Hutt Hostel and Cinnamon Restaurant. The building reflects the height and design of the Hutt Building standing at 3 stories high. The dwelling has a 2 projecting bay window features that mirror that of the neighbouring terrace units and a flat roof ground floor porch that provides the dwelling with a 1st floor balcony that is defined by railings. The front of the dwelling has a small garden area either side of the porch which is defined by a small block wall railings. The building has an enclosed yard with access onto the rear lane that includes a store and a single storey flat roof rear projection. The rear of the building faces onto a small lane that serves as access to several neighbouring properties. The rear boundary of the property is defined by a rendered wall, a roller shutter access and rear gable of the store.

Site History:

R/1987/0118 GRANTED 27.03.1987

Two Storey extension to provide wardens accommodation
30 Downs Road, Newcastle

Neighbouring site history

R/2009/1046/F GRANTED 27.11.2013

Retrospective application for 1st floor change of use to become part of existing restaurant/bar and external works comprising retention of beer garden decking & new smoking shelter.

34/36 Downs Road Newcastle Co Down

R/2009/1043/A CONSENT 24.03.2010

Restaurant signage (retrospective)

34/36 Downs Road Newcastle Co Down

R/2007/0515/F REFUSE 24.08.2010 / Planning Appeal UPHELD 06.12.2011

Demolition of existing building and redevelopment as apartment building comprising 13 no. units with car parking and associated site works

34-36 Downs Road, Newcastle

R/2005/1110/F APPEAL DISMISSED 21.08.2006

Demolition of existing building and redevelopment as apartment building with carparking and associated site works

34-36 Downs Road, Newcastle

R/2000/0124/F GRANTED 30.10.2000

Conversion & extension to existing buildings (including works to front facades) to provide hotel (15 bedrooms), bar & restaurant

Nos 34 & 36, Downs Road, Newcastle

R/1998/0419 GRANTED 27.08.1998

Extension of restaurant into front ground floor of existing residential property

34 Downs Road, Newcastle

R/1980/0505 GRANTED 30.12.1981

Conversion of dwelling into flats

34 Downs Road, Newcastle

Planning Policies & Material Considerations:

The site will be considered in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 16 (PPS16) Tourism, PPS4 Planning and Economic Development, PPS3 Access Movement and Parking as well as Departmental Guides such as Parking Standards, Development Control Advice Note (DCAN) 4 Restaurants, Cafes and Fast Food Outlets, DCAN 11 Access For People With Disabilities Living Spaces, Parking Standards.

Consultations:

Department for Communities – Water Management Unit

Response received 11th March 2016 with no objection subject to conditions as detailed within Standing Advice 23 'Commercial and Industrial Developments' which will be considered by the planning unit. However it must be noted that their comments are on the basis that foul sewage infrastructure from the development

connects to the main NI Water Ltd foul sewer which terminated at Newcastle Waste Water Treatment Works (WWTW)

NI Water Ltd

Public water supply within 20m, surface water sewer within 20m consultation with NIW required to determine how the proposal can be served

Transport NI

Reponse dated 19th April 2016 with no objections to the proposal on the basis that Planning are satisfied there will be no need for additional off street car parking requirement for the proposal.

Environmental Health Unit (EHU) (1)

Response dated 1st April 2016 advised the proposal is in close proximity to a number of residential properties which could potentially be impacted by noise and odour. In order to assess the proposal EHU requested the applicant supply additional information and details on the plans.

Council forwarded EHU comments to agent and requested the applicant supply the details requested – Letter dated 7th April 2016.

Amended plans and details received 17th May 2016. Neighbour re-notification not considered necessary as amended plans provide details for EHU and make no changes/revisions to the proposal itself.

Environmental Health Unit (EHU) (2)

Response 9th June 2016 further to amended plans detailing removal of outdoor seating area and specification documents for odour abatement plant and while they have no objections in principle but make further comment. EHU highlight that the removal of outdoor seating area reduces the likelihood of amenity loss to nearby residential properties, air handling equipment, eg refrigeration, has the potential to impact on amenity if installed on the exterior of the building – and if this is the case the applicant is requested to submit annotated drawings showing the exact location of the equipment and provide specifications documents from the manufacturer showing the noise output of the equipment.

Council forwarded the consultation response from EHU to agent requesting additional information and annotated drawings in letter dated 9th June 2016.

Amended plan detailing ventilation received 9th September 2016. Consultation initiated with EHU and neighbour notified of amended plans.

Environmental Health Unit (EHU) (3)

Response received 10th October 2016 noting the submission of amended plans illustrating the location of the fans etc and requesting noise output data as previously detailed in their response 9th June 2016.

Council sent letter with copy of EHU consultation response received 1st October and consultation response previously received on 9th June 2016, to the agent requesting their comments to be addressed.

Additional Information – Noise Output Data received 19th October 2016.
Consultation with EHU undertaken.

Environmental Health Unit (EHU) (4)

Response received 14th November 2016 advising of consideration of plans detailing location of equipment and noise output data and advise of concerns relating to varying sound power levels for a free running propeller and due to its location in close proximity to residential properties EHU have concerns as this may result in loss of amenity to these properties due to noise. EHU advise applicant to consider alternatives ie quieter equipment, relocation of equipment, acoustic treatment equipment and the applicant should provide supporting evidence ie acoustic report demonstrating noise from any extraction equipment at nearby residential properties along with any necessary mitigation measures.

Council sent a copy of EHU response to agent in letter dated 15th November 2016.

Additional information in form of Noise Report submitted on 15th December 2016. This was scanned to the system, consultation with EVU undertaken and neighbour notification initiated.

Environmental Health Unit (EHU) (4)

Response dated 5th January 2017 having considered the amended drawing detailing the location of mechanical extraction equipment and speciation sheets showing noise data associated with this equipment, EHU have no objections in principle however request conditions are attached to any permission in order to protect the amenity of nearby residents from noise. The conditions relate to the position of the equipment ie plans submitted and a silencer fitted. The conditions will be considered by planning.

Objections & Representations

Notice of this application has been carried out in accordance with Part 8 (1) of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

The site was advertised in Mourne Observer on 23rd March 2016. A total of 47 neighbours were notified.

- Initial neighbour notification 09.03.2016
- After receipt of amended plans/additional information neighbour notification 20.09.2016
- Further to submission of amended plans/additional details neighbour notification 20.12.2016

24 Objections to the proposal have been received
3 Letters of support have been received.

Objections to the proposal are retained on the planning file and have been uploaded to the planning portal. However for the purposes of the planning report I have summarised the objections as follows:-

- The additional traffic that will be attracted to the site on a busy road that will have implications for road safety and parking
- Current impact of buses attracted to the Hostel on site creating a traffic hazard
- No provision for parking within the planning application
- No provision for outside space within the application
- Impact on amenity of neighbouring residential properties due to noise from the ventilation system and from the hostel users
- Impact on privacy and amenity of neighbouring residents, ie if balcony were to be used as a smoking area or the rear space was to be used.
- Increasing the hostel accommodation in Newcastle is a concern to local residents
- Concerns about the change of use impacting the residential character of the area
- Concerns about the increase of antisocial behaviour due to the proposed restaurant and the extension of the hostel accommodation.
- The site is outside of the town centre as detailed within the Ards and Down Area Plan 2015
- Behaviour of hostel users towards neighbours and within the area intimidating locals
- Concerns the side and rear shared alleyway which serves as access to neighbouring properties will be used for service vehicles attending the restaurant and hostel
- Impact on public footpaths and roads due to collection of refuse from the site
- Concerns about the recent difficulties restaurants have, with seasonal operation, and the impact of an additional licensed premises on the area
- Impact on amenity of residential properties due to noise and disturbance
- Concerns about the impact on the WWTW
- Works commencing on site without the benefit of planning permission (applicant)

Council advised applicant that any works on site does not benefit from planning permission is at the risk of the developer and may be liable to enforcement action.

In relation to concerns about parking at junctions and traffic hazards this is an issue for PSNI and Transport NI to enforce. However parking will be a consideration of the planning application.

Concerns raised about the behaviour of hostel users towards local residents is not a planning matter and should be brought to the attention of the premises and the PSNI.

Letters of support are also detailed on file in full and uploaded to the system. For the purposes of the report they are summarised as follows:

- The proposal is to relocate Brunel's Restaurant from its current location (Bryansford Road) to this site

- Award winning chef which provides a facility to the tourism industry of Newcastle
- Will provide more accessibility to an existing restaurant (currently located elsewhere in the Town)

Consideration and Assessment:

The proposal is for change of use from an existing 9 bedroom dwelling to a self-contained ground floor restaurant with the neighbouring hostel extending to include the 1st and 2nd floors of the existing dwelling which will provide an additional 9 dorm room. The hostel will then accommodate a total of 15 dorm rooms.

The changes to the building include the removal of the ground floor porch and 1st floor balcony of the front elevation. The rear of the building will see the removal of the alley access door to the store and a rear single storey connection from the building to the rear store to provide office and staff facilities. The proposal includes retention of a yard space on the ground floor and a storage area. The internal alterations include the ground floor change of use to the restaurant with internal changes to the existing dwelling. The neighbouring ground floor hostel will have no ground floor access to the restaurant which will create a self-contained restaurant unit within the ground floor. The 1st and 2nd floors of the dwelling will be amalgamated into the neighbouring hostel to provide 9 additional dorm rooms and a female W/C shower area. The accommodation will only be accessed through the existing hostel facility. There is no internal access from the proposed restaurant to the existing and proposed hostel accommodation.

Existing front elevation



Proposed front elevation



Having completed a history search for the site, there is no approval for a hostel or the associated signage at No 30 Downs Road. This is currently being investigated by enforcement. However it must be noted that Google images appears to illustrate a hostel on site from 2008 and therefore it has been established on site for over 5 years. There is no reference to the advertisements detailed on the submitted plans considered in this application.

The proposed restaurant requires a change of use. The Planning Use Class Order 2015 defines a restaurant for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises as a use class of its own ie no specific use class ('sui generis'). The Hostel falls within 'Planning Use Class C2: Guest Houses' Use as a boarding or guest house or as a hostel where, in each case,

no significant element of care is provided (The Planning (Use Classes) Order (Northern Ireland) 2015). Therefore the hostel also requires a change of use.

Policy TSM1 of PPS16 Tourism refers to tourism development in settlements such as this proposal. The SPPS identifies the contribution tourism makes to the economy of Northern Ireland in terms of revenues generated and the potential it creates for economic growth. Policy TSM1 states that permission will be granted for a tourism development within the settlement provided it is of a nature appropriate to the settlement, respects the context in terms of scale, size and design, and has regard to the specified provisions of a development plan. This application is for change of use to provide additional hostel accommodation. Therefore the use has been established on site and the extension, which will make use of an existing building will see the re-use of the building. The scale, size and design of the proposal, respects the context of the terrace row it is located within.

Considering the proposal in relation to PPS4 Planning and Economic Development as a restaurant has its own use class and does not fall within the uses as identified within PED1 Economic Development in the Settlement.

The proposal includes the removal of the ground floor porch and 1st floor balcony. This will ensure the proposal would not result in any impact caused by overlooking of the properties opposite. This was detailed within the representations received.

Development Control Advice Note 4 refers to Restaurants, Cafes and Fast Food outlets. The site is not within but adjacent to the primary retail core or town centre as defined in the Ards and Down Area Plan 2015 for Newcastle.

The Council consulted with Environmental Health Unit in relation to the scheme. Additional information and the plans have been amended to address their concerns regarding smell and noise. Environmental Health has no objections to the proposal subject to planning conditions. The conditions refer to the type and location of the extraction system. The conditions are designed to safeguard the living conditions of residents in adjoining and nearby properties, however it must be noted that Environmental health Unit have no objections to the proposal in principle.

The Ards and down Area Plan 2015 highlights the main commercial uses within Newcastle reflect its primary function as a tourist resort. The additional accommodation provided by the hostel will support this. The restaurant would also provide a benefit to tourism within the Town.

Considering the proposal and the required parking that will be associated with the proposed uses;

Restaurant:- Parking Standards requires restaurants within development limits, such as this proposal, 1 space per 5 m² NFA, with 1 lorry space when >500 m² GFA and a minimum of 2 cycle spaces. Applying these standards the proposal would not require a lorry space as it does not exceed 500sqm, the net floorspace is approx. 165sqm (including bar and kitchen area) and therefore a total of 33 spaces and 2 cycle spaces.

Hostel:- Parking Standards requires development of Use Class C2 to require 1 space per bedroom, plus restaurant, function room, conference and bar at 1 space per 5 m² GFA. Resident staff at 1 space per 3 staff on duty. There is no requirement

for a lorry space and 2 cycle spaces are necessary. Considering the proposal would add 9 dorm rooms to the hostel facility an additional 9 car parking spaces will be required. The applicant detailed a total of 5 employees within the P1 form however this applies to both the restaurant and hostel accommodation. Considering the hostel would require overnight provision for at least 1 staff member it would be reasonable to conclude that 1 space would be necessary. The ground floor within the proposed hostel space includes dining, lounge and kitchen at approx. 54sqm. Therefore when applying Parking Standards this ancillary space would require 10.8spaces. The existing hostel has 9 dorm rooms which would equate to a 9 established spaces. Therefore overall the hostel element would require an additional 19.8 rounded up to 20 car parking spaces and 2 cycle spaces.

The existing car parking associated with the 9 bedroom terrace dwelling and the hostel would use 16 spaces (ie parking standards requires 1.75 unassigned spaces for a 3 bed terrace) and 9 spaces for the hostel. This leads to 25 parking spaces associated with the existing uses associated with the site.

Overall the proposal would require an additional 43 car parking spaces (33 for restaurant and 20 for the hostel with existing car parking associated with the current use considered) and 4 cycle spaces. The proposal has no provision for car parking and would be reliant on the adjacent Council controlled car parking within Downs Road Car Park and the on-street car parking. The Hutt Hostel owner submitted supporting information in form of a letter dated 14th of February 2016. The proposal is within Newcastle and representations have been received that highlight that car parking is at a premium within the Town. This change of use application is not within but adjacent to the town centre, public transport is available within a short distance from the site at Railway Street and a Council owned car park (Downs Road) is located adjacent to the site. Therefore the requirement for the additional 44car parking spaces can be set aside due to the close proximity of the Council owned car parking, location, and close proximity of public transport.

Recommendation:

Approval

The change of use from a dwelling to a ground floor restaurant and 1st and 2nd floor extension of hostel accommodation established within the neighbouring unit will safeguard the tourism assets of Newcastle. While the parking associated with the change of use would add pressure to the existing parking facilities adjacent to the site, the proposal is within close proximity of the town centre, makes use of an existing building, and is within a short distance from public transport.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

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.

Conditions as recommended by Environmental Health Unit

2. The extraction system must be located as shown on Drawing No. BR1322, dated December 2016.

REASON: To safeguard the living conditions of residents in adjoining and nearby properties.

3. The extraction system should be suitably housed and fitted with a silencer, if necessary, so as to achieve a maximum sound pressure level of 31 dB(A) @ 6m; as shown in document entitled "BR1322 – The New Brunel's Restaurant, Newcastle, Co. Down" and dated 15 December 2016.

REASON: To safeguard the living conditions of residents in adjoining and nearby properties.

Conditions as recommended by DFC Water Management Unit Standing Advice note 23;

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

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

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

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

Condition recommended by NI Water Ltd

6. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5 times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NIW is required at an early design stage.

REASON: To prevent disturbance/ damage to existing sewers / watermains and in the interest of public safety.

7. All services within the development should be laid underground.

REASON: In the interests of visual amenity

8. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

REASON: In the interests of public health.

- 9. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

REASON: To safeguard the site and adjacent land against flooding and standing water.

_____ DATE

_____ DATE

LA07/2016/0300/F – Patrick Hutley

The following are the general points I want to make;-

- my first point is that the developer has been working on this building for the last year without planning permission and I am deeply concerned that he has been told he will get permission in advance as this is an excessive amount of money to invest on a building if planning is not granted. There have been 4-6 workmen there most days for over a year.
- that Downs Road and Donard Place are residential streets and an extended hostel with a restaurant changes this significantly
- Downs Road already suffers from excessive noise of people coming out of Quinns Bar drunk late at night.
- that the hostel was a family based, hikers hostel in the past and this is changing. Mr Hutley runs a successful bar and a licenced restaurant brings a completely different ethos to ta hostel.
- Hostels staff retire at 10 or 11 at night and this leaves the building on monitor for up to 8 hours. With a 40 to 80 bed residence and the wrong clientele this can leave it up to local residents like myself to ring the police to check noise and anti social behaviour
- that a change from a 40 bed hostel to a potential 80 bed hostel is excessive for the site that has no facilities such as parking
- that a licensed restaurant connected to a hostel changes the nature of the hostel
- that the residents in Donard place already suffer from disturbance from the Cinnamon restaurant and the waste at the back - another restaurant will make this impossible
- I will also make a representation for people who attend the church every day, and people who own properties on Donard Place when I am able to contact them

If planning is granted which I assume it will be based on the work carried out to date and that really this meeting is only a formality I would expect at least that there are limits put on the number of beds in the hostel and the opening hours of the restaurant. I would also expect that the hostel will have an appropriate number of staff on at night to monitor the behaviour of residents as this is the minimum that a hotel would have.

Bernardine Mc Manus

ITEM NO	12			DATE VALID	09/03/2016
APPLIC NO	LA07/2016/0342/F	Full			
COUNCIL OPINION	REFUSAL				
APPLICANT	Mrs V Ward 3 Fishermans Row Killough		AGENT	MB Architectural Design Services 28 Cathedral Park Downpatrick BT30 6EF	
			BT30 7QP	NA	

LOCATION To rear of 3A Fishermans Row
Killough
Downpatrick
Co Down
BT30 7QP

PROPOSAL Proposed conversion of outbuilding adjoining existing dwelling to form new dwelling unit

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

- 1 The proposal is contrary to SPPS and Policy QD1 of the Department's Planning Policy Statement 7, Quality Residential Environments, criteria A, C, E and H in that the proposal would, if permitted, have a negative impact on the overall layout and appearance of buildings and not provide adequate private amenity or movement patterns to both properties and would have an adverse impact in terms of noise and nuisance to existing dwelling 3A.
- 2 The proposal is contrary to SPPS and Policy BH 12 of the Department's Planning Policy Statement 6, Archaeology and the Built Heritage New Development in a Conservation Area in that the development, in particular the use of close board timber fencing, does not preserve or enhance the character and appearance or built form of the area and the materials and detailing do not respect the characteristics of adjoining buildings in the area.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0342/F

Date Received: 09th March 2016

Proposal: Proposed conversion of outbuildings adjoining existing dwelling to form new dwelling unit.

Location: To Rear of 3A Fishermans Row, Killough, Downpatrick, Co Down.



Site Characteristics & Area Characteristics:

The site in question is what appears to have been an ancillary building associated and connected to no 3A Fisherman's Row. It is single storey in height with a low pitch roof and sits gable ended onto the road. The front of the site has an open access point and also the walls of what looks to be the remains of an old stone

building which does block the view of the property partly. There is a garage to the rear of the property.

The site is within the settlement development limits of Killough as defined in the Ards and Down Area Plan 2015. The site is also within the Killough Conservation Area. There is a mixture of style of dwellings in the area of mixed density.

Site History:

R/2007/1284/F – 3 and 3A Fisherman's Row, Killough – demolition of existing buildings and construction of residential courtyard development of 10 no 2 bedroom apartments and 4 no 3 bedroom apartments and related site works – 03-04-2009 – granted.

R/2006/0099/O – 3 Fisherman's Row, Killough – dwelling house – 16-03-2007 – granted.

R/2002/0212/F – 3A Fisherman's Row – Provision of disabled living facilities – 24-05-2002 – granted.

Planning Policies & Material Considerations:

The Ards and Down Area Plan will be considered along with PPS 7 Quality Residential Environments and PPS 7 Addendum Safeguarding the Character of Established Residential Areas, SPPS and Creating Places. PPS 6 is also considered as the application relates to works within the Conservation Area BH12 is applicable. Killough Conservation Area Guide is also considered.

Consultations:

A number of NIEA bodies have responded to consultation

- Archaeology and Built Heritage has no objections.
- Drainage and Water, Water Management Unit has no objections.
- Natural Heritage and Conservation Areas requested that a biodiversity checklist is submitted as there is the potential for this building to host animals, it did appear on site that the works were nearing completion and the agent was asked to confirm if this was the case, the agent confirmed that works were near completion and therefore at the early stages of the application there was no requirement to request the Bio Diversity checklist however in order to achieve parking requirements requested by Transport NI the proposal was amended to demolish the garage, therefore it is now necessary for the checklist to be completed.

Transport NI initially responded advising that Transport NI cannot comment until Planning confirms if off street parking was required, this was discussed and agreed that off street parking would be required given the location of the buildings. Transport NI then requested a 1:500 scale plan showing satisfactory parking and turning for the proposal and when this was submitted no objections were returned.

Transport NI was again consulted on the application when amended plans were submitted to try and overcome planning issues raised. Transport NI, to date has no objections.

NI Water – no objections

Objections & Representations

The application was advertised 30-03-2016 which expired 13-04-2016.
21 neighbour notifications were sent 23-03-2016 which expired 06-04-2016; no objections have been received to date.

Consideration and Assessment:

The application is firstly considered against PPS 7 Quality Residential Environments QD1.

The development proposes the sub division of an existing dwelling to create an additional separate dwelling unit. There is therefore the need for separate parking and amenity space to be provided.

Both dwellings will, as a result of amended plans be afforded private amenity space however it is minimal and would not be considered to be acceptable in quality. The existing property 3A will have a close board timber fence fully surrounding the front and side of the property, in close proximity, which is the result of an attempt to overcome issues raised in relation to providing private amenity space, parking and a suitable relationship between the two buildings.

The amendment date stamped 18th August 2016 shows what is assumed to be a close board timber fence however the drawing has not been adequately annotated. While the amenity area proposed for both the existing unit (52m²) and the proposed unit (56m²) would be sufficient as advised in Creating Places (Open Space 5. 19-20) in terms of size as the requirement is the overall scheme is not considered acceptable as the amenity area would have to be enclosed with a fence that would create additional issues including a loss of light and visually there would be a high fence running the full length of the dwelling which is not consider acceptable or in keeping with the character of the area. There would also be the movement of cars travelling to the new unit past the door of the existing dwelling. The overall scheme is not acceptable as it does not provide 2 dwellings with suitable amenity and the original dwelling 3a is at detriment with the works proposed including noise nuisance from traffic to the new unit.

Due to the nature of this application neighbourhood facilities are not required.

Initial drawings did not provide for parking and had not identified specific lands for the new dwelling; this led to a poor movement pattern of the potential occupiers of the proposed unit and an impact on the private amenity of the original dwelling. Amended drawings have been submitted however the overall movement pattern has not improved and the scheme is still considered poor though it has been acknowledged that the agent has provided off street parking and turning that Transport NI finds acceptable.

The proposal will not conflict with adjacent land uses.

The proposal will not impact negatively on the surrounding land uses and there is not likely to be a demonstrable loss of privacy as a result of the application. There is the possibility of loss of light on the host dwelling due to fencing resulting in a poor residential environment.

As there are no additional buildings as a result of this application there is no potential for overshadowing on adjacent properties.

It is noted that there are bedrooms in both dwellings with no natural light proposed. There appears to be bedrooms existing with no natural light however the previous approval R/2002/0212/F which also provided ancillary accommodation at this site showed velux to be included. Amended drawings were submitted on 18th August 2016 to include velux windows in the dwelling to be converted which resolves the issue in part. The existing dwelling still appears to have bedrooms with no natural light however this is an existing problem not associated with this application.

The application is also considered against Policy LC1 Protecting Local Character and Residential Amenity.

The density of the complete project is not considered to be significantly higher than what exists in the surrounding area.

The pattern is in keeping with the surrounding area to which there is no definitive structure. The area is a mix of styles, dwelling sizes and layout patterns with limited repetitive form however along this section of road the dwellings do tend to front out onto the shore.

The proposed fencing impacts on character in terms of the limited visual perception of the fencing to the front and enclosing no 3A, while the fencing is not enough to offend the overall visual character of the area it alters negatively the public perception of 3A.

The proposal meets with space standards as set out in Annex A of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, the existing dwelling will be afforded 108m² for a 3 bed 4 person dwelling and the proposed dwelling will be 84m² both meet minimum space standards of 75-80sqm.

The agent was advised on 16th August 16 that the application was not considered acceptable as it was not providing a quality residential environment as there was a poor movement pattern and relationship between the two, the accommodation would be acceptable as ancillary to the existing dwelling but clearly not as a separate unit as the movement pattern between the two is not considered sufficient and providing amenity to both buildings has not been achieved and the scheme provides both properties with poor quality private amenity space and also a poor relationship between the existing unit 3A and the new unit in terms of noise nuisance from the proximity of the access to the new unit past the side of 3A.

As the application is for development within the Killough Conservation Area consideration is given to PPS 6, BH12 New Development in a Conservation Area. In new development change of use is included as set out in the policy.

Development in terms of new buildings, alterations etc. will only be granted where the setting of the conservation area will not be adversely affected.

The development is set back from the road behind a wall with arch openings that is of character and does draw attention to the site in question, while notably the setting behind the wall does not carry a great deal of character the dwelling is clearly visible. If this view was to be replaced with long sections of timber fencing and provision of parking it would have a negative impact on the character of the area. Some form of separation is required between the two dwellings in terms of private provision of facilities if they are to be totally separate units. As previously noted it is felt the site could operate with this level of ancillary accommodation but not operating totally independent of each other which will have a knock on impact on the overall character of the site and surrounding area. It is therefore considered that the development does not preserve nor enhance the character and appearance of the area.

While there are many different styles of properties in the area each is appropriately served and the built form works in the area, while this development does not consist of a great deal of construction again the introduction of large amounts of boundary treatments in order to provide privacy is not considered to respect the pattern of development in the area and is not characteristic of this sea front location and therefore although the changes are on a small scale they still, none the less, are not sympathetic to the surrounding built environment.

The agent omitted materials, heights and general detailed information of sections of the proposal however as it is boundary fencing to overcome privacy issues one can only assume that the fencing would be 1.8m close board timber fencing and this form of development is not in keeping with the more generally open frontage created along the section of road.

Within the conservation area views will be affected by the fencing. While views within the area will be altered to some degree with the works due to the frontage of the site it is not considered that overall views into and out of the Conservation Area will not be impacted upon as a result of the works.

Landscape features such as trees will not be impacted upon as a result of the application.

The Killough Conservation Area Guide has been given consideration however it is not considered that there is any demonstrable deviance away from the guidance.

A 1.8m fence is to run along the length of the front of 3A and to the side of the property which is the frontage closest to the public view point in an effort to provide private amenity.

Car parking has been shown adjacent to 3A's private amenity area for 3A and roadside parking for the new unit which is separated from the unit.

Transport NI has responded to the plans submitted 17th January 2017 stating that they have no objections provided that Planning is satisfied with the parking arrangements.

The parking for the new unit is not considered acceptable as it does not provide an adequate movement pattern for the dwelling in terms of parking and accessibility.

In terms of the overall acceptability to the parking arrangements the proposal does not provide the requested off street parking however the applicant has demonstrated the ability to provide 4 parking spaces.

The 1.8m close board timber fence is not considered to offer a quality residential environment as dwelling no 3A will be looking directly onto fencing a distance of 2m away running along the front of the full dwelling. This is not considered acceptable.

The site does not appear to have the capacity to accommodate a second dwelling and this is demonstrated through the difficulty in trying to overcome the issues of providing adequate parking and amenity and movement patterns without resulting in buildings being fenced in with close board timber fencing and this affecting the frontage and the view onto the site along the road frontage.

The amended scheme has not addressed the issues raised and the application is not considered acceptable.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to SPPS and Policy QD1 of the Department's Planning Policy Statement 7, Quality Residential Environments, criteria A, C, E and H in that the proposal would, if permitted, have a negative impact on the overall layout and appearance of buildings and not provide adequate private amenity or movement patterns to both properties and would have an adverse impact in terms of noise and nuisance to existing dwelling 3A.
- The proposal is contrary to SPPS and Policy BH 12 of the Department's Planning Policy Statement 6, Archaeology and the Built Heritage New Development in a Conservation Area in that the development, in particular the use of close board timber fencing, does not preserve or enhance the character and appearance or built form of the area and the materials and detailing do not respect the characteristics of adjoining buildings in the area.

Case officer:

Authorised by:

Date:



Colette McAteer
 Democratic Services Officer
 Newry Mourne & Down District Council
 O'Hagan House
 District Council Offices
 Monaghan Row
 Newry BT35 8DJ

15th May 2017

Location: To rear of 3A Fisherman's row, Killough, Downpatrick.
Proposal: proposed conversion of outbuilding adjoining existing dwelling to form new dwelling unit.
REF: LA07/2016/0342/F

I address this letter to you in the hope that the application may be revisited as Planning, to date, appears to have mistaken the nature of the proposal or lost all sense of perspective in applying planning policy.

Were this proposal to be categorised, it could be described as 'a contemporary Mews house'; a Mews being 'a grouping of small dwellings which front onto an alley or pedestrian passage.' In this case the proposal (for a single apartment) will culminate in two dwellings in an existing enclosed cul-de-sac entry. The scheme concerns the change of use and conversion to residential of part of an existing building, the balance of which is already in residential use. No new-build is involved. All adjacent properties are residential, as is the wider area albeit, with a few cognate uses, including Church and convenience shop. The site is in Killough Conservation Area and the building existed at the time of Designation. Formerly a licensed restaurant, it is now partially used as residential - little else has changed in the area.

Planning has written, explaining that the proposal will be recommended for refusal quoting the SPPS and Policy QD1 of PPS 7 and Policy BH12 of PPS 6. (letter attached)
 PPS 7, Quality Residential Environments sets out the planning basis for 'achieving quality in new residential development', and whilst the criteria will apply to 'all residential development' (except single dwellings in the countryside) the tenor of the document and the measures proposed indicate it is unquestionably directed at residential development in the wider generic sense. However, whatever the intent or interpretation was to be, a sense of perspective must be adopted when dealing with schemes such as proposed – single apartment in residential surroundings.

Planning opposes the proposal on criteria 'a', 'c', 'e', and 'h' of QD 1; these are quoted below, followed individually by a rebutting commentary;

(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;

Commentary: Proposal is for C-of-U to residential, in a building already used as residential, in a residential area. There is no new build. The building and surroundings existed pre-Conservation Area Designation.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups

of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Commentary: Private open space complies with standards required. The application is for C-of-U to existing buildings so no meaningful change in 'visual impact'. Area is characterised by hard landscaping.

(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;

Commentary: the proposal, conveniently located in village centre, incorporates all here that is relevant.

(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;

Commentary: Design and layout remain essentially unaltered. The proposal is for residential in a residential area. There is little or no related potential environmental intrusion as the Mews is for two dwellings; it is not a developed and directly accessible street frontage.

Referring to BH 12 of PPS 6 Planning finds that;

'... the development, in particular the use of close board fencing, does not preserve or enhance character and appearance or built form of the area and the materials and detailing do not respect the characteristics of adjoining buildings in the area.'

Commentary: It is accepted that 'close board fencing' is an intervention which might be considered inappropriate in Killough Conservation Area ... and this is addressed in the amended plans accompanying this letter. With regard to the remainder of this extract the area and adjoining buildings are very much as they were when the Conservation Area was Designated in 1981 ; Any changes were minimal ... and approved by Planning.

The amended drawings I lodged have dropped the close board fencing. It was considered that a 1.8 metre high stone wall (matching perimeter walls) might be erected around the existing dwelling unit 3A to ensure the privacy and amenity of that dwelling. However, this was decided against on two grounds;

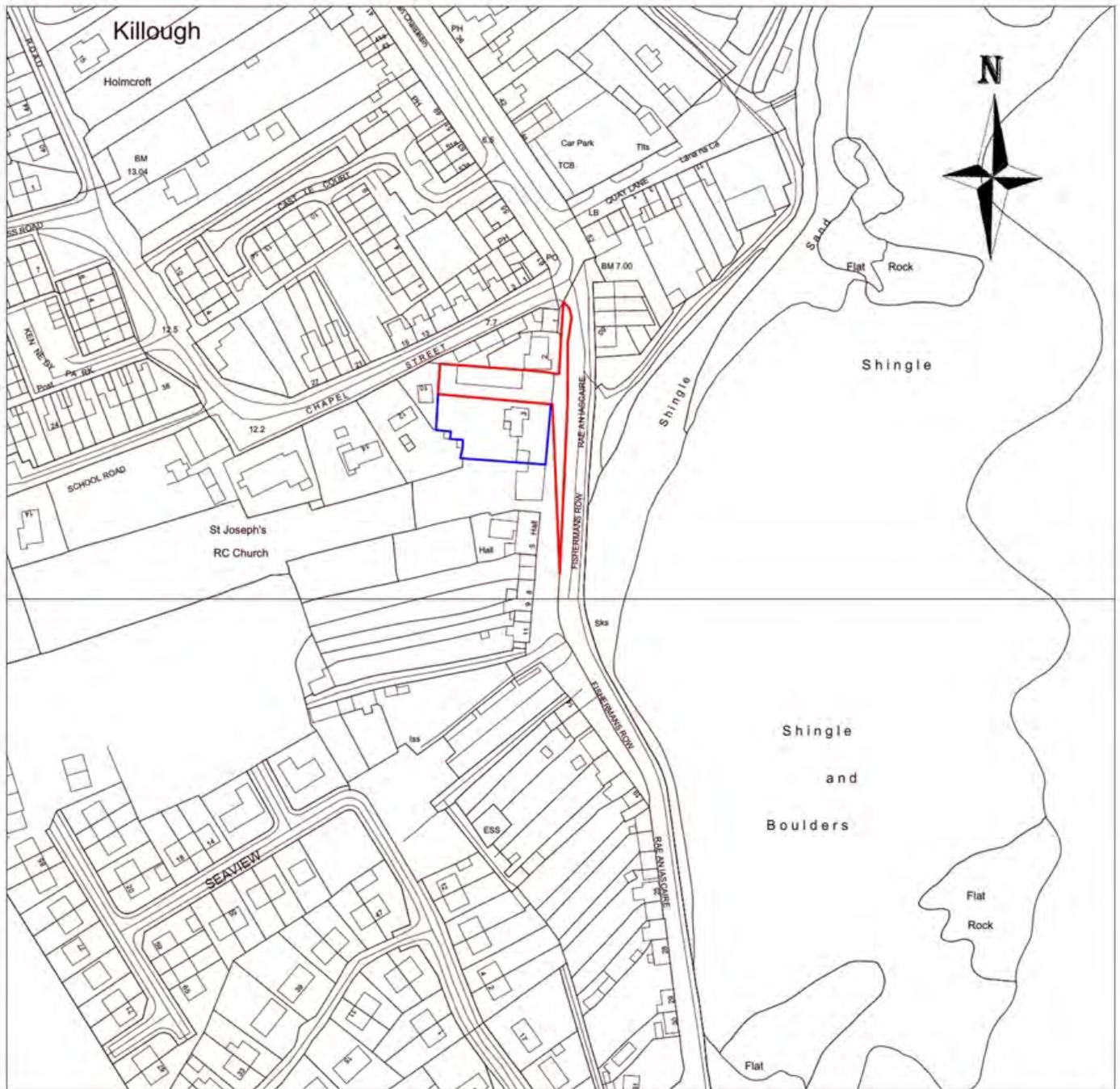
1. The nature of the proposal. It involves one additional dwelling unit in surroundings akin to a mews development, and given the relationship between internal layout and external space the resultant impact on amenity and privacy is not seen to be unduly inimical. It is a secluded entry, not an open and frequently trafficked street frontage.
2. The subject building is integral to Killough Conservation Area. Additional sub-division of land and peremptory visual screening of original historic fabric would not serve to **'preserve or enhance character and appearance or built form of the area.'**

However, if Planning were to consider such a wall necessary, acceptable and effective, then it can be added.

If Planning finds the proposal unacceptable the reasons must be based on Planning grounds, clearly and concisely articulated and relevant to the proposal. In this case, it is difficult to relate the reasons cited to the actual envisaged outcome of the proposal – an additional residential unit in a residential area. Furthermore, given that the scheme effectively completes a change of use of a building from commercial to residential in a residential area, it will not offend Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity in the second Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas.

