

ITEM NO 29
APPLIC NO R/2014/0566/F **Full DATE VALID** 10/22/14
COUNCIL OPINION REFUSAL
APPLICANT Canon McCrory 24 Church Street Ballynahinch BT24 8LP
AGENT Kennedy Design 65 Rocks Chapel Road Crossgar Downpatrick BT30 9HN 0742902777

LOCATION 167 Dunmore Road Guinness Ballynahinch BT24 8QQ

PROPOSAL Single Dwelling replacement of existing primary school

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	10	0		0	0
			Addresses Signatures		
			0	0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that, if permitted, the proposal would bring significant environmental benefits.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: R/2014/0566/F

Date Received: 23.10.2014

Proposal: Replacement of existing primary school with single dwelling

Location: 167 Dunmore Road, Guinness, Ballynahinch, Co. Down

Site Characteristics & Area Characteristics:

The site is located along the minor Dunmore Road, Guinness, at the junction with Dunmore Road, Drumkeeragh Road and Carnreagh Road. The site is comprised of a 0.23 hectare site containing a former school and associated out-buildings. The site is defined by a stone wall and railings to the south, east and west with the northern boundary defined by a post and wire fence with mature vegetation.

The site is split into two sections, with the lower (southern section) containing the school buildings and car parking area, with the northern section comprising a grassed area which slopes upwards from school buildings to the north-eastern boundary.

The area is rural in character and predominantly agricultural in use. At the cross-roads junction there are two dwellings i.e. No 1 Drumkeeragh Road opposite to the south of the site (1 1/2 storey dwelling) and No 182 Dunmore Road opposite and east of the site (a two storey dwelling) Further along Dunmore Road, there is a recently erected dwelling at No 180 Dunmore Road.

The surrounding topography is typically undulating.

Site History:

The history on this site relates to use of the primary school and includes applications for mobile classroom, toilet block, car park and access and satellite dish.

There is no relevant history relating to the proposed development in this case.

Planning Policies & Material Considerations:

The site is located within the rural area as designated in the Ards and Down Area Plan 2015. In assessment of the proposal regard shall be given to the Ards and Down Area Plan 2015, Strategic Planning Policy Statement (SPPS), RDS, Planning Policy Statements 3 and 21.

Consultations:

NIEA Water Management Unit – No objection in principle
 NIW – no objections statutory response, informative apply
 Transport NI – No objections conditions and informatives apply.

Objections & Representations

The proposal was advertised in the local press on 19.11.14 and the following neighbours were notified of the proposal on 06.11.14

- 1 Drumkeeragh Road, Guinness
- 161 Dunmore Road, Guinness
- 180 Dunmore Road, Guinness
- 182 Dunmore Road, Guinness

Mary Rogan 182 Dunmore Road is concerned that the proposal does not comply with current policy in that the existing building is not a dwelling. The building makes an important contribution to the heritage, appearance and character of the locality and provides a focal point at the cross road and although currently vacant is not beyond adaption or re-use. Other points raised include concerns that the new dwelling will not be sited within the established curtilage of the existing building with no demonstrable, landscape, heritage, access, environmental or amenity benefits. The proposal is also considered to be prominent and is inappropriate to its rural setting. The site suffers from poor drainage and will not accommodate additional flow / run off. The approval of the dwelling could create potential for further development should the old school building be retained for future development.

- Savage 72 Carnreagh Road, Castlewellan
- Gerard Rogan 161 Dunmore Road, Ballynahinch
- Kevin & Elaine Rogan 180 Dunmore Road Ballynahinch
- Owner / Occupier 113 Drumnaquoile Road, Ballynahinch

The above objectors have raised the same issues as detailed above.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland Planning for Sustainable Development (SPPS) was published on 28th September 2015 and is a material consideration. The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21), one of the policy documents retained by the SPPS.

Policy CTY 1 of PPS 21 provides a list of development types which are acceptable in the rural area. As the application seeks planning approval for the erection of a replacement dwelling, Policy CTY 3 of PPS 21 Sustainable Development in the Countryside, is applicable.

It is noted that the building to be replaced is not a dwelling but a vacant school building - Policy CTY 3 states that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposal would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

The building is not listed and not considered to make an important contribution to the heritage, appearance or character of the locality and therefore, its replacement in principle is deemed acceptable. The test, therefore, is whether the proposal would bring significant environmental benefits. In support of the proposal, the applicant, Canon McCrory has advised that there is little community support for the retention or reuse of the building. In addition, he has indicated that there is an issue with the ownership of the site, hence why a portion of land to the rear of the existing building has been omitted from the site outlined in red. It has been indicated that the issue with ownership is preventing the development of the site in situ and for this reason an off-site proposal has been put forward.

In assessment of this, concern is raised regarding the proposals compliance with policy, in that it has not been demonstrated how the replacement of the school building with an off-site dwelling would bring significant environmental benefits. While the above case of the applicant is acknowledged, the reasoning for the proposal is considered insufficient to justify the demolition of the existing building and erection of a new building off site. In addition, issues relating to ownership, while material, are not determining and should be resolved solely between the parties involved.

The SPPS does not specifically refer to non-residential replacements, however, it does stipulate that any replacement dwelling **must** be located within the original curtilage. The off-site replacement of this building would therefore be contrary to the SPPS.

Policy CTY 3 of PPS 21, supports this stance, but is not as prescriptive, stating that a proposed replacement dwelling should be sited within the established curtilage of the existing building unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. It is considered that the proposal does not comply with this policy for the reasons outlined above.

In terms of design, the dwelling proposed will have a maximum ridge height of 8m, a main frontage of 12.2m and a gable depth of 9.4m. The dwelling also proposes a side projection. The dwelling will be finished with non-profiled grey/black slate, smooth render walls, with mourne natural stone where indicated, black pvc rainwater goods and window and door frames. The dwelling has a simple form and appears symmetrical. The materials to be used are typical of the rural area. The dwelling is

proposed to sit within the higher portion of the site to the northern boundary, immediately adjacent a small copse of trees. It will be orientated to front onto Dunmore Road, with the side gable facing the copse of trees.

In assessment of the proposal in terms of its visual impact and design, the SPPS states that replacement dwellings **must** not have a visual impact significantly greater than the existing building. Additionally, CTY 3 of PPS 21 supports this stance. In assessment of the proposal, the dwelling proposed is two storey with a maximum ridge height of 8m, this would be considerably larger than the existing given its single storey structure. It is proposed to site the dwelling in the more elevated portion of the site to the north. This land is approximately 1.3m higher than that within which the existing building current sits. As a result the proposed dwelling would create a visual impact which is significantly greater than that existing and is therefore contrary to current policy.

Recommendation:

Refusal

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

Signed

Date

Signed

Date

Reconsideration

Following a recent recommendation to refuse the originally received proposal to the Planning Committee, an amended scheme has been received for consideration.

The amended plans received 21st September 2016 show the following;

- A revised siting of the proposed dwelling to that within the curtilage of the existing building
- A revised design of the dwelling proposed.

The design of the dwelling has now been amended to a single storey dwelling with a maximum ridge height of 6.8m, a frontage of 17.5m (not including the proposed side projection) and a gable depth of 10.2m. The dwelling will have a good solid to void ratio and chimneys will be expressed centrally on the ridge at the gable ends. A porch is proposed to the front and rear of the site.

The dwelling will be finished with non-profiled black natural slates, painted rendered external walls with locally sourced natural stone cladding as shown on chimney stacks and the front and side projections. The windows are to be black uPVC and sliding sash type, the door frames will be black uPVC and doors shall be painted hardwood.

The dwelling will now be positioned within the curtilage of the existing building and set back from the public road.

Neighbours and objectors of the proposal have been notified of the amendments on 04.10.16 and a number of further objections have been received.

- Gerald Walsh – 113 Drumnaquoile Road, Ballynahinch, objects to the proposal on the grounds that the replacement of the building on site would have an adverse effect on the amenity of the local community, as it has long served as a community hub. In addition, Mr Walsh stipulates that the building has architectural importance and should be maintained.
- Donna Morgan – 117 Drumnaquoile Road, Ballynahinch – reiterates the above objections.
- Mary Rogan – 182 Dunmore Road, Guinness – also raises the objections above, but adds that the building to be replaced is listed.
- Kevin Rogan – 180 Dunmore Road, Guinness - raises the same issues as above, but also adds that the proposal will result in an adverse effect on the visual beauty of the local area and would also lead to a loss of privacy for his home.
- Gerard Rogan 161 Dunmore Road, Ballynahinch raises the same issues as above, but also adds that the proposal will result in an adverse effect on the visual beauty of the local area and would also lead to a loss of privacy for his home. Mr Rogan reiterates his issues, previously raised, regarding the ownership of the site.

In assessment of these comments, it is noted that the policy (CTY 3 of PPS 21) states “favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.” The policy does not require the building to meet the amenity needs of the local community; therefore, this objection carries little weight.

The issues regarding ownership of the site, as stated previously in this report, are civil matters, which should be resolved through the parties involved.