Yours Sincerely

Michael Bailie



SITE LOCATION PLAN SCALE 1:2500



PLANNING • BUILDING CONTROL • SURVEYS • CONSERVATION
T. 077 3885 4520 • E. MICHAEL.BAILEY@TISCALI.CO.UK
28 CATHEDRAL PARK • DOWNPATRICK • BT30 6GF

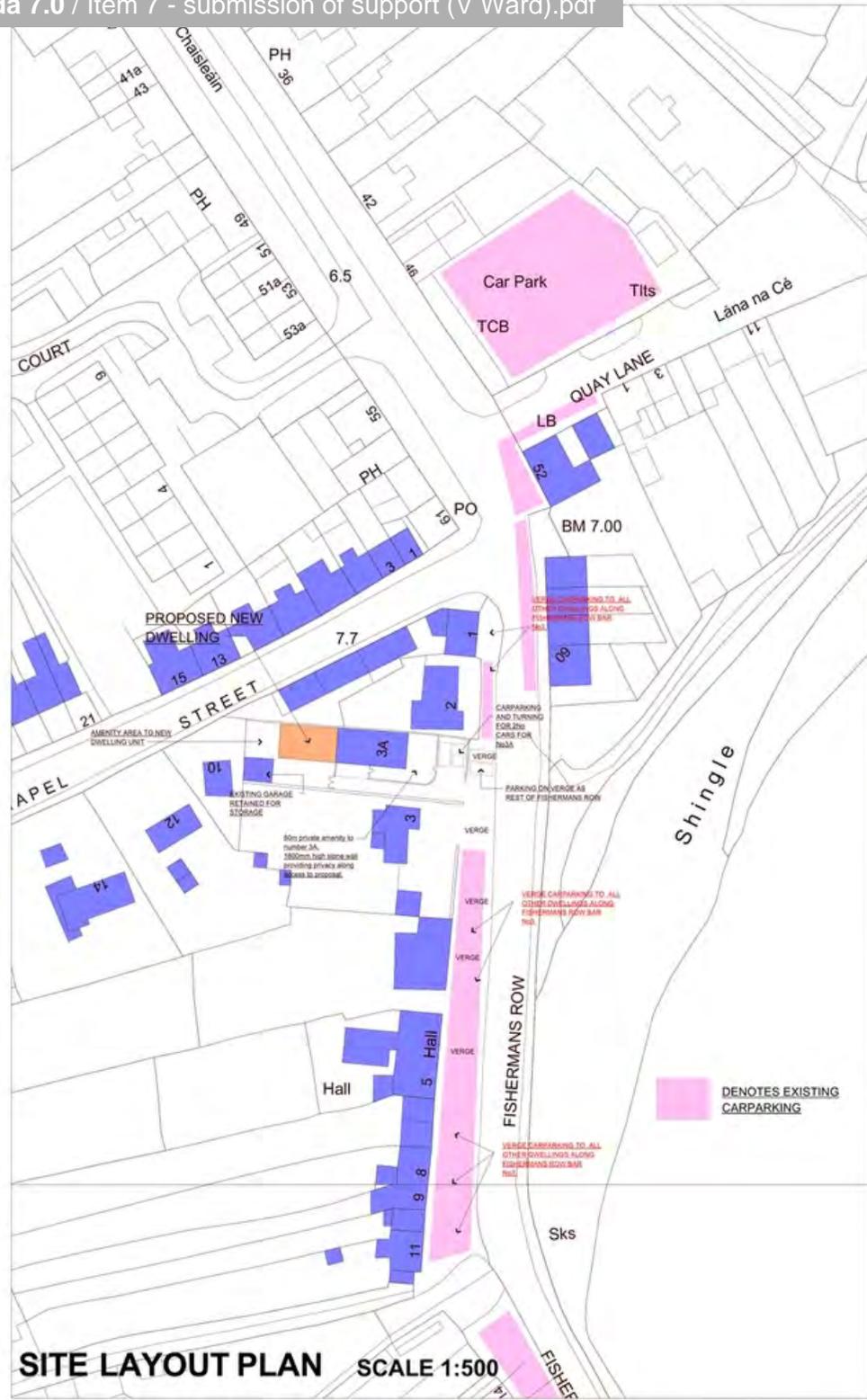
Job Title
**CONVERSION OF EXISTING
OUTBUILDINGS/STORES TO SINGLE
DWELLING UNIT ADJOINING 3A
FISHERMANS ROW KILLOUGH FOR MRS
V. WARD.**

Drawing Name
SITE LOCATION MAP

Drawn by Date
MB MARCH 2016

Drawing Scale
1:2500

Revision



Job No: CONVERSION OF EXISTING OUTBUILDINGS STORES TO SINGLE DWELLING UNIT ADJOINING 3A FISHERMANS ROW KILLOUGH FOR MRS V. WARD.
 Drawing Name: SITE LAYOUT PLAN AND PHOTOS.
 Drawn by: MB Date: MARCH 2016
 Drawing Scale: 1:2500
 Revision History:
 REV A - PLANNING/TRANSPORT NI AMENDMENTS - 13-07-2016
 REV B - PLANNING AMENDMENTS - 18-08-2016
 REV C - PLANNING AMENDMENTS - 28-10-2016
 REV D - FURTHER AMENDMENTS - 17-01-2017
 REV E - FURTHER AMENDMENTS TO LAYOUT 02-05-2017

APPLICATIONS FOR PLANNING PERMISSION

ITEM NO	13			
APPLIC NO	LA07/2016/0695/F	Full	DATE VALID	18/05/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mervyn Wishart 47 Ballyloughlin Road Newcastle BT33 0QG		AGENT	Johnnie Agnew Designer Home Plans 1 Victoria Court Ballymartin Newry BT34 4YH 028 417 63371

LOCATION 47 Ballyloughlin Road
Newcastle
Co Down
BT33 0QG

PROPOSAL Erection of additional holiday cottage for the Mourne Cottage self-catering complex.

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

- 1 The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to SPPS and Policy TSM 5 of Planning Policy Statement 16, in that the overall design of the scheme including layout and detailed design of the individual unit does not deter permanent residential use.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0695/F

Date Received: 27th May 2016

Proposal: Erection of additional holiday cottage for the Mourne Cottage Self-Catering Complex.

Location: 47 Ballyloughlin Road, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is located to the rear of the dwelling and complex noted as 47 Ballyloughlin Road. The site consists of a main dwelling house set back from the road and a number of holiday homes in a courtyard type complex of good character. Lands to the rear of the property are quite rough and overgrow grassland bounded by mature planting. Beyond this is agricultural.

The area in general is not within any settlement development limit as defined in the Ards and Down Area Plan 2015, the area is within a Countryside Policy Area and also within the Mourne Area of Outstanding Natural Beauty.

Site History:

R/1992/0207/F – 47 Ballyloughlin Road – conversion of existing building to 8 self-catering units – granted – 05-06-1992

R/2006/1224/F – Ballyloughlin House, 47 Ballyloughlin Road – erection of 9 no holiday cottages and 2 no holiday apartments with associated car parking – permission granted 25-03-2010

R/2003/1325 – 47 Ballyloughlin Road – additional self-catering holiday and amenity units – granted – 22-04-2005.

Planning Policies & Material Considerations:

The application will be considered against Ards and Down Area Plan 2015, PPS 16 Tourism and SPPS. As the application is in the rural area initial consideration is also given to PPS 21.

Consultations:

NIEA – Drainage and Water – no specific comment to make.

NIEA – Natural Heritage and Conservation Areas – noted priority habitat on the site that could have potential for priority species. The amended scheme addresses any issues surrounding priority hedges.

NI Water – No objections

Rivers Agency – No objections, informative given

Transport NI – initially requested amended plan showing splays 2.4m X 80m and once this had been submitted a response of no objections was given.

Objections & Representations

The application was advertised 15th June 2016 which expired 29th June 2016. Due to an amended proposal description the application was re advertised due to amended proposal 22nd February 2017 which expired 8th March 2017. No neighbour notifications were required and to date no representations have been received in relation to the proposal.

Consideration and Assessment:

The application has been given consideration in relation to the previous history referred to in the proposal description and also to the relevant policy context set out in PPS 16.

It is noted that the siting, design and overall layout of the proposal is not in keeping with the previous permission R/2006/1224/F and the agent was made aware that it was not considered acceptable that this application is treated as an amendment to a previous scheme. The agent stated that foundations were in however there was no evidence of this when out on site. The agent was advised to submit evidence of commencement of the R/2006/1224/F approval and in November 2016 a letter was submitted by the agent from Building Control stating that foundation excavations had

been inspected 23rd March 2015. Having inspected the Building Control file the evidence made reference to it became apparent that the drawings submitted to Building Control were the same drawings submitted under this application and that Building Control had no drawings or inspection details in relation to the original approval R/2006/1224/F which has expired and therefore cannot be used in reference to this application therefore an amended P1 was submitted 6th February 2017 amending the proposal description to erection of additional holiday cottage for the Mourne Cottage Self Catering Complex.

Of the initial drawings submitted it was also considered that the siting of the application was not acceptable as it was too far removed from the original cottages and is not in keeping with the existing scheme and the overall design of the dwelling presented is not one considered constant with that of letting accommodation and is more the style of a permanent residence and is not considered acceptable.

It was also noted that the proposal would require that the mature hedge to the rear of the site is removed and this is noted as priority habitat, therefore if the siting is to remain a bio diversity check list is required.

The agent submitted amended plans in an attempt to address the design concerns of the proposal. The proposal description has been changed and this application is no longer considered as a change in design but as a new unit afresh.

The aim of SPPS in relation to tourism development is to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment.

For the purposes of this application PPS 16 Tourism is considered and in particular TSM 5 Self Catering Accommodation in the Countryside.

TSM 5 states that planning approval will be granted for self-catering units of tourist accommodation in a number of circumstances one of which includes a self-catering complex which Mourne Cottage Self Catering Complex can be considered to be.

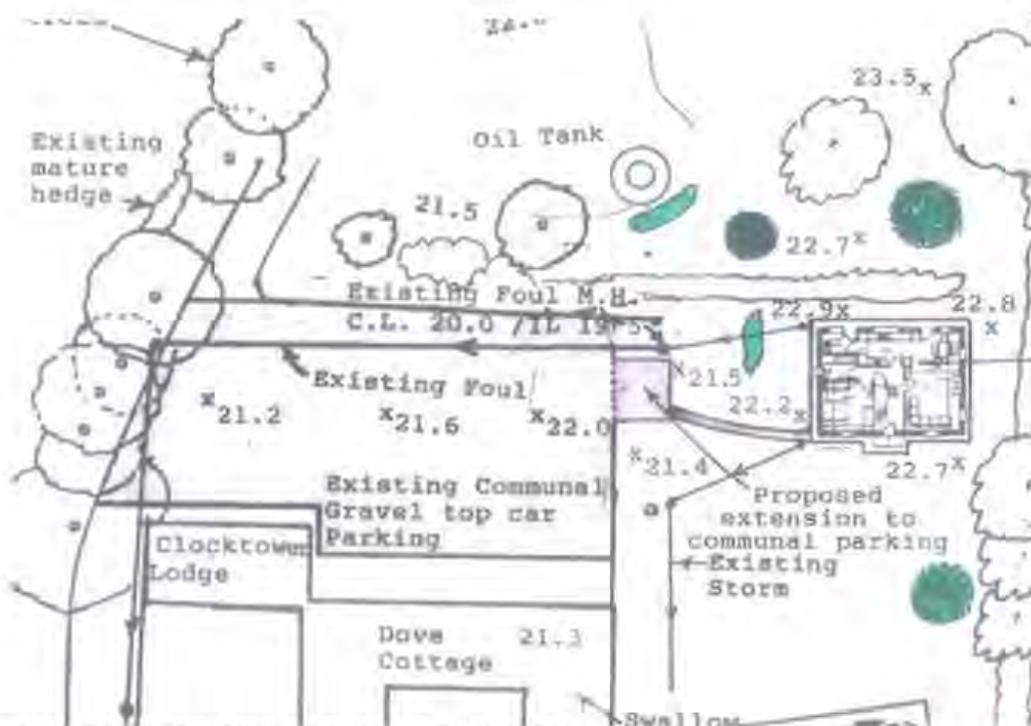
TSM 5 goes on to say that in either circumstance (a) or (b) set out in policy of which this application falls under A (one or more new units located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park) the development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

The proposal is for one unit which, if suitable, would be considered subordinate.

Policy clearly states that the overall design of the self-catering scheme, including layout, provision of amenity space and design of the units must clearly deter permanent residential use.

The unit presented is 11.4m long x 8.7m deep and is 7.2m in height with 1st floor accommodation to provide a 3 bedroom unit. The internal floor space provided is 140m² (in region of 1500sqm) unit offering spacious accommodation which would normally be consistent with permanent residency and not consistent with the basic provisions required normally with tourist accommodation.

It is also noted that the accommodation should make use of an informal layout and not offer separate parking. While the parking has not been identified as separate it does appear as space in association with this additional unit. And not for communal parking purposes.



Amended site plan showing parking provision.

The overall scheme does not respect the overall pattern of development or layout that exists throughout the rest of the site which is small units, clearly sharing parking and limited amenity in what is more like tourist accommodation providing basic facilities.

The initial design proposal submitted at the outset of this application was rejected as it did not deter the possibility of permanent residential accommodation and the amended design does not offer anything different. While the design may pick up on some of the design traits of the small cottages on site the overall scheme bears no resemblance to the existing style, form or layout and is clearly set apart from the overall tourist accommodation scheme presented at present on the complex.

This application does not offer a high quality residential development clearly for the purposes of tourist accommodation and is not integrated into the existing complex nor suitable to offer robust tourist accommodation; rather it appears very much a separate unit divorced from the overall amenities and character of the existing complex which could easily operate as a single, permanent use dwelling.

Recommendation:
Refusal

Refusal Reasons

- The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to SPPS and Policy TSM 5 of Planning Policy Statement 16, in that the overall design of the scheme including layout and detailed design of the individual unit does not deter permanent residential use.

Case officer:**Authorised by:****Date:**

Designer Home Plans

1 Victoria Court

Ballymartin

Kilkeel

Co. Down BT34 4YH



Tel/Fax: (028) 417 63371

Email johnhagnew@yahoo.co.uk

20 April 2017

Re: 47 Ballyloughlin Road, Newcastle
Ref LA07/2016/0695/F

F.A.O. Planning Committee

I was disappointed with Fionnuala Murray's letter 11/4/17 (enclosed) – especially as we had amended our proposal several times to address her concerns.

I would strongly disagree with her reasons for refusal as follows:

Firstly the proposed holiday cottage is in lieu of six holiday apartments as approved under R/2006/1224. Foundation concrete for this project has been legally poured (albeit under a revised building control application) before the Planning Approval had lapsed. This, along with the fact that the proposed holiday cottage is within an existing and successful holiday development, makes the Departments decision particularly disappointing.

The second 'Reason' for refusal does not take into account the more demanding current requirements of the tourist industry. For example a laundry room is essential for a beach holiday requiring a lot of washing of towels etc. with a machine suitable for removing sand. In fact all holiday houses, providing the correct standards required by the Tourist Industry, would be suitable as dwellings.

Again we would be happy to accept the normal condition restricting use for tourism only as this was always our intention.

Our proposal is for less intensive use of the site than that approved under R/2006/1224 and is consistent with my clients efforts to maintain and develop his current high quality tourist offering.

In conclusion I would be grateful for the committees sympathetic response to our application.

Yours faithfully,

Johnnie Agnew Dip Q.S



Newry, Mourne and Down District Council
 Planning Office
 Downshire Civic Centre
 Ardglass Road
 Downpatrick
 BT30 6GQ

Johnnie Agnew
 Designer Home Plans
 1 Victoria Court
 Ballymartin
 Newry
 BT34 4YH

Date: 11th April 2017
 Your Ref:
 Our Ref: LA07/2016/0695/F
 (Please quote at all times)
 Please Contact: Fionnuala Murray
 Contact Number 0300 200 7830

Dear Sir,

Location: 47 Ballyloughlin Road, Newcastle, Co Down, BT33 0QG.

Proposal: Erection of additional holiday cottage for the Mourne Cottage self-catering complex.

The above application has been discussed, taking into consideration amended plans and has been recommended as a refusal for the following reasons:

- The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
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The application will now appear before the Planning Committee. Information in relation to meeting dates and Committee Protocol can be found at www.planningni.gov.uk

Yours faithfully

F Murray
 F Murray
 Newry, Mourne and Down Planning Manager

Designer Home Plans

1 Victoria Court
Ballymartin
Kilkeel
Co. Down BT34 4YH



Tel/Fax: (028) 417 63371

Email johnhagnew@yahoo.co.uk

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Ref LA07/2016/0695/F

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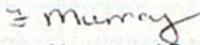
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Yours faithfully


 Fionnuala Murray
 Newry, Mourne and Down Planning Manager

ITEM NO	14			
APPLIC NO	LA07/2016/0770/O	Outline	DATE VALID	10/06/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Four Seasons Health care Norcliffe House Station Road Wilmslow Cheshire SK9 1BU		AGENT	Strategic Planning Pavilions Office Park Kinnegar Drive Holywood BT18 9JQ NA
LOCATION	Lands south of 26 Strangford Road Downpatrick			
PROPOSAL	Proposed residential development (12 Units) (amended scheme)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	7	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0770/O

Date Received: 10th June 2016

Proposal: Proposed residential development (12 Units)

Location: Lands south of 26 Strangford Road, Downpatrick.

The site is within the settlement limits of Downpatrick.
Council Ward of the District.



Site Characteristics & Area Characteristics

The site is a large site and details the lane that provides access to a Care Facility to the north. The site has an established access onto the Strangford Road with a rendered wall with mature trees and hedging within the internal portion of the boundary that abuts the Strangford Road. The site has a steady increase in level from the boundary shared with the Strangford Road, to the northern boundary which has a portion of boundary definition provided by mature trees and hedges. The site has many mature trees. To the west of the site, the boundary consisting of a wall and fencing is shared with a Listed Building and the Council Dept. The eastern boundary is shared with residential dwellings of Lecale Park and a recently approved housing development (3 units) at Lecale Park. This boundary is defined by mature trees and a wall.

Site History:

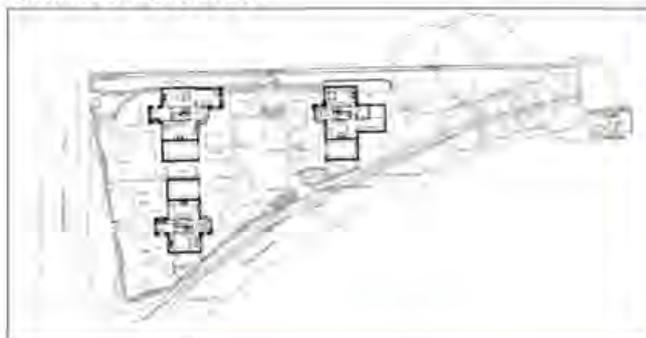
R/1991/0130 (historical application)

Vehicular access at Former Quoile Hospital Site, Strangford Road, Downpatrick
Granted 21.03.1991

NEIGHBOURING SITE

R/2012/0492/F Mr Will Scott RIBA, MRTPI

A courtyard of 3 detached, two storey dwellings at 2 Lecale Park, Downpatrick
Granted 26.02.201



R/2011/0409/F 11.09.2015

A courtyard of 5no. 3 bedroom houses at 2 Lecale Park, Downpatrick.

Refused 19.04.2012 (Contrary to PPS7 Policy QD1a, PPS7 Addendum Policy LC1a and b)

R/2015/0121/F Mr James Annett

Change of House Type for two dwellings, Nos. 2 and 3, previously approved under application reference R/2012/0492/F at Sites Nos 2 and 3 Lecale Park, Downpatrick
Granted 23.10.2015

LA07/2015/0401/NMC Will Scott

To add an extra room over the garage of Unit no.1 at 2 Lecale Park, Strangford Road, Downpatrick.

Refusal of Non Material Change 11.09.2015

LA07/2015/1305/F Will Scott

The addition of an extra room over the garage of No 2 at 2 Lecale Park, Strangford Road, Downpatrick

Granted 18.03.2016

Planning Policies & Material Considerations:

The site is within a designated settlement limit and will be considered in relation to the Regional Development Strategy, The Ards and Down Area Plan 2015, The Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement (PPS) 7 Quality Residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS12 Housing in Settlements, PPS15 Planning and Flood Risk, PPS3 Access Movement and Parking as well as PPS2 Natural Heritage.

Departmental guides such as Creating Places, Parking Standards, and Development Control Advice Note 8 Housing in Existing Urban Settlements and DCAN 15 Vehicular Access Standards will also be considered.

Consultations:

DAERA Natural Heritage Unit

Due to the number of trees on site and possibility of wildlife a biodiversity checklist was sought and then submitted by agent which included a Bat Roost Potential (Survey) and tree survey details which noted that of the 89 trees within the site 17 will be removed. Natural heritage offered no objections and provided information for the applicant.

DAERA Land, Soil and Air

Potential for contamination of site due to former activities on and directly adjacent to the site (textile and dye works) and as a result of comments the applicant supplied additional information ie a quantitative risk assessment. Land Soil and air are now content with the details and conditions recommended will be considered.

DAERA Water Management Unit

Content with the proposal and providing conditions and information for the applicant.

Rivers Agency

Drainage assessment submitted with the proposal and Rivers Agency offered no objections to the proposal while providing information for the applicant.

NI Water

No objections to the proposal with public and foul sewer available within 20m while surface water sewer may need to be requisitioned by applicant, information supplied in the response for the benefit of the applicant.

Department for Communities (DfC) - Historic Environment Division (HED)

HED Historic Buildings Unit

Required additional information due to the close proximity of the site to a Listed Building which the applicant provided. The additional information was considered and addressed their concerns, conditions were recommended and will be considered.

Newry Mourne and Down District Council – Environmental Health Unit (EHU)

Concerned due to the close proximity of the site to an established and currently operating council depot and potential impact proposed dwellings would have due to noise and odour. A noise report was requested and supplied by the applicants planning agent and the indicative outline was referred to and addressed by the agent. Environmental Health Unit recommended several planning conditions which will be considered.

Transport NI

Initially Transport NI was content with the details of the planning application, however due to the revision of the indicative layout to address concerns relating to the neighbouring Council Depot for noise and odour the layout was revised and

reduced from 14 to 12. As a result Transport NI advised the proposal would no longer be suitable for adoption as the dwellings no longer front onto the access road so would not have the characteristics associated with a private street. This will be considered when assessing the planning application.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on 2 occasions. Upon receipt of the application the proposal was advertised in local press as an application for 14 dwellings on the 20th of June 2016.

During the processing of the application the proposal description was reduced from 14 to 12 dwellings which required the proposal to be re-advertised and neighbours/objectors re-notified of the amended proposal. The amended scheme was advertised in local press as 12 units on the 7th of December 2016.

A total of 29 neighbouring dwellings were notified. A total of seven representations have been received to date.

Representation received are summarised below. Please see file/planning portal for full details.

- Prior to site inspection a neighbour highlighted the need for several neighbouring properties to be notified of the scheme and their correct addresses.
- The potential impact the development would have on road safety in terms of access, volume of traffic, and a concern about the road speed limit within the area.
- Concerns raised in relation to the impact on the environment in relation to the existing trees which includes a loss of 4 existing trees, wildlife and associated habitats.
- Impact on the character of the area due to loss of trees
- Overdevelopment of the site and lack of suitable level of private amenity space
- Loss of open space
- Concern that the approved Down High School which would be located a short distance from the site, coupled with the proposal would significant increase traffic within the area
- Impact on the existing use of the site which serves as access to a care facility
- Potential loss of privacy to dwelling located opposite the site

Further to receipt of comments relating to the neighbouring development which is nearing completion and partially occupied additional neighbour notifications were produced.

Considering the reference to loss of trees and impact on habitats and species. Natural Heritage Unit (DAERA) have been consulted and this will be considered.

Representations have highlighted concerns about traffic within the area. Transport NI have been consulted in relation to the proposal and their comments will be considered.

Consideration and Assessment:

The site is within the settlement limit of Downpatrick. The Area Plan does not identify any designations relating to the site.

The proposal is for residential development within a site which serves as access to a Care Facility. The indicative site layout and proposal description identify 12 units which has been reduced from 14. The layout is indicative and detailed below:



Planning Policy Statement 7 (PPS7) Policy QD1 considered new residential development and advises that it will only grant approval where it is demonstrated that the proposal will create a quality and sustainable residential development that

respects the local character , environmental quality and residential amenity within the established residential area it is proposed within.

The site neighbours a Care Home, the established Council Depot and residential properties of The Meadows and Lecale Park. There is a mixed use of development within the area providing the context of the site. The Depot also serves as the location of a Listed Building which shares a boundary with the site. Policy requires proposed residential development to respect the surrounding context of the site.

Section Through Site

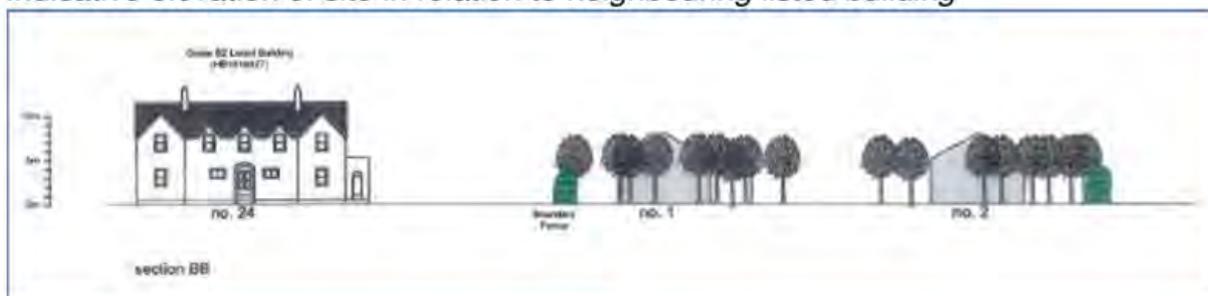


Considering the level of detail submitted through the processing of the application it is clear the proposal can be accommodated on the site while respecting the context. The neighbouring development approved under planning reference R/2012/0492/F which approved 3 dwellings within a corner plot. This would have a higher density of development than the proposal would have. The proposal details 12 units within a site area of 0.9Ha. While the neighbouring approval for 3 dwellings has a density of 3 units within approx. 0.16Ha. This results in the proposal having a density of 13.3 units per hectare compared with the neighbouring 18.75 units per hectare. The proposal is therefore in keeping with the principles of PPS7 Addendum Policy LC1 and Policy QD1(a).

Features of the built heritage and landscape features, such as the neighbouring Listed Building and the mature trees on site, have been considered. The applicant has produced indicative details of the proposal which have satisfied the concerns of Historic Buildings Unit in relation to the neighbouring Listed Building.



Indicative elevation of site in relation to neighbouring listed building



The proposal is in keeping with Policy BH11 Development Affecting the Setting of a Listed Building. Council must be mindful that the proposal is adjacent to and not

within the site of the Listed Building itself. Design consideration relating to the proposed dwellings will be considered as part of the reserved matters application.

The dwellings will be set back from the Strangford Road to maintain the existing boundary vegetation and mature trees which will provide a suitable screening of the site from the Strangford Road and soften the setting while reflecting the context of the site itself. The loss of trees to accommodate the development is mitigated through the additional planting proposed and Council must note that the applicant has considered the health of the trees within the Tree Survey and the Bat Roosting Potential of the trees within the development in keeping with the principles of PPS2 Natural Heritage. The proposal provides suitable levels of private amenity space and provides for additional planting. The proposal would be in keeping with Policy QD1 (b) and (c).

The proposal is for 12 units and does not require to provide open space as an integral part of the application, a movement pattern or necessary local facilities (Policy QD1d and e). A representation stated that development of the site would lead to loss of open space. The site is not designated open space within the Area Plan or open space as part of a large scale housing development.

The proposal would not result in crime or present difficulties for personal safety. The proposal therefore meets Policy QD1(i).

The proposal would be able to provide adequate provision for car parking in keeping with Policy QD1 (f).

Design of the proposed units is something to be considered at reserved matters stage. However the applicants planning agent is aware of the neighbouring Listed Building which will need to be part of the design consideration at reserved matters stage.

Policy QD1 (h) requires the housing design and layout not create conflict with adjacent land uses and ensure there is not unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise and other disturbance. Considering the proposal is outline and the level of detail required to accommodate the constraints of the site, the applicant has demonstrated that the proposed units could be accommodated without detriment to the neighbouring land uses of the Council Depot and Listed Building which are adjacent to the site. Environmental Health raised concerns that have been addressed by the applicant relating to noise and odour.

The impact of the proposal on the existing dwellings neighbouring the site, and the dwellings of Lecale Park which are nearing completion must be considered.

Impact on No 1 The Meadows – residents raised concerns the dwelling would be overlooked and the proposal would result in loss of privacy. The proposal would be located opposite No 1 The Meadows. The occupiers of No 1 The Meadows are concerned that their ground and first floor windows would be overlooked.



This image demonstrates the separation distance between No 1 The Meadows and the site. The site location map, submitted with the proposal, demonstrates that No 1 The Meadows has a 20m front garden depth and is located 30m from the Strangford Road boundary of the site. This is a considerable separation distance and would ensure that the dwellings proposed on site 1 and 2, within the indicative layout, would not result in loss of privacy for No 1 The Meadows or the neighbouring No 35 Strangford Road.

The neighbouring development, within what was previously No 2 Lecale Park was nearly complete when the proposal was site inspected. The dwellings within the neighbouring site appear to be on a higher ground level than the site itself. The dwelling detailed within on site 2 within the indicative site layout would be set back from the building line as set by the dwellings of No 2 Lecale park site.



Most recent Spatial NI maps details the neighbouring site under construction.

Council would note that neighbour notifications were checked on site and correspondence was received from an interested party to highlight the addresses of the neighbouring dwellings under construction.

Concerns are raised that the loss of trees on the site would lead to loss of privacy for neighbouring residents. However the loss of trees to facilitate the development is minimal considering the tree coverage of the site. The proposal would not lead to loss of privacy for neighbouring residents. The indicative layout demonstrates a suitable degree of separation between the proposed units and that of the neighbouring dwellings.

Impact of the proposal on neighbouring newly built dwelling at No 4 Lecale Park. The concern is that the proposed would result in loss of light. However considering the sun path, the proposal would not lead to any further loss of light than that which occurs due to the mature trees established on site.

Traffic and road safety concerns were also raised within the objections received. The applicant supplied a Transport Assessment with the application which has been considered. Neighbouring residents are concerned that the additional traffic generated by the proposal would result in exasperating existing problems relating to visibility and road speed. Transport NI have not raised concerns relating to the access proposed however due to the redesign of the internal layout to address concerns relating to the neighbouring Depot in terms of Noise and Odour, the layout would no longer be able to accommodate the standards of a private street and would therefore not be adopted.

The site history raised concerns that the site would have a contaminated lands issue. The applicant supplied additional information and conditions recommended by Land Soil and Air Unit of DAERA will be considered.

The site shares its boundary with Council Depot. The layout was altered to accommodate development on a site that shares its boundary with an established use that is associated with noise and smell which has the potential to have a detrimental impact on the amenity of the proposed dwellings. Transport NI considered the layout and are not content to approve the layout for adoption noting the site would remain private.

Council has sought clarification from Transport NI relating to their comments on the layout. Transport NI highlighted that the layout dated 24th of November 2016 will not be eligible for adoption as it does not have the required housing fronting onto the access road and therefore does not have the characteristics associated with a private street. Transport NI also clarified that the access to the care facility, within which the site is located, is not part of the public road network. Therefore Council can conclude that access for the care facility would not be altered due to the development. The applicant's planning agent is also aware of Transport NI comments indicating the proposal would not be adopted. Therefore bin collection will be at the entrance to the site and this detail will be considered at reserved matters stage.

Drainage assessment submitted with the proposal and Rivers Agency offered no objections to the proposal.

Recommendation:

Approval subject to conditions.

Council must be mindful that the internal layout for 12 dwellings is proposed due to the constraints of the site and the potential impacts the existing and established Depot could have on the proposed residents.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

REASON: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

The development hereby permitted shall have a layout which is broadly in line with the indicative concept layout and plans LA07/2016/0770/02 bearing the date stamp 24 NOV 2016, but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.

REASON: In the interests of visual and residential amenity and to ensure the development of a quality residential environment.

ENV HEALTH CONDITS RECOMMENDED:

The glazing on the specified facades of all dwellings must be upgraded to achieve, as a minimum, the attenuation values given on page 18 of the Noise Impact Assessment, dated 18th November 2016. This should be viewed in conjunction with the plan on page 14 of the same Noise Impact Assessment which highlights the specified facades.

REASON: To ensure the amenity of the proposed residents is considered within the details of the reserved matters application.

An alternative means of ventilation must be provided in all living rooms and bedrooms on the specified facades. This ventilation must be acoustically treated to achieve, as a minimum, the attenuation values given on page 18 of the Noise Impact Assessment, dated 18th November 2016. This should be viewed in conjunction with the plan on page 14 of the same Noise Impact Assessment which highlights the specified facades.

REASON: To ensure the amenity of the proposed residents is considered within the details of the reserved matters application.

An acoustic barrier must be erected along the boundary with the adjoining depot, as shown on Drawing: Proposed Site Layout, Job No: C03444 Rev A 14/11/2016. This barrier must have a self weight of at least 25 kg/m² and must have no gaps or openings at ground level or along the surface. The barrier should be constructed of metal composite, timber or masonry and must be at least 1.8m in height.

REASON: To ensure the amenity of the proposed residents is considered within the details of the reserved matters application.

There must be a minimum separation distance of 15m between the adjoining depot and the rear amenity spaces of the dwellings (as stated in letter from Strategic Planning, dated 22nd November 2016).

REASON: To ensure the amenity of the proposed residents is considered within the details of the reserved matters application.

NIEA CONDITS RECOMMENDED

1. No development shall commence until the applicant has submitted evidence in writing to the Planning Authority for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed.

This evidence should include:

- Leachability testing on soil samples from the location and vicinity of Trial Pit TP2, and/or groundwater quality data from this location,
- If unacceptable risks to groundwater are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial criteria are required to be derived through quantitative risk assessment based on the conceptual site model.

If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

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

2. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 1. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

3. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 2 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

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

4. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

5. After completing the remediation works under Conditions 2, 3 and 4; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

6. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infrastructure) have been fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 4 will apply.

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

Case Officer DATE

Appointed Officer DATE

SPEAKING NOTES



Re: Item 14, Planning Committee Meeting (Wed 24 May 2017)
Planning Ref: LA07/2016/0770/O
Proposal: Proposed residential development (12 Units)
Address: Lands South of 26 Strangford Road, Downpatrick

1. As agent for this application, I have requested speaking rights for the purpose of responding to the additional points of objection raised by objectors at this meeting [if additional points raised] and to be on hand to clarify or answer any queries Committee members or Council Officer's may have in respect of this application.
2. The points of objection raised by objectors as part of the application process have been dealt with in detail by the Planning Officer in his/her report and presentation to the Committee here today. As I concur with the Planning Officer's consideration of the points raised, I will not readdress these matters here.
3. It is noted however that the objectors have raised additional points of objection at this meeting not previously raised to date under the application. I will address and respond to these additional points individually.
 1. [Speaking notes to be made during objector's presentation to the Committee]
 2. [As above, to be filled in if necessary]
 3. [As above, to be filled in if necessary]
4. The proposed development has demonstrated compliance with the local development plan and associated regional planning policy and planning permission should be granted accordingly. Should the Committee members or Council Staff have any other queries in respect of this application; I make myself available to the Committee Chair to respond. Thank you.

ITEM NO	15		
APPLIC NO	LA07/2016/0902/F	Full	DATE VALID 06/07/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Natural Wood Kitchens Unit 2 Industrial Estate 84b Dundrum Road Newcastle BT33 0LN	AGENT	Fletcher Architects (NI) Ltd 25 Main Street Castlewellan BT31 9DF 02843778710

LOCATION Lands 10m East of Unit 2 84b Dundrum Road Industrial Estate
Newcastle
BT33 0LN

PROPOSAL Proposed kitchen showroom, offices, store and associated site works to the existing kitchen manufacturers premises at Natural Wood Kitchens.

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

- 1 The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- 2 The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0902/F

Date Received: 06th July 2016

Amended Proposal: Proposed new kitchen showroom, offices, store, ancillary accommodation and associated site works under Class B2 light industrial to provide additional facilities to the existing kitchen manufacturer's premises at Natural Wood Kitchens.

Previous Proposal: Proposed extension to existing premises to provide new kitchen showroom, offices, store, ancillary accommodation and associated site works, under class B2 light industrial.

Location: Lands 10m east of unit 2 84b Dundrum Road Industrial Estate, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is a flat site, currently providing parking for the existing industrial units located in this section of the overall complex. The site has buildings to east and west and north and south are undefined boundaries.

The site is located to the rear of an existing complex zoned as industry in the Ards and Down Area Plan 2015 and sits adjacent to a housing development to the north of the site. The existing buildings on the site are two storey buildings, some of which utilise the 1st floor others use as one storey for extra head room.

The site is located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015 and is also within the Mourne Area of Outstanding Natural Beauty.

Site History:

LA07/2016/0904/F – Land 10m E of unit 4 84B Dundrum Road, Newcastle – proposed extension to premises to provide new assembly, packaging, quality inspection room and offices – pending.

R/2014/0134/F – unit 4 84b Dundrum Road industrial estate – extensions to offices and loading bay – granted 4-11-2014.

R/2000/1500/F – behind 84a Dundrum Road – Newcastle – 4 no industrial units in single block – approval – 21-03-2001 – granted

Planning Policies & Material Considerations:

The application is considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, Parking Standards, PPS 4 Planning and Economic Development and SPPS.

Consultations:

DAERA – Drainage and Water – no objections subject to conditions

Transport NI – No objections

NI Water – no objections

Environmental Health – no objections subject to conditions.

Objections & Representations

The application was advertised 27th July 2016 which expired 10th August 2016.

There were 4 neighbours notified in relation to the application on 21st July which expired 4th August 2016, no representations have been made to date. The

application was re advertised 15th March 2017 which expired 29th March 2017; this was necessary due to the proposal being amended.

Consideration and Assessment:

The building provides a showroom at 1st floor and on 2nd floor offices and storage.

While the showroom would be considered as per the use classes order to fall into retail A1 it is noted that this is not sales as such but is associated with the established building on the site. The office space is considered under B1 business and the storage is B4 of the use classes order.

The application is for a two storey building raised off the ground to allow parking underneath. The overall height of the property is 7.6m running to 8.4m the depth of the building is 8.4m and the overall width is 11.8m

The application is considered initially under PPS 4 Planning and Economic Development PED 1 Economic Development in Settlements.

The application is for the expansion of an existing business located within the existing complex, the lands the application is proposed on is one of the limited sites in Newcastle zoned for industry. It is considered that the application meets with PED

1 of PPS4 in terms of zoning however the scale, nature and form and implications of the structure on the operations of the zoned lands in terms of parking would not be acceptable and would impact negatively on the existing park as the proposal results in inadequate parking provision due to the scale of works proposed.

The application is also considered against PED 9 General Criteria, again of PPS 4.

The proposal is located 40m from the nearest residential amenity space in Mourne View Avenue. The surrounding land use is a mix of industry and beyond that residential. Having considered the existing uses it is considered that the building is compatible with the surrounding land uses.

Policy requires that any proposal would not harm the amenities of nearby residents. Environmental Health has advised that the restrictions of time operations should be placed on an approval if granted to protect the residential amenity of surrounding properties however overall no objections have. The proposal, although higher than the existing structures is located in excess of 30m from any residential amenity areas. The proximity of the building to the residential properties are not thought to offer any demonstrable harm in terms of loss of privacy or loss of light.

It is not envisaged there will be any negative impacts on features of natural or built heritage, it is noted that the immediate surrounding buildings are that of industrial buildings of no great age or architectural quality. It is not considered that built heritage or natural heritage will be affected as a result of this proposal. The proposal is likely to create a more enclosed space between the buildings that may be slightly dominating however it is noted it is not a public streetscape and at present offers little character and is not a used space to pass through or enjoy.

The site has not been identified as being in an area of flood risk and should not cause or exacerbate flooding.

The proposal is located within an area zoned for industry and the area already has a good amount of noise generating businesses located within. There is nothing to suggest that there will be any demonstrable harm caused as there should not be excessive levels of noise created as a result of the use and Environmental Health has no objections, subject to conditions.

Given the proposed use of the building as an extension of an existing business in the same park it is not considered that there will be any negative emissions or effluent as a result of the proposal.

Transport NI was consulted on the application and has responded with no objections. The application will make use of the existing road infrastructure to access the public road.