An investigation into the listing and architectural importance of the building as raised by Mary Rogan and Gerard Walsh, reveals that the referred listed building HB18/16/021, relates to Dunmore Old School which is located at 24 Magherahamlet Road, Dunmore, Ballynahinch, this is not the application site, and is therefore not relevant to this case. The subject building has not been listed therefore its architectural importance has not been noted.

Gerard Rogan – 161 Dunmore Road, is positioned approximately 120m NNE from the site, it is not considered therefore, that the two dwellings would be located in close proximity to result in loss of privacy.

Also Kevin Rogan – 180 Dunmore Road is concerned that the dwelling will cause him loss of privacy however, his dwelling is located approximately 100m+ to the east of the site and sits above road level, and it is not considered that the proposal would cause loss of privacy to this property.

When assessed against current policy (Strategic Planning Policy Statement (SPPS) and CTY 3 of PPS 21: Sustainable Development in the Countryside), proposals seeking approval for replacement of a redundant non-residential building with a single dwelling, will be given favourable consideration provided the scheme would bring significant environmental benefits. There is no evidence in the submission that the proposal would meet this policy requirement and it is considered, despite the amendments to the siting and design, the proposal would not qualify for replacement under this policy.

Recommendation Refusal

Reasons

The proposal is contrary to the Strategic Planning Policy Statement 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 the Strategic Planning Policy Statement and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that, if permitted, the proposal would bring significant environmental benefits.

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**Written Statement in Support of Planning Application No:
R/2014/0566, As the Agent On Behalf of the Applicant**

**Re: Proposed Single Dwelling Replacement of Existing Primary School
at 167 Dunmore Road Guinness Ballynahinch Co Down BT24 8QQ**

I strongly contest the Planning Officers decision that the proposal is contrary to current planning policy PPS21 and CTY1 and CTY3.

I object to the 2 reasons detailed for refusal and contend that the criteria of PPS21 is satisfied for the following reasons:-

Reply to reason 1)

The overriding reasons why this development is essential in this rural location and could not be located in a development are as follows

- This site belongs to the parish of Magheradroll Catholic Church. It is the only site available in the area for the development.
- The current site and school buildings are in a state of disrepair since the existing Primary School was closed down.
- The parish consulted with the community to find an alternative use for the site which would be community based. However, no concrete proposals came forward.
- The only practical solution available was to proceed with the planning application proposal for a replacement of the existing school building with a dwelling.

Reply to reason 2)

- The development will result in the site having much improved environmental and landscaping properties. The site will be demonstrably enhanced from its current state of disrepair and neglect. Large areas of hardstanding are to be replaced with grassed areas with indigenous trees and plants incorporated to provide a soft landscape.

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- The scheme design is in accordance with the highest standards of environmental design and energy efficiency to reduce the occupant's costs over the lifetime of the development. Building is designed to be a highly energy efficient home.
- Additional renewables such as solar panels, heat pumps are to be integrated into the final working design. A rainwater harvesting system will be used to collect rainwater for toilet flushing, garden watering and washing vehicles

Conclusion

- Proposal complies with the Strategic Planning Policy Statement and Policy CTY1 and CTY3 of PPS21, Sustainable Development in the Countryside.
- This site belongs to the parish of Magheradroll Catholic Church. It is the only site available in the area for the development.
- If this planning application is not approved the site will fall further into disrepair. There is no other viable proposal that can be currently pursued. This development will enhance this Area of Outstanding Natural Beauty.
- The application should therefore be recommended for approval by the Planning Committee.

Signed:



Date:

3rd November 2016

Mr Sean Kennedy BEng (Hons), C.Build.E, FCABE

(Signed for & behalf of Kennedy Design)



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Addendum



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

ITEM NO	3			
APPLIC NO	LA07/2015/0717/F	Full	DATE VALID	8/5/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Jim McCreight 90 Crossan Road Rathfriland BT34 5BE		AGENT	
LOCATION	300m south of 90 Crossan Road Mayobridge Newry			NA
PROPOSAL	New dwelling with garage and associated site works			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement 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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the proposed building is inappropriate for the site and its locality.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0717/F

Date Received: 5th August 2015

Proposal: This application is for a proposed new dwelling and garage with associated site works.

Location: The site is located 300m south of number 90 Crossan Road, Mayobridge.

Site Characteristics & Area Characteristics:

The application site is located in the southernmost portion of a large agricultural field. The roadside section of the site appears to have been levelled but is now largely overgrown and covered in gorse. The site slopes steeply from the rear of the proposed dwelling down to the western boundary. There is a difference of approximately 5m from the ground level at the rear of the proposed dwelling to the western boundary of the site. There are scenic views from the site of the surrounding landscape which is undulating. The roadside boundary of the field is defined by a hedgerow and post and wire fence while the southern and eastern boundaries are defined by mature hedgerow. The northern boundary is undefined. The agricultural field is accessed via a set of double agricultural gates.



Satellite Image of Proposed Site

The site is located on Crossan Road midway between Rathfriland and Newry.

The site is located in a rural area that is classified as open countryside and does not carry any specific land use planning constraints or designations. It does however fall within an Archaeological Site and Monument zone (DOW042:030). The area is rural in character with a number of dispersed dwellings and agricultural buildings.

Site History:

P/2003/0455/O – Site for a dwelling and garage was granted outline approval on 8th July 2003. A condition was imposed requiring the development to be commenced within 5 years of the date of outline approval, or 2 years from the date of the Reserved Matters approval (whichever is the later).

P2006/1506/RM – This Reserved Matters application for the erection of a dwelling and garage was submitted on 6th July 2006 and approved on 10th December 2007. The latest date for the commencement of development was 10th December 2009 (2 years from the date of the Reserved Matters approval).

P/2011/0891/F – This application for the erection of a dwelling and garage was submitted on 10th October 2011. When Planning Service assessed this application it considered that development had not commenced on the site and that the previous planning permission granted under reference P/2006/1506/RM had therefore lapsed. The application was subsequently refused as it failed to meet prevailing planning policy requirements. An appeal was lodged with the Planning Appeals Commission in respect of the Department's decision to refuse the application. The appeal was subsequently withdrawn.

P/2013/0580/LDE – An application for a Certificate of Lawful Development (existing) was submitted on 2nd August 2013. The purpose of the application was to seek confirmation that the visibility splays and access works to the site had been lawfully carried out in accordance with planning approval reference number P/2006/1506/RM prior to the expiration date of that permission. The Planning Service, having considered the information provided, was not satisfied that sufficient evidence had been submitted to show that works pursuant to planning approval P/2006/1506/RM were carried out by the date in which development was to commence (10th December 2009). As a result the Certificate of Lawful Development was refused.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015;
- 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; &
- Planning Policy Statement 21 – Sustainable Development in the Countryside.

Consultations:

NI Water -	Generic Response
Env. Health -	No objection in principle
NIEA HBU -	Content
NIEA WMU -	Content
Transport NI -	No objections subject to conditions

Objections & Representations

1 neighbour notification letter was issued and the application was advertised in the local press the week beginning 17th August 2015. No representations were received.

Consideration and Assessment:

The principal for a new dwelling and garage on this site which was established under planning approvals P/2003/0455/O and P/2006/1506/RM lapsed on 10th December 2009. As you can see from the planning history above Planning Service did not accept the development had commenced prior to the expiration date of the outline and reserved matters approvals. P/2011/0891/F was subsequently refused permission for a dwelling and garage as there was no extant permission on the site and the application was considered to be contrary to prevailing planning policy. A certificate of lawfulness seeking confirmation the visibility splays and access works to the site had been lawfully carried out in accordance with planning approval P/2006/1506/RM was also refused. This application will be considered under current planning policy.

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 and PPS 21.

As there is no significant change to the policy requirements for dwellings in the countryside following the publication of the SPPS, the retained policy of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Policy CTY1 of PPS 21 states planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- A replacement dwelling in accordance with Policy CTY 3;
- A dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- The development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- A dwelling on a farm in accordance with Policy CTY 10.

This application is contrary to the provisions of Policy CTY1 as there are no overriding reasons why the proposed development is essential and could not be located within a settlement. A letter was issued to the applicant on 8th June 2016

giving a 14 day period in which to provide justification which demonstrates why the proposed development is required at this location in accordance with the above policy requirements. The applicant submitted a letter on 20th June 2016 requesting additional time in which to submit justification, which was agreed upon.

An email was received from Nigel Coffey (Agent – Planning Services) on 26th June requesting a call back to discuss the case. I phoned Nigel on 29th June 2016 and he informed me the applicant had provided him with information in relation to the history of the site. Nigel said he was going to check through the information and was also going to check aerial photograph records. Nigel asked for a further extension of time in which to submit supporting information. I agreed to give him an extension of time until after the July holidays but advised him that as far as I was concerned the previous approval had lapsed and this application fails to meet prevailing policy. To date no information has been provided in support of the application. The application therefore fails to meet the policy provisions of CTY 1.

CTY 13 & 14

As you can see from the images below, the main bulk of the proposed dwelling is 'T' shaped. The floor plan illustrates a carport and garage projection to the front of the proposed dwelling however the carport element is not shown on the proposed elevations. It is not clear from the submitted drawings if this element has been removed in order to provide a detached garage.