There is a mixture of floor space uses demonstrated to include manufacturing, showroom and sales and storage and offices. The existing floor space is approximately 205m² and the proposed floor space in terms of calculation of parking is 115m². The spaces required include 4 spaces for manufacturing to which there is no additional space, 5 spaces for sales 2.5 for existing and 2.5 for proposed and office space is 1 existing and 1.5 proposed, therefore 11.5 spaces are required. 8

spaces are shown as being provided following works that would be associated with this business.

The agent was asked to justify the parking arrangements and to clarify the amount of spaces made available. There will be a reduction of 2 spaces in relation to the application. The agent was given the opportunity to clarify the parking arrangements and to demonstrate that the parking provided is adequate. In a supporting statement dated 23rd February 2017 the agent confirmed that 2 spaces will be lost as a result of the development but failed to demonstrate how this will be compensated. As this is one of two applications within the same park, application LA07/2016/0904/F will also have similar impacts on the parking arrangements.

In considering the parking in its own merits the proposed parking is not justified and the application would therefore not meet with the parking requirements and as such is contrary to PED 9 in that adequate parking has not been provided which would have a detrimental impact on the overall park.

The proposed site layout is not considered acceptable, the fact the building has been raised from the ground to allow some parking to remain signifies that the loss of parking is an issue. The proposals, while associated with existing businesses have been physically separated from them and the overall scheme would result in a poor layout within the limited grounds and not only fails to provide parking for the proposed lands but results in a reduction of existing parking serving the units as existing. The overall design is not indicative of anything surrounding however it is noted that the surrounding buildings are purpose built and offer very little in terms of architecture and design. The application will not increase issues in relation to safety and crime.

The development of the buildings within the small zoned area for industrial use would represent over development of the site and in order to protect the overall viability of the existing use and workings of the site refusal is recommended.

Recommendation:

Refusal

Refusal Reason:

- The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by

reason of its resultant loss of existing car parking to serve the wider industrial unit.

Case officer:

Authorised by:

Date:

BF / J356 / 17 May 2017

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry
Co Down
BT35 8DL

RE: PROPOSED KITCHEN SHOWROOM, OFFICES, STORE, ANCILLARY ACCOMMODATION AND ASSOCIATED SITE WORKS, UNDER CLASS B2 LIGHT INDUSTRIAL AT EXISTING KITCHEN MANUFACTURERS PREMISES AT NATURAL WOOD KITCHENS, UNIT 2, 84B DUNDRUM ROAD INDUSTRIAL ESTATE, NEWCASTLE, CO. DOWN

REF: LA07/2016/0902/F

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 24th May 2017. The application has been recommended for refusal, for the following reasons:

- The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.

In support of the above application, the business was established in 1989 and provides employment for 2 staff as a local kitchen manufacturer and in the greater area. Should the application be successful 1 additional job will be created.

The site is located in an existing area zoned for industry in Newcastle. The planning case officers report states that *'It is considered that the application meets with PED 1 of PPS4 in terms of zoning however the scale, nature and form and implications of the structure on the operations of the zoned lands in terms of parking would not be acceptable and would impact negatively on the existing park as the proposal results in inadequate parking provision due to the scale of works proposed.'*

It is therefore felt that the two refusal reasons are linked in that the loss of car parking is due to the 'scale, nature & form' of the proposal. The fenestration of the proposed building can be discussed further with the planning department to arrive upon a suitable finish in keeping

with neighbouring buildings should it be felt that the proposed fenestration is not suitable for the area.

From the outset the design was based around providing additional facilities for the business consisting of

- Kitchen show room
- Store
- Office, and
- Ancillary accommodation

The final design was achieved by having the additional facilities on the 1st & 2nd floor resulting in the reduction of the loss of 2 no car parking spaces serving the development.

It should be noted that 2 car parking spaces are lost due to the proposal, but it should also be noted that the business is functioning with the loss of these car park spaces at present as 2 no storage containers are on 2 car park spaces, ie, 8 car park spaces in total. Should the application be approved the storage containers will not be needed as the storage is provided in the new facility.

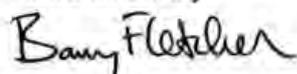
The planning department have stated in their report that - *'The proposed site layout is not considered acceptable, the fact the building has been raised from the ground to allow some parking to remain signifies that the loss of parking is an issue'*. We disagree with this statement as the design from the outset incorporated the retention of existing car park spaces through a very strategic design solution.

The planning department have stated in their report that - *'The proposals, while associated with existing businesses have been physically separated from them and the overall scheme would result in a poor layout within the limited grounds and not only fails to provide parking for the proposed lands but results in a reduction of existing parking serving the units as existing'*. It is not essential and I am not aware of any current planning policies for a business to have additional facilities provided by way of a joined 'extension' within a business park. The applicant has used its land to provide additional facilities whilst ensuring adequate car park spaces are available, access arrangements and manoeuvring areas are still provided throughout the business park.

It should be noted from the parking report that the existing & proposed premises is also accessible for staff and visitors for walking, cycling and public transport networks.

I would be grateful if he planning committee would take the above into consideration and / or defer the application to enable me to provide more detailed information to support the application.

Yours sincerely



Barry Fletcher RIBA
Director, Architect

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2 no car park spaces taken up by 2 no storage containers



5 no Car park spaces in front of Natural Wood Kitchens



Proposed extension to kitchen manufacturer's premises within Dundrum Road
Industrial Estate, Newcastle
Planning Reference LA07/2016/0902/F
Parking Report; May 2017.

1. Introduction

1.1 This Report has been prepared on the instructions of Fletcher Architects to rebut the second refusal reason proposed by the Planning Department of Newry, Mourne & Down District Council.

1.2 The second refusal reason states:

The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development, Parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.

2. Existing Situation

2.1 The site is located within the Dundrum Road Industrial Estate, Newcastle. There are currently 10 parking spaces, but two of these are blocked by a storage container, giving an effective parking provision of 8 spaces.

2.2 *Ad-hoc* surveys have shown that the current parking provision is satisfactory.

3. Proposed Development

3.1 The proposed development is a showroom, offices and storage for the kitchen manufacturers' premises.

3.2 The parking provision will reduce by 2 spaces (to 8 spaces) should the subject application be approved. However the storage container will be removed, so there will be no change to the parking numbers.

3.2 The showroom will not attract additional vehicles to the site but rather will be a facility for customers to examine the product on offer. The offices also will not generate additional trips but will provide suitable space for administrative functions. The storage space will replace the container.

3.3 Information provided by the Applicant is that two car parking spaces are required for employees and that this will increase by one should the Application be approved. There is on average one visitor per day, (who calls by arrangement) and on average one customer per day (again calling by arrangement). This will be unchanged. There will be 2 deliveries by vans daily and by a small lorry twice a week. On this basis only 7 spaces are required – assuming that the customer, visitor 2 deliveries and all staff are on site simultaneously.

4. Parking

4.1 The "Parking Standards" document published in association with Planning Policy Statement 3: Access, Movement and Parking sets out the standards for assessing new developments.

4.2 For Class B2 Light Industrial and Class B3: General Industrial, the document recognises that this covers a wide range of activities, and it is not sensible to be prescriptive in the application of parking standards. While it does give guidance based on gross floor areas, it also states that "*For some units parking will be assessed on individual merits having regard to the number of workers, operating patterns, location and proximity to public transport*". It is considered that the subject application falls into this category.

5. Consideration.

5.1 **transportni** has indicated that they have no objection to the proposal. This is because the site is within an existing industrial estate and if any overspill parking were to occur, (which is highly unlikely) it will not affect the public road network.

5.2 Paragraph 3.3 demonstrates that the eight spaces are more than sufficient to accommodate the parking requirement for the site. Photographs taken by the Agent confirm this.

6. Conclusions

6.1 This Report has been prepared to consider the parking requirement for the above site.

6.2 For the reasons outlined above, it has been clearly demonstrated that the parking provision is satisfactory.

6.3 There is therefore no reason for the Council to refuse the Planning Application.

ITEM NO	16			
APPLIC NO	LA07/2016/0904/F	Full	DATE VALID	06/07/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Doran Precision Engineer Unit 4 Industrial Estate 84b Dundrum Road Newcastle BT33 0LN		AGENT	Fletcher Architects (NI) Ltd 25 Main Street Castlewellan BT31 9DF 02843778710

LOCATION Land 10m East of Unit 4 84b Dundrum Road Industrial Estate
Newcastle
BT33 0LN

PROPOSAL Proposed new assembly, packaging, quality inspection room and offices at existing manufacturing premises at Doran Precision Engineering.

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

- 1 The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- 2 The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0904/F

Date Received: 6th July 2016

Amended Proposal: Proposed new assembly, packaging, quality inspection room and offices under Class B2 light industrial to provide additional facilities to existing manufacturing premises at Doran Precision Engineering.

Previous Proposal: Proposed extension to existing premises to provide new assembly packaging quality inspection room and offices under class B2 Light Industrial.

Location: land 10m East of unit 4, 84B Dundrum Road, Industrial Estate, Newcastle.



Site Characteristics & Area Characteristics:

The site in question is a flat site, currently providing parking for the existing industrial units located in this section of the overall complex. The site has buildings to east and west and north and south are undefined boundaries.

The site is located to the rear of an existing complex zoned as industry in the Ards and Down Area Plan 2015 and sits adjacent to a housing development to the north of the site. The existing buildings on the site are two storey buildings, some of which utilise the 1st floor others use as one storey for extra head room.

The site is located within the settlement development limits of Newcastle as defined in the Ards and Down Area Plan 2015 and is also within the Mourne Area of Outstanding Natural Beauty.

Site History:

LA07/2016/0904/F - Proposed new kitchen showroom, offices, store, ancillary accommodation and associated site works under Class B2 light industrial to provide additional facilities to the existing kitchen manufacturers premises at Natural Wood Kitchens – pending.

R/2014/0134/F – unit 4 84b Dundrum Road industrial estate – extensions to offices and loading bay – granted 4-11-2014.

R/2000/1500/F – behind 84a Dundrum Road – Newcastle – 4 no industrial units in single block – approval – 21-03-2001 – granted

Planning Policies & Material Considerations:

The application is considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, Parking Standards, PPS 4 Planning and Economic Development and SPPS.

Consultations:

NI Water –no objections

NIEA Drainage and Water – no objections

NIEA Land, Soil and Air – unable to comment.

Environmental Health – No objections, conditions attached.

Transport NI – No objections

Objections & Representations

The application was advertised in the local press 27th July 2016 which expired 10th August 2016, the application was re advertised upon receipt of amended proposal description on 15th March 2017 which expired 29th March 17. Neighbour notification was carried out 21st July 2016 which expired 4th August 2016, to date there have been no objections received in relation to the application.

Consideration and Assessment:

The application is considered against PPS 4 Planning and Economic Development PED 1 Economic Development in Settlements.

Newcastle is considered a town as defined in the Ards and Down Area Plan 2015 and this type of development is only allowed under this policy in an area specifically allocated for such purposes in the development plan. The lands in question are zoned as industrial lands in the Ards and Down Area Plan 2015 and as such this type of development in principle would be acceptable on these lands provided it is of a scale, nature and form appropriate to the location. The scale nature and form of works would be considered excessive as the proposed works will impact on the integrity of the overall site as it is on too grand a scale that will have impacts on parking provisions and in turn impact on the overall ability of the industrial zoned lands to operate successfully.

The application is also considered against PED 9 General Criteria for Economic Development.

The use of the lands are proposed as further development in relation to businesses already operating within the site, it is considered that the proposed use is compatible with the surrounding land uses. The site is in close proximity to residential dwellings and as such Environmental Health has suggested conditions to include hours of operation. The conditions would be necessary to ensure that the proposal does not harm the amenities of nearby residents. It is not considered that the proposal will offer any demonstrable harm on the neighbouring residents in terms of overlooking or overshadowing due to the proximity to the residential units and the development between.

No specific built or natural heritage features have been identified in relation to the application. The built form of the surrounding area would be of limited quality with the larger units being purpose built for industrial/commercial use.

The site has not been identified as being within an area that is susceptible to flood risks and it is not considered that this proposal will lead to a change in the current situation.

Provided all stipulated conditions are adhered to as proposed by Environmental Health there should not be any unacceptable noise nuisances created as a result of the application. The proposed use of the units is in keeping with the existing use of the overall site and given the level of operations in the surrounding units it is not considered that the proposals will create a noise nuisance.

There is nothing to suggest that the applicant will have any difficulty in dealing with any emissions or effluent that may arise from the site.

Transport NI has not responded with any objections to the proposal and it is considered that the road network can handle the extra vehicular traffic given the existing infrastructure in place.

Adequate parking provision has not been provided in relation to this application.

Existing on site are two units associated with the business in question and the units within the area at present all appear to have parking provisions. Due to the location of the proposal two car parking spaces will be lost. The additional floor space created as a result of the application will lead to the need for additional parking. There are two units in existence for Doran precision engineering, separated by a unit used by the Post Office. Full floor plans were not submitted however there is enough information available to establish that there is in the region of 716m² existing floor space for manufacturing. There is also 38m² of office space identified as existing.

Existing parking requirements are as follows:

250m² @ 1 space per 25m² = 10 spaces

466m² @ 1 space per 50m² = 9 spaces

38m² @ 1 space per 20m² = 2 spaces

Total of 21 spaces required.

The additional manufacturing space is in the region of 53m² which requires an additional 1 space. The additional office space, again in the region of 53m² requires 3 additional spaces.

Given that there will be a resulting floor space for manufacturing in excess of 750m² an operational space is also required.

Total parking existing 23 spaces

Total parking existing required 21 and 1 operational

Total parking resulting following works 21 spaces

Total parking required 25 spaces and 1 operational.

Therefore there will be a reduction of 2 car parking spaces and an increased need moving from a situation where parking provision has been catered for to one that will be short of parking and this situation is worsened with the cumulative impact of the sister application LA07/2016/0902/F.

There has been no supporting information given to justify the reduction of parking provision on the site and it is noted that on the day of the site inspection areas on the road used to access the site already had cars parked along it, accepting reduced parking could have impacts on the access road and surrounding units.

The application will not impact negatively on the surrounding movement patterns in terms of cycling etc.

The proposed site layout is not considered acceptable, the fact the building has been raised from the ground to allow some parking to remain signifies that the loss of parking is an issue. The proposals, while associated with existing businesses have been physically separated from them and the overall scheme would result in a poor layout within the limited grounds and not only fails to provide parking for the proposed lands but results in a reduction of existing parking serving the units as existing. The overall design is not indicative of anything surrounding however it is noted that the surrounding buildings are purpose built and offer very little in terms of architecture and design. The application will not increase issues in relation to safety and crime.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.

Case officer:

Authorised by:

Date:

BF / J384 / 17 May 2017

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry
Co Down
BT35 8DL

RE: PROPOSED ASSEMBLY, PACKAGING, QUALITY INSPECTION ROOM & OFFICES UNDER CLASS B2 LIGHT INDUSTRIAL TO PROVIDE ADDITIONAL FACILITIES AT DORAN PRECISION ENGINEERING AT LAND 10M EAST OF UNIT 4, 84B DUNDRUM ROAD INDUSTRIAL ESTATE, NEWCASTLE, CO. DOWN

REF: LA07/2016/0904/F

Dear sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on 24th May 2017. The application has been recommended for refusal, for the following reasons:

- The proposal is contrary to SPPS and PED 1 of PPS 4 Planning and Economic Development in that the development is not of a scale, nature or form appropriate to its location.
- The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.

In support of the above application, the business was established in 1993 and provides employment for 12 staff as a precision engineering business.

It should be noted from the parking report from Lisbane Consultancy that the existing & proposed premises is also accessible for walking, cycling and public transport networks as the site is located on out outskirts of the town.

It is therefore felt that the two refusal reasons are linked in that the loss of car parking is due to the 'scale, nature & form' of the proposal. The fenestration of the proposed building can be discussed further with the planning department to arrive upon a suitable finish in keeping with neighbouring buildings should it be felt that the proposed fenestration is not suitable for the area.

From the outset the design was based around providing additional facilities for the business consisting of

- Assembly, Packaging, Quality inspection room
- Offices, and
- Ancillary accommodation

The final design was achieved by having the additional facilities on the 1st & 2nd floor resulting in the reduction of the loss of 2 no car parking spaces serving the development.

It should be noted that 2 car parking spaces are lost due to the proposal, but it should also be noted that the business is functioning with the loss of these car park spaces at present as there is currently an external storage area on 2 car park spaces, ie, 21 car park spaces in total. Should the application be approved the storage area will not be needed as the storage is provided in the new facility. Therefore there will be no more impact on the access road and surrounding units as there is now.

The planning department have stated that 'adequate parking provision has not been provided', please refer to attached parking report.

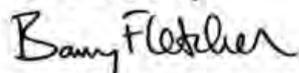
The planning department have stated in their report that - '*The proposed site layout is not considered acceptable, the fact the building has been raised from the ground to allow some parking to remain signifies that the loss of parking is an issue*'. We disagree with this statement as the design from the outset incorporated the retention of existing car park spaces through a very strategic design solution.

The planning department have stated in their report that - '*The proposals, while associated with existing businesses have been physically separated from them and the overall scheme would result in a poor layout within the limited grounds and not only fails to provide parking for the proposed lands but results in a reduction of existing parking serving the units as existing*'. It is not essential and I am not aware of any current planning policies for a business to have additional facilities provided by way of a joined 'extension' within a business park. The applicant has used its land to provide additional facilities whilst ensuring adequate car park spaces are available, access arrangements and manoeuvring areas are still provided throughout the business park.

It should be noted from the parking report that the existing & proposed premises is also accessible for staff and visitors for walking, cycling and public transport networks.

I would be grateful if the planning committee would take the above into consideration and / or defer the application to enable me to provide more detailed information to support the application.

Yours sincerely



Barry Fletcher RIBA
Director, Architect

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2 no car park spaces lost due applicants existing external store within fenced area



Proposed extension to existing premises within Dundrum Road Industrial Estate,
Newcastle
Planning Reference LA07/2016/0904/F
Parking Report; May 2017.

1. Introduction

1.1 This Report has been prepared on the instructions of Fletcher Architects to rebut the second refusal reason proposed by the Planning Department of Newry, Mourne & Down District Council in respect of the above Application.

1.2 The second refusal reason states:

The proposal is contrary to SPPS and PED 9 of PPS 4, Planning and Economic Development, Parts H and J in that adequate parking has not been provided to serve the proposal and that the proposal is not of a high quality by reason of its resultant loss of existing car parking to serve the wider industrial unit.

2. Existing Situation

2.1 The site is located within the Dundrum Road Industrial Estate, Newcastle. There are currently 23 parking spaces, but two of these are blocked by a fenced storage area container, giving an effective parking provision of 21 spaces.

2.2 *Ad-hoc* surveys have shown that the current parking provision is satisfactory.

3. Proposed Development

3.1 The proposed development is an extension to an existing manufacturing facility.

3.2 The parking provision will reduce by 2 spaces (to 21 spaces) should the subject application be approved. However the storage compound will be removed, so there will be no change to the parking numbers.

3.2 The proposed development will not attract additional vehicles to the site but rather will be an area for assembly packaging and inspection of product made on the premises. There will be no additional manufacturing on the site. The offices also will not generate additional trips but will provide suitable space for administrative functions, which is not currently available. The storage space will replace the compound.

3.3 Information provided by the Applicant is that twelve employees, some of whom car share and that this will not increase should the Application be approved. There is on average two visitors per week, (who call by arrangement) and no customers come to site. This will be unchanged. There will be 3 deliveries by vans daily and by a small lorry once per month. On this basis only 17 spaces are required – assuming that the visitor, deliveries and all staff (assumed to all come to site using single occupancy car journeys – which will not be the case) are on site simultaneously.

4. Parking

4.1 The “Parking Standards” document published in association with Planning Policy Statement 3: Access, Movement and Parking sets out the standards for assessing new developments.

4.2 For Class B2 Light Industrial and Class B3: General Industrial, the document recognises that this covers a wide range of activities, and it is not sensible to be prescriptive in the application of parking standards. While it does give guidance based on gross floor areas, it also states that *“For some units parking will be assessed on individual merits having regard to the number of workers, operating patterns, location and proximity to public transport”*. It is considered that the subject application falls into this category.

5. Consideration.

5.1 **transportni** has indicated that they have no objection to the proposal. This is because the site is within an existing industrial estate and if any overspill parking were to occur, (which is highly unlikely) it will not affect the public road network.

ITEM NO	18				
APPLIC NO	LA07/2016/0991/O		Outline	DATE VALID	22/07/2016
COUNCIL OPINION	APPROVAL				
APPLICANT	Choice Housing 31-41 May Street Belfast BT1 4DN			AGENT	Turley Hamilton House 3 Joy Street Belfast Bt2 8LE 02890723900
LOCATION	19 Downpatrick Road Crossgar				
PROPOSAL	4 two-bedroom apartments, new access and parking				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions
	6	0	0		0
			Addresses	Signatures	Addresses Signatures
			0	0	0 0



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0991/O

Date Received: July 2016.

Proposal: Outline planning permission is sought for a residential development comprising 4 apartments (each with 2 bedrooms), new access and parking, on lands at no.19 Downpatrick Road, Crossgar.

Applicant: Choice Housing

Location:

The site is located within the settlement development limits of the village of Crossgar, on land regarded as white-land as identified in the Ards and Down Area Plan 2015. This site is located towards the southern end of this village whereby this area is pre-dominantly residential in character although also includes the extensive grounds of Tobar Mhuire Monastery to the far side of the Downpatrick Road.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the grounds of no.19 Downpatrick Road, which includes a vacant single storey dwelling at present, whereby the lands are now heavily overgrown and the dwelling is in a poor state of repair.

The site fronts and opens onto the Downpatrick Road whereby the driveway slopes up from the road to the existing dwelling and then levels out.

The site adjoins the detached dwellings of no.17 and 21 to either side, and backs on to the new housing development of Rocksfield to the rear.

This side and stretch of the Downpatrick Road frontage is characterised by a row of 4 detached dwellings on good sized plots (No.15-21) which all front and open on to the Downpatrick Road, and also the new development to the rear (Rocksfield, Rocksfield Close and View) which adjoins the site, and which includes higher density development comprising a mix of detached, semi-detached and terraced units on smaller plots. In addition the older development of Westlands approx 100m north of the site and further along the Downpatrick Road also includes higher density development comprising semi-detached and terraced units on smaller plots. There are also other dwellings fronting the Downpatrick Road beyond the entrance to the Rocksfield development, and also other relatively recently constructed cul-de-sacs

further along the Downpatrick Road towards the development limits including Ruthven Rise and Grays Field.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of previous applications within and adjacent to the site, although the most relevant history observed includes:

R/2014/0393/F- 19 Downpatrick Road, 7 apartments, Full, Refusal, 10-02-15, Appeal Dismissed 06-04-16, Applicant: Trinity Housing.

This application comprised a 1 block of 7 apartments which was 1 1/2 storey high.

R/2007/1337/F- 19 Downpatrick Road, 1 dwelling, Full, Approval, 26-02-14, Applicant: Trinity Housing.

While it is noted 1 dwelling was approved on this site in 2014, this application was amended on several occasions since it was first submitted in 2007, and was previously for a total of 12 units (8 apartments and 4 townhouses) and later for 7 units (3 apartments and 4 townhouses), and then for 3 apartments, however was amended and subsequently reduced to the approval for 1 dwelling.

Objections & Representations

6 representations in opposition to the proposal have been received to date (03-05-17) from the owner occupiers of Lissara Presbyterian Church, 80 Church Road, 21 Downpatrick Road, 9 Rocksfield, and also Jim Wells MLA, and M Ritchie MP whereby the main issues/concerns raised include:

- the development of apartments is out of character/would create conflict with local character and existing development along Downpatrick Road which comprise single family dwellings in their own plots, with front and rear gardens with their own direct access to the road and parking facilities/garages for each dwelling, which would set an unwanted precedent,
- this proposal is completely different from the areas established character, and this site is only suitable for a replacement dwelling,
- this application would create a density of development significantly higher than the area,
- the increased density with 4 units replacing 1 dwelling on the same site represents a very significant increase in housing density,
- loss of amenity (noise and nuisance) from increased activity on the site created by 4 units,
- there are other sites in Crossgar that are more suitable for this development,
- there is limited information/drawings available to provide comment on,
- the background and history of this site including previous appeal associated with R/14/0393 is referred to in detail,
- Planning Circulars (03/07) issued by DoE (now DfI) is also referred to, and advises this proposal comprises inappropriate development,
- the proposal is contrary to SPPS,
- the proposal is contrary to PPS7(a,g, h) and Addendum (a and b),

- the proposal could detract from the listed building to the far side of the Downpatrick Road (gate lodge at Tobar Mhuire),
- the development of this site has now been on going for 10 years.

It is noted the owners of no.19 Downpatrick Road and 80 Church Road made more than 1 representation. Cllr T Andrews also requested the application be presented to the Planning Committee for determination.

In light of the above the application is required to be presented to the Planning Committee for determination.

See file for full content of representations received, as the above is only intended to give a summary of the main issues raised.

Having account the extent of the red line and current practice neighbour notification was undertaken with a number of properties along Downpatrick Road (No.15, 17, 21, 23) and also within Rocksfield (No. 9 Rocksfield, and No.7, 9, 11 Rocksfield Close) and Westlands (No.2) in July 2016, while the case was also advertised in the local press in Aug 2016.

Consultations:

Having account the nature of this proposal, and constraints of the site and area, and content of the representations received, consultation was undertaken with a number of bodies including Transport NI, NI Water, NIEA, Historic Environment Division (HED) and Environmental Health as part of this application, whereby it is considered no objections are offered in principle.

It is not considered necessary to seek any further comments or request any further information to fully assess and determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS3, PPS6, PPS7 and Addendum, PPS11, PPS12 PPS15, and supplementary guidance

As stated above the site is located within the settlement development limits of Crossgar, towards the southern end of this village, on land regarded as white-land as identified in the Ards and Down Area Plan 2015.

As such it is considered there can be no objection to the principle of development on this site unless demonstrable harm will result as outlined in the SPPS, and subject to compliance with the relevant planning provisions.

As stated above this proposal seeks to replace the existing dwelling with 4 apartments (social housing for Choice Housing), which will be located in 1 block. (While it is acknowledged this is an Outline application a P1 form, site location plan, concept plan, and typical floor plan and Design Concept Statement have been submitted).

As this is an Outline application there is no requirement to provide detailed plans, whereby the information provided is considered sufficient to progress and put forward a recommendation for this application.

The site outlined in red has a frontage of approx 30 and a depth of approx 70m, and measures approx 0.21 hectares.

The long running history of this site and also appeal decision regarding application R/2014/0393 have been noted and taken into account as part of the consideration of this application.

It is noted the Ards and Down Area Plan 2015 (published in 2009) makes no specific provision for social housing, but indicates that social housing shall be provided in accordance with the requirements of prevailing regional policy as outlined in PPS12, whereby it is noted Policy HS2 of PPS12 is key.

The submitted Design Concept Statement states that no new social housing has been provided in the settlement of Crossgar of any scale, and that it is incumbent on the Council to weigh the well being of people in housing stress in Crossgar who are in need of housing as a relevant material consideration.

No details of the number of people in housing need have been submitted as part of this application, however it is noted from numbers provided for the previous appeal R/14/0393, including a letter from the Northern Ireland Housing Executive (NIHE) (letter dated 16th Nov 2015 as provided by the agents as part of their statement of case) there is clearly a housing need.

The identified housing need provided in this letter which relates to those on the waiting list in Sept 2015, includes a range of tenants, whereby single and small family categories were identified as the main areas of need. This letter indicates there was a total of 41 applicants on the waiting list in housing stress, with the projected need increasing to 45 by March 2020.

While no figures have been provided with this application, the Housing Executive's Housing Investment Plan (2015-2019) for Newry, Mourne and Down, includes similar figures to those outlined above at the time of the appeal. The figures contained in this Housing Investment Plan are taken from March 2015, which indicated there were a total of 39 applicants on the waiting list in housing stress.

(These figures are 6 months older than those provided at the appeal, whereby the number increased from 39 to 41 in this period).

The Housing Executive also produced an Annual Housing Need Assessment in Jan 2016. This Assessment is carried out to determine the level of additional accommodation required to meet housing need for general needs applicants who have registered on the Common Waiting List. This Assessment indicates there is a social housing need of 45 for the settlement of Crossgar.

NIHE were consulted as part of this application in April 2017 who have advised they have identified a projected housing need to 2021 of 50 social housing units for this village, and that they fully support the need for this scheme to address unmet projected housing need in Crossgar.

In light of the above, while it is noted the figures of those in need have varied, it is considered there is a clear need for social housing in Crossgar, whereby this proposed development of 4 no. 2 bedroom apartments will contribute to this identified housing need.

A history search has also been undertaken regarding the lands within Crossgar, including the 3 parcels of land which are zoned for housing (HPA1, HPA2, and HPA3). It is noted the lands associated with HPA1 and HPA2 are now largely developed, whereby these permissions have included no provision for social housing, while there is no history for zoning HPA3 to date. The key design considerations of each of these zonings also make no reference or requirement for the provision of social housing.

This issue was also considered as part of the previous appeal on this site (R/14/0393).

Having account the content and provisions of the Area Plan and applicable policy context, and in the absence of any other applications for social housing in the wider Crossgar area, it is considered there can be no objections to the principle of social housing on this site.

As outlined above this site and area is largely residential in character with the exception of the extensive grounds of Tobar Mhuire which are located to the far side of the road.

The existing dwelling and application site comprises 1 of 4 detached residential properties which front and open on to this side and stretch of Downpatrick Road, set between the entrance to the Rocksfield and Westlands developments to either side. These 4 properties are set on large plots with sizeable gardens (front and rear), which are all in single family occupation (No.15, 17, 19 and 21).

This row of 4 properties adjoin the new development of Rocksfield to the rear, whereby this new development comprises a mix of detached, semi-detached and terraced properties of varying size (1, 1 1/2, and 2 storey) and plot size, although which are generally smaller than those of no.15-21 Downpatrick Road. This development of Rocksfield is accessed to the side of no.21, and again is characterised by single family residences. The dwellings and plot size of the properties further along the Downpatrick Road beyond the entrance to Rocksfield are also much smaller than those of the application site and also no.21, 17 and 15 to either side.

These units to the south side of the access to Rocksfield, and also the access to this new development of Rocksfield and also a number of units within it are readily visible from the Downpatrick Road.

As such, while it is noted the application site comprises 1 dwelling on a sizeable plot, it is considered the character of this area extends to include both the properties along this stretch of Downpatrick Road and Rocksfield, and cannot be restricted to the 4 named properties along the Downpatrick Road. These 4 larger plots are not considered to be typical of the character of the area, whereby the adjacent properties along both the Downpatrick Road and also those within the Rocksfield development help inform the local areas character.

However having account the separation distance and lack of visual linkage with the Westlands development including topography and layout of the road, it is considered this development of Westlands does not form part of the character of the application site.

As outlined above, the content of the appeal decision regarding this site have also been noted.

As outlined above this area is residential in character, and although it is acknowledged existing development in this area is characterised by dwellings in

single family occupation, it is considered there is no policy that precludes apartment development within this residential area as long as the development creates a quality residential environment in accordance with PPS7 and the Addendum to PPS7.

This block of apartments will be single storey and while it is noted this block will sit forward of the dwellings of no.17 and 21 to either side, it is acknowledged it will sit in a similar location to the existing dwelling on site, thus in being consistent it is considered no issues can be raised regarding any potential impact on breaking the building line along this stretch of road. The footprint of this proposed block across the site in relation to that existing is also noted. (It is noted the footprint of this proposed block is similar to that previously refused under R/14/0393, although is now single storey).

It is noted from the plans submitted the front return of this block, fronting the Downpatrick Road will include a central entrance doorway with 2 windows to either side, thereby providing a frontage to this road, whereby it is considered this block will appear like a single dwelling/residence, with entrance and driveway to the side. The plans submitted also indicate this block will be single storey, whereby each of these 4 apartment units will include 2 bedrooms, and will have floor areas of approx 60sqm, which complies with the space standards of the Addendum to PPS7. While no elevations have been provided it is considered a single storey structure will respect the height, scale and massing of the existing character. As outlined above the character of this area includes a wide mix of house types, sizes, scales, proportions and designs. Again, as this is an Outline application no levels have been provided.

The conceptual layout plan indicates this single storey block will be sited approx 4-5m from the boundary with no.21 and 6-8m from the boundary with no.17 to either side, and will be approx 34m from the rear boundary of the site.

It is considered a well designed block will ensure no unacceptable amenity issues will result on any adjoining property in terms of overlooking, overshadowing, loss of light or dominant impact in this urban context.

This conceptual layout plan also advises the existing hedgerows along the boundary with no.17 and 21 are to be retained and augmented with new fencing also being erected along portions of the boundary thus ensuring the privacy of adjoining residents is protected.

It is noted the side gables of the dwellings of both no.17 and 21 includes glazing facing towards the application site.

The conceptual layout also indicates this site will include garden areas to both the front and rear of the block. A total of 6 parking spaces are proposed to serve this development of 4 apartments, which complies with current requirements. It is noted Transport NI are content with the proposals. 1 of these parking spaces is provided to the front of the block with the remaining 5 located directly behind the block and not readily visible from any public viewpoint. The entrance and driveway serving this site will be located in the same place as existing although widened and improved to serve this development.

As such only the entrance, part of the driveway and 1 parking space will be readily visible from the Downpatrick Road or any public viewpoint. As such it is considered there are no grounds to sustain a refusal on this issue and any associated character related issues.

While it is noted this area of parking will be centrally located to the rear of the block, cars manoeuvring and entering and leaving the site have the potential to impact on the amenity of adjoining residents, particularly those to either side. The conceptual layout plan indicates these parking spaces will be set in at least 7m from either side boundary with extended areas of buffer planting to either end of this parking area, thus protecting the amenity of these adjoining properties and minimising any potential impact. As such it is considered the proposal will not result in any unacceptable noise or nuisance on the adjoining properties.

With regards to the site density, it is noted this site measures approx 0.21 hectares, and this proposal for 4 apartments, therefore equates to a density of approx 20 units per hectare.

Having account the plot sizes of properties along this stretch of Downpatrick Road including the development of Rocksfield which are considered to contribute to the context of the application site, is considered the density proposed, although larger than existing on the application site, is in keeping with and is not significantly higher than that found in this established residential area. As such it is considered the proposal does not offend policy LC1 of the Addendum to PPS7.

As outlined above this development includes garden areas to the front and rear of the block, with communal areas of amenity space. Such areas of amenity space are acceptable for apartment development, whereby it is considered sufficient provision has been made for these 4 units.

In light of the above it is considered the pattern of development as indicated on the plans submitted is in keeping with the overall character and environmental quality of this established residential area.

It is noted the grounds of Tobar Mhuire which is identified as a Historic Park, Garden and Demesne, are opposite the site to the far side of the Downpatrick Road whereby the entrance and associated Listed gate-lodge are also directly opposite the site. As a result a consultation was undertaken with HED, who offer no objections to this scheme.

While it is noted there is opposition to this proposal from local residents and elected representatives, it is considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, for the reasons outlined above, and there are no grounds to sustain a refusal.

As such Approval is recommended subject to conditions.

Recommendation: Approval.

LA07/2016/0991/0 – Choice Housing – Downpatrick Road, Crossgar

We intend to speak in support of the planning application setting out the following:

1. outlining our client's support for the redevelopment of this brownfield site for housing;
2. welcoming the fact that the redevelopment of the land will need a pressing social housing need in Crossgar;
3. endorsing the officer's assessment of the planning policy considerations;
4. emphasising the clear direction providing by the Planning Appeals Commission and why the recommendation is consistent with the findings of the early decision; and
5. responding to any additional points raised by the objectors listed to speak as required.

Regards

Conor.

LA07/2016/0991/O**Presentation to the Planning Committee, 24 May 2017 (submitted 17 May 2017)**

This presentation comprises both a summary of elements contained in my objection letter of 12 August 2016 to Mark Keane, Case Officer, and also some additional issues to be raised at the Planning Committee meeting.

1. Objection Letter

1. The Second Addendum to PPS7: LC1 (a) density not significantly higher than the established area and (b) pattern of proposed development in keeping with the established area are key policy considerations. PPS12 and PPS7 are also important. The SPPS sets out core planning principles and thus very important and relevant.
2. SPPS: an application will be refused if causes demonstrable (capable of being proven) harm to interests of acknowledged importance; there is no let out clause. (Par. 3.8)
3. SPPS: imperative (command) that character (density, form, scale, massing, and layout) of an established residential area is to be respected (Par. 6.137); clearly a planning issue of acknowledged importance with, again, no let out clause. The PAC's Appeal Decision of refusal (2015/A0066, Par. 11) concerning this site, in the context of density, refers to this SPPS paragraph.
4. Planning policy directs, in villages, that the appropriate character area is generally more intimate in character and spatial scale (Annex E, APPS7). In this context the application fails Policy LC1 (a) on density and (b) on character. It fails also the cumulative impact test.
5. Planning policy does not require proposals to emulate (imitate) what already exists, but rather respect the surrounding context and be appropriate to the character of the area. (2009/A0302, Par. 5 and 2015/A066, Par. 14). See also PPS12, Par 90.
6. The application relies much on the appearance of the building/curtilage rather than on its character; e.g. *"It has the appearance of a single dwelling"* (Design Concept Statement, Par. 4.3). To rely on appearance is not only inappropriate but also the application has no character traits reflecting the much broader area.
7. The former Department for Social Development's Report¹ relayed concern from many organisations about the demolition of single family dwellings to make way for apartment blocks and classifying such development as *"inappropriate."*
8. The context of the application site is opposite the entrance to the Tobar Mhuire Historic Park, Garden and Demesne. The application could unacceptably detract from its setting. See PPS6 [Policy BH 11 (c)] and SPPS's Pars. 4.26, 6.12 and 6.16.
9. There is no 'Design and Access Statement' accompanying the application. This Statement refers to forwarding information about: an applicant's explanation as to how the development is suitable to the site and setting (Par. 1.1), how context has influenced the design (Par. 5.1) and how the design principles have taken account of a listed building (Par. 6.3.5. B).

¹ 'Review into Affordable Housing Final Report'; Department for Social Development, Spring 2007, Page 17

2. Additional Issues

This is a brief perspective of additional issues resulting from the contents of the Planning Report, dated 10 May 2017. Each referenced **Annex** provides the evidential bases for the comments below. Turley (planning consultant) has been acting on behalf of the applicant.