Image 1 - Proposed Floor Plans



Image 2 - Proposed Front Elevation



Image 3 - Proposed Side Elevation



Image 4 & 5 – Proposed Perspective Views

The ridge height of the proposed dwelling is 6.5m from finished floor level. The dwelling will be finished with natural stone where detailed, light coloured render with contrasting coloured render window surrounds, grey uPVC windows, composite doors and the roof will be covered with dark grey natural slate effect tiles. The proposed site layout plan notes the existing landscaping and trees are to be retained or reinstated where removed. A new post and wire fence with hedge in front will be provided along the northern boundary of the site.

Due to the topography of the land I am of the opinion that the proposed new dwelling would be a prominent feature in the landscape. The existing boundary to the western side of the site is approximately 5m lower than the ground level to the rear of the

proposed dwelling. The existing boundary will not provide a suitable degree of enclosure of the development when viewed from critical viewpoints to the west. The dwelling would be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside. The overall design of the proposed dwelling and garage is also considered to inappropriate for the site and its locality. The application is therefore considered to be contrary to policies CTY 13 & 14.

It is noted that the proposed elevations do not appear to show the carport link to the garage that is illustrated on the floor plans, perspective views and site layout drawings. However as the application is considered to be contrary to policy it was not deemed expedient to ask the applicant to provide clarification/amended drawings.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement 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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape; the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the proposed building is inappropriate for the site and its locality.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, 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 Signature: _____ **Date:** _____

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

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

ITEM NO	5				
APPLIC NO	LA07/2015/1078/F	Full	DATE VALID	10/23/15	
COUNCIL OPINION	REFUSAL				
APPLICANT	David Mackin 1 St Brigid's Cottages Drumsesk Road Rostrevor BT34 3HE		AGENT		
					NA
LOCATION	No 1 St Brigid's Cottages Drumsesk Road Rostrevor Co. Down BT34 3HE				
PROPOSAL	Retention of unauthorised domestic shed to rear of existing sheds at existing dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	0
			Addresses	Signatures	Addresses
			0	0 0	0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Policy EXT 1 (a) in that the scale, massing, design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area and; (b) the proposal will affect the amenity of neighbouring residents by way of dominance and loss of light.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH6 (criteria a) of Planning Policy Statement 2 - Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting and scale which does not respect the distinctive character and landscape quality of the locality.



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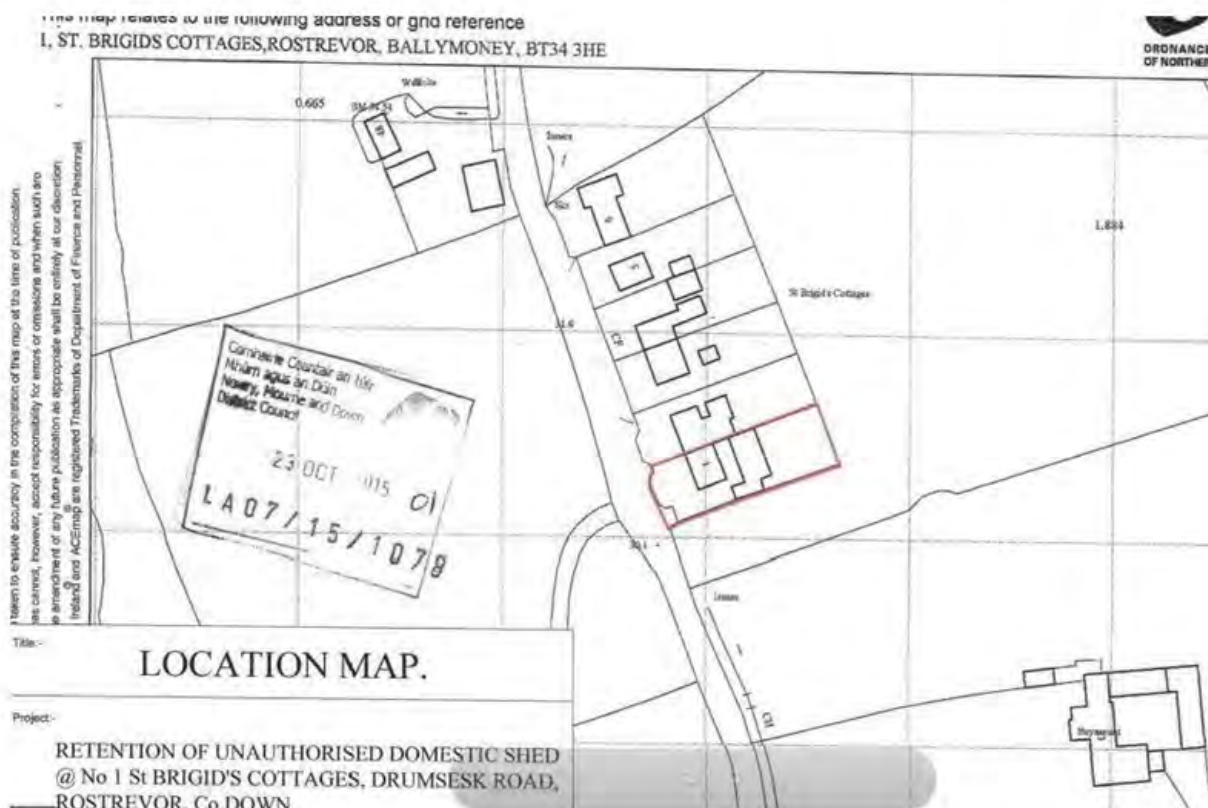
**Newry, Mourne
 and Down**
 District Council

Application Reference: LA07/2015/1078/F

Date Received: 23rd October 2015

Proposal: Retention of unauthorised domestic shed to rear of existing sheds at existing dwelling

Location: No 1 St Brigid's Cottage, Drumsesk Road, Rostrevor, Co. Down



Site Characteristics & Area Characteristics:

The site consists of a single storey semi-detached dwelling located at the end of a row of dwellings (both semi-detached and detached, 2-storey and single storey) known as St Brigid's Cottages, on the Drumsesk Road. It has a rural setting within the AONB and located approximately 2 miles by road North West of Rostrevor.

The dwelling is of post war construction with a corrugated iron roof, a small garden to the front adjacent to the road and bound by a neat hedge approximately 1m in height. To the rear of the dwelling are 3 attached low elevation tin sheds and the partial construction of a large block shed beyond along the north western perimeter of the site. The site's curtilage extends 27m beyond the rear of the dwelling and rises steeply beyond the low elevation sheds. A large agricultural field exists to the rear of the cottages and the side of no.1 St Brigid's Cottages. The partially built shed has a block gable walls and partially built block walls and steel framing at the sides. It has been constructed to take account of the rising ground and has no upper walls or roof.

Site History:

There is a current enforcement case opened on this site under ref P/2014/0134/CA for this unauthorised shed which is subject to the planning application. P/1993/0306/F – Erection of a replacement dwelling.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
SPPS – Strategic Planning Policy
PPS 2 – Natural Heritage
PPS 7 – Addendum – residential extensions and alterations

Consultations:

NIEA – Historic Monuments are content with the proposal
Environmental Health – no objections in principle subject to conditions that the shed is used for domestic purposes only and that any equipment is so situated, operated and maintained so as to prevent the transmission of noise/vibration/dust/odours/fumes to nearby dwellings.

Objections & Representations

Neighbours notified include 2 St Brigid's Cottages and 42 Drumsesk Road. The application was advertised in 5 local papers on the 10th, 11th & 13th November 2015. No objections to the proposal have been lodged.

Consideration and Assessment:

The planning application involves the retention of the shed on site as a result of an enforcement case being opened. The application has been made on a householder application form for a domestic shed. The works which have so far taken place are within the established curtilage of 1 St Brigid's Cottages therefore the proposal shall be assessed under the Addendum to PPS 7 – Residential Extensions and Alterations – EXT 1. This policy outlines 4 specific criterion to adhere to in order for planning permission to be granted for a proposal to extend or alter a residential property.

- (a) *The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area –* The current state of the structure does not present a building as there is no roof to complete it. However, the plans show the proposed plans which are a smooth rendered lower façade with dark green single skin metal cladding to sides and roof. The gable facing the house is however presently all block. The height from existing ground level at the rear of the existing sheds is 5.7m and the dimensions are 7.1m x 11.8m creating 83.75 sq.m of floor space. Presently the structure dominates this part of St Brigid's Cottages due to its scale, massing and materials (existing and proposed). Due to its size and the landform, it towers over the dwelling and neighbouring dwelling. Para A11 of the addendum refers to garages and other associated outbuildings and states that these types of buildings can often require as much care in siting and design as works to the existing residential property. It goes on to say that they should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The existing structure and its proposed finished design is not subordinate in scale to the existing dwelling on site and along with its unsympathetic industrial design, renders it prominent and visually intrusive within the wider context of St Brigid's Cottages and on approach to the cottages from both ends of Drumseck Road. It would therefore detract from the appearance and character of the surrounding area which is contrary to policy.



- (b) *The proposal does not unduly affect the privacy or amenity of neighbouring residents –* The proposal is for domestic use only and whilst the applicant stores a range of items including some building materials, tools, generator, trailer, scrambler, 1 tractor (on site), 2 scrap vintage cars, and machinery amongst other household items, there is no evidence of a business being carried out from

here. Environmental Health are satisfied that provided it is for domestic purposes and conditions are attached regarding any proposed equipment being installed, they have no objections in principle. No 2 St Brigid's Cottages which is attached to no. 1 has been extended to the rear. Although the residents of no. 2 have not objected to the planning application, it is the Planning Authority's duty to consider residential amenity/privacy for existing and proposed residents. Due to the rising landform at the rear of the site, the scale of the building and its proximity to no.2, the structure would if completed create a rather dominant and overbearing impact on no.2 St Brigid's Park and subsequent loss of light which is unacceptable.



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

No landscape features, trees appear to have been lost or damaged. A boundary hedge still exists around the curtilage of the site.

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

The location of the shed at the rear of the site beyond the existing sheds ensures the space presently used for the parking of cars is not compromised. St Brigid's Cottages enjoy decent sized rear gardens however in relation to the application site the dwelling's current rear garden space has been reduced due to the existing older sheds on site as well as the construction of the present structure. A portion measuring around 139 sq.m however is to be retained that can be used for domestic purposes and a well maintained garden exists at the front of the dwelling.



I met the applicant on site who showed me around the site. The intended purpose of the partially built structure is for the storage of machinery including tractors (4 vintage), a baler, plough and 2 vintage cars (one of which is under cover in the partially built shed and the other one of the existing sheds). Mr Mackin also informed me that as well as being in the building trade, he farms and has around 50 ewes and farms land near Mayobridge. This land - around 15 acres however is taken in conacre and there is no evidence of a farm business number.

As stated above, there are already 3 existing sheds of lower elevation. Each shed however was filled with a range of various items including a large range of tools, gardening and maintenance equipment, large amounts of timber sheeting/planks, radiators, chairs, logs, another scrap vintage car which Mr Mackin says he will do up to name but a few. I believe there is scope to de-clutter/sort out the existing sheds and slightly extend/renovate these as opposed to allowing the large scale partially built option.

As presented, this is an application for a domestic shed that is not domestic in scale and fails to meet EXT 1 in terms of (a) and (b).

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

This policy allows new development in ANOBs where it is of an appropriate design, size and scale for the locality and criterion a) – c) are met.

- a) In terms of this proposal, the siting and scale of the proposal is not sympathetic to the special character of the ANOB in general and of the particular locality.
- b) Respects or conserves features of importance to the character, appearance or heritage of the landscape - NIEA Monuments unit is content with the proposal in terms of its impact on a monument – SM 11/1 DOW 051:056.
- c) The proposal is typical of an industrial/agricultural type structure not alien to the countryside within farm complexes however; this proposal is within the curtilage of low elevation dwelling which is situated within a row of roadside cottages and therefore does not respect the local architectural styles and patterns; the existing hedge is proposed to be retained and; in terms of its setting within the immediate context of St Brigid's Cottages, the proposal does not match local materials, design and colour however; if considered in terms of the wider context, the materials are akin to farm sheds found within this countryside.

In terms of Policy NH 6 of PPS 2 the proposal is contrary to policy criterion a.

Recommendation:

Refusal.

Refusal Reasons/ Conditions:

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Policy EXT 1 (a) in that the scale, massing, design and external materials of the proposal is not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area and; (b) the proposal will affect the amenity of neighbouring residents by way of dominance and loss of light.

The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy NH6 (criteria a) of Planning Policy Statement 2 – Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development would, if permitted, be detrimental to the environmental quality of the area by reason of its siting and scale which does not respect the distinctive character and landscape quality of the locality.

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

PLANNING (NI) ORDER 1991
APPLICATIONS FOR PLANNING PERMISSION

ITEM NO 6

APPLIC NO LA07/2015/1190/F **Full** **DATE VALID** 11/11/15

COUNCIL OPINION REFUSAL

APPLICANT Mr K Byrne 6 Rathmore
 Warrenpoint
 Street
 BT34 3SF

AGENT Cole Partnership
 12a Duke
 Warrenpoint
 BT34 3JY
 028 41753679

LOCATION To the rear of No 94 Warrenpoint Road
 Newry
 BT34 2PS

PROPOSAL Removal of business occupancy condition (No.10) from outline approval P/2002/1150/O and business occupancy condition (No.2) from reserved matters approval P/2006/0146/RM

REPRESENTATIONS **OBJ Letters** 0 **SUP Letters** 0 **OBJ Petitions** 0 **SUP Petitions** 0

Addresses Signatures **Addresses Signatures**
 0 0 0 0

- 1 The proposal is contrary to Policies CTY 1 and CTY 7 of Planning Policy Statement 21 (Sustainable Development in the Countryside) in that no overriding need has been established to justify a relaxation of the policy requirement to restrict occupation of the dwelling for the use of an associated business.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1190/F

Date Received: 11/11/2015

Proposal: Removal of condition 2 from previous approval P/2006/0146/RM. Condition 2 states that the occupation of the dwelling shall be limited to a person solely employed by the business occupying the plot edged red on the approved plan attached, and any resident dependants.

Location: The site is located on an elevated site to the east of the Newry to Warrenpoint dual carriageway.



Site Characteristics & Area Characteristics:

Located on an elevated site to the rear of No. 94 Warrenpoint Road the site is accessed via an established laneway enclosed by stone wall and bank on either side. The laneway rises up from the Warrenpoint Road, towards a level platform that has been cut into the hillside.

Construction of a dwelling has commenced on the aforementioned platform with sub floors clearly in place. A steep 3m bank is located to the rear of the site together with a 1-3m bank to the north. Part of a corrugated metal steel framed barn remains in place, open along its northern elevation, adjacent to the dwelling's foundations. The south west corner of the site contains a block and stone mono pitched outbuilding with corrugated roof. Agricultural fields adjoin the site to the north and east while a forest adjoins the site to the south.

Site History:

P/2002/1150/O – Site for dwelling to the rear of No.94 Warrenpoint Road, Newry. Approval granted 22/01/2003.

P/2006/0146/RM – Erection of dwelling to the rear of 94 Warrenpoint Road, Newry. Approval granted 23/06/2008.

Planning Policies & Material Considerations:

Banbridge, Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for NI.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 – Development in the Countryside

Policy CTY7- Dwellings for Non-Agricultural Business Enterprises.

Consultations:

None issued.

Objections & Representations

No representations received to date.

Consideration and Assessment:

Previously, this application has been assessed under PSU4, PSU9, DES4, DES5, DES6, DES10 - from the Department's Planning Strategy for Rural NI.

The site was located within the Newry Greenbelt and Policies GB/CPA1 and GB/CPA3 also applied.

This application is submitted as the owner is seeking to have an occupancy condition removed from the approved dwelling. A covering letter submitted by the applicant's agent states that Mr Byrne initially started work on the approved dwelling, with works reaching sub floor level and building control carrying out an inspections on the 15/04 2009 and 12/06/2009. Council records confirm that Building Control inspected the site on both these dates and foundations were in place and approved. The covering letter also states that due to personal circumstances and a downturn in business the applicant was unable to continue with the project.

The applicant has implemented the permission through the works completed to date. The applicant is now faced with either completing the development as approved or selling the site. It is the latter scenario that is proposed in this instance. Mr Byrne,

wishes to sell the dwelling as an ongoing project and is therefore seeking an amendment to the original permission with the removal of the occupancy condition.

As highlighted in the site description and the covering letter the approved dwelling was never completed. Building control records have confirmed that work did indeed commence within the required timeframe and the applicant has complied with the permission in that regard. From a site inspection there is no evidence that there is a current business in operation on site. The approved site layout plan from the reserved matters application shows the adjacent corrugated metal barn in situ, this as highlighted above is now partly demolished and open to the elements. Photographs on the file at that time show both the corrugated barn intact and secure as well as a portacabin on the site.

The wording of the occupancy condition was such that it was not solely limited to the applicant but to anyone employed in the business on the site. The presence of an occupancy condition whilst restrictive does not prevent sale of the site.

In order to determine whether there is a justification for removing the occupancy condition the proposal must be considered in the light of current planning policy as contained within Planning Policy Statement 21. Policy CTY 1 within PPS21 contains a number of cases where development of a dwelling house in the countryside will be applicable and one of these cases includes a dwelling to meet the essential needs of a non-agricultural business enterprise (Policy CTY7). Within this policy it clearly states that planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business. There is thus no change in the policy requirements, in this regard, from when the previous application was approved, and inclusion of an occupancy condition for a non-agricultural business enterprise would still be required for a dwelling in these circumstances.

Under Policy CTY 1 there is also provision for granting planning permission for a dwelling for special personal or domestic circumstances. Reference has been made in the covering letter to personal circumstances and clarification has been sought on the nature of these. The applicant's agent has advised that the applicant previously worked for his father and his building firm. The dwelling to the front of the site had been in the ownership of his father. Following the death of his father No. 94 was sold and the building enterprise has subsequently ceased to operate. No special personal or domestic circumstance case has been made.