1. There are clear grounds for concluding the Planning Report demonstrates that it neither fully interpreted nor properly applied relevant planning policy tests to the application. This resulted in clear misdirection - regardless of policy implications - and provides a recommendation that reflects the wishes of the applicant. This all arose from Turley misrepresenting the facts and in turn the Planning Report's author accepting this misrepresentation as fact. [**Annex 1**]
2. Turley is incorrect and misdirected by viewing that a broader area approach should be adopted by the Council (compared with the Department), as was used by the Planning Appeals Commission (PAC). Yet, both the Department and also the PAC followed a similar approach and, importantly, both the Department's refusal and also the PAC's refusal decisions were based on the character of the immediate road frontage area comprising numbers 15 to 21 Downpatrick Road, Crossgar. [**Annex 2 / Section 1.**]
3. The Department's settled position over the period 2009 to 2015 regarding apartment development on this site - namely: 4 town houses & 8 apartments, 4 town houses & 7 apartments, 4 town houses & 6 apartments, 4 town houses & 3 apartments, 3 apartments and finally 7 apartments - has been based consistently upon the character of the immediate road frontage area with a density of less than 5 dwellings per hectare. [**Annex 2 / Section 1., Pages 3 and 4**]
4. Turley has misdirected the Council regarding, for example: (i) access / driveway dimensions and (ii) the PAC's density comparisons. Also, the latter misdirects the Council regarding the appropriate character area to be used for this application. [**Annex 2 / Sections 2. and 3.**]
5. Turley did not recognise the reality of a potential cumulative impact, in the event of the application being considered for approval. [**Annex 2 / Section 3., Page 6**]
6. Turley's view that dwellings to the rear of the application site should be included in the character area relevant to this site was rejected by both the Department (e.g. for 3 apartments) and also the PAC (for 7 apartments). Specifically, on several occasions, Turley has used an Appeal Decision to support this view while totally ignoring that Appeal Decision's relevant rationale. [**Annex 3**]
7. Photographic evidence illustrates that it is incorrect to advocate taking in a much wider area with a range of house types and density. [See: **photographs**, pages 3 to 5]
8. For new housing proposals, planning policy has been consistent over time in directing consideration of an application to the character of the immediate area. [**Annex 4**]

Conclusion

There are no planning considerations that underpin in any way an approval of this application. Thus I believe, with an objective and fair minded consideration of the facts, the application should be refused.

D Nesbitt

Dermot Nesbitt

Photographs

Downpatrick Road Frontage - Dwellings Flanking Application Site

Appeal Decision, 2010/A0194 (June 2011)

"The appellant considers that the approved housing development on the site to the west with two storey semi-detached dwellings backing onto the appeal site, [see overleaf] sets a precedent for the proposal. However, these dwellings would be seen from a different perspective as their plot; development ratio would be seen in the context of the layout and density of development of the approved housing scheme." (Par. 6)



1. 17 Downpatrick Road



2. 19 Downpatrick Road
(Derelict Application Site)



3. 21 Downpatrick Road



4. View to the Road
(From 21 Downpatrick Road and a similar view for all dwellings)

Photographs

Rocksfield Dwellings

The Planning Report describes part of the Established Residential Area as follows:

“This row of 4 properties adjoin the new development of Rocksfield to the rear whereby this new development comprises a mix of detached, semi-detached and terraced properties of varying size (1, 1 ½, and 2 storey) and plot size, although which are generally smaller than those of no. 15-21” (Page 5)



5. Rocksfield
(Detached)

6. Rocksfield
(Semi-detached)



7. Rocksfield Close
(Semi-detached)

8. Rocksfield Close
(Terraced)

Applicant's Site Location Plan (Direction of Numbered photographs)



Annex 1

Consideration of Professional Planning Report for LA07/2016/0991/O

(Dated 10 June 2017)

Section 1. Introduction

Consideration of this site for Social housing began in November/December 2006, when Trinity Housing Association was approached by a Contractor Developer offering the site. To date there have been three applications submitted together with ten associated amendments.

In 2007 Trinity HA registered with the Northern Ireland Housing Executive (NIHE) fourteen sites, including this one. Of these fourteen sites eight have been developed and five have not proceeded. This application reflects the one outstanding site and is considered by the NIHE to represent the longest running application process. Aspects of this application process formed part of a Public Accounts Committee's enquiry in February 2015.

In addition, appropriate Planning Appeal Commission's decisions should be considered to add weight and clarity to the consideration process. This aspect was made clear in a Planning Committee's minute as follows:

"It was agreed the Planning Department arrange to have a paper prepared detailing Planning Appeal decisions together with a brief on the type of planning application to give members an understanding of how Planning Policy is being interpreted with particular reference to appeal decisions for infill dwellings and single dwellings in the countryside."

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council, 26 May 2016

The initial key consideration of this type of planning application is the determination of the appropriate character area, upon which recommendations and decisions are based. The Professional Planning Report failed to mention and examine the Department's consistent rationale and opinion from 2009 to 2015 regarding the appropriate character area.

Also, mindful of this Committee's above view, no detailed analysis was made by the Professional Planning Report regarding the Appeal Decision **2015/A0066** for this site regarding the clear character rationale used for refusal of the 7-apartment application. Such an appeal forms an important basis for consideration of this latest application, together with other appropriate appeal decisions. The character principle regarding decision making for a site transcends the number of apartments in any application.

While it is readily accepted that an appeal decision is specific to the particular circumstances of the application under consideration, however some general approaches or principles may be established, as was sought by the planning Committee above. This application under consideration by the Planning Committee requires that the character of the relevant established area be identified against which other issues will be considered.

Terminology: It is noted that the Planning Portal terms the relevant document as the "Professional Planning Report" and adds the description "Case Officer Report for Committee". When referencing this document I shall use the term 'Planning Report'.

Section 2. Social Housing

The Planning Report covered extensively issues regarding the need for social housing in Crossgar, concluding that *"it is considered there can be no objections to the principle of social housing on this site."* I am conscious of the need and have not objected at any time to the many applications or amendments for this site on the basis of social housing. Rather my considered and consistent objections at all times have been based firmly on planning policy criteria.

Of the areas presently zoned for housing, HPA3 is not developed and provides much scope for social housing within the development limits. In addition, Clanmil has completed the purchase of a site at Downpatrick Street in the village centre. Previous approval had been granted for apartments on this site and Clanmil will be submitting a planning application in the next three months for 19 social housing units. Should this application be approved and work commenced the present need of 50 social housing units would be reduced to 31. A speedy consideration of this forthcoming application would be very beneficial to all.

(a) Responsibility for Social Housing Provision and Monitoring

Councils now have the responsibility for securing social/affordable housing. Previously central government was responsible. The relevant contents of both PPS12 and also the SPPS are now the responsibility of Councils. Consequently, pertinent issues arise given this new responsibility.

The SPPS states, *"The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating through key site requirements where a proportion of a site may be required for social/affordable housing."* (6.143)

PPS12 (Planning Control Principle 4) states that *"Social housing should be provided by developers as an integral element of larger housing developments where a need is identified"* It added *"Planning Policy for Planning Control Principle 4 is set out in PPS7 and supplemented by Policies HS2 - HS4"* (Par. 104)

Monitoring is a crucial aspect. *"In order for any policy to remain appropriate over time, it is essential to record and measure changes as well as the overall performance of policy. The tracking and monitoring can be achieved by setting appropriate indicators and standards."* (Monitoring and Review of PPS12, Par. 106)

Local Development Plans should, for example, *"set out the overall housing provision for each settlement over the plan period; set development limits for all identified settlements; and identify sites or areas within settlements where the site (or part thereof) is required to meet one or more category of need and clearly state the proportion required."* (SPPS, Par. 6.142)

Some questions arise. Has any monitoring of the housing need taken place to inform the contents of the Local Development Plan? Specifically for Crossgar, for example, has consideration been given as to whether or not the settlement limit needs extended; whether or not HPA3 should be partly zoned for social housing, and whether or not other possible sites need identified?

With added responsibility comes added opportunities. Given this and the overall need for social Housing in the Council area and a social housing application imminent for Crossgar, it would appear there are now clear potential opportunities that previously were not possible.

(b) Planning Appeal Decisions

However, there is one important constraint and contained over time within planning policy. It relates to the protection of established residential areas. For example the SPPS states it is "imperative" (6.137) that established residential areas are protected when preparing Local Development Plans. This reflects long established policy. The appeal decision for this site referred to this SPPS aspect (Par.11). It had further comment on social housing.

- Appeal Decision, 2015/A0066: (April 2016) [For this site]

"Compliance with planning policy is in the public interest and is a matter of acknowledged importance and the failure of this proposal to meet the requirements of policy outweighs the presumption in favour of permitting sustainable development set out in paragraph 3.8 of the SPPS...My conclusion is that the need [45 units] for Social housing in Crossgar is not outweighed by the damage to local character and to the residential amenity of adjoining properties." (Par. 19)

The Commissioner was very clear on the conflict between social housing on this site and planning policy and paragraph 3.8 contains the "demonstrable harm" criterion. Indeed, this conflict would arise in the context of provision for any type of housing.

This public interest aspect has arisen in other appeal decisions. For example:

- Appeal Decision, 2008/A0175: (October 2010)

"The appeal development does not comply with policy and the fact the site is a sustainable location for housing does not outweigh this critical deficiency. The broadening of choice of house types to provide more affordable housing does not outweigh the harm to the character of the established residential area, were the development to be approved." (Par. 12)

Overall: Approval of this application would be at total variance with planning policy and clearly both cause demonstrable harm to the established area and also set a potentially very damaging precedent. Though there is a clear need for social housing in Crossgar, it would not be in the public interest to grant approval for this application on the basis of social housing. The Council should move as urgently as possible, by the usage of its powers, to address need not just in Crossgar but also more widely within the Council area.

Section 3. Character (including reference to density)

General comments were made in the Planning Report regarding 'Site Characteristics and Area Characteristics' as follows:

"The site adjoins the detached dwellings of 17 and 21 to either side, and backs on to the new housing development of Rockfield to the rear. This side and stretch of the Downpatrick Road frontage is characterised by a row of 4 detached dwellings on good sized plots (No. 15-21) which all front and open on to the Downpatrick Road, and also the new development to the

rear (Rocksfield, Rocksfield Close and View) which adjoins the site and which includes higher density development... These 4 properties are set on large plots with sizeable gardens (front and rear) which are all in single family occupation (No. 15, 17, 19 and 21). This row of 4 properties adjoin the new development of Rocksfield to the rear whereby this new development comprises a mix of detached, semi-detached and terraced properties of varying size (1, 1 ½, and 2 storey) and plot size, although which are generally smaller than those of no. 15-21 and again is characterised by single family residences."

The Planning Report then concluded, regarding the appropriate character, as follows:

"As such, while it is noted the application site comprises 1 dwelling on a sizeable plot, it is considered the character of this area extends to include both the properties along this stretch of Downpatrick Road and Rocksfield and cannot be restricted to the 4 named properties along the Downpatrick Road. These 4 larger plots are not considered to be typical of the character of the area, whereby the adjacent properties along both the Downpatrick Road and also those within the Rocksfield development help inform the local areas character."

Analysis of above character definition

(a) Planning Policy and guidance

Planning Policy Statement 7: Quality Residential Environments stated (PPS7):

"Creating Places... is the principal guide for use by intending developers in the design of all new housing areas." (Par. 1.18)

The Strategic Planning Policy statement (SPPS) advises that until such time as a Plan Strategy for the whole of a council area has been adopted a number of retained regional planning policies will continue to apply as will any relevant supplementary and best practice guidance. 'Creating Places' is one such guidance and it supports and clarifies planning policy statements. Thus, it should be taken into account as a material consideration when considering this application. Among other aspects, 'Creating Places' stated:

"Detailed analysis of the visual character of the local setting will be necessary when existing buildings and spaces are sufficiently distinctive to provide a source of inspiration for the design." (Par. 1.07)

The above quotation refers to existing buildings and spaces being sufficiently distinctive. If there is such distinction 'Creating Places' indicates that there is not the need to draw upon the character of the wider area. The four dwellings (15 to 21 Downpatrick Road) are sufficiently distinctive. Indeed, this is supported by the Planning Report's comment that they *"are not considered to be typical"* - namely; they are distinctive compared with the broader area. Also, the Planning Report's comments reflect Turley's view in its Design Concept Statement that *"it should be noted that the larger plots are not typical of the area..."* (Par. 6.5)

And, Annex E of the Second Addendum to PPS7, 'Definition of an Established Residential Area', states:

"In smaller towns, villages and other settlements, established residential areas generally display a more intimate character and spatial scale. There is often more local variety in

architectural styles and treatments with building lines, property sizes, plot ratios, and road layouts being much more changeable."

Again, usage of the wording *"intimate character and spatial scale"* as above conveys the meaning of distinctiveness and closeness (very close connection or closely acquainted) and is at complete variance with the wider interpretation of the appropriate Established Residential Character as portrayed by the Planning Report. Again and by its own admission, the Planning Report - by use of the words *"not typical"* - endorses Annex E's approach to character determination. Thus, the Planning Report's narrative overall is contradictory. Its analysis is at variance with its conclusion. The Planning Report's view regarding character determination is therefore inconsistent and illogical. There is no evidence to justify any other conclusion than that the Planning Report totally disregarded, or did not consider, the above planning policy considerations and it is thus superficial and wholly inappropriate.

(b) Planning Appeal Decisions

Regarding the Planning Appeal decision for this site, the Planning Report makes two references to it *"have[ing] been noted and taken into account."* Regarding character, it appears to have drawn on some specific aspects of the appeal; Westlands not included (Par.12) and Rocksfield informing the local areas character (Par. 12). It quotes almost verbatim the aspect of apartment development not being precluded provided it is *"in accordance with PPS7 and the APPS7"* (Par. 13)

However, the Planning Report fails to give any recognition to the contents of the subsequent paragraphs (Pars. 14 & 15) that consider both the application of PPS7 & APPS7 and also build upon the initial comments contained in paragraphs 12 and 13. For example and in reference to key characteristics relevant to defining an appropriate area - form and density - the appeal decision recognised that, *"...there is a noticeable contrast in the form and density along the road frontage compared to the more densely developed housing to the rear."* (Par. 14) and then commented that the application was, *"...out of character with the more loose density of development apparent along this stretch of Downpatrick Road which is markedly different to the transitional density and layout of development set further back from the road."* (Par. 15)

The contents of **Annex 2** (Section 1., pgs. 1/3) refer both more fully to the above aspect and also show how Turley misrepresented the facts about the appeal decision. The Planning Report clearly agrees with this misrepresentation by Turley, thus considering it to be fact.

Also contained in **Annex 2** (Section 1., pgs.3/4) is the clear, settled and consistent position of planning officials regarding the usage and appropriateness of the immediate character area when considering all previous application/amendments for apartments. Importantly, this settled position is in accord both with planning policy and guidance and also the consensus view of planning appeal decisions. Consider some appeal decisions. These examples are by no means an exhaustive list.

- Appeal Decision, 2009/A0214: (September 2010)

"I agree with the Department's contention that the appeal plot is sited close to the end of a visually strong row of semi-detached houses all of similar design which respect a rigid building line and which characterise that part of the south-western side of Reaville Park. However the

proposal would read much more directly with the newer townhouses and flatted developments on its immediate flanks, the latter of which it mirrors closely in terms of mass, scale and design. Indeed the character ... has been entirely altered by these new developments to the extent that there are now two adjoining but distinct street scenes, one comprising modern three storey flats and the other a line of traditional semi-detached dwellings" (Par. 5)

- Appeal Decision, 2008/A0175: (October 2010)

"Although within the broader development there is a mix of densities and house types, there is a strong transition of density through the development, with low density housing at the western end, moving to medium density and then slightly higher density in the form of semi-detached dwellings in the eastern half. The appeal site lies within the low density area...characterised by dwellings situated in sizeable plots and reads as such rather than lying within the medium density area. I am not persuaded that higher densities in parts of the broader development ... justify approval of the development." (Par. 5)

- Appeal Decision, 2008/A0237: (November 2010)

"Despite the variety of buildings within the wider area I consider the immediate area is characterised by predominantly semi-detached dwellings to which the proposal should be assessed against. The proposal would result in an extension of the built form of the existing semi-detached properties to in effect provide a small terraced row of three properties...I therefore consider the proposal would not respect the surrounding context and would not be appropriate to the character of the area." (Par. 3)

- Appeal Decision, 2010/A0063: (April 2011)

"Saul Road has no dominant character, displaying a wide range of dwelling types and plot sizes and I agree with the appellant that it is appropriate to make an assessment of character based on those properties in the immediate vicinity of the appeal site ... characterised by bungalows set close to the public road on medium sized plots." (Par. 6)

- Appeal Decision, 2010/A0194: (June 2011)

"The appellant considers that the approved housing development on the site to the west with two storey semi-detached dwellings backing onto the appeal site, sets a precedent for the proposal. However, these dwellings would be seen from a different perspective as their plot; development ratio would be seen in the context of the layout and density of development of the approved housing scheme." (Par. 6)

The above represent appeals for replacement dwellings or apartments and reflect a similar character consideration as the present application under consideration by the Planning Committee. In accord with the appeal decision on the application site, it is the immediate area that was used for determining whether or not an application should be approved and not, as suggested by the Planning Report, a wider character area.

Overall: The Planning Report is at variance with; planning policy and guidance, the settled position of planning officials since 2009, the appeal decision on this site and the consensus view of other relevant appeal decisions. It is inexplicable!

Section 4. Appearance

The character of dwellings even in the wider area, and considered wrongly as the appropriate character area by the Planning Report, comprises single-family dwellings set in their own curtilage with private front and rear amenity spaces. Each has in-curtilage car parking and all dwellings on the immediate Downpatrick Road have separate garages while a large number in Rocksfield have separate garages. All dwellings both front the public roadway and also have individual separate direct accesses to the public roadway.

It is demonstrably clear that the proposed application for a building comprising four apartments does not reflect at all any of the above characteristics and, in particular, none would have any private (personal) front/rear amenity space. In order to attempt to overcome this significant planning issue the Planning Report inappropriately resorts to considering what the application appears to represent. The Planning Report states:

- *"It is noted from the plans submitted the front return of this block, fronting the Downpatrick Road will include a central entrance doorway with 2 windows to either side, thereby providing a frontage to this road, whereby it is considered this block will appear like a single dwelling/residence, with entrance and driveway to the side."*
- *"The conceptual layout also indicates this site will include garden areas to both the front and rear of the block...The entrance and driveway serving this site will be located in the same place as existing although widened and improved to serve this development."*
- *"As such only the entrance, part of the driveway and 1 parking space will be readily visible from the Downpatrick Road or any public viewpoint. As such it is considered there are no grounds to sustain a refusal on this issue and any associated character related issues."*

The above position adopted in the Planning Report mirrors exactly the position submitted by Turley in its Design Concept Statement and it was quite persistent regarding the appearance of the application building, making six separate references to this dimension. For example:

- *"It has the appearance of a single dwelling and is not out of keeping with the character of the Downpatrick Road." (Par. 4.3)*
- *"A single front door is presented to the street and the pattern of fenestration typical of a large detached dwelling." (Par. 5.3)*
- *"The lawns to the front and back of the building reinforce the sense that this proposed development appears as a large detached dwelling consistent with the form and character of similarly scaled buildings in the street adjacent and opposite." (Par 5.6)*

Interestingly, the overall narrative in this context also mirrors a Case Officer Report for three apartments on this site (13.08.12). Its author is the same Case Officer for this latest application. The August 2012 report, with relevant aspects quoted below, stated:

"The front return is located in a similar location to the existing dwelling. With regards to character of this area it is noted that policy does not rule out higher density development providing that it is appropriate in terms of site context and character. The development of this

site includes 1 block, and although it is noted this block comprises a total of 3 apartments, this block has been designed to front the road and will appear like a detached dwelling, with front and rear garden, single access in and with parking to the rear. As such it is considered this proposal will not offend the character of this area."

Again, the content of this August '12 Case Officer Report reflected closely the views conveyed then by Turley. Subsequently, the Case Officer's recommendation was overturned by the Development Control Group and thus in accordance with Planning's consistent position.

(a) Policy and Planning Appeal Decisions

In this context, **PPS12** indicates that more than what is 'apparent' is required. It states,

"Good design is not just about the architecture of individual buildings, but also about the functionality and impact of the development on the overall character...of an area..." (Par. 90).

And planning policy is consistent in usage of the word 'form' to describe buildings. The form of a dwelling could take several structures; detached, semi-detached and terraced. The appeal decision in **Annex 3** referred to *"The unifying characteristic is that they [dwellings] are all detached in form."* And see **Annex 4** for the consistent usage of the word 'form' in policy documentation. Using the word 'appears' does not overcome this policy dimension.

Also, 'Creating Places', *"The design should pay particular attention to the characteristics of the local setting. The context of the site should be analysed to ensure that the development will [inter alia] provide spatial characteristics and building forms that are sympathetic to the surroundings..."* (Par. 1.01)

Appeal decisions support this position and thus are at variance with the Planning Report.

- Appeal Decision, 2009/A0308: (August 2010)

"...the introduction of apartments into this area would be out of keeping with the local character of the area" (Par. 7) and this was *"determining in this appeal."* (Par 9)

- Appeal Decision, 2009/A0302: (December 2010)

"Policy does not require that proposals emulate [imitate] what already exists in the area, but it does require that proposals for new residential development respects the surrounding context and is appropriate to the character of the area" (Par. 5).

The above quotation was also referenced in the Appeal Decision **2015/A0066** for this site. (Par.14) that considered, and dismissed, the previous 7-apartment application.

- Appeal Decision, 2009/A0074: (April 2011)

"Most of the properties in this area have their own defined private front and rear gardens as well as in-curtilage car parking." (Par. 9) "The properties in the surrounding established residential area all have their own defined usable private amenity space. This proposed layout [apartments] fails to take account of this characteristic feature in this area." (Par. 14)

(b) Inappropriate use of the word 'dwelling'

The usage of the word 'dwelling' in the context of an apartment block possibly presents an inappropriate dimension. Though in the context of permitted development concerning the use of a dwelling as a House in Multiple Occupancy, Appeal Decision 2015/E0031 cited 'The Planning (General Permitted Development) Order (Northern Ireland) 2015'. This Order states, "*dwelling house does not include a building containing one or more flats, or a flat contained within such a building; 'flat' means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building...*" (Art. 2).

The appeal decision then concluded "*Accordingly, the existing property cannot be described as a dwelling*" (Par. 3).

Thus, in both the Planning Report and also Turley's DCS, not only is the concept of 'appearance' inappropriate compared with relevant planning policy but also a specific law may imply their usage of the word 'dwelling' is inappropriate in this context.

Overall: It is completely inappropriate for the Planning Report to reflect the views of Turley's Design Concept Statement regarding the 'appearance' approach as this makes a complete mockery of planning policy. This is an indication of the extent the Case Officer has deviated from policy with the result that an approval of this application is recommended.

Section 5. Cumulative Impact

Surprisingly, no reference at all has been made in the Planning Report as to the possibility of approval for this application setting a precedent locally, never mind more generally.

Also, Turley has over the period indicated that precedent and cumulative impact are not relevant. For example an email from Turley regarding an application on this site for three apartments (30.07.12) stated, "*Mr Nesbitt is crystal ball gazing in terms of his cumulative impact argument and it is not for anyone involved in the case to speculate what might happen in the future.*" And, more recently in a letter from Turley to the Newry, Mourne and Down Council's Planning Office (received 22.07.16) stated "*There is no evidence to support an assertion that this would set an undesirable precedent for further intensification of the road frontage.*" Also, Turley's Design Concept Statement stated, "*The development will not set an undesirable precedent for further intensification of the road frontage as each site must be considered in its own context having regard to prevailing policy circumstances.*" (Par. 6.6)

Yet, regarding this aspect and planning policy, PPS7 in reference to 'Justification and Amplification' for Policy QD1 in the context of this type of application states "*...great care will be needed to ensure that the individual or cumulative effects of such development proposals do not significantly erode the character and amenity of existing areas*" (par. 4.8).

And APPS7 states, "*To assist proper implementation of the policy and in particular to address public concerns about cumulative impacts, a Planning Circular (PC) 03/07 was issued in August 2007 to remind Planning Service staff of the need to ensure that the impact of new residential development in urban areas, villages and other smaller settlements is fully considered in line with existing policies and other material considerations.*" (Par. 1.5). Though

this Planning Circular is not listed in the SPPS, as it was not a published document, the thrust of this quotation is still relevant and important. And two appeal decisions are as follows;

- Appeal Decision, 2015/A0066: (April 2016) [[For this site](#)]

"The proposal would set an undesirable precedent for more intensive development on other sites along this road frontage and elsewhere in Crossgar and the plan area generally..." (Par 15).

This referred to the previous 7-apartment application on this site and the principle would be the same for this 4-apartment application.

- Appeal Decision, 2013/A0033: (August 2013)

Stated that one of the main issues in the appeal was, *"prejudice to the development plan process relating to the draft Northern Area Plan 2016"* (Par. 2). It then stated *"...unless it can be shown that the appeal proposal has distinct characteristics that would limit the precedent value of any permission, allowing the appeal would establish an unacceptable precedent that would prejudice the outcome of the development plan process"* (Par. 6). This concern was one of two reasons that was *"determining in this case."* (Par. 12)

Overall: The potential for cumulative impact/precedent is important and clearly for this application it should not have been ignored by the Planning Report. It is yet another example where the Planning Report has incorrectly mirrored the views of the applicant's agent.

Section 6. Demonstrable Harm

The Planning Report states, *"As such it is considered there can be no objection to the principle of development on this site unless demonstrable harm will result as outlined in the SPPS and subject to compliance with the relevant planning provisions."* And it concludes that *"...it is considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area, for the reasons outlined above, and there are no grounds to sustain a refusal."*

The relevant paragraph from the SPPS states, *"Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance."* (Par. 3.8)

Demonstrable harm means harm that is clearly apparent or capable of being proven. For example, the application may appear to be a single dwelling and *"It will not be obvious to people walking or driving past the site that development is not an integral part of the neighbourhood."* (Turley's DCS, par. 5.2) In short, Turley's view is that someone walking past the site will not easily perceive that the building is an apartment block. However, it is indisputable that it is an apartment block replacing a single family detached dwelling and thus the application - if approved - would cause demonstrable harm to the character of the area and consequently breach a fundamental planning principle contained in the SPPS. This fact alone requires that the application be refused.

To emphasise that this issue is of "*acknowledged importance*" (above), all relevant planning policy emphasises the importance of protecting the character of established areas and not replacing a single-family detached dwelling in this site's context with an apartment block.

The then Department for Social Development commissioned a report 'Review into Affordable Housing, Final Report' (Spring 2007) that included the consideration of social housing. The report stated, "*Explicit guidance is also needed to reduce inappropriate development. Many organisations representing communities, housing and planning professionals expressed concerns to me about the demolition of single family dwellings to make way for apartment blocks. Further guidance would be helpful to counter cases of 'garden grabbing' ...*" (Page 17). This form of development had been an issue of major concern but remains so in the context of this long-running application process on this site.

Consequently, approval of this application would set such a precedent regarding potential apartment development in other similar locations that it would undoubtedly result in undermining completely a core planning policy dimension of maintaining the character of established residential areas.

To emphasise the above aspect, APPS7 states, "*The strategic importance attached to established residential areas is reflected in robust operational planning policies. In particular Policy QD 1 of PPS 7 clearly states: 'In established residential areas proposals for housing development will not be permitted where they would cause unacceptable damage to the local character and environmental quality or residential amenity of these areas.'*" (Par. 1.3)

Add to this the importance placed on maintaining established residential areas contained in the SPPS, "*Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents.*" (Par. 6.137)

The word 'imperative' is used only once in a restrictive context within the SPPS in order to provide grammatical support to the decision makers' position that in established residential areas they are to ensure local character is respected. In essence, decision makers are 'commanded' to respect the character of established areas and the method for respect is clearly prescribed.

Overall: In order to protect the integrity of the whole planning process it is demonstrably clear that this planning application must be refused.

Section 7. Conclusion

In order that this planning application is acceptable regarding planning policy and guidance two key requirements needed addressed; namely, density and form. A failure to meet these requirements in accordance with the established residential area's character and the application would fail two key policy tests.

The changed approach from the Department's previously consistent position was simple. Regarding density: extend what had been judged previously and consistently by planning officials to be the accepted character area. Yet, this previous consistent position was

endorsed by Appeal Decision, 2015/A0066 for this site. It is clear also that the consensus view of other relevant appeal decisions reflect this consistent position.

Also, to overcome form: rely on what the apartment block appears to represent, a detached dwelling.

Additionally, the cumulative impact was viewed as not needing to be considered.

Thus, the Planning Report was able to conclude that no unacceptable harm would occur.

Social housing is an important dimension, however both planning policy and appeal decisions indicate that such housing applications do not secure approval unless they first comply with planning policy. The Council has a clear statutory role to ensure that housing need is met, including social housing, and in accordance with planning policy and guidance.

Overall: There are clear grounds for concluding that the Planning Report neither fully interpreted nor properly applied relevant policy tests to this application. Turley initially misrepresented the facts and in turn the Planning Report's author accepted this misrepresentation as fact. However, with an objective and fair minded consideration of the facts the application should be refused.

Annex 2

Letter by Turley on behalf of Choice Housing (Ireland) Limited, supporting the present application (LA07/2016/0991/O)

(Dated 24 June 2016 and received by NMDC on 22 July 2016)

The letter primarily relates to the Planning Appeals Decision (2015/A0066) of 04.04.16 for this site. Its opening comments were as follows:

"We wish to submit an outline planning application...This application is made in response to a recent decision by the Planning Appeals Commission (2015/A0066) to refuse a full application for a residential development comprised of 7 two bedroom apartments with a new access and parking. Upon careful reading of the Commission's decision, we note..."

The letter then comprised a series of quotations from this PAC's decision, followed in each case by a commentary related to the quotation.

Three of the five quotations / commentaries are cited below. I then provide an analysis of each commentary, together with relevant references to Turley's **Design Concept Statement (DCS)** for the latest planning application (LA07/2016/0991/O).

Section 1. Character / Density

Turley's PAC Quotation:

"The Commissioner then goes on to describe the character of Downpatrick Road as mixed and the context to be comprised of, '...both the dwellings along the Downpatrick Road and the dwellings in Rocksfield (see paragraph 12)'"

Turley's Commentary:

"This is a much broader area than the one used for assessment by the Department of Environment for the proposal for seven apartments and the Council must look beyond the narrow confines of the four detached dwellings in the immediate visual context of the site in consideration of the amended proposal."

My Analysis:

The **DCS** supported also this broader area only approach as indicated by the following quotations, notwithstanding that the relevant policy (see **Annex 4**) directs necessary consideration - relevant to any decision - of a more focused approach.

"The site is located within a primarily residential area and there is a mixture of detached, semi-detached and terraced dwellings of different tenures within the immediate local context of the site." (Par. 2.5)

"It is indicated at paragraph 2.2 of the document [2nd Addendum to PPS7] that new residential developments should be sensitive in design terms to people living in the existing neighbourhood and be in harmony with local character." (Par. 3.24)

"This gives clarity in understanding the extent of the area that should be considered when assessing the impact of the proposed development." (Par. 3.25)

*"The suburban development behind provides a backcloth and depth to the setting. It is also integral to understanding the established pattern of settlement." (Par. 5.12) [See also **Annex 3 / Section 3.** for usage of the same quotation]*

"The redevelopment of the site for social housing is in accordance with the requirements of ADAP and the density of development is appropriate to the neighbouring context." (Par. 6.1) Also, Par. 8.1 is virtually verbatim Par. 6.1.

However, consider the Department's recommendation / Decision -v- Appeal Decision, regarding the breadth of area that should be considered prior to any decision,

- 10.10.14: Refusal recommended by the Department for 7 apartments (prior to the issue of the Decision Notice on 10.02.15)

"In consideration of the above [PPS 7 QD 1] the site character of the area is one of mixed residential character but exclusively single family dwellings on individual plots, the site is immediately adjacent and viewed with lower density larger dwellings when seen from the Downpatrick Road frontage."

"The proposed density of the development is 33.3 units per hectare. The existing density of development within the curtilage is 4.7 units per hectare while the existing density of the established residential area comprising of the larger detached units in single family occupation is 4.4 units per hectare."

"It is considered therefore that the proposal is contrary to Policy LC 1 of the Addendum to PPS 7 in that it would lead to a density of development significantly higher than that within the immediate established residential area. The proposal does not therefore respect the character of the adjacent housing with which it reads when viewed from the Downpatrick Road, the main view of the site."

"The approval of this scheme would alter the character of the site from one in single family occupation to one containing a higher density apartment scheme."

(Development Control Group (DCG) Report)

- 04.04.16: Refusal by Appeal Decision, **2015/A0066** on this site for 7 Apartments

The Commissioner stated the four detached residential properties that front this section of the Downpatrick Road "...about the Rocksfeld residential development which has a variety of house types..." and added "...I consider that both the dwellings along the Downpatrick Road and the dwellings in Rocksfeld form the surrounding context of the site and inform the character of this part of Crossgar." (Par. 12) However, the Commissioner's analysis also recognised that, "...there is a noticeable contrast in the form and density along the road frontage compared to the more densely developed housing to the rear." (Par. 14)

The Commissioner then commented that the application was, "...out of character with the more loose density of development apparent along this stretch of Downpatrick Road which is markedly different to the transitional density and layout of development set further back from the road." (Par. 15) [See also page 5 of this **Annex**, for usage of the same quotation]

Overall: the approach by both the Department's recommendation/decision and also the Appeal Decision is broadly similar. While both recognise that, using similar phrasing, this is an area of "*mixed residential character*" (DCG Report) or "*a variety of house types*" (Appeal Decision) - the former is a briefer narrative - both based their key refusal decisions on the character of the immediate road frontage area. Also, the Appeal Decision upheld the concerns of the planning authority¹ regarding QD1 (a) and LC1 (a) and (b). (Par. 15)

Department's settled position: In order to illustrate consistency, the above Departmental position is considered in the context of previous Departmental recommendations.

Briefly, the above Departmental approach was adopted over the period 2009 to 2015 for two applications and four amendments (all including apartments), namely: (i) 4 town houses & 8 apartments, (ii) 4 town houses & 7 apartments, (iii) 4 town houses & 6 apartments, (iv) 4 town houses & 3 apartments (v) 3 apartments and (vi) 7 apartments. The first DCG recommendation (refusal, 12.10.09) for the 4 town houses & 8 Apartments stated, "*A proposal at a density of 60 dwellings per ha is a detrimental alteration from the existing immediate character of the area that is easily defined by a density of 4.7 dwellings per ha.*" However, one Departmental recommendation initially recommended approval, before the Department soon reverted to its consistent / settled position. This sequence was as follows.

- 12.02.10: Approval recommended for 4 town houses & 6 apartments

When the then Divisional Planning Manager (DPM) was questioned regarding this approval recommendation, he undertook to review the application. He subsequently commented:

"DPM went through the application from initial scheme submitted to scheme as now proposed. DPM in agreement that issues of character, overdevelopment and impact on residential amenity of No 21 have been addressed. DPM content that opinion of Department should remain one of approval." (Departmental File Note, 18.02.10)

An example of the analysis that led to this initial approval recommendation was as follows: "*The Dept must consider the proposal against the draft Addendum to PPS7 which was published in Nov 2009. While the Department acknowledges that the density is higher than that in the surrounding area it is the Departments opinion that given the length of time the application has been with the Department, the level of discussion which has taken place in relation to amendments, the Dept must attach more weight to this consideration. While the draft policy is a material consideration the above outweighs this.*" (DCG Report, 12.02.10)

- 26.04.10: Refusal recommended for 4 town houses & 6 apartments

Following subsequent reconsideration, after additional information and a meeting with the Minister, the Department revised its opinion. For example, "*It is now considered that*

¹ See: Newry Mourne and Down District Council's 'Statement of case' to the PAC; Pars. 1.1 to 1.6, 2.1 / 2.2 and 3.0, 19 November 2015.

excessive weight has been attached to the design modifications requested and secured to date and that more weight should be attached to Policy LC1 of Draft Addendum to PPS7...[And]...the proposal density is out of keeping with the immediate locality and therefore contrary to LC 1 of Draft Addendum to PPS 7." (DCG Report, 26.04.10)

Section 2. Access / Driveway

Turley's PAC Quotation:

"In the respect of the detailed reasons why the Commission recommended the proposal for refusal it is stated in paragraph 14 of the Commissioner's report that: '...Whilst the building will screen a number of the parking spaces to the rear, six of the spaces with other shared surfaces would be visible from the road frontage at the widened access into the site. When viewed from the Downpatrick Road, the layout of the appeal scheme would depart significantly from that of the approved single dwelling and other individual dwellings in the immediate area."

Turley's Commentary:

"The proposed driveway has been narrowed to 4.8 meters in width (consistent with the dimensions of a private drive) and the hardstanding significantly reduced to accommodate 6 parking spaces (one to the front of the building and five to the rear)."

My Analysis: (above underlining inserted to assist analysis)

The reference to "*widened*" in the Appeal Decision likely relates to the 6.0m access compared with the narrower access for the previous built single dwelling, or possibly compared with the narrower driveway. The use of the word "*narrowed*" in the commentary conveys clearly the impression of a response to the Commissioner's refusal reason especially when combined with reference to the reduction in hardstanding - the latter statement is accurate. In the latest application's site layout plan the proposed access is 6.0m and the proposed driveway is 4.8m. These two dimensions remain unchanged from the previous 7-apartment application (considered by the PAC) to the latest 4-apartment application, and were the same for previous amendments. However, the impression conveyed in the commentary is of a driveway width adjustment between two applications together with an accurately stated hardstanding reduction. This narrative goes beyond the bounds of acceptable arguments.

The **DCS** (Par. 5.7, less its 1st sentence) is verbatim the above 'Commentary' paragraph and thus the same comments in the preceding paragraph apply to the **DCS**. Also, private driveways in the general area reflect c3.5 meters and not the much wider 4.8meters.

Section 3. Development Pattern / Density Aspects / Precedent

Turley's PAC Quotation:

"It is further stated by the Commission at paragraph 15 that: '... .. The pockets of the housing selected by the appellant within the Rockfield development serve to demonstrate that there is a transition of density though the development with lower density housing closer to the Downpatrick Road (15dph), moving to medium density (20dph) and then to slightly higher

density in the form of semi-detached dwellings on decreasing plot sizes immediately to the rear of the appeal site (30dph). A development of seven apartments with ancillary areas of hardstanding would be a visibly more intensive form of development (approximately 33dph) out of character.”

Turley's Commentary:

“The reduction in the number of apartments by three brings the density to approximately 20dph which is not significantly higher (the policy test) than the range specified by the Commissioner for the Downpatrick Road frontage of 15 to 20dph. It is also much lower than the higher density of development at 30dph for the dwellings in the backdrop.