Under Policy CTY10, dwellings on farms, there is no requirement to attach an agricultural occupancy condition and requests for the removal of agricultural occupancy conditions from permissions pre-dating this policy is now given favourable consideration. This flexibility however is not intended to support the disposal of land in the countryside for housing but rather to allow family members who may not be engaged in farming to stay on the farm unit.

In this instance there is no longer any need for a dwelling on the site given the absence of a non-agricultural business enterprise. Furthermore it has been stated that the applicant is seeking to sell the dwelling as a going concern. The policy provisions as currently contained within CTY 1 and CTY 7 would not provide a justification for removing an occupancy condition on these grounds. I do not consider that the implementation of the permission, through construction of the foundations,

for a dwelling that is no longer required represents sufficient grounds to justify a decision contrary to current planning policy.

In light of the above I do not consider there to be reasonable grounds for the removal of the occupancy condition and refusal is therefore recommended.

Recommendation:

Refusal

Refusal Reason:

The proposal is contrary to Policies CTY1 and CTY 7 of Planning Policy Statement 21 (Sustainable Development in the Countryside) in that no overriding need has been established to justify a relaxation of the policy requirement to restrict occupation of the dwelling for the use of an associated business.

Case Officer Sign:

Date: 4/5/15

Appointed officer:

Date:



ITEM NO	7			
APPLIC NO	LA07/2015/1306/F	Full	DATE VALID	11/24/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr J McMahon Greenpark 44 Greenpark Road House Rostrevor Road BT34 3HA	AGENT	MRL Architects Ltd MRL 56 Armagh Newry BT35 0DN NA	
LOCATION	114m east-south-east of 83 Clonallan Road Warrenpoint Co Down BT34 3QQ			
PROPOSAL	Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
	Addresses Signatures Addresses Signatures			
	0 0 0 0			

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and 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:
 - other dwellings development opportunities have not been sold off from the farm holding within 10 years of the date of the application
 - 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; and
 - 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 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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the ancillary works do not integrate with their surroundings;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and
 - the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm
 and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1306/F

Date Received: 24th November 2015

Proposal: Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard.

Location: 114m east-south-east of 83 Clonallan Road, Warrenpoint. The site is accessed via a newly constructed farm lane leading directly to the site which is approximately 250m from the roadside (query whether this has planning permission or has been carried out under agricultural permitted development rights).



Site location off Clonallan Road, the works carried out at the access are clearly visible. The aerial image on the right shows that previously, there was no existing access in place

Site Characteristics & Area Characteristics:

The site is accessed off the Clonallan Road which is a narrow road with mature hedges and several sharp bends, all of which adds to the rural character of this area. There is a small orchard to the north of the site and an open sided hay store at the entrance to the site itself. The site is bound to the east by a timber post and wire fence and mature hedge approx. 2m in height. The southern and western boundaries are undefined as the site is a cut out of a larger field.

Site History:

A planning application P/2006/0833/O for a farm workers dwelling at the main farm on Greenpark Road was refused on 11/02/2011. There were 5 No reasons for refusal. These related to the application being contrary to:

1. Policy BH6 of PPS 6 in that the site is within the grounds of a park of special historic interest and the proposal would harm the character of the park.
2. Policy BH11 of PPS6 in that the development would affect the setting of a listed building and would harm the planned demesne and the design is out of keeping with the listed building in terms of scale, form, height, siting.
3. Policy AMP2 of PPS 3 as adequate visibility is not available.
4. AMP2 of PPS 3 as restricted width of access renders it unsatisfactory for increased use.
5. AMP2 of PPS 3 as the existing access is not aligned at 90° to the public road.

Reference	Status	Site Location	Proposal	Decision Issued
P/2005/0111/F	PERMISSION GRANTED	The Gate Lodge, 42 Greenpark Road,	Extension & alterations to dwelling	06.05.2005
P/2006/0833/O	PERMISSION REFUSED	80 metres south-south-east of 44 Greenpark	Site for farm workers retirement	21.02.2011
P/2005/3052	INVALID APPLICATION	80 metres south-south-east of 44 Greenpark	Site for farm retirement dwelling	
P/1987/1310	PERMISSION REFUSED	GREEN PARK ROAD ROSTREVOR	Site for housing development	
P/1983/0011	PERMISSION GRANTED	GATE LODGE, GREENPARK, ROSTREVOR	PROPOSED EXTENSION AND	
P/1977/1077	PERMISSION REFUSED	GREENPARK ROAD, ROSTREVOR	PROPOSED SITE OF HOUSING	
P/1983/0711	PERMISSION GRANTED	GREENPARK HOUSE, GREENPARK	CHANGE OF USE FROM FARM	
P/1980/0607	PERMISSION GRANTED	GREEN PARK, DRUMREAGH,	SITE FOR CONVERSION OF HOUSE	
P/1979/0717	PERMISSION GRANTED	42 GREENPARK, GREENPARK ROAD,	PROPOSED EXTENSION AND	
P/1975/1004	PERMISSION REFUSED	GREEN PARK, ROSTREVOR.	PROPOSED SITE OF RESIDENTIAL	
P/1987/1253	PERMISSION GRANTED	"GREENPARK," GREENPARK, ROAD	Change of use to Hotel (LB)	

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Planning Policy Statement 2 PPS2 – Planning and Nature Conservation

Consultations:

DARD - Department of Rural Development Countryside Management Compliance Branch – notes that there is a farm business ID in existence for more than 6 years and that there has been single farm payments in the last 6 years. This confirms that the farm is both active and established

Transport NI have stated that the proposal is contrary to PPS 3 as adequate forward sight distance is not available. Refusal recommended.

Rivers Agency has stated that a Drainage Assessment is required if the additional hard surfacing exceeds 1000m². I measure the hardstanding/buildings to cover an area of approximately 1500m².

The response also states that the site is not in the 1 in 100 year flood plain. It also states that a working strip should be retained to enable landowners to fulfil their statutory obligations.

NI Water has no objections and recommends a number of standard informatives. Environmental Health – no objection, standard advice.

Loughs Agency – no objections, a number of conditions have been attached that relate to pollution prevention in watercourses, a number of informatives are also proposed.

Objections & Representations

1 neighbour was notified on 24th March 2016. The application was advertised in 5 local papers on 21st December 2016.

One letter of objection has been received. The objection notes that this land is located in the green belt and would be an eye sore. The design is inappropriate given the large amounts of glass. The objector questions the need for the farm complex to support such a small farmstead. The plot of land was sold just over a year ago and immediately a new laneway was created which suggests the sole purpose was for building a house. Issues of roads safety given the two bends in the road. Concerns on the distance of the proposed dwelling from the road have been raised. Wildlife issues have also been raised.

Note: The matter of the new access has been reported to enforcement section for investigation.

Background

The agent provided a covering letter with the application to set out the reasons for this site selection as it is some distance from the main farm holding on Greenpark Road.

The proposal is located on Clonallen Road, approximately 2Km from the main farm on Greenpark Road. The application is for a farm dwelling, apple store and press, machinery shed/workshop, silo and a cattle shed.

- The letter states that it is not possible to site a dwelling at Greenpark Road as 'Greenpark' is on the NI register of Historic Parks.
- The existing sheds at No. 44 Greenpark Road are too small and there is no room for expansion to cater for additional livestock
- The 'out-farm' at Clonallen Road is of substance and there is a requirement for taking care of the livestock by having a presence on the site.
- The other land on the farm maps can be easily served by the farm buildings at 44 Greenpark Road but this application site is some distance away.

The letter also highlights that the farm maps provided refer to two separate business ID's. This is because the land at Clonallen Road (application site) was recently purchased and does not yet appear under the existing farm number. I have contacted the agent about getting up to date farm maps but I understand that these will not be published November 2016 at the earliest.

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the Mourne AONB. There are no specific policies in the Plan relevant to the determination of the application which directs the decision maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS)

As there is no significant change to the policy requirements for farm dwellings following the publication of the SPPS and it is arguably less prescriptive therefore the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

PPS 21 policies CTY 1, CTY 8, CTY 10, CTY 13, CTY14 and 16 apply.

CTY 1 Development in the Countryside, assesses the need for this proposal within the rural area. A number of exceptions are listed and these include 'a dwelling on a farm'. CTY 1 also notes that 'All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage access and road safety.

Criterion a of CTY 10 - Active and Established Farm Business

Criterion a of CTY 10

DARD have provided a consultation response to state that the business has been established for more than 6 years and that Single Farm Payments (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes have been made in the last 6 years. I am content that the farm is active and established.

*Note: The farm maps provided do not include lands at Clonallen Road under the same farm business ID, the applicant has confirmed that the land was recently purchased and that the new DARD maps will be available around November 2016 showing the entire farm under the same business ID.

Criterion b of CTY 10

A planning history search shows that no other sites have been approved for dwellings on the farm. I am content that no development opportunities have been sold from the farm holding in the last ten years.

Criterion c of CTY 10

The proposed site does not cluster with any farm buildings (criterion c of CTY 10). The 'buildings' (*note: a building should have walls and a roof) located to the NE of the site are ruins and cannot be considered to be an 'established group of buildings' on the holding. The PAC approach is generally that the principal farm buildings should be used for the purpose of clustering, this would suggest that the proposed farm dwelling should be located to cluster with No. 44 Greenpark Road

Existing 'farm buildings' adjacent to the site.

The existing 'building' on the site is an open sided structure, likely to be used for hay storage. Critically the policy and the PAC would note that the dwelling should be sited beside other buildings (plural is my emphasis).

No compelling evidence has been put forward to show that other sites beside the existing farm buildings could potentially at 44 Greenpark Road can be used to satisfy the policy.

Criterion C goes on to state that an alternative site may be considered where there are demonstrable health and safety reasons or verifiable plans to expand the business at the existing group of buildings.

No health and safety reasons or farm expansion plans at No 44 Greenpark Road have been submitted. It appears that the entire holding at Greenpark Road has been discounted because of application P/2006/0833/O.

The policy then notes "In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16".

CTY13 – Integration and Design of Buildings in the Countryside CTY14 – Rural Character

These policies assess the impact the proposal will have on the rural area by reason of design, siting, integration, landscaping and overall rural character of the local area. In terms of integration and the rural character the site entrance appears to have already been cleared/constructed. This forms a very noticeable break in the rural nature of Clonallen Road.

The dwelling itself is located some distance from the roadside but it is proposed on the highest part of the site and as such will appear as skyline development when viewed from Clonallen Road. The road level is 78.15 OD while the buildings are proposed at between 77 – 80m OD. No finished floor levels have been provided for the buildings, only for lands surrounding the site.

- Apple Store: 6.5m to the ridge, located immediately adjacent to the existing orchard. 19m long and 66m deep. Render finish, blue/black slate roof.
- Dwelling: 9.5m to the ridge, 'L' shaped floorplan. 382m² total floor space. Render finish with natural stone detailing on the front projection block. Blue/black slate roof
- Machinery Shed: 8m to the ridge, main building 14m wide (two small side single storey projections 3m each) 10m deep. Three front doors and a clocktower in the centre of the ridge.
- Cattle Shed: 21.5m wide and 8m deep, 5m – 6.7min height. This is built into the slope of the site and the three external walls are retaining walls. Walls to

be finished in smooth concrete for the first 2-3m and profiled metal sheeting on the upper level and roof.

The site itself is quite open as it is a cut out of a large agricultural field and the existing hedgerows/topography are unable to provide as suitable degree of enclosure. The proposal is for a significant farm house and associated sheds and stores. I do not consider the site to be appropriate for this level of development.

A significant amount of hardstanding is proposed. Rivers Agency has highlighted that a Drainage Assessment would be required if this is over 1000m².

The site is elevated and will not appear to cluster with any other buildings.



View of the site from Clonallan Road, the proposed dwelling would be behind the orchard, but these trees are only 2 – 3m, whereas the proposed apple store (6.5m) and dwelling (9.5m) would appear prominent on the top of the hill.

PPS 2 – Natural Heritage

As the site is within the Mourne AONB and Policy NH 6 - Areas of Outstanding Natural Beauty will apply. The policy states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality. A number of additional criteria are listed relating to siting, scale and design.

Planning Policy Statement 3: Access Movement and Parking

Transport NI had been consulted and does not consider the proposed access arrangement to be acceptable as the required forward sight distance of 45m is not available.

Recommendation:

There has been a significant amount of correspondence with the agent on this application. The need to provide the correct farm maps has been an ongoing issue.

Following numerous requests for the full farm map information, additional information was provided on 15th September 2016. Yet again farm land has been omitted from the information submitted. Page 3 of 3 is missing which relates to over 8ha of land in the townland of Newtown. As such I cannot assess whether there may be other more appropriate sites on the holding that would cluster with existing buildings as required by Policy CTY 10 or whether there have been development opportunities sold off.

I have no reason to doubt that the applicant has in fact purchased the agricultural land at Clonallan Road and it now forms part of the farm holding (this matter has not been verified by DARD yet due to on going issues with the maps provided).

However, I do not consider the purchase of this agricultural land at Clonallen Road to be a valid reason to permit a dwelling under CTY 10. It appears to be an artificial division of a farm for the sole purpose of obtaining planning permission for a dwelling.(paragraph 5.40 of CTY 10).

I think given the level of hardstanding/buildings a Drainage Assessment would be required but as this application is likely to be refused it is not considered appropriate to request the applicant to be asked to provide this information and be put to additional unnecessary expense.

Regardless of the lack of information on the farm maps, the proposal at Clonallan Road is unacceptable for a number of reasons.

The site does not allow the dwelling to cluster with existing buildings (plural is my emphasis) on the farm. (CTY 10). A safe access has not been shown and Transport NI recommend refusal. (AMP2)

Additionally, I don't consider the proposed site to be appropriate in terms of integration (CTY 13) and rural character (CTY 14) as discussed in the consideration section.

While I have sympathy for the applicant that an application at Greenpark Road was refused in the past, I think it is necessary to contact NIEA to determine whether any other land at Greenpark Road would be acceptable as the reasons for refusal in this case all related to Natural Heritage and Road Safety.

Refusal is recommended.

Reasons for Refusal

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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:

- other dwellings development opportunities have not been sold off from the farm holding within 10 years of the date of the application
- 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; and
- 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 Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available, on the public road, at the proposed access in accordance with the standards contained in Development Control Advice Note 15.

4. 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 is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

the ancillary works do not integrate with their surroundings;

the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and

the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm

and therefore would not visually integrate into the surrounding landscape.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

- 4 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available, on the public road, at the proposed access in accordance with the standards contained in Development Control Advice Note 15.
-

Application Ref: LA07/2015/1306/F

Proposal: Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard

Address: 114m east-south-east of 83 Clonallan Road, Warrenpoint, Co Down, BT34 3QQ

The Principle of Development in this Location

Application LA07/2015/1306/F is to be recommended as a refusal for a number of reasons, although the main area of contention appears to be the fact the dwelling is not sited to cluster with or visually link to the main group of farm buildings on the applicant's farm.

The main group of farm buildings are located at 44 Greenpark Road, within Green Park, approximately 3.5 miles from the application site. The applicant had previously attempted to obtain outline permission for a dwelling in that location under application P/2006/0833/O, but this was refused because it would harm the setting of 44 Greenpark Road, a listed building, and would adversely impact Green Park, a park of special historic interest. The access to 44 Greenpark Road is also substandard and could not be upgraded without further unacceptable harm being caused to the setting of the listed building and Green Park. A copy of the refusal notice is attached at **Appendix 1**.

The applicant has been unable to identify any site in the area around the buildings at 44 Greenpark Road that could accommodate a new dwelling and a new access without causing unacceptable harm to the setting of the listed building or the historic Green Park.

The applicant therefore seeks permission for a dwelling on a site remote from the listed farm buildings and historic Green Park, so as to avoid any adverse impact upon them. The proposal site has been chosen because it is located adjacent to other structures on the farm, is set back from the roadside with substantial intervening vegetation between to aid integration and it makes use of an existing lane that was created using permitted development. It is therefore considered to be the best alternative site on the farm and will have no adverse impact on the listed farm buildings or historic Green Park.

Precedent has been set in similar circumstances by the following approvals:

W/2014/0285/F at Craigdarragh Road, Helens Bay was granted permission by North Down and Ards Council in December 2015 on a site located away from the principle farm cluster and where there were no other buildings or structures, in order to avoid harm to the setting of the main farm complex, which was listed. A copy of the approval notice, site location plan and case officer's report is provided at **Appendix 2**. The case officer's report notes:

"Approval agreed as per officer's recommendation and subject to above conditions. Group content that siting away from existing group of farm buildings is justified as an exception under policy in this instance as there is a legislative requirement to have 'special regard' to the desirability of preserving the listed building and its setting and this must therefore be given determining weight".

Application Ref: LA07/2015/1306/F

Proposal: Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard

Address: 114m east-south-east of 83 Clonallan Road, Warrenpoint, Co Down, BT34 3QQ

S/2014/0458/O at Mill Road, Lisburn was also granted permission by Lisburn and Castlereagh Council in February 2016 on a site located away from the principle farm cluster and where there were no other buildings or structures, in order to avoid harm to the setting of the main farm complex, which was listed, and another nearby listed building. A copy of the approval notice, site location plan and case officer's report is provided at **Appendix 3**. The case officer's report notes:

"24. The exception to the policy is a material consideration in this instance due to the fact that the applicant lives in a listed building which forms part of the group of buildings on the farm holding. As such, any new dwelling located near the existing group of buildings has the potential to affect the setting of the listed building and would therefore be contrary to the policy test associated with PPS6 – Planning Archaeology and the Built Heritage.

33. Whilst the dwelling is not visually linked or clustered with an established group of buildings on the farm (a policy requirement), the circumstances associated with the proximity of the farm dwelling and outbuildings (listed) within a pink shaded area, are considered to be an exception resulting in it being relocated 135m away from the residents at 11 Mill Road and approximately 640m away from the listed building within the applicant's ownership".

Other Recommended Refusal Reasons

The other refusals put forward by the case officer can be addressed through the submission of the following additional information:

- DARD/DAERA farm maps, which were required to be updated to take account of land recently bought by the applicant and confirm there are no other more suitable sites available on the holding – these should be available from DAERA for submission later this month.
- Amended access drawing, to accommodate 45m forward visibility and resolve Transport NI's concerns in relation to the existing access location – this will involve the access moving marginally to the south, drawings should be completed within a week.
- Drainage assessment, which is required by PPS15 – this is being prepared and should be ready for submission within a month.