A proposal for four apartments will in our opinion create a quality residential environment which does not depart significantly from the character of the existing ‘individual dwellings’ in the local context. A loose density of development is maintained which is not at odds with the prevailing pattern of development.

There is no evidence to support an assertion that this would set an undesirable precedent for further intensification of the road frontage. The Council are required to consider cumulative impact and there are no similar applications pending that need to be balanced against this proposal.”

My Analysis:

Paragraphs 6.2, 6.3 and 6.6 (in a more expanded form) of the **DCS** reflect the contents of the above Commentary and thus elements of this Analysis apply also to the **DCS**.

The Appeal decision's quotation by Turley, ending with a full stop after the words *“out of character.”*, conveys the impression that the 7-apartment application is being compared with all the narrative that preceded. This is misleading since the remainder of the sentence, after the words *“out of character”*, states, *“with the more loose density of development apparent along this stretch of Downpatrick Road which is markedly different to the transitional density and layout of development that is evident in development set further back from the road.”* (Par. 15) [See also the top of page 3 of this **Annex**, for usage of the same quotation]

Obviously, quotations must be selected and where appropriate reduced. However, it is unacceptable to reduce a quotation that results in a completely misleading perspective, including misdirection as to the density analysis for the appropriate character area.

And, nowhere within the Appeal Decision's narrative does it refer to 15-20dph as representing the relevant Downpatrick road frontage. Also, usage of the words *“loose density”* in the commentary are misplaced as is reference to individual dwellings in single inverted commas.

Separate to the above analysis: both describing the Appeal Decision's *“definition”* of the *“established character of the area”* to include Rocksfield to the rear (**DCS**, Par. 5.8) and also the *“dwellings along the road frontage...are not different...from the suburban development...behind the site”* (**DCS**, Par. 5.11) represent misdirection.

Combining all the above phrasing conveys misrepresentation / misdirection if not complete inaccuracy compared with the clear position conveyed in the referenced Appeal Decision. Again, this overall narrative by Turley goes beyond the bounds of acceptable arguments.

Cumulative / precedent impact (Include Par. 3 of Turley's Commentary on previous page).

The first sentence of the **DCS's** paragraph 6.6 ignores completely the precedent possibility by providing the following rationale, "*as [since/because] each site must be considered in its own context having regard to the prevailing policy circumstances.*" Turley then adds confusion in paragraph 6.6 by stating, "*More than one apartment block may not be appropriate to the character of the Downpatrick Road...*" The only evidence needed and used to support the Commissioner's precedent argument (Par. 15) is that, inter alia, there are other similar and adjacent large sites, comprising detached single family dwellings. Thus, the appeal proposal does not have, "*...distinct characteristics that would limit the precedent value of any permission...*" (Appeal Decision, **2013/A0033**, Par. 6). See also a reference to this Appeal Decision in **Annex1 / Section 5.**, Page 10.

Footnote

The remaining two quotations from the Appeal Decision and contained in Turley's letter refer to: (i) no policy precluding apartment development within the residential area, provided it is in accordance with PPS7 and APPS7 and (ii) parking creates a significant increase in vehicle movements causing noise and disturbance that creates an unacceptable impact on amenity of existing dwellings.

This first quotation is covered broadly by the analysis of the three quotations / references referred to above.

Turley's response to the increase in vehicle movements is to have, "*...boarded fencing with noise attenuation proposed to mitigate the impact of noise and disturbance.*" (See also: **DCS**, Par. 5.16) However, this response does not mitigate the character deficiencies of the application. Also, Turley states that, "*A noise impact assessment has been commissioned and will be submitted to the Council under a separate cover...*"

Annex 3

Appeal Decision; Drakesbridge Road, Crossgar (2011/A0197), 16 July 2012

Section 1. Planning Consultant's position

Turley referred to the above Appeal Decision regarding its support for the 3-apartment application:

"Attached for your information and consideration is a recent appeal decision for Drakes Bridge Road, Crossgar. The findings of this appeal are relevant to the application pending for Trinity Housing Association in that at paragraph 6 of the Commissioner's report that the assessment of the capacity of a site to accommodate an increased density of development should be calculated having regard to the surrounding context including the development at Graysfield to the rear.

It remains our assessment that the density of development...is in the same density range in the wider context of the neighbouring development to the rear. No material weight should be attached to the objections raised by the neighbour in light of this decision and we would request that the Department proceed with this case to the next available Council meeting with an opinion to approve."

Sections of Email concerning application R/2007/1337/F to Downpatrick Planning 05.11.12

My Analysis:

However, while Turley referred accurately to Paragraph 6 of the Appeal Decision, it made no reference to the relevant rationale for the inclusion of Graysfield - nor any indication of acceptance of the rationale - and contained in the Appeal's sentences one to three of paragraph 8:

"There is considerable diversity in the scale, proportions, massing and appearance of dwellings in the immediate area. The unifying characteristic is that they are all detached in form. In this context, the proposed storey and a half dwellings would be consistent with the character of the established residential area in overall design terms."

Subsequently the 3-apartment amendment was: recommended for refusal (DCG Report, 06.11.12), there was an Office meeting discussion with the applicant (File Note, 12.12.12), refusal remained the recommendation to a meeting of Down District Council (17.12.12) and it was in turn removed from the Council's planning schedule. There was a further Office meeting discussion with the applicant (File Note, 03.01.13) followed by a DCG Reconsideration - again refusal (11.02.13). The application was in turn removed from the Council's planning schedule (25.02.13) in order to consider the applicant's amended scheme for one dwelling.

Section 2. Planning Appeal Case submitted by Turley to the PAC

A 'Planning Appeal Case for the Appellant' (PACA) was submitted to the Planning Appeals Commission, appealing the refusal (Decision Notice, 10.02.15) for a 7-apartment application (R/2014/0393/F). In the PACA, reference was made to the same above Appeal Decision. After quoting paragraph 6 regarding Graysfield, it stated:

"Our approach to policy is entirely consistent with the worked local example provided by the PAC and it is in fact the objector that misinterprets the context and ignores the Commissioners advice in this respect." (Par. 5.45)

"No weight should be attached to the objectors comment in respect of policy LC1 as Rocksfield is part of the established residential area." (Par 5.46)

My Analysis:

Notwithstanding Turley's clear guidance concerning attaching no weight to comments about policy LC1, the Appeal Decision (2015/A0066) concluded equally clearly and in disagreement with Turley, as follows:

"I consider that the appeal proposal would not satisfy criterion (a) of Policy QD1 or criteria (a) and (b) of Policy LC1 of APPS7. The planning authority and the objectors concerns in these regards are upheld." (Par. 15)

Section 3. Design Concept Statement (DCS) by Turley (LA07/2016/0991/O)

Turley again refers (22.07.16) to the development behind the application site (part of Rocksfield with semi-detached dwellings at a 30dph). The following **DCS** quotation repeats almost verbatim what was stated (Par. 5.20) in the above PACA. The quotation is as follows:

"The suburban development behind provides a backcloth and depth to the setting. It is also integral to the understanding the established pattern of settlement." (Par 5.12)

Section 4. Conclusion

Turley's reference to Appeal Decision **2011/A0197** is completely misplaced. This misplaced analysis derives from Turley ignoring completely the Appeal Decision's rationale for inclusion of Graysfield, namely all detached in form. This rationale is at variance with the comparison, as articulated by Turley, of the Rocksfield development to the rear with the dwellings fronting the Downpatrick Road. And Turley's articulation suggesting that the PAC base a decision on inclusion of the rear of the application site was rejected both by the PAC and also, previously, by the Department.

I readily accept that the Appeal Decision (2011/A0197) referred to the dwellings both along the Downpatrick Road and also Rocksfield forming, "...the surrounding context of the site and inform[ing] the character of this part of Crossgar." (Par. 12) However, as indicated in **Annex 2 / Section 1.**, pages 2 / 3 (top), and supported by policy (**Annex 4**), the Commissioner subsequently based her key refusal conclusions on the character of the immediate road frontage area. (Par. 15) Also, the Commissioner's position is in accordance with what has been the Department's settled position from 2009 to 2015 regarding apartment development.

Annex 4

Chronological Policy Development

1. PPS7: (June 2001)

"The purpose of the revised DCAN will be to provide specific guidance to intending developers on two main areas: the development of brownfield sites in urban areas; and housing development within established residential areas." (Par. 1.19)

2. Development Control Advice Note 8 (DCAN): (June 2002)

"Proposals should also seek to ensure that the form, density and character of any new development is in harmony with adjacent housing, and does not detract from the environmental quality, residential amenity and established character of the surrounding area." (Par. 3.2)

3. PPS12: (July 2005)

"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing." (Planning Control Principle 1)

4. Planning Circular 03 / 07: (August 2007)

"The thrust of current policy for all new residential development proposals is a design-led approach, emphasising contextual and amenity tests, in which proposals should respect the character and built form of adjacent housing." (Par. 7)

5. 2nd Addendum to PPS7: (August 2010)

"(a) the proposed density is not significantly higher than that found in the established residential area; (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area." (Policy LC 1)

"In...villages...established residential areas generally display a more intimate character and spatial scale. There is often more local variety in architectural styles and treatments with building lines, property sizes, plot ratios, and road layouts being much more changeable." (Annex E: Definition of an Established Residential Area)

6. SPPS: (September 2015)

"Within established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents." (Par. 6.137)

Conclusion

The development of relevant policy over the past 15 years for the consideration of new housing has endeavoured to focus decision makers on, among other things, consideration of the immediate area's character by usage of the word 'adjacent' (next to or adjoining something; e.g. adjacent rooms, adjacent angle, adjacent neighbour or next-door neighbour), followed in 2010 by usage of the word 'intimate' (very close connection or closely acquainted). Also, throughout this overall period there has been continuity of the criteria to be applied to an area, such as density and form, in order to maintain character. Relevant PAC Appeal Decisions have reflected this approach as demonstrated, for example, by Appeal Decision **2015/A0066** for refusal on the Crossgar site.

ITEM NO	20			
APPLIC NO	LA07/2016/1378/O	Outline	DATE VALID	18/10/2016
COUNCIL OPINION	APPROVAL			
APPLICANT	Michael Starkey 3 Holly Lane Ballybranagh Downpatrick BT30 7BW		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822

LOCATION Adjacent to 8 Donard View Crescent
Saul Road
Downpatrick
BT30 6NR

PROPOSAL Proposed new dwelling

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

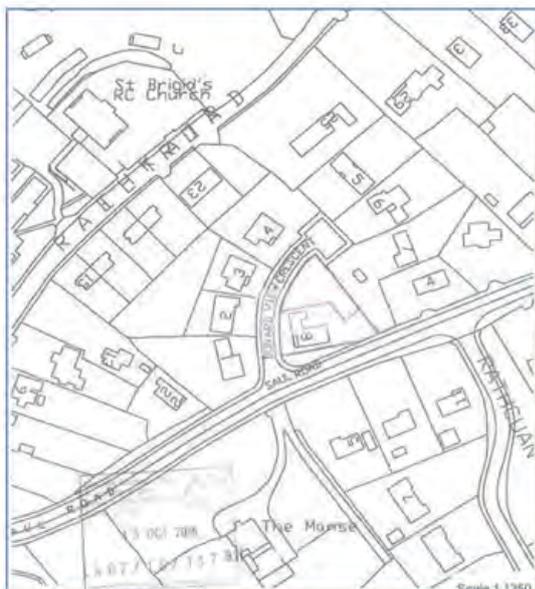
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1378/O

Date Received: 18.10.2016

Proposal: Proposed new dwelling

Location: Adjacent to 8 Donard View Crescent, Saul Road, Downpatrick.



The site is within the settlement limits of Downpatrick.

Site Characteristics & Area Characteristics

The site is a portion of a garden of an established dwelling. The dwelling is a single storey dwelling with a large plot located within Donard View Crescent. Donard View Crescent is an established cul-de-sac of single storey detached dwelling with medium sized plots.

The site is the northern portion of the garden. It has a well-established tree lined and 1m high open wood fence boundary along the north east boundary shared with No 7 Donard View Crescent. The site is relatively flat. The north western boundary is shared with the cul-de-sac and is defined by a 1m high mature hedge. Due to the

nature of the site, the southern boundary is undefined as it is shed with the larger garden of No 8 Donard View Crescent.



View of the site from adjacent to the NW boundary shared with Donard View Crescent.



Views of the Site from Donard View Crescent



View of the site from Saul Road, No 8 Donard View Crescent visible

Site History:

There is no site specific history.

There is a current planning application for the neighbouring site located between the site and the detached dwelling of No 7 Donard View Crescent;

LA07/2017/0289/F Mr G McGrath

New Dwelling and improved vehicular access adjacent to 4 Saul Road, Downpatrick, BT30 6NN

PENDING

There is also history associated with this neighbouring site:

R/2009/1099/O Mr G McGrath

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

PAC APPROVAL 04.04.2011

Planning Policies & Material Considerations:

The proposal is for a dwelling within the established settlement limits of Downpatrick. The proposal will be considered in relation to current planning policy and guidance. Such considerations will be of policies such as the Regional Development Strategy, The Ards and Down Area Plan 2015, PPS7 Quality residential Environments and PPS7 Addendum Safeguarding the Character of Established Residential Areas, PPS12 Housing in Settlements, PPS3 Access, Movement and Parking, PPS2 Natural Heritage. Planning guidance such as Creating Places, Living Spaces, DCAN 15 Vehicular Access Standards, Parking Standards and DCAN 8 Housing in Existing Urban Areas.

Consultations:

NI Water Ltd

Responded with comments for the applicant on the 24th of October 2016 detailing public water supply is within 20m, foul sewer is within 20m, surface water sewer is within 20m and the receiving SSTS has available capacity.

Transport NI

Reponses received 7th of November 2016 with no objections and recommending planning condition relating to visibility splays as detailed within Transport NI RS1 form (provided within their consultation response), visibility plays required are 2m X 2m X 45degrees to rear of the footway with a 5m entry and exit radii.

DAERA Water Management Unit

Returned comments 21st October 2016 and offered no objections to the proposal referring to Standing Advice Note 1, 5 and 22 relating to single dwellings, sustainable drainage systems and culverting.

Objections & Representations

The site was advertised in Mourne Observer and the Down Recorder on the 2nd of November 2016.

A total of 7 Neighbours were notified.

The Council has received 6 representations objecting to the proposal. For the purposes of the planning report the objections have been summarised. All representations are available on the planning portal and the planning file should anyone wish to view the representations in their entirety.

The representations are summarised as follows:

- Concerns relating to road safety and increase in traffic within the established cul-de-sac
- Noise and disturbance due to increase traffic within the cul-de-sac both during the construction phase and after
- Concerns relating to parking
- Impact on the character of the area in terms of layout and on Donard View Crescent
- The mature trees may have protected status from the 1973 development of the site
- The proposal has the potential to overlook neighbouring properties and result in loss of privacy
- The potential for the dwelling to be overbearing

Transport NI has been consulted during the processing of the planning application and returned no objection to the proposal.

The case officer has checked the history of the site and site constraints. The representation received highlighted that the residential development commenced in 1973, this pre-dates the historical records of our computer system. The site does not have a Tree Preservation Order or a designation such as a Local Landscape Policy Area for the Council to consider. Therefore there is no special protection afforded to the mature trees. However they will be considered as part of the proposal and if necessary protection could be afforded through the application of a suitable planning condition that would see the retention of the mature boundary. This will be considered within the assessment and discussed with Senior Planning Officers.

Consideration and Assessment:

The proposal is an outline application for a dwelling within the settlement limits of Downpatrick. The site is the garden of an existing dwelling and is located within an established residential cul-de-sac. The proposal was accompanied with a site location map, a concept layout and a design and access statement.

The concept layout details a dwelling and detached garage with access from Donard View Crescent. The dwelling is to the north of No 8 and proposes a 1.4m high close board fence to define the new boundary between the existing dwelling (No.8) and the proposed dwelling.



Planning permission for a dwelling within the settlement limits would only be granted where it demonstrates that the proposal will create a quality and sustainable residential environment. PPS7 Policy QD1 states that proposals for housing within established residential areas will not be permitted where they would result in unacceptable damage to the local character environmental quality or residential amenity of the area.

The proposal is for a new dwelling within the garden of an existing dwelling and is situated within an established residential park. The concept layout illustrates how the site can accommodate a dwelling and detached garage within the plot.

The proposed layout could facilitate the retention of the mature trees along the boundary shared with No 7 thus ensuring this landscape feature, as highlighted within the representations received, would be protected and integrated in a suitable manner to the layout of the development.

The access would require the removal of the existing boundary hedge along the boundary shared with Donard View Crescent. While the existing dwellings have mature established boundaries and new landscaping would take some time to become established, I would not be of the opinion that the removal of this north west boundary, to facilitate access, would be detrimental to the character of the area or overall layout of Donard View Crescent.

The proposal is for a dwelling within the garden of No 8 Donard View Crescent. The proposal would result in the loss of amenity space of No 8 and requires the use of a proposed 1.4m high close board fence to ensure the rear amenity space of the existing and proposed dwelling would be afforded protection. The fence will be to the side and rear of the proposed dwelling and sited between the existing No 8 and the proposed dwelling. Due to its position between and to the rear of the properties, it would not have an adverse visual impact on the character of the area.

The proposed unit and existing dwelling of No 8 would result in loss of garden space for No 8 Donard View crescent. The existing dwelling will retain a suitable level of private amenity space and the proposed dwelling will have a suitable level of rear amenity space.

Donard View Crescent has a current density of 9.7 dwellings per Hectare (8 dwellings within approx. 8.2Ha). When you include the proposed dwelling, this would increase the density to 10.9 dwellings per Hectare. Therefore the proposal would not result in a density that is significantly higher than that which is found within this established residential area. The proposal will front onto and have its own access to the internal public road of Donard View Crescent. This would respect the pattern of development found within Donard View Crescent. The concept layout illustrates a dwelling which measures at approx. 79sqm which would accommodate a 4 person 2 bedroom dwelling when you considered the Space Standards as detailed within ANNEX A of PPS7 Addendum. The proposal is in keeping with policy LC1 of the PPS7 Addendum.

Transport NI have been consulted and offered no objections to the proposal. The visibility splays as detailed within the RS1 form, as supplied by Transport NI, can be conditioned as part of the approval. The concept layout includes a rear detached garage and the site area would be suitable to accommodate 2 cars within the curtilage of the site. While Council has received representations relating to the level of parking and traffic issues within Donard View Crescent, Council must be mindful that Transport NI is a statutory consultee and offered no objections to the proposal. Therefore it can be concluded that the proposal is in keeping with planning policy PPS7 and PPS3 as well as guidance of Parking Standards and DCAN 15.

Representations relating to the impact the proposal would have on neighbouring dwellings have been received. Policy QD1 of PPS7 requires new development to be of a design and layout that would not create conflict with adjacent land uses. When considering the path of the sun, the proposal would not result in loss of light or overshadowing of neighbouring dwellings. The proposed rear and side boundary will protect the amenity of No 8 Donard View Crescent and ensure the p[proposal would not overlook the dwelling. During construction the proposal would result in noise and disturbance however this will be for a short period of time and I would not be of the opinion that this would be to the detrimental of the neighbouring residents.

To ensure the proposal maintains and reflects the character of the area, it would be necessary to consider a single storey ridge height restriction within this established cul-de-sac. This will reflect the height of the neighbouring dwellings.

Considering the neighbouring site has a current planning application for a dwelling under LA07/2017/0289/F which was granted in principle under planning appeal for R/2009/1099/O in April 2011 this must be considered. The current application was received during the processing of this proposal and details a 2 storey dwelling that makes use of the sloping nature of this site and would front onto Saul Road, with a single storey dwelling and its rear 2 storey portion would share its rear garden and boundary with Donard View Crescent. The proposed dwelling LA07/2016/1378/O would share its eastern boundary with this dwelling.

The site is also within an established Area of Outstanding Natural Beauty (AONB). Policy NH6 of PPS2 considered new development within an established AONB. The policy requires new development to be of a design, scale and size appropriate for the locality and identifies further criteria. The site is within the established settlement limits and within an established residential cul-de-sac. The proposal is for outline and therefore there are no details relating the proposed design. This considered, the Council would not wish for a dwelling on the site to detract from this established residential character of the Donard View Crescent.

Recommendation:

Approval subject to conditions.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

REASON: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

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

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

The proposed dwelling shall have a ridge height of less than 5.4 metres above finished floor level and a low angle of roof pitch.

REASON: To ensure that the development is in keeping with the adjacent residential dwellings of Donard View Crescent.

The development hereby permitted shall have a layout which is broadly in line with the indicative concept layout and plans LA07/2016/1378/02 bearing the date stamp 11 OCT 2016, but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.

REASON: In the interests of visual and residential amenity and to ensure the development of a quality residential environment.

The existing mature trees along the natural screenings of the site, as indicated in green, on approved drawing LA07/2016/1378/01 and LA07/2016/1378/02 stamp received 11 OCT 2016 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

REASON: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

The dwelling shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Department.

REASON: In the interests of public health.

Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Department.

REASON: To safeguard the site and adjacent land against flooding and standing water.

Case Officer DATE

Appointed Officer DATE

Ref: LA07/2016/1378/O

I am writing in support of the objectors for the above planning application.

I met with the 6 objectors at their request and visited the site of the proposed building and agree with the following points they made:

1. The proposed dwelling is designed to be built at the narrowest part of the estate's road, causing potential access issues with the existing properties and road safety issues.
2. The proposed dwelling will have a significant adverse effect on the character of the neighbourhood; it's application is on a site which has matured trees which have special protection status within the estates plans
3. The proposed dwelling will be visually overbearing

I hope these points will be taken into consideration when reviewing the application as this dwelling will have an adverse effect on all the existing residents.

Yours

Dermot

Planning Committee Schedule of 24th May 2017

Planning reference: **LA07/2016/1378/O**

Proposal: **Proposed new dwelling**

Applicant: **Mr Michael Starkey**

Location **Adjacent to 8 Donard View Crescent, Saul Road, Downpatrick**

Recommendation: **Approval**

This proposal is compliant with Planning Policy and as such we agree with the recommendation put to this committee.

This practice only wishes to make representations in relation to issues that may be raised by objectors, should speaking rights be requested by same.

Over view

My client and I request the right to rebut any comments that objectors may raise to the recommendation to approve this proposal.

Should no speaking rights be sought by objectors we would not wish to take up the valuable time by making representations to the Planning Committee

Conclusion

We would respectfully ask the Planning Committee to agree with this recommendation and grant Planning Permission for the development as applied for.

ITEM NO	23		
APPLIC NO	LA07/2017/0016/F	Full	DATE VALID 16/12/2016
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr & Mrs E Martin & Sons 29 Ballyloughlin Road Kilmegan Dundrum BT33 0QG	AGENT	Ian Burtney 18 Ardilea Road Clough Downpatrick BT30 8SL 07928648030

LOCATION Land Adjacent to and East of 29 Ballyloughlin Road
Dundrum
BT33 0QG

PROPOSAL Proposed livestock and machinery shed with underground tanks and shed for storage of silage

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal in terms of character and scale is inappropriate to its location and that it does not visually integrate into the local landscape.
- 2 The proposal is contrary to the Strategic Planning Policy Statement Policy and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed buildings are inappropriate for the site and its locality as the scale and massing of the buildings would make them dominant and incongruous in the local landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of earthworks works would result in a detrimental change to the rural character of the countryside.
- 4 The proposal is contrary to the Strategic Planning Policy Statement and Policy NH6 Areas of Outstanding Natural Beauty of Planning Policy Statement 2, Natural Heritage in that the proposal is not of an appropriate design, size and scale for the locality and the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.



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an Iúir, Mhúrn
agus an Dúin

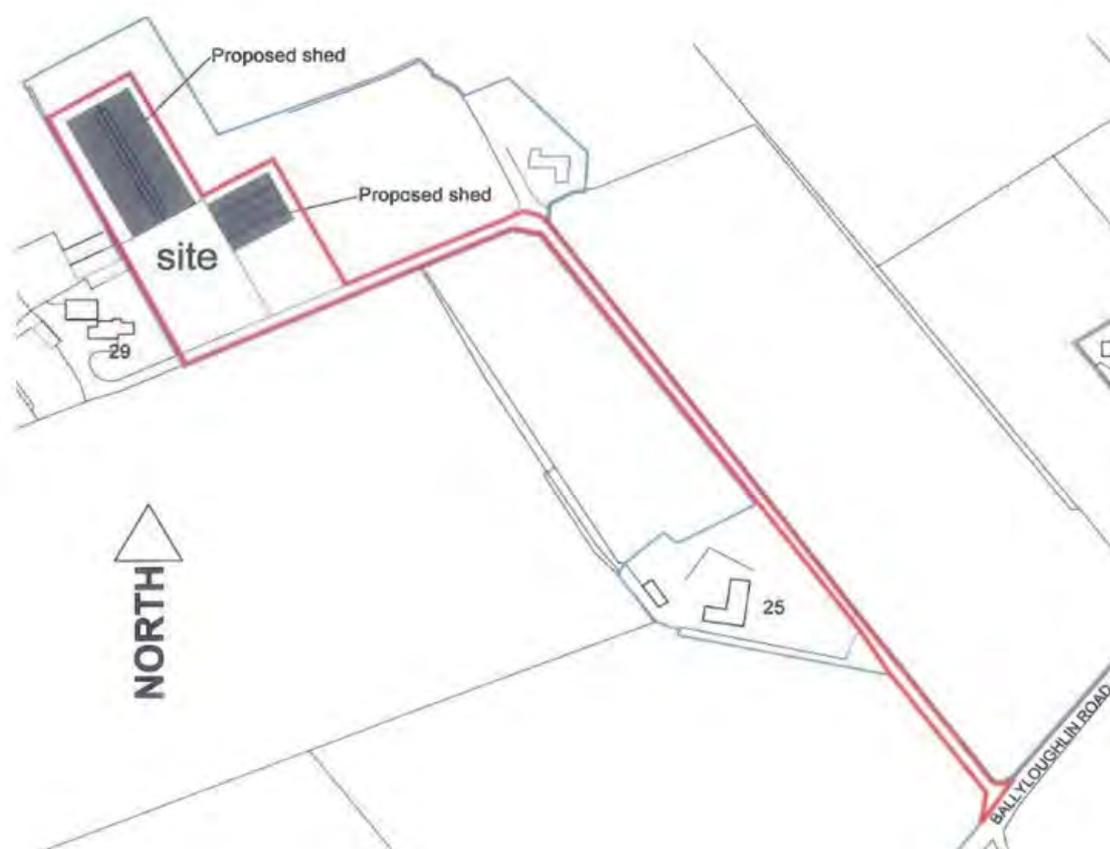
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0016/F

Date Received: 05.01.2017

Proposal: The application is for full planning permission for proposed livestock and machinery shed with underground tanks and shed for storage of silage

Location: The application site is located outside the settlements in the open countryside, within the Mourne AONB as designated in the Ards and Down Area Plan 2015.





Site location

Views of the site





Long distance view from Ballyloughlin Road

Site Characteristics & Area Characteristics:

The application site is located outside the settlement of Dundrum, down a concrete laneway approx. 370m from the Ballyloughlin Road. The site itself is located adjacent to No 29 Ballyloughlin Road, which is the existing farm dwelling which is two storey and has associated outbuildings and sheds. The site is currently an agricultural field. There are very mature trees which run along the western boundary which runs alongside the existing farm house.

The surrounding area is predominantly agricultural with dispersed settlement of farm complexes and single dwellings in the countryside .

Site History:

R/1974/0489 Fir Lodge, Wateresk, Dundrum. Re-Instatement Of The Existing House And Alterations And Additions. Permission Granted

R/1989/0983 Adjacent To 25 Ballyloughlin Road Newcastle-Conversion Of Existing Vacant Barn To Retirement Farm Dwelling Permission Granted

R/1999/0313 29 Ballyloughlin Road Dundrum - Replacement Dwelling Permission Granted

R/2001/0120/F Field Approximately 250m North Of 29 Ballyloughlin Road, Newcastle- Installation Of A 15m High Telecommunications Tower To Support 2 No Dual Polar Antennae, 3 No. Dish Antennae An Equipment Building And A 1.8 Metre High Fence. Permission Granted 04.06.2001

R/2001/0390/O Land East Of 29 Ballyloughlin Road, Dundrum. Dwelling. Permission Refused 05.02.2003

R/2002/0606/F Land East Of No.29 Ballyloughlin Road, Dundrum. Proposed Rural Dwelling. Permission Granted 18.07.2003

Planning Policies & Material Considerations:

The application site is located outside the settlement limits of Dundrum in the open countryside and within the Mourne AONB as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections

Transport NI – No objections (for agricultural use only)

NIEA Water management – No objections

Environmental Health - proposed developments should be situated a minimum of 75m from dwellings not associated with the farm. This proposal is associated with the adjacent farm.

DAERA – yes the farm business has been in existence for 6 years or more and yes there is a claim for single farm payment (SFP) Areas of Natural Constraint (ANC) Payment or Agri Environment Scheme Payment or equivalent.

Objections & Representations

In line with statutory requirements three neighbours have been notified on 11.01.2017 and 03.02.2017. The application was advertised in the Mourne Observer and the Down Recorder on 18.01.2017.

Consideration and Assessment:

The SPPS states in relation to Agriculture and Forestry development provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances. Policy CTY 1 of PPS 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is an agricultural shed in accordance with Policy CTY12.

The application is to erect two agricultural sheds to the north east of the existing farm dwelling complex. The proposed larger shed measures approx 60m long by 30m is 4.5m to eave and the overall height is 8.7m. The other shed measures 24m x 30m and has an overall height of 7.1m and 5.5m to the eaves. It is designed to look like two smaller roofs side-by-side. The finishes to both sheds include dark green profiled steel cladding for the roof and top of shed and concrete block wall with smooth – sand cement render walls to the lower section, there is also to be steel roller shutter doors. One of the sheds will be used for livestock to provide winter accommodation used for the purpose of calving suckler cows. In addition the applicant has stated that it will provide space to hold valuable agricultural equipment

and machinery. The second shed will provide needed storage for silage, hay and feed.

Policy CTY 12 states that planning permission will be granted for development on an active and established holding where it is demonstrated that it meets five criteria. Paragraph 5.56 of CTY 12 states that for the purposes of that policy, the determining criteria for an active and established business will be that set out under Policy CTY 10. This requires that the farm business is currently active and has been established for at least six years. Paragraph 5.38 confirms that the appellant is required to provide the farm's DARD Business ID number along with other evidence to prove active farming over the required period. The proposal would meet the first criteria (a) of CTY12.

In consideration of whether the proposal is on an active and established agricultural or forestry holding, consultation was undertaken with DEARA (formerly DARD), they responded saying that the business was established for 6 years and that there is a claim for single farm payment (SFP) or equivalent. The applicant states that the farm was established around 1947 and there is a current farm business (621221) number. The applicant has submitted a P1C form and DARD maps showing land owned.

The applicant has stated the need for the agricultural sheds to winter livestock/house machinery and to house silage/hay/feed etc. In terms of the character and scale being appropriate to the area. Both sheds are large in size. They have been positioned close to the existing cluster of buildings on the existing farm. The land as stated is currently agricultural and rises in a north westerly direction. The land also falls in an easterly direction towards the house at No 27. The site is set back from the main road, however, it is on more elevated land compared to the Ballyloughlin Road. There is some good tree coverage around the site predominantly around the dwelling, however, the site where the sheds would be erected would have an open and elevated position from these longer distance views from the Ballyloughlin Road and from the main Dundrum Road A2, where there are clear views of the site which are viewed and would be read in conjunction with the Mourne Mountains. The sheds would be typically agricultural in character which would not be unusual in the area, however, the scale and massing of the sheds would be out of place at this elevated site and would be prominent in the landscape.

One of the buildings has been designed to be orientated with the front elevation facing the roadside, however, given the views of the site, the full impact of the scale, size and massing of the two buildings side by side mean that it would not visually integrate into the local landscape. Even with a set back from the road, material and finishes which would be in keeping with the area, and clustering with the existing farm buildings, additional planting would not be sufficient to integrate nor prevent the buildings from being prominent in the landscape. CTY 13 states that while new tree

planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. CTY 12 also states that where a proposal is justified, the building will still be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable. These issues were raised with the agent. Amended plans were subsequently submitted to address these issues (02 May 2017). The proposal is now cut into the site and would require a lot of cut into the site in order to lower it within the site. Even with the ridge height being lowered and relocation of the proposed shed to a lower portion of the site, this would still not be sufficient to overcome the issues raised. CTY 13 also states that a new building that relies on significant earthworks, such as moulding or cut and fill for integration will be unacceptable.

There are no archaeological, built heritage or landscape features in the immediate area. Therefore the proposal will not have an adverse impact on the natural or built heritage. The proposal will not result in a detrimental impact on the amenity of residential dwellings outside the holding. The closest dwelling to the proposal is approx. 100m away and belongs to the applicant's sister. No objections have been received in relation to the proposal. Environmental Health's guidance recommends a distance of 75m or more, so this distance is sufficient.

Policy CTY 13 – Integration and Design of buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. There are seven criteria that are required. In terms of the design of the proposed buildings, they are deemed inappropriate for the site and its locality as the scale and massing of the buildings would make them dominant and incongruous in the local landscape.

Policy CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal requires a significant amount of earthworks, the impact of earthworks works would result in a detrimental change to the rural character of the countryside.

PPS 2 Natural Heritage - Policy NH 6

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.

This area has a very sensitive landscape and forms part of the Mourne AONB. The proposal would not meet criteria (a).

Summary

While there are other buildings within the farm complex these would not be sufficient to house the amount of livestock proposed. The buildings are using materials and finishes that would be akin to agricultural buildings and would be sympathetic to the locality and adjacent buildings and it is evident that the proposal is sited beside the existing farm buildings. However, given the large scale size of the two buildings, they would appear as a dominant and incongruous feature in the landscape, and the amount of earthworks required would have an adverse impact on the visual amenity and rural character of the area. On balance I am recommending refusal

Recommendation:

Refusal

Refusal reason:

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal in terms of character and scale is inappropriate to its location and that it does not visually integrate into the local landscape.

The proposal is contrary to the Strategic Planning Policy Statement Policy and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed buildings are inappropriate for the site and its locality as the scale and massing of the buildings would make them dominant and incongruous in the local landscape.

The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of earthworks works would result in a detrimental change to the rural character of the countryside.

The proposal is contrary to the Strategic Planning Policy Statement and Policy NH6 Areas of Outstanding natural Beauty of Planning Policy Statement 2, Natural Heritage in that the proposal is not of an appropriate design, size and scale for the locality and the siting and scale of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer Signature

Date

Appointed Officer Signature

Date

LA07/2017/0016/F – Mr & Mrs E Martin & Sons

We intend to speak to the following issues:

1. Describing the need for a building of this scale at this location in the context of the farming operation; and
2. Disagreeing with the officer's recommendation on the grounds of impact. The site is not located on the top of the slope and the planning officer has not properly considered the extent of the cut and fill operations and how this helps integrate the buildings into the landscape.

Regards

Conor

Conor Hughes
Director

ITEM NO	24			
APPLIC NO	LA07/2017/0050/F	Full	DATE VALID	13/01/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Telefonica UK Limited 260 Bath Road Slough SL1 4DX		AGENT	Taylor Patterson C/O Ross Planning 9A Clare Lane Cookstown BT0 8RJ 028 8676 4800
LOCATION	Lands associated with Kilcoo GAA Club c. 525m NW of No. 4 Moyad Cottages Dublin Road Kilcoo BT34 5HS.			
PROPOSAL	Proposed 15m telecommunications mast to carry 3 No. antennae, 2 No. radio dishes, 2 No. equipment cabinets and associated works including a site compound.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	21	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0050/F

Date Received: 13th January 2017

Proposal: Proposed 15m telecommunications mast to carry 3no antennae, 2no radio dishes, 2 no equipment cabinets and associated works including site compound.

Location: Lands associated with Kilcoo GAA Club, 525m NW of no 4 Moyadd Cottages, Dublin Road, Kilcoo.



Site Characteristics & Area Characteristics:

The site in question is located on lands associated with and in close proximity to the existing GAA pitch. The lands the mast is proposed to be sited on sits higher than the associated pitch on grassland to which there is a strong planted boundary to the west of the site. The site is a distance from the road and is surrounded by agricultural land.

The area is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is within a Countryside Policy Area and also within the Mourne Area of Outstanding Natural Beauty. The site is also located in the sphere of influence of an Archaeological Site and Monument in the form of an enclosure. The site is in close proximity to Lough Island Reavy Reservoir.

Site History:

LA07/2016/0116/F – Alterations and Improvements to existing changing rooms and training facilities at Kilcoo GAC – Granted – 12-05-2016.

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and PPS 10 Telecommunications and SPPS. DECAN 14 Siting and Design of Telecommunications Equipment is also considered.

Consultations:

Consultation was carried out with Environmental Health was carried out who responded with no objections subject to ICNIRP guidelines.

Consultation was carried out with NIEA Protecting Historic Monuments due to the proximity of the site to a monument, HED Historic Monuments has responded with no objections.

Objections & Representations

Neighbour notification was carried out on the application and 21 objections have been logged in relation to the application.

The application was advertised 1st February 2017 which expired 15th February 2017

19 representations from differing addresses with the same content were received and were on the following grounds:

- Health effects, both actual and perceived
- Visual impacts and loss of personal amenity
- Insufficient evidence of alternative sites
- Unreasonable to locate a mast in close proximity to a populated area.

a further 2 objections were received with additional content including the proximity to the GAA pitches and children's play area and also the proximity to areas that children frequent. The objections are all taken into consideration and will be commented on later in the report.

Due to the number of objections received in relation to the application it will now appear before the Planning Committee in line with current Committee protocol operational within Newry, Mourne and Down District Council.

Consideration and Assessment:

The application is considered against SPPS and PPS 10 Telecommunications, TEL 1 Control of Telecommunications Development

Policy TEL 1 Control of Telecommunications Development

The proposed mast is a lattice 15m in height and 1.1m wide and has 3 no radio antennae located on the top of the mast included within the 15m measurement. Cabinets are also proposed to the base of the mast measuring 1.5m in height from ground and the site is bounded by 1.8m paladin fencing to protect and prohibit unauthorised entry. The site requires an element of cutting in however given the proximity to the road and the overall landscape this is not thought to offer any negative impacts visually.

The proposal is set back from the main road and is set back from any major public view points. The site in question will not result in unacceptable damage to visual amenity due to its proximity to main public view points and also the remote nature of

the location and the boundary treatment adjacent to the site helps screen the site. NIEA was consulted on the application in relation to the proximity to the historic site and monument and HED Historic Monuments is content with the proposal and therefore offers no objections.