We therefore respectfully request the committee defer the determination of this application to allow this further information to be prepared and submitted.

Appendix 1



REFUSAL OF OUTLINE PLANNING PERMISSION

Planning (Northern Ireland) Order 1991

Application No: P/2006/0833/O

Date of Application: 31st March 2006

Site of Proposed Development: 80 metres south-south-east of 44 Greenpark Road, Rostrevor

Description of Proposal: Site for farm workers retirement dwelling

Applicant: Mr John MacMahon
Address: 44 Greenpark Road
Rostrevor
Co. Down
BT34 3HA

Agent: Farrell Kelly Associates
Address: 2 Castle Avenue
Castlewella
Co Down
BT31 9DX

Drawing Ref: 01,

The Department of the Environment in pursuance of its powers under the above-mentioned Order hereby

REFUSES OUTLINE PLANNING PERMISSION

for the above-mentioned development for the reasons stated:

1. The proposal is contrary to Policy BH6 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the grounds of Green Park, a park of special historic interest, as identified in the Northern Ireland Register of Historic Parks, Gardens and Demesnes and designated as such in the Draft Banbridge / Newry and Mourne Area Plan 2015 (Designation NC14) and the development would, if permitted, cause harm to its character by reason of its critical location in the core of the historic landscape, for which there is no historic precedent, that will adversely impact upon the sites design concept setting and overall quality.

Application No. P/2006/0833/O

Craigavon Planning Office





2. The proposal is contrary to Policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, adversely affect the setting of a (building/group of buildings) listed under Article 42 of the Planning (NI) Order 1991 Green Park, Ballymoney, Rostrevor, Co. Down by reason of:

the erection of a dwelling which is out of keeping with the setting of the listed building in that it introduces a new dwelling that compromises its pre-eminence within the planned demesne; and

its design which is out of keeping with the listed building in terms of scale, form, height, siting and alignment.

3. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that the development would, if permitted, prejudice the safety and convenience of road users since it proposes to use an existing access at which visibility cannot be provided to an adequate standard.
4. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that the development would, if permitted, prejudice the safety and convenience of road users since the restricted width of the existing access renders it unsatisfactory for increased use
5. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking in that the development would, if permitted, prejudice the safety and convenience of road users since it proposes to use an existing access which is not aligned at 90 degrees to the public road.

Informatives

1. This refusal notice relates to drawing No 01 which was received on 27th March 2009.

Dated: 11th February 2011 Authorised Officer

Application No. P/2006/0833/O

Craigavon Planning Office



An Agency with the 'Backbone' of the
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Appendix 2

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **W/2014/0285/F**

Date of Application: **13th June 2014**

Site of Proposed
Development:

**North East of 41 Craigdarragh Road
Helens Bay
BT19 1UB.**

Description of Proposal:

**Dwelling on a farm and associated domestic garage with
access from Craigdarragh Road.**

Applicant: Mr M Small
Address:

Agent: Michael Burroughs Associates
Address: 33 Shore Road
Holywood
BT18 9HX

Drawing Ref: W/2014/0285/01A, 03B & 04A.

Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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.



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

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

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

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with stamped approved drawing No. W/2014/0285/03B, date stamped received 18th September 2015, 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.

5. 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.

6. The existing natural screenings of this site, as indicated in yellow on the stamped approved drawing W/2014/0285/03B, date stamped received 18th September, shall be retained unless removal is necessary to prevent danger to the public in which case a full explanation shall be submitted to and approved by the the Council in writing within 14 days.

Reason: To ensure the maintenance of screening to the site in the interests of privacy and amenity.



7. Landscape works shall be carried out in accordance with the stamped approved drawing W/2014/0285/03B, date stamp received 18th September 2015. The works shall be completed during the first available planting season following the occupation of the dwelling.

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

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 in accordance with the stamped approved drawing W/2014/0285/03B, 432/08C, date stamp 18th September 2015, shall be planted in 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 landscaping.

9. If any retained tree or hedge is removed, uprooted, destroyed or dies within 5 years from the date of the occupation of the building for its permitted use, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species and shall be planted at such a time as may be specified by the Council.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This decision relates to planning control only. The Council would advise that if the proposed works require Building Regulations approval this should be obtained from Ards and North Down Borough Council before the works commence. The Council would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.
5. The onus is on the householder / developer to find out if there is existing water and sewer infrastructure within their property.



6. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
7. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
8. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder / developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc.
9. It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.
10. Guidance can be given to developers / house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.
11. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NIW Water to extend the public watermain or foul / storm sewer system to service your development.

This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.
12. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.



Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopment.asp and Forms.

13. The developer will indemnify Northern Ireland Railways (NIR) against any claims for noise and vibration caused by NIR at any stage.

No encroachment should take place onto NIR / NITHC property. All works to NIR boundaries must be carried out under the conditions of the NIR Rule Book with regard to safety of workers and railway passengers. If necessary, NIR will provide safety critical staff to ensure that a safe method of work is established and maintained. Costs incurred by NIR must be borne by the developer.

Construction plant or equipment must not be allowed to slew over NIR property at any time. Any works involving cranes must have control measures in place to prevent movement of loads into the path of trains and avoid any unforeseen collapse on or near the line. NIR will need to be informed if it is proposed that a crane will be erected during the installation work. All crane / lifting certificates must be forwarded to NIR for approval.

Northern Ireland Railways Co. Ltd. reserve the right to carry out any works to the company's property by any machinery at any time of the day or night as deemed necessary by NIR CO. Ltd Engineers.

14. The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

15. The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:

PPG 01 - General guide to pollution prevention
PPG 02 - Above ground oil storage
PPG 04 - Disposal of sewage where no foul sewer is available
PPG 05 - Works in, near or liable to affect watercourses
PPG 06 - Working at demolition and construction sites

Compliance with the advice in PPG 05 and 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment. These PPGs can be accessed by visiting the NetRegs website



at:-

<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe?'

<http://www.doeni.gov.uk/niea/privatewatersuppliesleaflet.pdf> (PDF 463KB)

More detailed guidance can be obtained from the private water supplies technical manual at:

<http://www.privatewatersupplies.gov.uk/>

Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://www.igi.ie/publications/codes-guidelines.htm>

Environment Agency (EA) Guidance on Rainwater Harvesting Guidance can be obtained from:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/geho1110bten-e-e.pdf>

16. NIEA Water Management Unit notes that there is a mains sewer in close proximity to this site and the applicant should consider connecting to this rather than use a treatment plant. However, if it is not possible to connect the proposed development to the mains sewer then discharge consent under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4 Pollution Prevention Guidelines (April 2015).

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

17. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI)



Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is 72 Balloo Road, Bangor. A monetary deposit will be required to cover works on the public road.

18. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
19. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.
20. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at www.niwater.com/servicesfordevelopers.asp.

21. All services within the development should be laid underground, in the interests of visual amenity.
22. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Council, to safeguard the site and adjacent land against flooding and standing water.
23. This planning permission is granted for a dwelling on the farm as provided for in Policy CTY10 of the Planning Policy Statement 21, Sustainable Development in the Countryside, under Farm Business Reference 220793.

Dated: 7th December 2015

Authorised Officer _____



Planning Department
2 Church Street
Newtownards
BT23 4AP

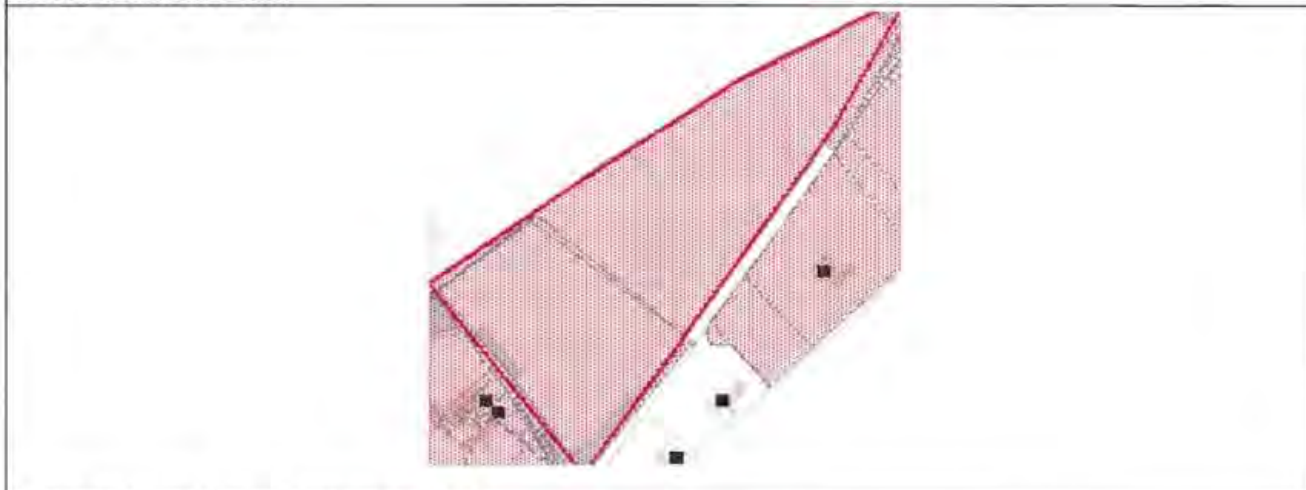
Delegated Application

Development Management Officer Report		
Case Officer: Edel Trainor		
Application ID: W/2014/0285/F		Target Date:
Proposal: Dwelling on a farm and associated domestic garage with access from Craigdarragh Road.		Location: North East of 41 Craigdarragh Road Helens Bay BT19 1UB.
Applicant Name and Address: Mr M Small		Agent Name and Address: Michael Burroughs Associates 33 Shore Road Holywood BT18 9HX
Date of last Neighbour Notification:		22nd December 2014
Date of Press Advertisement:		3rd July 2014
ES Requested: No		
Consultations: Transport NI. No objections. NI Water, No objections NIEA WMU, No objections. Environmental Health, No Objections. NIEA Protecting Historic Buildings. No objections. DARD. No objections. NITHC. No Objections.		
Consultation Type	Consultee	Response
Representations:NONE		
Letters of Support	None Received	
Letters of Objection	None Received	
Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues: Traffic		