Supporting information submitted with the application indicated that the Swann lattice mast was chosen as deemed the most appropriate in terms of integration, the site also has a backdrop of further lands and hills which helps with the integration.

Adequate reasoning has also been submitted to demonstrate that alternative sites have been considered and the reasoning behind choosing the site in question. Sensitive receptors such as schools have been taken into consideration along with visual amenity and also the workability of the site. The operator has adequately demonstrated that the requirements of TEL 10 have been met and the proposal is compliant with ICNIRP guidelines and the declaration has been included with the application submission.

It is noted that the objectors raise a number of issues in relation to the proposed mast including the possibility of impacts on health benefits. Health Issues are covered within PPS 10, the policy states that in 1999 the government asked the National Radiological Protection Board to set up the Independent Expert Group of Mobile Phones (IEGMP) to investigate health effects from the use of mobile phones, base stations and transmitters from which a report was published 'Mobile Phones and Health' (The Stewart Report) the report concluded that no evidence of risk was found provided a precautionary approach is used and ICNIRP public exposure guidelines are adhered to. This application complies with the relevant policy requirements and there would be no grounds to refuse the application in relation to health issues. It is also noted that Environmental Health has also responded with no objections.

The objectors also comment on amenity, it is not considered that the application will offer any negative impacts in terms of visual amenity or private amenity due to the siting of the application and the distances to residential properties.

Recommendation:

On balance the application is considered acceptable and approval is recommended.

Conditions:

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

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

Case officer:

Authorised by:

Date:

ITEM NO	27			
APPLIC NO	LA07/2017/0189/F	Full	DATE VALID	03/02/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Telefonica UK Limited 260 Bath Road Slough SL1 4DX		AGENT	Taylor Patterson C/O Ross Planning 9a Clare Lane Cookstown BT0 8RJ 028 8676 4800
LOCATION	On lands at Railway Road c. 130m South East of Murphys Bar 2 Drumintee Road Meigh BT35 8JT			
PROPOSAL	Proposed 12.5m telecommunications mast to carry 3 No. antennae, 2 No. radio dishes and associated works including 3 No. equipment cabinets.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	12	0	0	0
	Addresses		Signatures	
	0	0	0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0189/F

Date Received: 03.02.2017

Proposal: Full permission for a proposed 12.5m telecommunications mast to carry 3 No. antennae, 2 No. radio dishes and associated works including 3 No. equipment cabinets.

Location: On lands at Railway Road approximately 130m South East of Murphys Bar, 2 Drumintee Road, Meigh

Site Characteristics & Area Characteristics:

The site comprises a small rectangular area of land to the rear of an existing outbuilding which forms part of a larger site that originally contained a dwelling. This has been in more recent times demolished and the site landscaped. The site is located on the edge of the development adjacent the open countryside within the Ring of Gullion AONB.

Recent Site History:

LA07/2016/0732/O

Lands to the rear and south of No. 6 Railway Road, Meigh, Killeavy, Newry
Proposed erection of a farm dwelling
Planning Appeal on-going

P/2006/0193/F

6 Railway Road, Meigh, Newry
Site for housing development (comprising 37 No. units) and ancillary works
Application Withdrawn

P/2000/2160/F

6 Railway Road, Meigh, Newry
Erection of two storey dwelling and detached domestic garage.
Permission Granted: 14.06.2001

Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 10: Telecommunications
 DCAN 14: Siting and Design of Radio Telecommunications Equipment
 Planning Strategy for Rural Northern Ireland – DES 2
 Planning Policy Statement 2: Natural Heritage

Consultations:

Transport NI – no objections
 Environmental Health – no objections
 Arquiva Services Limited – No adverse comments to make.
 Ofcom – noted 2 links, both PSNI
 PSNI – No objections
 The Joint Radio Company – no objections

Objections & Representations

No neighbours qualified for notification and the application was re-advertised on 08.03.2017. 12 objections have been received regarding this application. Grounds for objection have been summarised below and will be discussed at the end of the report.

Objections have been received from the following addresses,

1. 2 Railway Road, Meigh
2. 11 St Monnina Park, Meigh
3. 10 St Monnina Park, Meigh
4. 9 St Monnina Park, Meigh (2 objections)
5. S Hynds (no address noted)
6. 54 Drumintee Road, Meigh
7. Ann Marie Parr Railway Road, Meigh
8. Emmalouise Parr – Meigh Resident
9. Gary Rafferty – (no address noted)
10. 56 Rathgullion, Meigh
11. Duan Keiran – Local Resident.

Summary of objections,

1. Danger to health of village residents
2. Residents not informed
3. Adverse visual impact in terms of AONB
4. Potential for noise / disturbance
5. Jeopardise tourism in the area.
6. Adverse impact on Murphys pub.
7. Errors in newspaper advertisement
8. This is a residential area and doesn't need a mast.

Consideration and Assessment:

The site is located within the development limit for Meigh. There are no specific objections with regard to the Area Plan.

PPS 10 policy Tel 1&2 / DCAN 14

The proposal forms part of a national strategy to improve networks and consolidate infrastructure. Site sharing was not a viable option as there are no other existing masts in the area. Whilst 6 other sites were considered and ruled out for various reasons such as not being technically viable, local objection and limited space the proposed site has been considered the most viable option due to its proximity to the target area and the limited impacts that it would have on the local residents and the existing character of the area.

Telecommunications masts by their nature have to be of a certain height to allow adequate functionality. The chosen site is located at the edge of the development limit but not amongst dense residential areas. The siting of the mast will be critically viewed from the Railway Road and the Newry Road. The lower portion of the mast which is set back from the road will be screened by the existing building immediately adjacent and the planting that is proposed. The top portion whilst still be visible, is not considered to cause a significant adverse impact on the character of the surrounding area. It is also noted this mast is modest in height compared to others in the district and at 12.5m the mast is not considered to have an adverse impact on visual amenity.

Environmental Health has been consulted and has responded with no objections on review of the ICNIRP Declaration Certificate accompanying the application.

Arquiva has not raised any concerns with the proposal and as such the proposal meets policy TEL 2.

The proposal is considered acceptable to the above policies.

PSRNI – DES 2

The development is considered to be acceptable for the site as it is necessary within the town limits for network coverage and will not have a significant detrimental impact on the townscape. The design is typical of this type of development which has been carefully sited, minimising the visual impact of the proposal and located away from dense residential areas. The development is not considered to have an adverse impact on amenity to neighbouring properties.

Planning Policy Statement 2

Policy NH6 is applicable as the development is within the Ring of Gullion Area of Outstanding Natural Beauty. The siting and scale of the development on the edge of the settlement limit of Meigh is considered sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

The proposal will not have an adverse impact on any features of importance to the character, appearance or heritage of the landscape.

Transport NI has not raised any objections to the proposal with regard to PPS3.

Recommendation: Approval

Council response to areas of objection,

1. Environmental Health was consulted with regard to the health risks with this proposal. It has noted that the Stewart Report has concluded "if the proposal meets the International Commission on Non-Ionizing Radiation Protection Guidelines (ICNIRP) for public exposure to electromagnetic fields it will not be necessary to consider the health effects further unless otherwise advised by the National Radiological Protection Board (NRPB).The department have reviewed the ICNIRP Declaration Certificate relating to the proposed site and has no objections in principle to the proposed development.
2. There were no residents that qualified for a neighbour notification as there were no properties that abutted the red line of the application site.
3. The visual impact of the mast on the AONB has been considered. The mast which is within the development limit and will bring a community benefit to the area is not considered to have a significant detrimental impact on the AONB.
4. There is no evidence that the mast would give rise to noise / disturbance.
5. There is no evidence to suggest the mast would detract from the tourism potential of the area.
6. It is not considered the mast located approximately 130m from Murphys pub will have a detrimental impact on it.
7. The newspaper advertisement was re-advertised on 08.03.2017. The content of the advertisement has been checked for accuracy. The Council are satisfied this advertisement was published accurately.
8. Whilst a residential area is located in the village the purpose of the mast is to improve signal which is lacking. The Council would contend that the mast is needed to boost the signal for residents.

Condition:

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

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

Case Officer:**Authorised Officer:**

ITEM NO	28			
APPLIC NO	LA07/2017/0201/F	Full	DATE VALID	09/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Haydn Wadsworth 5 Grange Avenue Saintfield		AGENT	Architectural Design Service 20 Upper Burren Road Burren Warrenpoint BT34 3PT 07725917253

LOCATION 5 Grange Avenue Saintfield BT24 7NG

PROPOSAL Alterations and extension to dwelling

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

- 1 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
- 2 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.6 Grange Avenue by way of it's dominant effect and affording increased overlooking to rear amenity space.

Application Reference: LA07/2017/0201/F

Date Received: 09.02.17

Date of site visit: 20.02.17



Proposal:

The Council has received an application seeking planning approval for proposed alterations and extension to existing dwelling.



Location: No.5 Grange Avenue, Saintfield

Characteristics of site:

The site is comprised of a two storey detached domestic dwelling with integral single storey garage and associate domestic curtilage. The existing dwelling fronts on to Grange Avenue, is fairly level with the road and set back approximately 7.0m from the road. There is a small front garden and larger rear amenity space with vehicular access to garage and within curtilage parking to the R.H.S.

The existing dwelling has a standard pitched roof construction with the attached garage projecting slightly to the front and single storey pitched roof over continuing along full length of front elevation forming mono-pitched roof over main entrance. There is an external brick chimney projecting from the L.H.S gable elevation. There is a small pitched roof feature to front elevation roof over first floor window and a single window to first floor level L.H.S gable elevation and no windows to first floor level of R.H.S gable.

The treatment to the L.H.S boundary between this property and neighbouring property No.4 Grange Avenue comprises of a 1.8m vertical boarded timber fence to the side and rear and a low box hedge separating the front garden. The rear boundary between this site and adjacent open field land is defined by 0.5m high natural stone wall with a 1.2m high timber post stock proof fence behind. The treatment to the R.H.S boundary between this property and neighbouring property No.6 Grange Avenue comprises of a 1.8m high mature hedge separating the rear amenity space, a 1.8m high vertical boarded timber fence to the side and a 1.4m high vertical boarded timber fence separating the within curtilage parking areas to the front. The front of this site is quite open and visible from the road, the rear amenity space is considered to be quite private.

Characteristics of area:

The site is located on the edge but within the settlement limit of Saintfield with the rear boundary of the site also being the settlement limit and near to Local Landscape Policy Area 3 which is proposed as an area of Amenity Open Space and Recreation as stated in the Ards and Down Area Plan 2015 and shown on Map No. 3/015a. It is located within a large, medium density mature residential area with a mixture of single storey detached bungalows and two storey detached houses.

Site History:

R/2007/0071/F 18 Grange View, Saintfield.

Proposed single storey sun lounge extension to rear of dwelling

Permission granted 28.06.2007

R/2006/0092/F 3 Grange Avenue, Saintfield Parks, Saintfield

Demolition of an existing conservatory and erection of an extension.

Permission granted 06.05.2006

R/1993/0873 3 Grange Avenue, Saintfield

Garage and sun room.

Permission granted.

R/1993/0904 4 Grange Avenue, Saintfield

Garage and store.

Permission granted.

R/1990/0347 Sites 1A & 12-47 (inclusive) The Grange Off Moya Drive Saintfield

37 No dwellings and garages

Permission granted.

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Addendum to PPS7 Residential Extensions and Alterations

The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations

Policy EXT 1 sets out the main considerations that the Council will take into account in assessing proposals for residential extensions and/or alterations. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Consultations:

No consultations were sought in respect of this proposal.

Objections & Representations:

4 No. neighbouring properties within proximity to this site (No's. 1 & 18 Grange View and No's. 4 & 6 Grange Avenue) were notified on 16.02.17. This application was advertised in the local press on 22.02.17 and to date no objections or representations have been received.

Consideration of the proposal:

This submitted application proposes to construct a first floor extension to the R.H.S of existing dwelling. This dwelling is currently two storey with standard pitched roof and open gable side elevations. This dwelling currently has an attached single storey garage with utility room to rear projecting 3.7m from the R.H.S elevation. This garage is 10.3m wide, inline with the rear elevation of attached dwelling and projecting a further 0.95m beyond the front elevation of dwelling.

It is proposed to remove the roof of existing single storey garage and then the existing front, L.H.S and rear elevation walls are to be then built up and a new pitched roof constructed to create increased first floor space to accommodate two new bedrooms, one with dressing room and en-suite.

This extension will measure the full 10.3m width of existing gable side elevation and this extension will move the existing two storey open gable elevation 3.7m to the R.H.S in place of existing single storey open gable elevation to garage. The ridge height of existing two storey main dwelling roof measures 7.7m above finished floor level. The ridge height of attached single storey side garage measures 5.3m above finished floor level (2.4m subordinate to that of main dwelling roof). The existing 7.7m high ridge line to two storey main roof will continue at same height to cover proposed first floor extension above garage effecting raising the existing single storey ridge line by 2.4m to match that of existing two storey main roof.

The roof pitch will extend to cover existing 0.95m projection to the front meaning that the eaves height to proposed first floor extension will be 0.5m lower than the existing eaves height to adjacent two storey dwelling. The eaves height at front elevation of proposed first floor extension will be 4.4m above finished floor level whereas the eaves height to front elevation of existing dwelling are 4.9m above finished floor level. The eaves to rear elevation will be continued at existing 4.9m height to proposed extension.

The proposed rear elevation is to remain as existing to ground floor level and at first floor level is to have a set of fully glazed double doors measuring 1.5m wide by 2.1m high with a full height 0.4m wide side glazing unit. This opening to first floor level is to have a 1.0m high railing with toughen glass safety screen fitted to the rear elevation. The ground floor level of new two storey side elevation will remain as existing with two small square windows and one single pedestrian door access to garage. The proposed new first floor level of this new two storey side elevation is to have a single small 0.6m wide window to en-suite.

The proposed front elevation is to remain as existing to ground floor level and at first floor level is to have a new walled dormer window with pitched roof. The window to this dormer is similar in size and style to existing adjacent window to L.H.S of first floor level to existing front elevation. The small pitched roof over is to have an ornate timber bargeboard and a ridge that is 1.8m subordinate to ridge of main roof. This extension will not project to the front, rear or side of any existing elevation and building footprint will remain as it is currently. However the height and overall mass of the garage/ R.H.S part of this dwelling will be increased.

The existing dwelling and garage has a concrete interlocking 'turf brown' coloured profile tiled covered roof with all elevations finished with smooth cream facing brick. Dwelling has white uPVC rainwater goods and white uPVC windows and doors. The finishes of proposed first floor extension over garage are all to match those existing.

With regard to policy EXT 1 set out in the PPS 7 addendum for achieving quality in relation to proposals for residential extensions and alterations (March 2008) the Council is satisfied that this application does not represent over development of the site and an acceptable proportion of amenity space remains to the rear. However it is considered that the extent and nature of the changes as listed above will have an impact in relation to the context of the site and on the surrounding area.

The proposed extension being to the R.H.S of existing two storey dwelling will have no impact on neighbouring property No.4 Grange Avenue. This proposal is however considered to offer a significantly increased potential to negatively impact on the residential amenity of No.6, the closest neighbouring property to this first floor extension and disrupt the existing rhythm and uniformity shared by these two dwellings.

This dwelling (No.5 and neighbouring dwelling No.6 have a design relationship being a distinctive matching pair (mirror image) sharing the same house type and being the only two storey dwellings along this street. They are the only two dwellings having this house type in the vicinity with the other dwellings in the street being 1 ½ storey chalet bungalow type with dormer windows to roof. The front elevation of neighbouring dwelling No. 6 Grange Avenue is inline with the front elevation of this property and there is an existing separation distance of 4.0m between the side elevations of attached single storey garages and a separation distance of 10.5m between the two storey side elevations of these two neighbouring dwellings.

The increased mass of proposed first floor extension is to be 3.7m closer to side elevation of No.6 and 2.0m from the shared boundary. Due to the orientation of these two dwellings and the natural path of the sun it is not considered that this proposed first floor extension will create any unacceptable overshadowing to No.6. However the two storey element being increased not only in length (3.7m) to the R.H.S but in width (the proposed R.H.S two storey side elevation will be almost 1.0m wider than the width of existing two storey dwelling) and the increase in ridge height located so close to the boundary with neighbouring property No.6 creates an overbearing effect when viewed from the side and rear of No.6 and is considered to be unduly domineering. This increased height and massing is exacerbated by this extensions proximity to the shared boundary.

It is considered that proposed new fully glazed double doors and side glazing unit to rear being at first floor level and closer to No.6 will create increased overlooking to the rear amenity space of neighbouring property (No.6). The centre of this new opening measuring 2.0m wide by 2.1m high will be 3.5m closer to the shared boundary than the centre of closest existing first floor window which is 1.2m wide by 1.3m high. The proposed dormer window to the front elevation of this extension is considered to be not in keeping with the style of the existing dwelling and the front elevation of first floor extension having lower a lower eaves height (due to projection beyond the

front elevation) than existing two storey dwelling is considered to be visually disruptive and not harmonious with existing dwelling or matching neighbouring property No.6.

The agent was initially requested on 04.04.17 to step the front elevation of proposed first floor extension over garage back to be in line with the first floor front elevation of attached main two storey dwelling as this would decrease the overall width of proposed two storey R.H.S elevation by almost 1.0m. It was also requested that the design of proposed dormer window be amended to match that currently existing to the L.H.S of front elevation and that the size of new window opening to the rear elevation be reduced to match that of existing rear elevation first floor windows.

Recommendation:

After consideration of all relevant planning policy and other material considerations this proposal is not deemed to satisfy the requirements of the policy and it is therefore recommended that it be refused.

Signed: _____ Date:

Signed: _____ Date:

Refusal Reasons:

1. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that the scale, massing, and design of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
2. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.6 Grange Avenue by way of it's dominant effect and affording increased overlooking to rear amenity space.

Dear Sir or Madam
Re la07/2017/0201

Alterations and extension to dwelling at 5 grange avenue Saintfield for Mr Haydn Wadsworth

We have earlier forwarded request for speaking rights at the next council planning meeting

Statement of case

We received an email from planning service suggesting an alternative layout for the scheme. This suggestion was dismissed by our client as not meeting their requirements. This was verbally related back to the planner involved.

However since receiving a letter from the planners informing us the scheme was to be rejected we have discussed alternative layouts and have produced a scheme acceptable to our client and we feel will be acceptable to the planning service.

This scheme has been forwarded to the planners for consideration. We therefore request this application be deferred for further consideration

Planning ref la07/2017/0201

Extension to dwelling at 5 grange avenue

The client has agreed to the planners suggest amendments

We have drawings amended and will be lodged with planning office by 18th may

Yours

J M Kearney MCIAT MCABE

Architectural design service

20 Upper Burren Road

WARRENPOINT

Mobile 07725917253

ITEM NO 35
APPLIC NO P/2015/0167/F Full **DATE VALID** 16/03/2015
COUNCIL OPINION REFUSAL
APPLICANT James Morgan 24 Aughnagon **AGENT** Architectural
 Road Design Service 20
 Mayobridge Upper Burren
 Newry Road
 BT34 2JG Warrenpoint
 BT34 3PT
 07725917253

LOCATION 250m north east of 52 Benagh Road
 Mayobridge
 Newry

PROPOSAL Erection of dwelling and detached garage (on a farm)

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

- 1 The proposal is contrary to the SPPS (Strategic Planning Policy Statement), Policy CTY 1 and CTY 10 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 a development opportunity has been sold off from the farm and it has not been sited beside an established group of buildings on the farm.



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

Application Reference: P/2015/0167/F

Date Received: 2nd March 2015

Proposal: Dwelling and detached garage on a farm

Location: 290m S.E of 52 Benagh Road, Mayobridge, Newry

Site Characteristics & Area Characteristics:

The site lies approximately 280m back from the Benagh Road via a single track lane shared by numerous other properties and landowners. It has a rural location and adjacent to a large agricultural type shed and a detached single storey cottage. On site is an unauthorised log cabin and mobile home (which has now been removed). There is post and wire fencing along the eastern perimeter of the site with the remainder unbound.

Site History:

There is no history on the site.

There are a number of applicable planning applications made and development opportunities on land either falling within that identified on the farm business maps or on adjacent land. Those which are applicable to the application and in terms of the date identified in CTY 10 possibly being sold off from 25th November 2008 include:

P/2009/0775/F – Replacement dwelling and garage for Peter Morgan at land 175m North West of No.72 Benagh Road, Mayobridge – approval (19/4/2010).

P/2011/0372/F – Change of house type to the above approval also approved (15/6/2011) – applicant Mr Peter Morgan.

P/2014/0888/F - Erection of replacement dwelling and detached garage (involving off-site replacement of existing dwelling at No. 64 Benagh Road) on land 50 metres north east of 52 Benagh Road, Mayobridge, Newry for Siobhan McAlinden (certificate A completed which indicates complete control of this building) – approval 1st March 2016. In this case of this site, the building is needed in order to comply with further CTY 10 criteria.

Other recent Planning Approvals granted on the farm holding:

Planning approval granted for replacement dwelling and garage at 64 Benagh Road for Peter Morgan under P/2008/0413/F on 7/11/2008 and P/2003/2766 on 15/06/2004.

Other planning history on other farm land near Hilltown:-

P/2014/0107/F – applicant Paul McAlinden – land at 53 Rostrevor Road – Change of House Type – pending

P/2008/0514/F – applicant P McAlinden – Change of House Type at 53 Rostrevor Road – approved 16/07/2009

P/2010/1529/F – applicant Paul McAlinden – retention of dwelling at 53 Rostrevor Road – Refusal – appeal withdrawn

P/2005/2491/F & P/2003/2293/O – replacement dwelling 53 Rostrevor Road – applicant Paul McAlinden – approval

Planning Policies & Material Considerations:

SPPS – Strategic Planning Policy Statement

PPS 21 – CTY 1 (Development in the Countryside) which outlines a number of development types which are considered acceptable in principle to contributing to the aims of sustainable development and one such type is a dwelling on a farm in accordance with CTY 10.

CTY 13 (Integration) CTY 14 (Rural Character) and CTY 16 (Development relying on non-mains sewerage)

Consultations:

Transport NI – No objections in principle

NIW – standard generic response

Environmental Health – advice given surrounding the proximity of a farm and potential nuisances. They advise to locate at least 75m away.

Water Management Unit – content subject to informatives

DARD – YES to active and established for more than 6 years.

Objections & Representations

12 Neighbours notified. Advertised in 5 local papers on the 29th April 2015 and 1st May 2015. No representations made.

Consideration and Assessment:

SPPS (Strategic Planning Policy Statement)

PPS 3 - Access, Movement and Parking

PPS21 - Sustainable Development in the Countryside (CTY1, CTY 10, CTY 13, CTY 14 and CTY 16)

Banbridge Newry and Mourne Area Plan 2015

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge

Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural countryside between Mayobridge and Newry. A determining material consideration in this case is current planning policy and in particular Planning Policy Statement 21 – Sustainable Development in the Countryside which is the determining policy in dealing with single dwellings in the country.

PPS 21 policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It further states that planning permission will be granted for an individual dwelling house in the countryside provided it meets the criteria outlined in 6 different scenarios. One such scenario is a dwelling of a farm in accordance with policy CTY 10 of PPS 21.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight.

Para 6.73 bullet point 3 within the SPPS deals with dwellings on farms. Within this policy it states that planning permission will be granted for a dwelling where:

- (a) the farm business is currently active and has been established for a least 6 years - DARD now DAERA have confirmed that the farm business is active and established for at least 6 years – on my site visit, cows were housed within parts of the large shed and farm machinery around the shed;
- (b) no dwellings or development opportunities shall have been sold off *or transferred* (my emphasis) from the farm holding within 10 years of the date of the application (since 25th November 2008 as per PPS 21) – the applicant has failed to demonstrate that the development opportunity granted under P/2009/0775/F and P/2011/0372/F and referred to in my letter to the agent dated 14th April 2016 has not been sold off. The Solicitor's letter refers to Folio number DN175613 stating that the shed lies within this folio but provides no map which identifies this parcel of land owned by Mr James Morgan. The letter also states that the office is not aware (my emphasis) of any disposal of lands by Mr James Morgan at this location. This letter therefore fails to confirm if lands have been disposed of; and

the proposed dwelling *must* (my emphasis) be visually linked or sited to cluster with an established group of buildings on the farm holding - this proposal involves a dwelling on land sited to cluster with one large agricultural building. The policy clearly refers to *buildings* (my emphasis). There are also doubts as to the lawfulness of this shed as no planning permission has been granted nor a certificate of lawfulness issued to certify its immunity. Appeal 2015/0246 backs this up and in paragraph 15 states that "*as the building is unauthorised it cannot be counted an established building on the farm holding*".

(c) The other building sited beside the shed is a single storey cottage and again it has not been demonstrated that this building is within the control of the applicant – Solicitor’s letter does not refer to this building. The most recent planning permission linked with this cottage for a replacement dwelling (P/2014/0888/F) was for Siobhan McAlinden.

An application is also currently pending regarding a dwelling on other land within the farm holding – namely Rostrevor Road. The retention of a dwelling on this land was refused under P/2010/1529/F and the current change of house type (P/2014/0107/F) has not been decided.

In conformity with criterion (c) access to the site is via the existing lane off Benagh Road. The registered farm address however is 24 Aughnagun Road, Mayobridge, however no information was supplied whether the buildings and land surrounding this site is within the control of the applicant.

With regard to other policy including CTY 13 and CTY 14, I believe the application site, its location along a private lane, set back from the public road, the intervening topography and vegetation as well as the proposed house design is in conformity with the criteria identified within these policies and would not result in a prominent feature in the landscape or create ribboning. With regard to CTY 16, a negative condition can be imposed on any approval notice that the Planning Authority is provided with a copy of the consent to discharge regarding the septic tank.

Recommendation:

Refusal – CTY1, CTY 10 (b) and (c)

Refusal Reasons/ Conditions:

The proposal is contrary to the SPPS (Strategic Planning Policy Statement), Policy CTY 1 and CTY 10 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 a development opportunity has been sold off from the farm and it has not been sited beside an established group of buildings on the farm.

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

Dear Sir Madam
Re speaking rights at planning council meeting 24th May 2017

Statement of case

We earlier sent e mails requesting speaking rights for applications

P/2015/0167
DWELLING G ON A FARM FOR MR JAMES MORGAN BENAGH ROAD

Our submission to committee

We have received confirmation of ownership of all lands the planning service are considered have been disposed of also the farm buildings beside the site

All the land and farm buildings are owned by Mr James Morgan and we enclose land title documents and land registry maps as proof of same.

Hard copies of this evidence has been forwarded to planning service for consideration.

We have recieved confirmation of ownership of the lands in question

And ownership of farm buildings

Together with land registry maps from his solicitors

These were the only reasons for refusal an me believe that the this information will allow planning approval to be granted

Yours

J M Kearney MCIAT MCABE
Architectural design service
20 Upper Burren Road WARRENPOINT
Mobile 07725917253

ITEM NO	29		
APPLIC NO	LA07/2017/0240/F	Full	DATE VALID 16/02/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Father B Brown 4 Leirim Road Castlewellan BT31 9BA	AGENT	Ewart Davis 14 Killynure Road Carryduff Belfast BT8 8ED 07969919145/0289

LOCATION 110m south east of 29 Ballymaginthy Road
Castlewellan
BT31 9BH

PROPOSAL Conversion of stone building to dwelling with extensions.

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

- 1 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new extensions are not sympathetic to the scale and massing of the existing building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0240/F

Date Received: 16th February 2017

Proposal: Conversion of stone building to dwelling with extensions

Location: 110m south-east of No 29 Ballymaginthy Road, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Ballymaginaghy Road, Castlewellan. It is comprised of a 0.1 hectare portion of land, which contains a stone building that sits gable end to the road. The building has a corrugated roof and is overgrown with vegetation. There are a number of window and door openings along the front elevation at ground and first floor. On the southern gable there is a stone external staircase which allows access to the first floor area. The land surrounding the building is currently overgrown with vegetation. The site tends to slope gently upwards in a southerly direction and is accessed directly from Ballymaginthy Road by an existing lane, which is not included within the site.

The surrounding topography is typically undulating agricultural land, with more elevated land to the south. The area is predominantly used for agriculture but there are several single dwellings dispersed throughout the area.

Site History:

Q/2015/0045/F - 110m south-east of No 29 Ballymaginthy Road, Castlewellan – Replacement dwelling – refused 17.09.15.

It was considered that the building on site does not exhibit the essential characteristics of a dwelling and therefore is not suitable for replacement.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 21 (CTY 3, 13, 14), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 01.03.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), NIEA Water Management Unit and NIEA Natural Environment Division (NED) and Environmental Health.

No objections have been received, however, it is noted that NED have advised that a Biodiversity Checklist should be completed

Objections & Representations

A letter has been received from Mr Middleton 66 Bannanstown Road, stating that he is the owner of visibility splays to the east of the site. It is noted that the applicant has served notice on Mr Middleton regarding this application.

Consideration and Assessment:

The proposal seeks full planning permission for the conversion and extension of an existing building to a dwelling. The extension will be located to the southern end of the building and will be 6.2m long with a depth of 5.4m and a 6.6m ridge height. A further extension is proposed to the western side of the existing - this section will be comprised of a single storey element with a maximum ridge height of 4m, with a maximum length of 7.6m and a gable depth of 5.5m. The window and door openings on the original building will be retained and fitted with hardwood double glazed windows and doors. The extensions will be finished with random pattern stonework to match existing.

In assessment of the proposal against current policy, it is noted that the Strategic Planning Policy Statement (SPPS) states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling, where this would secure its upkeep and retention. In assessment of this, it is considered that the building on site is not one of local importance and the proposal therefore fails the first test.

Policy CTY 4 of PPS 21 provides further policy requirements (a) – (g), in assessment of these criterion, it is considered that the proposed extension, particularly that to the southern end is not sympathetic to the scale and massing of the existing, given that it proposes to raise the roof height of the extension above the existing – a more subordinate extension should be proposed.

On the basis of the above, a recommendation to refuse will be put forward.

Recommendation: Refuse

Refusal Reasons:

Signed

Date

Signed

Date

ITEM NO	30			
APPLIC NO	LA07/2017/0252/F	Full	DATE VALID	20/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Paul Hart 3 Vale Road Listooder Crossgar BT30 9JN		AGENT	Premier Building Design Ltd 1st Floor Unit 3 27 Wallace Avenue Lisburn BT27 4AE 02892660776

LOCATION 3 Vale Road
Listooder
Crossgar
BT30 9JN

PROPOSAL Proposed new 2 storey replacement dwelling and associated site works

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



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

Application Reference: LA07/2017/0252/F

Date Received: 20th February 2017

Proposal: Proposed new 2 storey replacement dwelling and associated site works

Location: 3 Vale Road, Listooder, Crossgar.



The site is within the Countryside between Crossgar and Ballynahinch. The site is approx. 3 miles west of Crossgar.

Site Characteristics & Area Characteristics

The site is a roadside site on the main road between Crossgar and Ballynahinch. The dwelling has an established access to the south which is gated and provides access to the internal yard. The curtilage of the dwelling is well defined through several vernacular outbuildings clustered around the concrete yard. The dwelling itself is single storey and shares its gable wall of the dwelling and a detached outbuilding with the grass verge that provides a small set back from the Vale Road. The boundary is also defined with a rendered wall serving the yard area and a hedge within the garden boundary. The site shares its north, east and southern boundary

with agricultural land and the garden has a mature boundary defined with trees, vegetation and a post and wire fence. The dwelling has a single storey extension to the north and south gable.

The dwelling, yard and outbuildings are set within a lower ground level than that of the adjacent Vale Road. The area has a drumlin topography with detached rural dwellings and agricultural outbuildings dotted between the fields.



View of the site from the North



View of the site adj to existing access



View of the site from the South



Dwelling

Site History:

R/2014/0162/F Mr P Hart

3 Vale Road, Crossgar, Downpatrick

Refurbishment and extension of existing dwelling and new vehicular access

Granted 13.05.2015

Planning Policies & Material Considerations:

The proposal is for a replacement dwelling within the countryside. It will be assessed having consideration of the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside, PPS3 Access, Movement and Parking and PPS6 Archaeology and the Built Environment.

Planning guides such as Building on Tradition, Parking Standards and DCAN 15 Vehicular Access Standards will also be considered.

Consultations:

NI Water Ltd

Response received

Transport NI

Response received 8.3.2017 requested amended plans relating to the access point.

DFC Historic Environment Division

Consulted as the site is within close proximity of a scheduled monument - SM 11/1 DOW 023:030. Response received 22.3.2017 with no objection to the proposal in terms of PPS6 and the SPPS.

Objections & Representations

The site was advertised in Mourne Observer on 8th of March 2017.

The site has no neighbours which meet the criteria as set out in the legislation for neighbour notification.

The Council has not received any representations relating to this proposal prior to completion of planning report.

Consideration and Assessment:

The proposal is for a replacement of a single storey dwelling with a 2 storey dwelling. The plans detail a 4 bedroom dwelling with ground floor living space and 1st floor sleeping quarters. The height of the dwelling is over 8m and is finished with a hipped roof with black tiles, the dwelling will be finished in white coloured render and white PVC windows. The dwelling has a single storey ground floor flat roof projection to the side and rear that provides a 1st floor balcony feature with an external staircase.



Proposed elevations

Proposed site layout

The SPPS and PPS21 provide policy for the consideration of replacement dwellings within the countryside where the building proposed exhibits the essential characteristics of a dwelling. Having inspected the site the dwelling meets this

criteria and the dwelling is not listed. There is previous history on the site for the extension and improvements granted for the dwelling in May 2015 under planning application reference R/2014/0162/F.

The existing dwelling would have once been vernacular reflecting the period of the neighbouring vernacular outbuildings. However the dwelling has been modified and extended and while the original building may convey vernacular proportions the extensions have altered the character and appearance of the dwelling beyond that of a non-listed vernacular dwelling.

The proposal will replace the existing dwelling within the established curtilage of the existing dwelling. However the replacement dwelling proposed is significantly larger than the dwelling it is to replace.

Policy CTY3 and the SPPS are clear in relation to replacements in terms of their visual impact on the surrounding landscape. CTY3 states that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

The existing dwelling is single storey. The extension and improvements to the dwelling previously permitted under R/2014/0162/F granted a single storey extension. The proposal will provide a slightly larger set back from the Vale Road than the existing dwelling however the 2 storey height, scale and massing of the dwelling would result in the dwelling having a significantly greater visual impact on the countryside than the existing dwelling. While the existing dwelling, outbuildings, yard and garden are on a lower ground level than that of the Vale Road, there are no levels detailed on the site layout to demonstrate this difference to justify the large scale nature of the proposed replacement dwelling. The layout does not include any details of boundary treatments ie retention, planting, wall or fencing details.

Building on Tradition – Design Guide refers to the simplicity of form and grouping found in traditional Glebe and linear farm houses. The design of the proposed dwelling would somewhat reflect this however it cannot set aside the policy requirement within both the SPPS and CTY3 of PPS21 that the overall size of a replacement dwelling should enable integration into the landscape and not have a significant greater visual impact than that of the existing dwelling. The critical views of this site are approaching the site to from the north and south. There would also be a view of the proposal from the Ballynahinch Road.

Policy CTY 3 requires that necessary services are available, or can be provided without significant adverse impact on the environment or character of the locality.

The proposal includes a new access. Policy requires access, serving the proposed replacement, to the public road would not prejudice road safety or significantly inconvenience the flow of traffic. Transport NI were unable to respond to the site layout which does not identify the achievable visibility splays. As the proposal details a new access, the visibility splays must be demonstrated in order to ensure a safe access in keeping with Policy CTY3.

The previous application on site approved R/2014/0162/F for refurbishment and extension to No3 included a new vehicular access which was detailed on plan

R/2014/0162/07 stamp dated 05 NOV 2014 and conditioned within the approval (planning condition No 2). The visibility splays for the new access associated with planning approval R/2014/0162/F demonstrated 2.4m by 90m could be achieved. Transport NI offered no objections to R/2014/0162/F.

Considering the details of the planning application, unlike the previous application R/2014/0162/F, it has not been demonstrated that the proposed new access will not prejudice road safety or inconvenience the flow of traffic. However a safe access can be achieved from the site, it may not be detailed on the site layout yet Council must be mindful that this could be accommodated through a revised site layout.

Policy CTY13 and 14 of PPS21 consider integration and design as well as rural character in terms of new development within the countryside. Considering the roadside nature of the site and the scale height and massing of the proposed replacement dwelling the proposal would result in a prominent feature within the landscape. The design of the proposal would reflect similar development within the larger area however dwellings within the immediate vicinity of the site have a storey and a half bungalow design which reduces their visual impact when viewed from the Vale Road and reflects that lack of a backcloth to the rear which would aid integration. As the proposed replacement would result in an unduly prominent feature within the landscape this is contrary to the criteria of policies CTY13 and CTY14.

Transport NI have raised concerns relating to the access require amended plans to achieve a safe access. The proposal will not re-use the existing access which is to the south of the dwelling and provides access into a yard area and the outbuildings within the curtilage of the dwelling. The proposed access is to the north, the current plans do not detail the closure of the established access and therefore it can be concluded that the applicant intended for this access to remain in place. The double access was not highlighted by Transport NI as a concern. However Policy CTY3 requires that access to the public road to serve a replacement dwelling must not prejudice road safety or significantly inconvenience the flow of traffic.

The site is within an area of influence relating to a monument. Council consulted with the Department for Communities Historic Environment Division who considered the details of the proposal to be acceptable in relation to current planning policy.

Recommendation:

Refusal – the proposal would have a significantly greater visual impact than that of the existing dwelling and is therefore contrary to the SPPS and PPS21 Policy CTY3. The height, scale and massing of the proposed replacement would result in an unduly prominent feature within the landscape contrary to CTY13 as it cannot be visually integrated into the landscape and CTY14 as the proposal would cause a detrimental change to the rural character of the area.

Refusal Reasons/ Conditions:

Refusal reasons recommended by planning officer and consultees, can be subject to change:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is a prominent feature in the landscape 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 proposed dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Case Officer DATE

Appointed Officer DATE

ITEM NO	26		
APPLIC NO	LA07/2017/0175/F	Full	DATE VALID 03/02/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Owen Miskelly 36 Crabtree Road Ballynahinch BT24 8RH		AGENT Surveying & Architectural Mgmt Mulloven Cottage 40A Drumsnade Road Ballynahinch BT24 8NG
			NA

LOCATION

250m South East Of No 19 Nutgrove Road, Annadorn, Downpatrick

PROPOSAL

Change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	2	0	0
	Addresses		Signatures	
	0	0	0	0

- 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 as the previous approval has expired.
- 2 Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning authority require verifiable proof that the development previously approved under reference R/2005/1517/RM had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Application Reference: LA07/2017/0175/F

Date Received: 07.02.17

Date of site visit: 20.02.17



Proposal:

The Council has received an application seeking planning approval for proposed change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM.



Location: 250m South East of No. 19 Nutgrove Road, Annadorn, Downpatrick

Characteristics of site:

The entrance to the site is located approximately 360m West along the Nutgrove Road from the junction with the Buckshead Road and is beside an existing concrete cattle crush. The site of the dwelling is approximately 170m South of the Nutgrove road and is located in the North Eastern corner of a larger agricultural field. Access to the site from the Nutgrove Road is through an agricultural gate between the cattle crush and hedge and then via a long, straight lane that runs along existing mature hedgerow field boundary. This access to site comprises of a crushed stone base and is apportioned from adjacent large agricultural field by way timber post and stock proof fence.

The site of dwelling is within the NE corner of another large agricultural field at intersection of four fields and this field itself is in the form of a large drumlin which is a prominent feature in the landscape. The area of the site has been demarcated by way of timber post and stock proof fence. Within this enclosed area the site has been stripped and levelled being largely excavated from sloping side of large Drumlin and foundations are in place. The drumlin rises approximately 10-12m high and acts as a natural backdrop to this site. The site is surrounded on all four sides by agricultural land and the area surrounding this drumlin is relatively flat. The northern and eastern boundaries of this site are defined by existing mature native hedgerow. The southern and western boundaries are defined by a newly erected 1.2m high timber post and stock proof fence.

Characteristics of area:

The site is located in the countryside and not within or near to any defined settlement limit as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/001a. It is located in a secluded, sparsely populated rural area between Loughinisland and Downpatrick with a variance of styles between old and new properties and farm buildings. The surrounding land is used mainly for agricultural purposes and the predominant feature of this area being the rolling drumlin topography typical of this region and native species hedgerows.

Site History:

R/2005/1517/RM Approx 170m south of Nutgrove Road & 360m west of junction with Buckshead Road

Proposed Dwelling

Permission granted - 09.11.2006

R/2002/0637/O Approx 170m South of Nutgrove Road & approx 360m West of junction with Buckshead Road,

Proposed dwelling .

Permission granted - 08.11.2002

R/2004/1752/O 180m South of 19 Nutgrove Road, Annadorn, Downpatrick

Private dwelling house.

Permission refused - 14.05.2007

R/2004/0495/O 240 metres South West of junction with Buckshead Road, Nutgrove Downpatrick
A dwelling

Permission refused - 11.02.2006

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 3: Access, Movement and Parking

Policies AMP 2 – Access to Public Roads and AMP 7 – Car Parking & Servicing Arrangements and DCAN 15 - Vehicular Access Standards set out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to vehicular access, servicing and parking requirements.

Planning Policy Statement 21: Sustainable Development in the Open Countryside

Policies CTY 1 – Development in the Countryside, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character of PPS -21; Sustainable Development in the Open Countryside set out the main considerations that the Council will take into account in assessing proposals for dwellings of this type and in this location. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Building on Tradition:

A Sustainable Design Guide for the Northern Ireland Countryside (April 2012)

Consultations:

No consultations were sought in respect of this proposal.

Objections & Representations:

1 No. neighbouring property within proximity to this site (No. 19 Nutgrove Road) was initially notified with regard to this proposal on 13.02.17 and re-notified again on 10.04.17 due to amended site address. This application was initially advertised in the local press on 22.02.17 and it was re-advertised again on 19.04.17 due to amended site address. To date no objections have been received. A representation was received from Mr Jim Shannon MP on 16.02.17 supporting this application and seeking an update on behalf of the applicant and a further representation was received from Councillor William Walker on 27.02.17 also in support of this application and seeking an update on behalf of the applicant.

Note: The site address of this application as originally submitted, advertised and neighbour notified was Approx 170m south of Nutgrove Road and 360m west of junction with Buckshead Road. This address was the same as originally approved outline planning application R/2002/0637/O and approved reserved matters application R/2005/1517/RM. However upon consideration this address was considered to be too vague and could have lead to confusion as to exact site location. The agent was requested to amend site address to refer to closest neighbouring property. The agent subsequently amended the P1 Application form with new address stated as: 250m South East of No.19 Nutgrove Road, Annadorn, Downpatrick and it was under this new address that this application was re-neighbour notified and re-advertised.

Consideration of the proposal:

This current proposal (LA07/2017/0175/F) was received by the Council on the 03rd of February 2017 and seeks to change the house design previously approved under R/2005/1517/RM and includes some re-sitting within the site and re-design and enlargement of proposed dwelling and additional large detached garage with first floor level over.

The principle of development has been established on this site under planning application reference number R/2002/0637/O and again more recently under planning application reference number R/2005/1517/RM. A single storey detached dwelling was approved on the 07th of November 2006 under application reference number R/2005/1517/RM. The effect of Condition 1 of this approval required the development to be begun by 07.11.08. Condition 2 of this approval required the vehicular access, including visibility splays be provided in accordance with the approved plans, prior to the commencement of any works or other development on the site.

It is noted that at date of site inspection (20.02.17) construction work in relation to the dwelling as originally approved had commenced. It was evident that an access lane had been created from the public road to the site. This access lane is located as per previous reserved matters approval and runs along existing mature hedgerow field boundary. This access to site comprises of a crushed stone base and is apportioned from adjacent large agricultural field by way timber post and stock proof fence.

The site of dwelling is within the corner of another larger agricultural field and this area has been demarcated by way of timber post and stock proof fence. Within this enclosed area the site has been stripped and levelled being largely excavated from sloping ground and foundations are in place. The

foundations as excavated (some of which have been filled with concrete) are in roughly in accordance with the layout and location of dwelling as originally approved. This change of house type application was received Newry, Mourne and Down District Council Planning Department on 03.02.17. Council records show that this site was inspected by Building Control on 05.02.2010 (post expiry date). The notes from this inspection state that no house or development as per submitted site plan, deemed reasonable to assume works not started.

Research of the site using GIS historical ortho-photography data shows that the site of dwelling to the North East corner of large field has not been commenced, neither being fenced off or excavated and remains in use as agricultural land on 05.10.2008 and remains in a similar state in 01.09.2010 and 01.07.2014 with no evidence of any excavations or foundations being in place. A letter was sent to the agent on 13.02.17 requesting that any supporting information and/ or evidence that may be in his possession demonstrating that the implementation of application reference number R/2005/1517/RM commenced on site before the expiry date (07.11.2008).

The agent subsequently submitted a letter dated 21.02.2017 stating that the previous approval R/2005/1517/RM remains extant with the development having commenced by way of the completion of the access road to the proposed dwelling site. The agent has attached images to this letter from Google street view dated October 2008 and it is contended that these images show the entrance to the site with new access road formed in accordance with permission R/2005/1517/RM.

It is the case officers opinion that these images do indeed show an access lane in place leading from the Nutgrove Road to the site of proposed dwelling and although this lane itself is as per previous approval the access arrangements at junction of lane and public road are not in accordance with the approved plans most notably the existing cattle crush still being in place whereby approved plans show that it is to be demolished thus allowing the entrance to be further to the L.H.S.

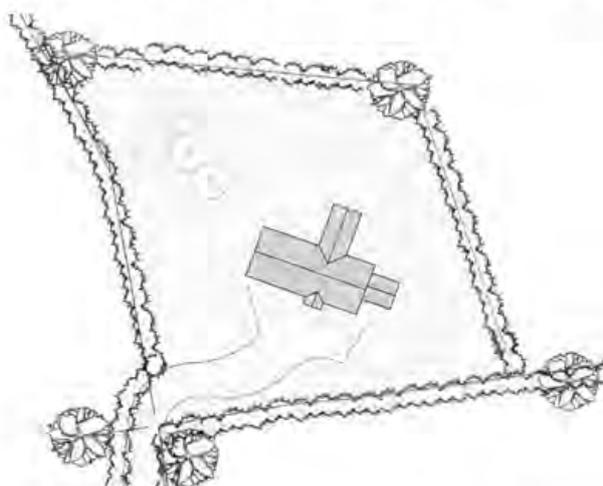


01.09.2010 - <http://nmdc.maps.arcgis.com/home/webmap/viewer.html>

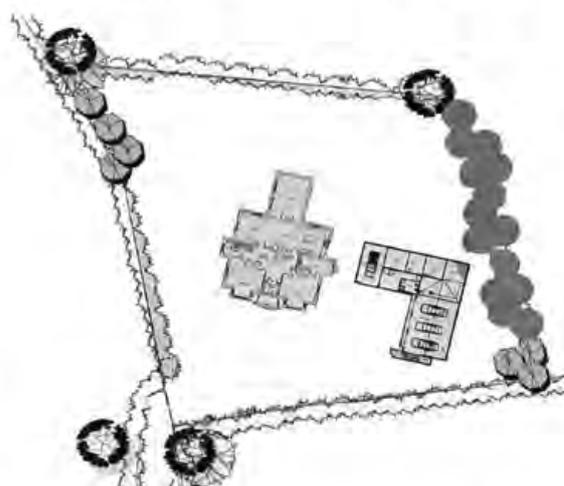
This information as submitted by the agent is not considered by this Department as verifiable proof that commencement of planning application reference number R/2005/1517/RM occurred before the expiry date of 07.11.2008. It is considered that the issue of commencement remains unproven. The applicant/agent has failed to adequately demonstrate the development approved under R/2005/1517/RM had commenced within the statutory time period in order to secure planning permission on this site. As a result the application fails to meet Policy CTY 1 of Planning Policy Statement 21 in that there are no overriding reasons for this development is essential in this rural location as the previous approval has expired.

Notwithstanding the issue of commencement this change of house type design (as proposed) is considered be an unduly prominent feature in the landscape and this is ensured by change in style from simple single storey bungalow to a two storey mansion with period features. The ridge height of dwelling will increase by 4.5m from previously approved height of 5.7m to proposed 10.2m, the footprint will increase by 56.0m and the internal floor area of dwelling will more than double. The scale, style and massing of dwelling is not considered to be in keeping with the site.

Combined with the proposed large detached L-shaped garage with first floor level over this change of house type application represents an increase of more than double the external footprint from what was previously approved on this site. The total internal floor area of garage and dwelling is 860m² compared to an internal floor area of 220m² as previously approved. Having considered the site and the surrounding context it is considered the design of the dwelling and garage as discussed above is inappropriate for the site and its locality and will have a greater impact visual impact when viewed from both the Buckshead and Nutgrove Roads than previously approved in this rural area.



Site Layout (as approved under R/2005/1517/RM)



Site Layout as proposed under this application



Front elevation (as approved under R/2005/1517/RM)

Summary:

Main Dwelling	Approved	Proposed	Increase/Decrease
Front/Rear elevations	24.1 m	19.0 m	-4.1 m
Side elevations	18.1 m	23.5 m	5.4 m
Main gable width	9.1 m	14.3 m	5.2 m
Height of main ridge*	5.7 m	10.2 m	4.5 m
Internal floor area **	220.3 m ²	468.0 m ²	247.7 m ²
External footprint	247.0 m ²	303.0 m ²	56.0 m ²

Garage	Approved	Proposed	Increase
Length	N/A	18.0 m	18.0 m
Width	N/A	18.0 m	18.0 m
Height of ridge*	N/A	6.0 m	6.0 m
Internal floor area **	N/A	392.0 m ²	392.0 m ²
External footprint	N/A	213.75 m ²	213.75 m ²

* Height of ridge above finished floor level.

** Combined internal area of both ground and first floor level.

It is also noted that the area of the site has increased significantly within this application. The previous application form gives the site area as being 0.35 hectares whereas this application states the site area to be 0.72 hectares. The red line site boundary has moved approximately 20m further west and 20m further south.



Front Elevation as proposed under this application

Recommendation:

After consideration of all relevant planning policies and other material considerations this proposal does not satisfy the requirements of the policy and the issue of commencement remains unproven and therefore it is recommended that it is refused permission.

Should the Planning Committee be minded to approve this application contrary to the officer’s recommendation, the Committee should be mindful that the commencement of previous approval is not the sole issue. The Planning Department have concerns in relation to the change of house type proposed and its integration into the landscape and associated impact on the rural character.

Signed: _____ Date:

Signed: _____ Date:

Refusal Reasons:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location as the previous approval has expired.

2. Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that the Planning authority require verifiable proof that the development previously approved under reference R/2005/1517/RM had commenced within the statutory time period, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

ITEM NO	32			
APPLIC NO	LA07/2017/0457/F	Full	DATE VALID	23/03/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry Mourne and Down DC Downshire Civic Centre Ardglass Road Downpatrick BT30 6GQ		AGENT	
LOCATION	750m East of House Hold Recycling Centre Bann Road Castlewellan			NA
PROPOSAL	Demolition of existing changing rooms pavilion and associated work. Replaced with a new changing room pavilion of similar nature			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0457/F

Date Received: 23.03.2017

Proposal: Demolition of existing changing rooms pavilion and associated work. Replaced with a new changing room pavilion of similar nature

Location: 750m East of House Hold Recycling Centre, Bann Road, Castlewellan.





The site is outside the settlement limits of Castlwellan.

Site Characteristics & Area Characteristics

The site shares its eastern boundary with the established residential development of Forest View Park which also defines the boundary of Castlwellan town. The site is within an established football pitch. The site is accessed from the Ban Road through an established access and internal lane that provides access to an informal car park area, football pitch and a single storey, flat roofed detached changing pavilion. Access to the pavilion is via a concrete ramp or steps.



Front elevation



Site elevation

To the rear of the building is the eastern boundary of the site which is shared with the properties of Forest Park View. The dwellings of No 14, 12, 11, 10, 9, 8 and 7 Forest Park View share their rear boundary with the site. This boundary varies in definition from hedges to fencing.

The red line of the site is confined to the access, the car park and the pavilion.

Site History:

R/2005/1188/F Granted

Erection Of Two No Prefabricated 2x15 Person Changing Facilities And Two No Prefabricated 2x20 Person Changing Facilities For Existing Sports Pitches With Associated Car Parking Facilities.

Bann Road, Castlewellan, BT31 9AA

R/2002/1095/F Granted

Proposed training pitches

Lands to north of Dublin Road (opposite no. 12 Dublin Road), Castlewellan, Co. Down.

R/2014/0245/F Granted

Erection of new 2.4. high security fencing to perimeter of existing playing pitch and warm up area. Installation of new floodlighting system and retrospective construction of 1no new ball catch net and 1no replacement ball catch new with associated site works.

Bann Road Playing fields Castlewellan

Planning Policies & Material Considerations:

The proposal is for a replacement changing pavilion. It will be assessed having consideration of the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 8 (PPS8) Open Space, Sport and Recreation.

Consultations:

Ni Water Ltd

No objections to the proposal and detailing information for the applicant.

Environmental Health Unit

No objections to the proposal in principle.

Objections & Representations

The site was advertised in Mourne Observer and Down Recorder on the 12th of April 2017.

A total of 9 Neighbours were notified.

No representations have been received.

Consideration and Assessment:

The site abuts the settlement limits of Castlewellan and is within a site that has an established use for outdoor recreation in form of a soccer pitch. The proposal will replace the existing changing pavilion with a new changing pavilion and ramp access.

The proposal will facilitate an existing use on this site. Policy OS3 refers to outdoor recreational use in the countryside and sets the criteria for consideration. The proposal will not result in any adverse impact on features of importance such as nature conservation, archaeology or built heritage, and no loss of agricultural land. The proposal will replace an existing changing pavilion within the same position on

site and would therefore there would be no adverse impact on the visual amenity or character of the local landscape. The site is well screened from the Dublin Road and from the Bann Road. The proposal will be readily absorbed into the landscape.

The neighbouring dwellings of Forest Park View about the site with Nos 7-12 and 14 share their rear boundary with the red line of the site. As the proposal will replace an existing facilitate with the same provision there would be no change to the impact on the neighbouring residential amenity in terms of noise or nuisance. Public safety would not be prejudiced and the proposal will make use of the existing access and car parking associated with the site.

The ramp access ensures the proposal takes account of the needs of people with disabilities. Due to the proposal being like for like there will be no extra traffic generated by the proposal.

The design, size, materials, finishes and scale of the proposed building reflects that of the existing changing pavilion.

It must be noted the existing changing pavilion was granted a temporary permission for 5 years. As the proposal will be a like for like development of plywood of a temporary build appearance, the conditions attached to the previous approval, R/2005/1188/F will be presented for consideration.

Recommendation:

Approval of listed building consent subject to conditions.

Refusal Reasons/ Conditions:

Conditions recommended by planning officer and consultees, can be subject to change:

The building hereby permitted, shall be removed and the land restored to its former condition within 5 years of the date of this permission.

REASON: This type of temporary accommodation is such that its permanent retention would harm the scenic quality and amenity of the landscape.

No construction to be made, trees planted or other obstruction made within

- 3m (or 1.5 times the depth whichever is greater) of sewers, OR
- 4m (or 1.5 times the depth whichever is greater) of watermains <350mm diameter or 8m of watermains of 350mm diameter or greater.

A diversion may be necessary. Consultation with NIW is required at an early design stage.

REASON: To prevent disturbance/ damage to existing sewers /watermains and in the interest of public safety.

Case Officer DATE

Appointed Officer DATE

ITEM NO	22			
APPLIC NO	LA07/2016/1660/LBC	Listed Buildi	DATE VALID	14/12/2016
COUNCIL OPINION	CONSENT			
APPLICANT	Newry, Mourne and Down Council Council Offices Monaghan Row Newry BT35 8DJ		AGENT	Kriterion Conservation Architects Hamilton House 3 Joy Street Belfast BT2 8LE 028 9024 3911
LOCATION	Newry Town Hall Bank Parade Newry BT34 1DQ			
PROPOSAL	Internal refurbishment works to Newry Town Hall: refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room,			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0



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**Newry, Mourne
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District Council

Application Reference:

LA07/2016/1660/LBC

Date Received:

14/12/2016

Proposal:

Internal refurbishment works to Newry Town Hall: including refurbishment of existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs.

Location:

Newry Town Hall, Bank Parade, Newry, BT34 1DQ

Site Characteristics & Area Characteristics:

Newry Town Hall which is located within Newry Conservation Area comprises a grade B listed two storey building with brick and granite dressings. Internally, the public rooms retain their high Victorian detailing. The building occupies a prominent location in the town and is unique in straddling a county boundary on the Armagh Down Bridge, which is grade A listed.



Site History:

P/2015/0028/LBC

External refurbishment works to Newry Town Hall: waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows, permission granted

<u>P/2006/2201/F</u>	Erection of bridge link between Town Hall and Arts Centre. Erection of staircase and enclosure to Town Hall. Remodelled facade and internal alterations to Arts Centre, permission granted
<u>LA07/2015/0476/F</u>	External refurbishment works to Newry Town Hall. Waterproofing of flat roof and of the inner parapet between the Auditorium and stage and repairs/refurbishment works to facades, including brickwork, stonework and windows, permission granted
<u>P/2006/2161/LB</u>	Proposed bridge link between Town Hall and Arts Centre. Proposed demolition of existing external staircases and erection of new staircases and enclosure, permission granted
<u>P/2005/1560/LB</u>	Roof repairs, permission granted
<u>P/2005/1559/F</u>	Roof Repairs, permission granted
<u>P/1992/1108</u>	Alterations and renovations to Town Hall, permission granted
<u>P/1992/1109</u>	Renovations and alterations to Town Hall (Listed Building Consent)

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS6 'Planning, Archaeology and the Built Heritage'

Consultations:

NI Water: No objections to this proposal, with conditions attached.

Historic Environment Division: In a consultation response dated 23 January 2017, HED: HB considered the proposal to satisfy Policy BH8 of PPS6 but that more information was required in order to carry out a full assessment of the proposal. The listed details were requested and received from the agent on 7th April 2017. A subsequent consultation was received from HED: HB on 28th April 2017, stating that HED are content, on the basis of the information provided that the Proposed satisfies Policy BH8 of PPS6 and Para 6.13 of PPS6 without conditions.

Objections & Representations:

Neighbour notifications are not applicable to this application. The application has been advertised in three local papers, with the statutory expiry date of 20/01/2017. No objections or representations have been received.

Consideration and Assessment:

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

There are a number of designations over this site as identified by the BNMAP 2015, namely; Newry City Centre (NY75), Newry Conservations Area (NYCA01), Local Landscape Policy Area (NY114) and lies close to an Newry Canal Area of Archaeological Potential (NYAAP01 /DOW046:500). In addition, the building itself and its curtilage are listed (HB16/28/018/B and HB16/28/018/A.)

As earlier described, this application proposes an internal refurbishment of the existing building to include works to the existing auditorium, stage and back of stage areas, removal of existing control room, installation of new control room to accommodate sound and lighting desks and installation of new light fittings and support rigs. As the works are internal, Planning Permission is not required though Listed Building Consent must still be obtained prior to carrying out any works, a requirement set out under Section 85 of the Planning Act (Northern Ireland) 2011.

Under Para 6.13 of the SPPS, works to a Listed Building may be permitted provide that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. PPS 6 'Planning, Archaeology and Built Heritage' is the primary policy under which to assess proposals involving Listed Buildings. Policy BH8 considers extension or alteration works to Listed Buildings. Consent will be granted for works to a Listed Building where:

- a) *The essential character of the building and its setting are retained and its features of special interest remain intact an unimpaired;*
- b) *The works proposed make use of traditional and/ or sympathetic building materials and techniques which match or are in keeping with those ground on the building; and*
- c) *The architectural details match or are in keeping with the building*

In their initial consultation response, HED: HB requested further information to carry out a full assessment of the proposal against the above criteria. This included the following details:

- Details of the proposed 'code compliant' start to replace part of the original stair – it is noted that this stair is not original and that proposed works will be carried out to provide uniform stair risers, which are currently at various heights. Ideally, only additional timbers will be included to provide this solution.
- Proposed infilling of holes left by the removal of speakers to the front dressings on either side of the stage is included in the works. Details of finishes were requested – The fluted timber surrounds as with the stairs are not original. The speakers are to be removed and a painted smooth timber panel will be installed as shown on revised Drawing 06REV1 bearing the date stamp 7 April 2017.
- Marble veneer overlays to painted mouldings above the stage were originally proposed. These are not considered to be sympathetic to the existing historic

fabric- A revised proposal has been received with the panels painted and the marble veneer overlays omitted as shown on revised Drawing 06REV1 bearing the date stamp 7 April 2017.

- Further details were requested as to what extent of the ceiling is to be made sound after the removal of existing moulded stars – a full investigation of the ceiling is proposed to be carried out at the early stages of the works to determine its condition. The extent of the new dry-lining will only be determined at this point.
- It is proposed to replace blackout film on some arched window top panes. Details of what these will look like externally in addition to whether the films will be easily removable was requested, with the view that blacking out all windows with blinds and/ or curtains would be more sympathetic to the Listed Building – In response, it has been confirmed that the existing film will be replaced to match the existing and shall be easily removed.

Following the receipt of drawing O6REV1 and the above information, I am satisfied together with the response from HED: HB that the proposal is compliant with criteria (a) to (c) of BH8 in addition to Para 6.13 of the SPPS. A condition will be added to this decision to ensure the agent liaises / updates Historic Buildings on all the above matters during the construction works on site, given that further investigations are required in terms of the ceiling and stair riser conditions.

Recommendation: Approval

Conditions:

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The agent / applicant must contact Historic Environment Division: Historic Buildings directly during the construction period following further investigation during construction in respect of the proposed alteration works to the stair risers and ceiling.

Reason: To ensure the proposed alteration works to the stair risers and ceiling protect the essential character of the building and are sympathetic with the existing materials found on the building.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	25			
APPLIC NO	LA07/2017/0103/F	Full	DATE VALID	24/01/2017
COUNCIL OPINION	APPROVAL			
APPLICANT	Newry, Mourne and Down Council Council Offices Greenbank Industrial Estate Newry BT34 2QU		AGENT	Estates Section Council Offices Greenbank Industrial Estate Newry BT34 2QU 028 3031 3031
LOCATION	Approximately 120m North of the courtyard buildings Slieve Gullion forest park 89 Drumintee Road Killeavy Newry BT35 8SW			
PROPOSAL	Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. (Amended Plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses		Signatures	
	0	0	0	0



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0103/F

Date Received: 06.12.16

Proposal: Amenity building to provide: an office for council forest/play park attendants; tourism office, public toilets and showers; store for 4WD utility vehicle, store. (Amended Plans)

Location: Approximately 120m North of the courtyard buildings, Slieve Gullion forest park, 89 Drumintee Road, Killeavy

Site Characteristics & Area Characteristics:

Site is located at Slieve Gullion Forest Park comprising of an existing car park adjacent and E of the play park.

Site History:

LA07/2017/0208/F - Chambre House, Slieve Gullion Forest Park, Drumintee Road Meigh, Newry. Refurbishment and extension to existing Chambre House with associated site works and car parking to create new Interpretive Centre for Slieve Gullion Forest Park. Current

P/2014/0811/LDP - Woodland Path approximately 1.4 Kilometres in length commencing at the south west corner of the car park at the Slieve Gullion Courtyard 89 Drumintee Road Killeavy. Addition to existing woodland path to include provision of educational art pieces and play pieces for children and information panels.

P/2012/0211/F - Slieve Gullion Forest Park, Newry. Proposed creative woodland project at Slieve Gullion Forest Park. Refused

P/2009/1304/F - Slieve Gullion Courtyard, 89 Drumintee Road, Killeavy. Erection of temporary playschool facility to accommodate increase of student numbers at existing youth training college. Approval

P/2008/1410/F160 metres south-west of 6 Wood Road, Killeavy, Newry. Creation of new play area on greenfield site to include a multi-use games area, an amphitheatre and childrens play area. Approved

P/2000/0349/F - Slieve Gullion Courtyard, 89 Dromintee Road, Killeavy, Newry. Change of use to form 2 No. additional apartment units (formerly management suite & part craft area) & extended restaurant area (formerly exhibition area). Approved

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015: Historic Park, Gardens and Demesne (Hawthorn Hill), Special Countryside Policy Area, AONB, Site of Local Nature Conservation Importance (SLNCl)

Policy and Other Material Considerations: SPPS, PPS2, PPS3, PPS6, PPS16, PPS21, DCAN 10, DCAN 11, DCAN 15 and Parking Standards

Development in the Countryside/ Tourist Amenities in the Countryside (SPPS, PPS16 and PPS21)

The policy provides a list of non-residential uses which may be deemed acceptable within the countryside; this includes provision for tourist development or a necessary community facility to serve the local rural population

Proposals include the erection of a building immediately beside existing play and car parking areas to facilitate tourist/ attendant's offices as well as public toilets which will be used in association with and sited within the grounds of the existing tourist attraction of Slieve Gullion.

Within the design and access statement (dated 24.01.17) justification for such proposals has been presented which outlines the requirements of such facilities as current arrangements are in adequate and cannot be facilitated within the existing courtyard buildings.

Overall the scale and nature of the proposal does not harm the rural character, landscape quality or environmental integrity of the local area, the building is sited and designed so as to integrate with the overall development and to ensure it does not adversely affect the setting and appearance of the listed building

AONB (SPPS and PPS2 – NH6)

NIEA natural heritage in comments dated 27.02.17 have raised no concerns.

The site of the proposed building is set within an existing car park of the Slieve Gullion Forest Park where views of the site are limited from areas of public access. Proposals have been modified from what was originally submitted - the building has been reduced in size and orientated to take advantage of natural site contours allowing better integration, there has also been a reduction in the roof line and changes to external finishes with the overall development in terms siting, design and scale sympathetic to the special character of the AONB and takes into account its setting within the vicinity of the listed building and will not detract from it.

Impact to Areas of Special Protection

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.

Access/ Parking (PPS3, Parking Standards and DCAN 15)

Transport NI comments have raised concern the loss of parking and the potential for parking on the public road. Whilst initially proposals will cause some loss of parking the Council are actively pursuing alternative car parking arrangements throughout the park and this shortfall will be later compensated in future plans. Should users park on the public road this is outside the remit of the Planning Authority to control with law enforcement responsible for such issues.

Archaeology and Built Heritage (SPPS and PPS6)

HED: Monuments have raised no concerns.

HED: buildings - whilst it is considered that the linear form has potential to better integrate, concern has been raised with regard to the height and finishes which can be overcome through an amended design which is appropriate to the forest setting and has limited impact on the setting of the adjacent listed buildings.

Special Countryside Policy Area (SCA)

Development within an SCA is only granted in exceptional circumstances. In this particular case the proposed development will amalgamate with existing development within the immediate vicinity of the site. The proposed building has been sympathetically designed to ensure there is no direct impact to natural heritage and is appropriately designed to take account of and to ensure there is no harm to built heritage interests.

Consultations:

HED (10.04.17):

Archaeology/ Built Heritage - Proposal fails to satisfy Policy BH11 of PPS6 as it would have an adverse impact on the listed building

Historic Monuments - Content that the proposal is satisfactory to SPPS and PPS6

Transport NI (22.03.17) - Comments dated 27.02.17 still apply. Concern regarding loss of parking proposals have potential for parking on a public road, TAF to be submitted

NIEA (27.02.17) Drainage and Water - Content subject to conditions

Natural Heritage - Basis of information. No concerns

SES (22.02.17) - Not likely to have a significant effect on the features of any European site

Environmental Health (02.02.17) - No objection

Objections & Representations

4 neighbour notifications

Advertised February 2017

Re Advertised May 2017 due to change of proposals

No objections received

Consideration and Assessment:

Overall amended plans are acceptable and can be readily absorbed into the landscape without adverse consequence with amendments addressing HED concerns. Whilst there will be some loss of car parking in the short term the Council are nevertheless actively pursuing alternative car parking throughout the park and will be later compensated in future plans.

Recommendation:

Approval

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Case Officer

Authorised Officer

ITEM NO	37			
APPLIC NO	R/2014/0591/F	Full	DATE VALID	31/10/2014
COUNCIL OPINION	APPROVAL			
APPLICANT	Kiernan Farms Tradings as Corbally 75 Downpatrick Road Killyleagh BT30 9TZ		AGENT	Robert Farnham & Associates Ltd 2nd Floor Dufferin Avenue Bangor BT20 3AA 02891450111
LOCATION	75 Downpatrick Road Mullagh Killyleagh BT30 9TZ			
PROPOSAL	Completion of building nos 4B and 11 along with construction of tank 16. Completion of feed mixing room, farm offices and new access from Shanes Road.			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0
	Addresses		Signatures	
	0	0	0	0



Comhairle Ceantair an Iúir, Mhúrn agus an Dúin

Newry, Mourne and Down District Council

Application Reference: R/2014/0591/F

Date Received: 31.10.2014

Proposal: The application is for full planning permission for Completion of building nos 4B and 11 along with construction of tank 16. Completion of feed mixing room, farm offices and new access from Shanes Road.

Location: The application site is located outside the settlement limit in the open countryside as designated in the Ards and Down Area Plan 2015. The site is located outside the AONB, the boundary of which is approx. 100m towards the Downpatrick Road.



site location





view from Downpatrick Road



Entrance to site from Shanes Road



View from Shanes Road



View from site



View from Shanes Road



View from Tullylinlough Road

Site Characteristics & Area Characteristics:

The proposed site is located at 75 Downpatrick Road which accommodates a two storey dwelling and a number of large agricultural buildings. The site is accessed via an existing access onto Downpatrick Road which is a Protected route. The application site is set back from this road approx. 120m on land which is gradually rising. The site is also accessed via an existing unauthorised laneway from Shanes Road, approx. 280m south of 29 Shanes Road. There are a number of sheds on the site which are partially constructed and are subject to this application. The area is

rural in character and is characterised by single dwellings in the countryside. An existing pig farm is already in operation at the site.

Site History:

R/2006/0489/F 75 Downpatrick Road, With Access Off Shanes Road, Killyleagh (Amended Address). Partial Refurbishment Of Existing Piggery With Additional Buildings (Pig Houses), Ancillary Offices And New Access Off Shanes Road (Additional Information & Plan) Permission Refused 11.11.2014

R/1973/0182 Tullykin, Corbally And Commons, Killyleagh. 11kv Overhead Line Permission Granted

R/2006/0095CA 75 Downpatrick Road, Killyleagh, Co. Down Operational Devt Receipt Of Planning Application

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 2, PPS 3 and PPS 21.

Consultations:

NI water strategic – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA IPRCI – The applicant will be required to apply for and obtain a variation to the Pollution Prevention and Control (PPC) permit (P0183/07A) prior to commencing the proposed alterations on the site

NIEA - Natural Environment Division – no objection subject to conditions

DAERA (formerly DARD) – no objection- this is a large established pig farm (for more than 6 years) which does not require a DEARA No. The farm has a pig holding number.

SES (Shared Environmental Services) – no objections subject to conditions

Rivers Agency – no objections

Objections & Representations

In line with statutory requirements eight neighbours have been notified on 22.09.2015 and again with amended plans on 27.10.2016. Six letters of objection

have been received in relation to the application. The application was advertised in the Mourne Observer and the Down Recorder on 17.02.2016.

The application was also subject to EIA advertisement which occurred in the two above papers 4th January 2017.

The objections raised in the letters of objection vary from each objection but the following is a general analysis of the issues involved and the concerns highlighted by the objectors.

-Road safety – local infrastructure not sufficient to deal with the traffic associated with this proposal.

Pig and slurry odour

Air quality and pollution – application will extenuate the problem

Impact on local tourist amenities due to foul smells

Visual eyesore

Noise pollution from sows and piglet litters

Data supplied by applicant does not take into account local weather anomalies

Background

The applicant's proposals include the construction of two sheds for the rearing of pigs (houses 4B and 11) and the construction of a slurry store – the base for these sheds is already in place. The proposed development is for pig housing which will result in a site with a capacity of 2000 sows and 1200 pigs. The agent has clarified that the proposal is not an expansion (in relation to many of the objections) but they are reducing the quantity of pork produced on site by aiming for an extra 800 sows but removing 3000 finishing pigs.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

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

PPS 2

Policy NH 1 - European and Ramsar Sites - International

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 not 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
- a listed or proposed Ramsar Site

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives. Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

The application site is within 7.5 km of Strangford Lough SAC/SPA, Strangford Lough ASSI, Strangford Lough ASSI, Quoile ASSI, Turmennan SAC/ASSI, Heron and Carrigullian Loughs ASSI, Tullyratty ASSI, Carrowcarlin ASSI, Lecale Fens SAC and Loughmoney ASSI which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

An amended Air Quality Assessment (dated 26 February 2016) was carried out by Marshall Day Acoustics in support of the application. Details were provided of the modelled ammonia concentration i.e. the Process Contribution (PC) from the proposal at the following ecologically sensitive locations/designated sites which are within 7.5km of the proposal; Strangford Lough SAC/SPA, Strangford Lough ASSI (Pt 2), Strangford Lough ASSI (Pt 3), Quoile ASSI, Turmennan ASSI/SAC, Heron and Carrigullian Loughs ASSI, Tullyratty ASSI, Carrowcarlin ASSI, Lecale Fens SAC, Loughmoney ASSI. For each of these sites the Process Contribution has been calculated as <1%. Concentrations below 1% are viewed as unlikely as having a significant effect on sensitive environmental receptors.

NIEA PPC Regulation team undertook ADMS modelling to assess the impact from landspreading of slurry from the farm on the aforementioned designated sites. The

modelling concluded that beyond a distance of 500m from any of the designated sites the impacts of land spreading was insignificant. Written confirmation has been received from the agent Robert Farnham & Associates Ltd and Mike Bell (Manager of Kiernan Farms – Corbally) that no slurry from the farm will be spread on lands within 500m of any of the designated sites. Providing slurry spreading is not undertaken within 500m of any of the designated sites, and pig numbers within House No. 4B and No. 11 remain the same as stated within the Air Quality Assessment, NED is content with the proposal.

In addition this planning application was therefore 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 Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. Having considered the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

Thus 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. Mitigation should be included through conditions.

PPS 21 – CTY 12

The SPSS states in relation to Agriculture and forestry development provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only be acceptable in exceptional circumstances. Policy CTY 1 of PPS 21 identifies a range of types of development in the countryside that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

In terms of CTY 12, planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that a number of criteria need to be met.

DAERA have been consulted regarding the application and while the applicants do not have a DAERA business number, this has been described by DAERA as a large

established pig farm which does not require a DAERA No. The farm has a pig holding number. The building is used to house pigs, whilst the tank holds the slurry produced by the pigs until it can be spread on fields. I consider that the building and tank are requisite for the efficient use of the agricultural holding and therefore satisfy criterion 2. I am therefore content that the proposal meets the criteria in terms of being active and established and would meet criteria (a) of CTY 12.

The application involves the completion of buildings where development has already commenced on site. It also involves the creation of an access onto Shanes Road.

(b) character and scale it is appropriate to its location, and (c) it visually integrates into the local landscape and additional landscaping is provided as necessary. In terms of this criteria, there is already an existing pig holding at the site. The buildings that permission is being sought for have already commenced on site. Tank 16 is set on land that is currently lower than the existing holding in situ, however, given the long distance views of the existing holding, these buildings yet to be completed will all be read against the backdrop of the existing buildings that are there. In my opinion the visual impact will not be any greater than what currently exists at the holding.

(d) it will not have an adverse impact on the natural or built heritage – NED have been consulted regarding the proposal and in terms of the natural heritage are content with the proposal.

(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 terms of this aspect of the policy, Environmental Health were consulted as part of the application, however, the Northern Ireland Environment Agency (NIEA) are responsible for permitting this process under the current Pollution Prevention and Control (PPC) regime; therefore conditions for the control of odour and noise should be contained within any such permit granted by the NIEA.

The existing farm is already subject to the PP and C Regulations and already has a permit. The applicant in his supporting statement needs to alter this licence so that current regulations are met. The applicant has already submitted an application to the Inspectorate for a PPC variation and the Inspectorate is currently in the process of determining this application (May 2017). Before the Inspectorate issues a PPC Permit Variation, they need to be satisfied that the proposal will not increase the potential environmental impacts from the site. This will need to include, (a) impacts of odour, ammonia and dust emissions on sensitive local receptors, (b) utilisation of manures produced from the proposed installation.

The ventilation system in the new houses will be on/off high speed roof fans. The information submitted by the applicant states that they intend to increase the number of sows on the installation by 730, from the current number of 970 to 1700, and to

remove the finishers from the site at 30 Kgs live weight (there are currently up to 3000 pigs over 30 Kgs on the installation). The applicant also states that the ventilation systems in all the current houses will be converted from either naturally ventilated or variable speed fans to an on/off high speed roof fan system. The applicant states that increasing the number of sows and removing the finishers off the site will reduce the overall emissions of ammonia and odour from the installation by approximately 25%, based on standard odour emission factors. In addition, the pig houses which are closest to the nearest third party dwelling (houses 1, 2 and 3) are currently used for the rearing of 2625 finishers. The applicant's proposal is to replace these finishers with 834 pigs (a mixture of sows or weaners). This change should result in approximately an 80% reduction in the odour emissions from these houses, based on standard odour emission factors.

The proposed changes to the ventilation system in the existing pig houses, to an on/off roof fan ventilation system, will provide for better dispersion of emissions from the housing. Therefore, reduce the potential impact on the occupants of third party dwellings in the locality, particularly on those dwellings closest to the farm (the closest third party dwelling is located 40m south east of the farm No 71 Downpatrick Road, which is outside the ownership of the applicant). In addition the slurry will be centrally stored in the new sealed slurry store by removing slurry by pipeline from the individual houses which has the benefit of reducing emissions.

In terms of noise, the objector at No 71 Downpatrick Road has referred to the noise, not only from traffic and deliveries but also an increase in ambient noise from feeding and handling requirements. NIEA-IPRI were consulted regarding this issue of noise from the proposed installation. In NIEA-IPRI's experience complaints about noise from pig farms often arise as a result of finished pigs being loaded for transport to the factory. This activity is often done early in the morning in order to meet the required factory delivery times. On the existing farm the only loading bay is located in close proximity to a third party dwelling. The applicant's proposals include the construction of 2 additional loading bays, located adjacent to building number 5 and some distance from any third party dwellings. The majority of pig movements will be via these loading bays. The applicant also proposes changing the farm to a breeder unit so the pigs will be moved to other farms for finishing (at less than 30 Kgs). As there will no longer be a requirement to meet factory delivery times pig movements can be done at more sociable hours.

PPS 3 – Access movement and parking

The application has been assessed by Transport NI who offer no objections to the proposal.

On balance I am therefore content that the proposal would not have an impact on the amenity of any dwelling or other non-residential development outside the holding, in excess of that resulting from the existing buildings and operations. The submission on behalf of the applicant states that in theory the proposal would be more likely to

result in some environmental benefit. Thus sufficient evidence exists to demonstrate that the proposal does not offend against policy CTY 12 criterion (e).

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that the proposal represents an acceptable use in this countryside location given the weight attached to the history on the site. Cognisance must be given to the current use on the site which is deemed to be acceptable. The statutory consultees have indicated their contentment. The proposal will be controlled by licence under a separate body and by planning conditions.

I would recommend approval.

Recommendation:

Approval

Conditions:

1. As required by Section 61 of the Planning (Northern Ireland) Act 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Site Plan, Drawing No R/2014/0591/03, bearing the date stamp 31 October 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. Slurry generated from the farm must not be spread on lands within 500m of any of the following designated sites; Strangford Lough SAC/SPA, Strangford

Lough ASSI (Pt 2), Strangford Lough ASSI (Pt 3), Quoile ASSI, Turmennan SAC, Heron and Carrigullian Loughs ASSI, Tullyratty ASI, Carrowcarlin ASSI, Lecale Fens SAC and Loughmoney ASSI.

Reason: In the interests of public safety

5. The number of pig places within House No. 4B must not exceed 630 (Dry sows), as per the amended Air Quality Assessment (dated 26 February 2016) carried out by Marshall Day Acoustics.

Reason: To safeguard the amenity of residents in the area.

6. The number of pig places within House No. 11 must not exceed 1,300 (Weaners), as per the amended Air Quality Assessment (dated 26 February 2016) carried out by Marshall Day Acoustics.

Reason: To safeguard the amenity of residents in the area.

7. No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and those times.

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

8. 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.

Case Officer Signature

Date

Appointed Officer Signature

Date

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

Council Newry, Mourne and Down

Date 24/05/2017

ITEM NO	1				
APPLIC NO	LA07/2015/0150/O	Outline	DATE VALID	15/04/2015	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr Clark McCourt 30 Drumbanagher Road Pontyzpass Newry BT35 6SR		AGENT		
					NA
LOCATION	Lands 30m North East of No 32 Cullentragh Road Jerrettspass Newry.				
PROPOSAL	Dwelling and garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	1	0	0	0	
			Addresses	Signatures	Addresses
			0	0	0
					Signatures
					0

1 The proposal is contrary to the SPPS and 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 farm business is currently active;

the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;

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;

verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
- the proposed building is a prominent feature in the landscape;
 - the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings;
 - the proposed 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 The proposal is contrary to the SPPS and 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;
 - the (building) would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the (building) would, if permitted not respect the traditional pattern of settlement exhibited in that area;
- and would therefore result in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0150/O

Date Received: 15.04.2015

Proposal: Dwelling and garage

**Location: Lands 30m North East of No 32 Cullentragh Road, Jerrettspass
Newry.**

Site Characteristics & Area Characteristics:

The site is located at the junction between the Drunbanagher Road and Cullentragh Road. The site covers a large area of agricultural land which rises from the Cullentragh Road in a north westerly direction. The boundary along the Cullentragh of the site is defined by post and wire fencing with a semi mature hedge planted to the inside. The boundary running parallel to the Drumbanagher Road is also defined with a post and wire fence with a section of the boundary planted out with a semi mature hedge. The rear boundary is defined by a mature hedge and the boundary with no. 32 Cullentragh Road is defined by a post and wire fence with a semi mature hedge planted to the side of the dwelling.

Site History:

P/2003/0103/O- site for dwelling and garage- refusal- 8th Jan 2004

Mrs D Mc Court

Reasons for refusal:

- Suitable degree of enclosure, lack boundaries*
- Build up*
- Creation of Ribbon development*

P/2012/0407/O- erection of a dwelling and garage- refusal- 18th April 2013

Mr Clark McCourt

Reasons for refusal:

- CTY 1 & CTY 10 not demonstrated that the farm business is currently active and established for at least 6 yrs.*
- New building not visually linked or sited cluster with established grp of buildings on farm*
- Health and safety reasons exist to justify alternative site*

- CTY 13- lack of boundaries, prominent, relies on new landscaping, ancillary works do not integrate, visual linkage/.cluster with farm buildings
- CTY 14- unduly prominent, build up and ancillary works

Planning Policies & Material Considerations:

*The Strategic Planning Policy Statement (SPPS)
The Banbridge/Newry and Mourne Area Plan 2015
Planning Policy Statement 21
Planning Policy Statement 6*

The site is located within the rural countryside area as defined in the Banbridge Newry and Mourne Area Plan 2015. North and North East of the site lies Drumbanagher Historic Park, Gardens and Demesne.

Consultations:

*DARDNI- see report below
NIEA HMU- content with proposal
NIEA HBU- content subject to conditions
NIEA WMU- content subject to conditions and informs
TransportNI- RS1 2.4x60m splays
EH- condition to discharge*

Objections & Representations

*No. of neighbours notified= 3
Advertised= 27.04.2015
No. of representations received= 1*

Consideration and Assessment:

*The applicant has supplied the following information on the P1 C form:
The applicant and owner of the farm holding is Mr Clark McCourt and he resides at the same address that the business is registered to, 30 Drumbanagher Road, Poyntzpass.
The farm was established on the 23rd Feb 2010 and that he has a category 3 DARD business number (653300 allocated 23/2/2010 and that he does not make a single farm payment return to DARD).
The applicant has submitted a 2005 farm map registered to a Dennis McCourt (applicant's father) and contains 5.86 hectares of land. This map is addressed to 153 Tandragee Road, now referred to as 36 Ash tree Hill. This address change occurred took place 1986. Having contact DARD they have confirmed that the 2005 map was not a farm business map and that Mr Dennis Mc Court never held a farm business id only a customer no with DARD. The 2005 map was produced by DARD at the*

introduction of the SFP scheme to give the registered owner of the lands the opportunity to make a claim. No claim was ever made on the lands. The additional maps supplied by the applicant which are not dated indicate a holding of 5.33 hectares. The lands identified in the additional maps would correlate with the lands contained within the 2005 map but no evidence has been submitted to confirm ownership or that the applicant activity farms these lands. The applicant has stated that he only owns field 5 and all other lands are lease.

It is noted that new 3 dwellings now existing on the lands from that shown on the 2005 farm map.

Field no. 6- No 30 Drumbanagher Road, Mrs Denise McCourt- P/2003/2387/F

Field no. 5- No. 32 Cullentragh Road, Mr P Murphy- P/2002/2331/RM

Field no. 3- No. 29 Tunnell Road, Mr N Mc Court- P/2000/1615/F

The Council requested evidence to confirm that the above list of application sites have not been sold off from the farm holding. In response to the request the applicant supplied a letter which was previously supplied by the planning agent for application ref: P/2012/0407. The letter states that the site within Field no. 3 (Mr N McCourt) is owned by his brother and the lands still remain within the holding. Additional to this a utility bill dated 14th Nov 2012 was lodged for this property registered to Mr N McCourt.

In this letter the agent refers to the site within field no. 5 (no. 32 Cullentragh Road) as being occupied by the applicant's mother and still remains within the holding. No additional evidence has been provided to confirm this.

In relation to the site within field no. 6 (no. 30 Drumbanagher Road) the agent refers to the dwelling being occupied by the applicant's first cousin and that it still remains within the holding. The additional information, utility bill dated Sept 2012 is addressed to Mrs D McCourt at no. 30 Drumbanagher Road. It is has been noted within the history application the applicant stated that this site was occupied by the applicant Clark McCourt's mother.

It would appear that the information supplied by the applicant is incorrect. Having completed a recent land registry check of the 3 opportunities listed above it would appear that:

Field no.6- No 30 Drumbanagher Road was registered to Denise McCourt on the 10th May 2005.

Field no. 5- No 32 Cullentragh Road was registered to Peter Dominic Murphy on the 6th May 2003.

Field no. 3- No. 29 Tunnell Road is registered to a Neill McCourt of 36 Ashtree Hill on 2nd Nov 2001.

It would not appear that the opportunities listed have been transferred since the introduction of this policy.

From the information provided on the P1C form and the comments from the consultation with DARD the Council can ascertain that the farm business Id (Cat 3) has been established for more than 6 years.

However the applicant does not claim any subsidies and has indicated that out of the 7 fields highlighted 6 are in lease and only one is owned. The Council requested that

the applicant provide evidence to prove active farming over a 6 yr period. In response to this the applicant has supplied confirmation of a herd no. allocated in Feb 2010. Inspection record from Food standards agency dated 2/3/16 indicated that the applicant had no feed or medicine records for the animals. Movement document for sheep and goats for 10 no. animals on 28/11/14. The applicant also provided an invoice for ewe breeder nuts dated 2/3/16.

Following a meeting with the Snr officer, the applicant submitted further invoices.

7 invoices- South Armagh Farming Enterprises of which £236 was for ewe nuts. No name or address has been attached to the invoices. Dating from Jan 2016-May 2016.

17 invoices- South Armagh Farming Enterprises for a range of goods including, brushes, compost, sewer pipe, rope, weedkiller, CBO & Gas oil, cement and other items. The invoices are addressed to Clark McCourt of 36 Ashtree Hill (153 Tandragee Road). Dating from Sept 15 – Aug 2016 and 1 for oil on the 14/11/12.

1 invoice- Kingsmill Farm Supplies showing the sale of ewe/lamb meal to Clark McCourt of 30 Drumbanagher Road between 2014 and 2015.

3 invoices have been provided addressed to Mr C McCourt, Drumbanagher Road from J.S Agric- contractor. The invoices dated 2002 & 2003 with the date on one missing. The invoice dated 19th July 2002 was for; mowing the land at Drumbanagher and hay turning and baling. Invoice dated 25th Sept 2003 was for vehicle parts and repairs to a tractor, manure spreading and silage rolling. The third invoice (no date) was for sowing of fertilizer and rolling silage field, repair gates and bush wack hedges.

Although the applicant clearly has 10 sheep within his herd since 28th Nov 2014 the information provided does not demonstrate that the applicant has been actively farming the lands over a continuous 6 year period.

The dwelling is proposed to be sited in an agricultural field south east of no. 30 Drumbanagher Road. It is noted the business is registered to this address but correspondence from DARD upon allocation of the business Id and herd no. was issued to Mr Clark McCourt, 36 Ash tree Hill, Jerrettspass.

The applicants father resides at 36 Ashtree Hill and DARD have confirmed that Category 3 business exists at this address issued to a Ryan McCourt in March 2015 There is a dwelling house and outbuildings located at this address. The applicant has not confirmed that these buildings are not part of the business or presented any health and safety reasons or that verifiable plans exist to expand the farm business at 36 Ash tree Hill in that a dwelling could not be accommodated at this location. It was also noted a large shed has been recently erected at this location without the benefit of planning approval.

From inspection of the proposed site there is small hut of a temporary construction sited along the north east boundary. In an objection letter the objector has stated that a makeshift shed was put up temporarily to justify farming activity on the site. This hut has been erected without the benefit of planning permission. The Council acknowledge that the applicant transferred 10 no. sheep/goat to 30 Drumbanagher Road on the 28/11/14. However, it was noted at the time of inspection that a no. of

Shetland ponies were grazing on the site. The site will visually link with no. 30 Drumbanagher Road, for the purposes of the policy the site is not visually linked or sited to cluster with an established group of buildings on the farm. It has not been demonstrated that 32 Cullentragh Road is actively involved in the farm business.

The site is located at the junction between Drumbanagher Road and Cullentragh Road. The site is quite large and exposed and is unable to provide a suitable degree of enclosure for a dwelling to integrate. In order to enable a dwelling to successfully integrate and to define a reduced curtilage in line with recommended siting by Historic Buildings Unit, the proposal will rely heavily on the use of new landscaping. The proposed access from the Cullentragh Road will require 2.4x60 metres visibility splays. This will remove the roadside hedging therefore further exposing the site. As previously stated the proposal is not visually linked or sited to cluster with an established group of buildings on a farm.

Given the lack of established boundaries the proposal will be unduly prominent in the landscape.

Having considered the proposal cumulatively with the existing buildings and their ancillary features I am of the opinion that a dwelling on this site will result in a build up of development which will be detrimental to the rural character of the area when viewed travelling along the Drumbanagher and Cullentragh Roads.

The proposal is considered contrary to CTY 13 & CTY 14.

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has indicated within the application form their intention to install a septic tank as a method of sewage disposal. If the principle of development is to be accepted a negative condition to be attached to the decision regarding consent approval prior to commencement.

Recommendation:

refusal

Refusal Reasons/ Conditions:

The proposal is contrary to the SPPS and 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 farm business is currently active;

the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;

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;

Verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed building is a prominent feature in the landscape;

the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the proposed building relies primarily on the use of new landscaping for integration;

the ancillary works do not integrate with their surroundings;

the proposed 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.

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;

the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

the building would, if permitted not respect the traditional pattern of settlement exhibited in that area;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



PLANNING SUPPORTING STATEMENT

Proposal: Site for farm dwelling and garage

Site Location: Lands 30 metres north-east of no. 32 Cullentragh Road, Jerrettspass, Newry

Applicant: Clark McCourt

Planning application reference: LA07/2015/0150/F

Reasons for refusal (in summary):

(1) Contrary to SPPS and CTY10 of PPS21

The planning report sets out that the following issues apply:

- no details exist to clarify that the farm business is currently active;
- it has not been demonstrated that no other dwellings/development opportunities have not been sold off from the farm holding within the preceding 10 years;
- 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;
- it has not been demonstrated that health and safety reasons exist to justify an alternative site ;
- verifiable plans have not been demonstrated to expand the farm business to justify an alternative site.

On review of the submitted reasons for refusal above, we highlight for the Council that errors have been made in the planning officer's assessment of the facts relating to this case. Specifically;

- the farm business is currently active and clarification has been provided by the Department of Agriculture that the farm business is active for in excess of six years at this date;
- PPS21 sets out under section 5.39 "*Agricultural activity*" refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping of animals for farming purposes, or maintaining the land in good agricultural and environmental condition". We submit the applicant meets this policy test given his existing animals and maintaining the land in good agricultural and environmental condition. However, this has been alluded to by the planning officer.
- the applicant resides with his mother at no. 30 Drumbanagher Road; the subject site is the only lands available within the farm holding; there are no other farm buildings within the land-holding other than within the subject site.
- the planning officer report concludes incorrectly regarding the applicant's address; this misunderstanding of the applicant's address has led the planning officer to conclude that development opportunities/other dwellings are associated with the farm. The applicant has legal evidence to demonstrate there are no other development opportunities/other dwellings associated with the farm.
- there is an existing farm building within the subject site (however this is alluded to given the reason for refusal);
- an alternative site is not being sought to locate 'away' from the farm buildings; the third and fourth sub-points in the refusal reason are therefore incorrect.

(2)Refusal reason no. 2 sets out as follows:

- the proposed building is a prominent feature in the landscape;
- the proposed site lacks long established boundaries;
- the proposed building relies primarily on the use of new landscaping for integration;
- the ancillary works do not integrate with their surroundings;
- the proposed dwelling is not visually linked or sited to cluster with an established group of farm buildings.

We submit the reasons for refusal are incorrect on a number of grounds;

- The application is 'outline' and no proposed buildings are included in the application documents; for the refusal reason to state 'the proposed building is prominent' has no basis as there are no plans to assess;
- The site is defined to all sides by existing established boundaries;
- Boundaries to three sides of the site can be retained in entirety; with only a section of a roadside hedge required to be removed for access splays;
- No ancillary works are proposed in the application documents; there are no plans to assess in respect of 'ancillary works' as quoted by the planning officer;
- The proposed dwelling is within the same field as an existing farm building.

(3)Refusal reason no. 3 sets out as follows:

- The building would, if permitted, be unduly prominent in the landscape;
- The building would , if permitted, result in suburban style build-up of development;
- The building would not respect the traditional pattern of settlement exhibited in the area;

We submit the third reason for refusal is incorrect on a number of grounds;

- The application is 'outline' and no proposed buildings are included in the application documents; for the refusal reason to state 'the proposed building is prominent' has no basis as there are no plans to assess;
- The site is a roadside field comparable to established building precedents adjacent to the site; it is therefore in keeping with the existing pattern of settlement at this locality.

Having regard to the details set out in this supporting statement we request the Councillors recommend that application LA07/2015/0150/F be deferred for an office meeting to facilitate due and proper consideration of relevant details relating to this case.

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

ITEM NO	3			
APPLIC NO	LA07/2015/0196/F	Full	DATE VALID	27/04/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr A McParland	C/O Agent	AGENT	O'Hare Associates Architectural Consultants Ltd The Masters House Abbey Yard Newry BT34 2EG

LOCATION Adjacent to 22 Erskine Street
Newry

PROPOSAL Demolition of existing garage and provision of new town house

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	0	3	0	0	0	0	0	0
			Addresses Signatures		Addresses Signatures			
	0	0	0	0	0	0	0	0

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the development would, if permitted, result in overdevelopment of the site, which is too restricted to permit the erection of a residential unit of reasonable design and dimensions.
- 2 The proposed development is contrary to Policy LC1 of the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas in that the development does not meet the minimum space standards set out in Annex A.
- 3 The proposed development is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Planning Control Principle 1 of Planning Policy Statement 12: Housing in Settlements in that the development would erode local character, environmental quality and residential amenity by trying to fit a two-storey dwelling house into a plot that is not big enough to accommodate such a development, and would result in town-cramming.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0196/F

Date Received: 27th April 2015

Proposal: The proposal involves the demolition of an existing garage and enclosed yard area and the provision of new two storey town house.

Location: The proposed site is located adjacent to number 22 Erskine Street, Newry.

Site Characteristics & Area Characteristics:

The site consists of an existing single storey garage and enclosed yard area. The footprint of the site is trapezoid. The existing garage is 4.8m long, 4.6m wide and has a pitched roof with a ridge height of 3.8m. The garage is in a poor state of repair. The roof is partially covered in tin with the remainder lying open to the elements. The yard area to the rear is enclosed by a 2.6m wall. The yard area is 10.8m² when measured externally.

The site is located at the end of a terrace of dwellings at Erskine Street. The surrounding area is heavily built up with a high number of terraced dwellings. The site falls within the settlement development limits of Newry as designated in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

P/2005/1001/F: Erection of town-house on land adjacent to 22 Erskine Street, Newry – Refused.

Refusal Reasons: The proposed development is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and Policy DES2 of the Department's Planning Strategy for Rural Northern Ireland in that it would, if permitted, result in over development of the site, which is too restricted to permit the erection of a residential unit of reasonable design and dimensions and with adequate amenity space for the intended occupants.

Planning Policies & Material Considerations:

- The Northern Ireland Regional Development Strategy 2035 (RDS)
- The Banbridge, Newry and Mourne Area Plan 2015;
- A Planning Strategy for Rural Northern Ireland;
- The Strategic Planning Policy Statement for Northern Ireland (SPPS) - This policy provides overall context under which the Council will determine planning applications.
- Planning Policy Statement 3 – Access, Movement and Parking
- PPS 7: Quality Residential Environments
- PPS 7: Addendum: Safeguarding the Character of Established Residential Areas
- Planning Policy Statement 12 - Housing in Settlements

Consultations:

Env Health:	No objections.
NIEA HMU:	Content with the proposal.
NIEA WMU:	Content with the proposal subject to conditions.
TransportNI:	No objections provided there are no on-street parking requirements.

Objections & Representations

7 neighbour notification letters were issued and the application was advertised in the local press the week beginning 11th May 2015. One notification letter was returned by Royal Mail as the address was inaccessible (No. 22 Erskine Street). At the time of site inspection the dwelling did not appear to be occupied and there was a timber board over part of the front ground floor window.

Consideration and Assessment:

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The SPPS sets out core planning principles to be employed in the quest to achieve sustainable development and sets out criteria for housing in settlements. The proposed development is considered contrary to the criteria set out in these documents as the site is not big enough to accommodate a residential unit of reasonable design and dimensions. As a result the proposal would not create a quality and sustainable residential 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 site is currently within the remit of the Banbridge, Newry & Mourne Area Plan 2015. There are no specific policies in the Plan relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS, PPS 7 and other relevant policies.

As there is no significant change to the policy requirements for dwellings within settlements following the publication of the SPPS and it is arguably less prescriptive, the retained policy of PPS 7 and its addendum will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 7 – Safeguarding the Character of Established Residential Areas

The design of the proposed house is trapezoid. The front elevation of the house measures 4.8m long and has a ridge height of 7.8m. The ground floor layout plan consists of an open plan kitchen/living area and a small enclosed bin storage area. The first floor consists of 2 bedrooms and a small shower room. There is a small area of shared amenity space to the rear of the proposed dwelling.

Policy QD 1 of PPS 7 states planning permission for new residential development will only be granted where it is demonstrated the proposal will create a quality and sustainable residential development. The proposed development does not respect the surrounding context in terms of layout, scale and proportions. The site is too restricted to allow for the erection of a residential unit of reasonable design and dimensions, and with adequate amenity space for the intended occupants. I consider the proposal to be overdevelopment of the site and contrary to the policy provisions of PPS 7.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Policy LC1 is applicable to this site and will be given substantial weight. There is an issue in terms of density on this site as it is too small to accommodate the erection of a residential dwelling. Furthermore, the size of the proposed dwelling does not conform to the space standards set out in Annex A of the Addendum to PPS 7. The standards require a two storey, 3-person two bedroom dwelling house to have a minimum internal floor space of 70/75m². This proposal fails to meet that requirement as the total internal floor space is just 51.82m².

PPS12 – Housing in Settlements

I consider that the proposal fails the first planning control principle in that the increase in density cannot be achieved without town cramming. The proposed development would erode local character, environmental quality and residential amenity by trying to fit a two-storey dwelling house into a plot that is not big enough to accommodate such a development.

Recommendation:

Refusal

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the development would, if permitted, result in overdevelopment of the site, which is too restricted to permit the erection of a residential unit of reasonable design and dimensions.
2. The proposed development is contrary to Policy LC1 of the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas in that the development does not meet the minimum space standards set out in Annex A.
3. The proposed development is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Planning Control Principle 1 of Planning Policy Statement 12: Housing in Settlements in that the development would erode local character, environmental quality and residential amenity by trying to fit a two-storey dwelling house into a plot that is not big enough to accommodate such a development, and would result in town-cramming.

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

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

15th May 2017

Democratic Services
Planning Department
Newry, Mourne & Down Council
Monaghan Row
Newry
Co. Down

Dear Sir/Madam,

Re: demolition of existing garage and provision of new town house adjacent to 22 Erskine Street Newry for r. A. McParland - Ref - LA07/2015/0196/F

Introduction

The above application has been scheduled for refusal for the following reasons:

- 1) The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7: Quality Residential Environments in that the development would, if permitted, result in overdevelopment of the site, which is too restricted to permit the erection of a residential unit of reasonable design and dimensions.
- 2) The proposed development is contrary to Policy LC1 of the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas in that the development does not meet the minimum space standards set out in Annex A.
- 3) The proposed development is contrary to Paragraph 6.137 of the Strategic Planning Policy Statement for Northern Ireland and Planning Control Principle 1 of Planning Policy Statement 12: Housing in Settlements in that the development would erode local character, environmental quality and residential amenity by trying to fit a two-storey dwelling house into a plot that is not big enough to accommodate such a development, and would result in town-cramming.

Supporting Documentation

Strong public support for this proposal exists within the local community and I have attached for your attention the following:

- 1) A letter of support from the local Community Association - see Appendix 1.
- 2) A signed petition from local residents comprising 78 names - see Appendix 2.
- 3) A letter of support from St. Josephs High School – see Appendix 3.

I would also point out that supporting letters have also been submitted by Mr. M. Brady MP and Mr. C. Hughes MLA in support of the application since the initial recommendation for refusal.

Refusal Reason 1

We would like to draw the Committee's attention to previous planning approval P/2006/2185/F which approved demolition of the proposed site and the adjacent

dwelling at no. 22 Erskine Street, replacing them with 2 self contained apartments. Approved plans are attached at Appendix 3. Retention of the existing dwelling at no. 22 and provision of a new town house is identical in size and scale to what was previously approved in planning approval P/2006/2185/F, whilst aesthetically both schemes are consistent with each other.

Refusal Reason 2

The proposed scheme can achieve 57m of living space which is deemed inadequate for a town house by the planning department but they do accept that it would be acceptable size wise as a duplex apartment. Once again we would highlight that aesthetically, with regard to the streetscape size and scale, there is no difference between a townhouse development and the previously approved apartment scheme and therefore we believe the planning department is placing too much reliance on this point.

Refusal Reason 3

Planning Control Principle 1 of Planning Policy Statement 12: Housing in Settlements states -

“great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.”

Planning approval P/2006/2185/F deems that apartment development is acceptable on this site whilst our proposal is identical in size and scale. We would ask the committee to once again take a look at what currently exists on site; compare it to what is being proposed and to the previous apartment approval. It is quite clear that the existing derelict garage already erodes the existing character, environment and streetscape and that the proposal would be an environmental improvement for this streetscape and local community. The proposal is of a size and scale already deemed acceptable to the planning department under planning approval P/2006/2185/F and therefore we believe this refusal reason is no longer sustainable.



Existing site and streetscape

Trusting this is satisfactory.

Yours Faithfully

Anthony O'Hare

APPENDIX 2 PAGE 1

Mr. A. McKay
 Planning Department
 Newry, Mourne & Down Council
 Monaghan Row
 Newry
 Co. Down

Dear Sir,

Re: Demolition of existing garage and provision of new town house adjacent to 22 Erskine Street Newry for Mr. A. McParland
Ref: LA07/2015/0196/F

We the undersigned fully support the above planning application and believe that its approval would provide significant environmental benefit and upgrading for the existing streetscape and local community. The applicant has advised us that the planning department currently want to refuse the application and we request that it is reconsidered for approval rather than have it remain as an eyesore, a blight on the local area and a contributing factor to ant-social behaviour as it has been for many years.

Name	Address	Date
Horna Cunningham	19 Erskine St,	24.5.16
Brian Dillon	10a Mourne View Park	24.5.16
Brian Wilson	3 Erskine St	
Jack Mc Garry	19 Colson Road	
Mary Murren	22 Mourneview PK	24.5.16
Genevieve McKeown	15, Mourne View PK	
Kathleen Lowmy	82 Mourneview Pk	24/5/16
L. Fegan	Chairperson of Community Assoc 2 ERSKINE PLACE	
Siobhán McParland	25 Erskine St.	
Stephanie Casey	20 Mourne View Park	
Annette Hughes	19 Mourne View Park	
Aileen Spurrans	4, Mourne View Park	
EDMOND KALI	17 ERSKINE STREET	
Rhoda O'Hanlon	23 Erskine Place	

APPENDIX 2 PAGE 2

Mr. A. McKay
 Planning Department
 Newry, Mourne & Down Council
 Monaghan Row
 Newry
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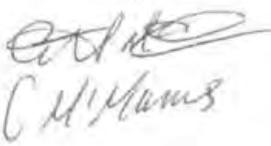
Name	Address	Date
Bernadette Hughes	1 MOURNE VIEW PK	24/5/2016
Helewa Magee	16 ^{NEWRY} ERSKINE STREET	24/5/2016
Fergal Durain	4 MOURNE VIEW COURT	
John Gahan	11 ^A EVERHILL ST	
T. Clarke	3 MOURNE VIEW PK	
P. Smith	12 ERSKINE ST	
A. Hall	13 ERSKINE ST	
Sean Coleman	21 ERSKINE ST	
Gail McEvoy	9B MOURNE VIEW PK	
Liam McLean	43 MOURNE VIEW PK	
Mary Cunningham	6 ERSKINE ST	
Alex Carlton	89 MOURNE VIEW PARK	
Mary Keen	2 MOURNE VIEW PK	
Florence Keen	2 MOURNE VIEW PK	
Paul Keen	2 MOURNE VIEW PK	
Christina Darling	76 MOURNE VIEW PARK	

Mr. A. McKay
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 Newry, Mourne & Down Council
 Monaghan Row
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Name	Address	Date
Gemma Carroll	84 Mournview park	1 June 2016
Kaitlin Carlton	89 Mournview park	1 June 2016
Anthony O'Brien	121 ERSKINE ST	
John Mc Givern	6 ERSKINE ST	
Andrew O'Hale	10 ERSKINE ST	
Joeine Flanagan	12A ERSKINE ST.	
Rosemary Mary Donaghy	11B ERSKINE STREET.	
Lee Demusk	10A ERSKINE ST.	
John Graham	11 ERSKINE ST.	
Susan Mc Grath	5 ERSKINE ST.	
John Paul Quinn	9 ERSKINE ST.	
MARK Hughes	1 Mournview Park	
Rosie Snider	4 Mournview Park	
Maureen Raftery	13 ERSKINE ST.	
Danielle Mc Grath	5 ERSKINE ST.	
Pauline Cunningham	3 Erskine Street	
Mary Henry	1 Erskine Street	
Peter O'Leary	4 Erskine Street	
YULIYAN	Erskine Street	
	7 Erskine Street	
C. McParland	18 Mournview Park	

APPENDIX 2 PAGE 4

Mr. A. McKay
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 Newry, Mourne & Down Council
 Monaghan Row
 Newry
 Co. Down

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Name	Address	Date
James Corry	74 CAMUS ST NEWRY	1/6/16
Mick	44 Erskine St	1/6/16
M. Hagan	14 Erskine St	1/6/16
Paul Gault	20 Erskine	1/6/16
Bruce Carroll	Shay Rafferty	1/6/16
Cormac Conry		1/6/16
Zion Dillon	71 MUP	1/6/16
Ruairi Fegan	2 Erskine Place	1/6/16

REECE McALEAVY 13 ERSKINE ST
 CAITLIN ROONEY 15 ERSKINE ST
 Gerry O'Reilly 10 ERSKINE ST.
 Andrew Magee Gen
 Hilda Rowan 18 ERSKINE ST.

APPENDIX 3 PAGE 5

Mr. A. McKay
 Planning Department
 Newry, Mourne & Down Council
 Monaghan Row
 Newry
 Co. Down

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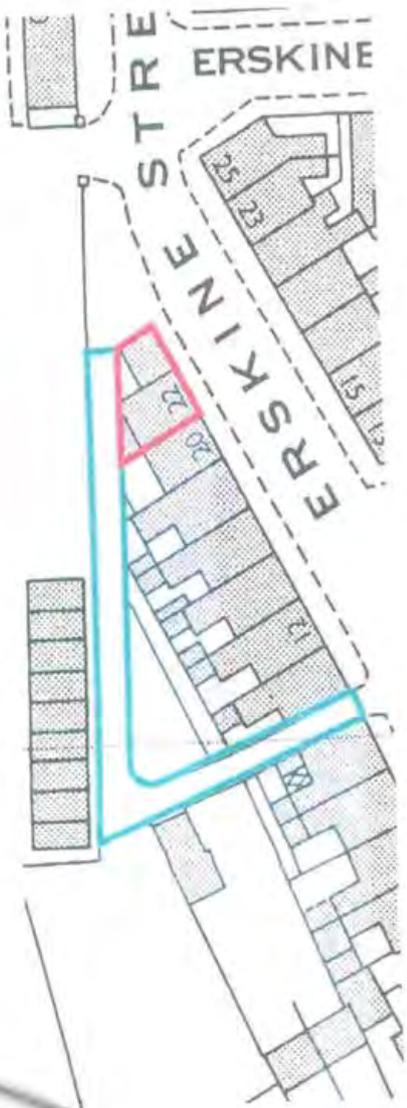
Name	Address	Date
G POWERS	85 Canal ST	1/6/16
Cabrone Mary	68 MUP	1/6/16
J Magee	Canal ST.	1/6/16
Genevieve Austin	Canal ST	
Theresa Hughes	MBE Rossievor Rd	
Fola Smith	20 Erskine Street.	11/6/16
Valene Dams	18 Erskine Street	
S. Noale	Canal Street	
C. English	2 Erskine Street	1/6/16
O'meara	WIN	
S. White	5 Erskine Street	
D. O'Neil	6 Cochran RD	2/6/16
R. O'Neil	6 Cochran RD	2/6/16
Eleanor	Ostroum - M. V Park.	

S. Byrne
 Canal ST

APPENDIX 3 PAGE



9/10/16



BLOCK PLAN 1:500



LOCATION MAP 1:1250

Planning 11/1/2016
 Craigavon Division
 Team 16

GRANTED

Subject to Conditions (if any)
 as set out on

Decision form No. *16/12/2016*
 Date *11/01/2016*

Rev	Issue	Summary	Date



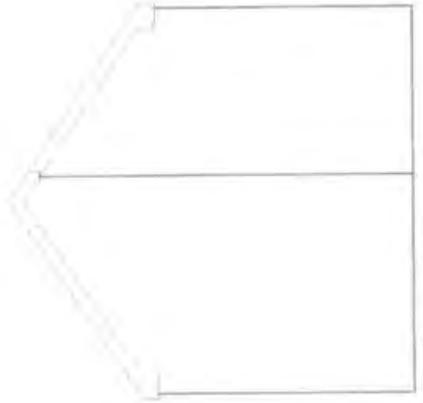
Project	DEVELOPMENT AT 22 ERSKINE STREET
Drawing Title	PROPOSED LOCATION MAP

Project no.	Dwg. no.	Revision	Status
GD2016	100		Planning
Scale	Drawn	Checked	Date
1:1250 & 1:500	CTD	CTD	16/01/16

APPENDIX 3 PAGE 2



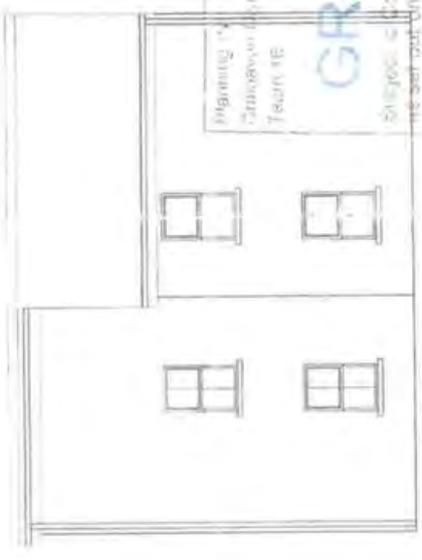
FRONT ELEVATION



SIDE ELEVATION



SECTION 'AA'



REAR ELEVATION



PROPOSED FIRST FLOOR

The Planning Service
RECEIVED
04 OCT 2010
File No. 10/0001/2/184
GRANT GARDEN 3



PROPOSED GROUND FLOOR

Planning 11/10/2010
11/10/2010
11/10/2010
GRANT GARDEN 3
Special conditions (if any)
18/10/2010
18/10/2010

No.	Date	Description	By	For
1	04 OCT 2010	Received for Change of Planning Type	SEP 10	10/0001/2/184



PROPOSED PLANS & ELEVATIONS	
Drawing No.	Revision
GD2016/101	1
Scale	1:100
Date	18/10/2010

Schedule of Finishes

- Roof: ceramic roof tiles to match neighbouring dwellings
- Walls: smooth plaster render
- Colours: to be agreed with Planning Authorities
- Doors: timber hardwood with selected paint finish
- Colours: to be agreed with Planning Authorities
- Windows: timber hardwood sliding sash
- Gutters / Downpipes: white / black upvc to be agreed with Planning Authorities
- Fascia: timber hardwood painted brown / white (to be agreed with Planning Authorities)

Saint Joseph's Boys' High School

20 Armagh Road
Newry
Co. Down
BT35 6DH

Tel: (028) 3026 2595
Fax: (028) 3026 4420
Email: info@stjosephhigh.newry.ni.sch.uk
Web: www.stjosephsnewry.com

Principal: Mr D T Murray B.Sc., Q.T.S., P.Q.H. (N.I.)



To Whom It May Concern:

With regard to an on-going planning application, for the upgrading of a property, situated at No 22 Erskine Street, Newry, we at St. Joseph's Boys' High School, which is situated in the local vicinity, would clearly welcome any such proposal.

A significant number of our pupils come from the Mourneview / Canal St. area and as a school, we are closely involved in the 'Neighbourhood Renewal Scheme' and the 'Shared Areas Project'. Any such improvements to the physical appearance of the local environment can only but have a positive and beneficial impact on the psyche of the local community and will help instil a sense of pride and esteem in the neighbourhood. It is gratifying to see that people are now investing in redeveloping properties in the area and it may encourage others to consider making similar improvements. The renovation will also contribute to the lessening of anti-social behaviour in the area and will secure the property so that it will be less of an attraction for pupils and children to congregate around.

We trust that you will take into consideration the points raised above and that they represent a valid expression of our view that the application be looked upon favourably.

Yours faithfully,

Declan Murray

Principal