Visual Impact *Principle of development in countryside.*
 Impact on Listed Building
 The application is Delegated as it is a local application, there have been no objections. The consultees following amendments to the original proposal, have no objections and following consideration of the relevant plan, policies and other material considerations I recommend approval.

Site Visit Report

Site Location Plan:



Date of Site Visit: 25th June 2015

Characteristics of the Site and Area

The site is located in a triangle shaped field situated between a railway line along the northern boundary and the Craigdarragh Road along the south and east. To the west of the site is No. 41 Craigdarragh Road which is a listed building also known as the Old Mill House. The site is currently a well maintained large agricultural field. The land slopes downwards from the road towards the railway line which then sits at a much higher level (at the same relative elevation of the road) due to its embankments. Along the embankment boundary is a belt of vegetation consisting of shrubs and trees and scrub. In the centre of the field is a cluster of mature trees. Along the boundary with the road is a mature hedge with mature trees within it. There is a field gate located approx. halfway along the boundary with the road. In the northern apex of the field is a scrub area which is where the field is at its lowest point and there are mature trees at this point as the railway line reaches a bridge which spans the road. The access lane leading to No. 41 runs along the boundary with the field.

The site is located within the countryside as shown in the Belfast Metropolitan Area Plan 2015. It is also located within Seahill Rural Landscape Wedge (Designation ND 08) and Seahill Coastal Area Local Landscape Policy Area (Designation SL 06) within BMAP.

Planning Assessment of Policy and Other Material Considerations

Planning History

W/2014/0255/F. Old Mill House 47 Craigdarragh Road. Alteration and extension to listed Old Mill House (amended description). Approval 17th July 2015.
 W/2014/0256/LBC. Old Mill House 47 Craigdarragh Road. Alteration and extension to listed Old Mill House (amended description). Approval 17th July 2015.

Planning Policies

Belfast Metropolitan Area Plan 2015

SPPS

PPS 3 Access, Movement and Parking

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage

PPS 21 Sustainable Development in the Countryside

DCAN 15 Vehicular Access Standards

BMAP 2015

I am satisfied that the proposal in this location would not adversely affect the Seahill Rural Landscape Wedge (ND 08) or the Seahill Coastal Area Local Landscape Policy Area (SL 06) as it is not specially identified as an area or feature that contributes to either designated area. Although within the Rural Landscape Wedge it notes that the area is primarily used for agriculture and given that this application is for a dwelling on a farm it is considered acceptable in this location.

SPPS

Principle of Development, Good Design and Place Making

The principle of development is established as it has been demonstrated as outlined below that the proposed development meets the criteria for a dwelling on a farm under PPS 21.

PPS 3 Access, Movement and Parking

Following a consultation with Transport NI they have no objections to the proposed development in terms of the new access and parking arrangements.

Planning Policy Statement 6, Planning, Archaeology and the Built Heritage

Policy BH 11

Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

a) the detailed design respects the listed building in terms of scale, height, massing and alignment;

Following consultation with NIEA Historic Buildings Unit the original siting of the proposed dwelling was considered unacceptable as it would have detracted from the setting of the Listed Building. Following a number of redesigns and the relocation of the dwelling to the northern corner of the field NIEA HBU are now content with the proposed development.

b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

The proposed dwelling is to be traditional in appearance and given the relocation of it, it will not be read in conjunction with the Listed Building when viewed from critical viewpoints.

c) the nature of the use proposed respects the character of the setting of the building.

The proposed development is for a farm dwelling. Again give the relocation of the proposed dwelling away from the Listed Building it is considered that the character of the setting of the Listed Building will remain unaffected. Following consultation with NIEA HBU they are content that the proposed development is in conformity with BH 11.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 Development in the Countryside

States 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. Details of these are set out below.

Housing Development

Planning permission will be granted for an individual dwelling house in the countryside in this instance in accordance with:

a dwelling on a farm in accordance with **Policy CTY 10.**

Policy CTY 10 Dwellings on Farms

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

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

DARD confirm that the farm business associated with the Farm Business Identification Number has been established for at least 6 years that the business claimed SFP, LFACA or Agri Environment schemes in the last 6 years.

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

I am satisfied that this is the case.

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

demonstrable health and safety reasons; or

verifiable plans to expand the farm business at the existing building group(s).

The proposed dwelling was originally sited to cluster with the existing farm complex however following consultation with NIEA HBU they had concerns that its location adjacent to the Listed Building would adversely affect its setting. A number of alternative sites around the complex were considered but either due to the Listed Building, the walled garden and an area which had

a proliferation of TPO trees these were not viable. The preferred solution was to locate the proposed dwelling away from the Listed Building and a site in the northern apex of the field was settled upon. This was deemed acceptable by NIEA HBU and as is demonstrated below under CTY 13 and CTY 14 it was considered to be the most suitable location in terms of integration and preservation of rural character.

The detached siting of the proposed dwelling on a site that does not cluster with the farm complex is considered acceptable in this instance due to the exceptional circumstances involved pertaining to the presence of the Listed Building. In this case it is considered that there is a statutory requirement to have special regard to the desirability of preserving the Listed Building and its setting under Section 91 of the Planning Act 2011 and not just under Policy BH 11 of PPS 6. Therefore it is considered that substantial weight has to be given to protecting the Listed Building and its setting and as such it is regarded as an exceptional circumstance and therefore overrides the need to apply the clustering requirement of the above policy.

A number of judicial rulings support the case that in certain circumstances policy can be set aside if there is sufficient reason to do so. Girvan J in the Bow Street Mall case stated that in relation to Statements of Planning Policy they are to be regarded as guidance on the general approach. They are not designed to provide a set of immutable rules.

In Hyde Park JR (para 10) it was stated that it is recognised that having a policy to structure decision making is a good thing however, policy should not be applied so rigorously as to operate inflexibly irrespective of the circumstances.

Mr Justice Treacy, in the Lamont JR (para 48) stated that the policy itself, and much case law on this and similar issues, acknowledges that no policy can take account of the myriad of considerations that may arise in individual fact scenarios. No planning policy can anticipate the personal, environmental, logistic etc circumstances of all the individual planning applications made under the policy that need to be considered.

There has also been similar cases in relation to the detached siting of farm dwellings as a result of the presence of ~~historic monuments~~ ^{ve} in what was Lisburn district (S/2013/0666/F and ~~monuments~~ ^{historic monuments} S/2014/0458/O) where it was also considered that the preservation of the ~~buildings~~ ^{monuments} and their settings outweighed the need to cluster the farm dwellings with the ~~buildings~~ ^{monuments} and their associated farm complexes and the proposed dwellings were located away from the existing clusters respectively. ^{Existing groups of Farm Buildings}

In this instance exceptional circumstances exist due to the Listed Building and it is deemed on a par with the cases mentioned above. As such it is considered that on balance the compromised removed siting is a favourable solution to the situation.

Policy CTY 13, Integration and Design of Buildings in the Countryside

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

A new building will be unacceptable where:

(a) it is a prominent feature in the landscape; or

It is not considered that the proposed dwelling would be a prominent feature within the landscape. The positioning of the dwelling in the northern apex of the field which is situated at a much lower level than the road and railway line will limit any critical views of the dwelling. The existing vegetation along the railway line and the road will adequately screen the proposed development. Although a portion of the existing roadside vegetation will be removed to facilitate

the new access arrangements it is proposed to replant native hedges to the rear of the visibility splays and along the new southern boundary of the dwelling curtilage.

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

Given the triangular shape of the field and that the proposed site is in the apex of it there are established boundaries enclosing the site to a satisfactory level. The topography of the site also provides a form of enclosure to a certain extent as the railway embankment and the slope up to the road level will further enclose the site.

(c) it relies primarily on the use of new landscaping for integration; or

The site would not primarily rely on new landscaping for integration. New landscaping is proposed surrounding the new access point and along the southern boundary where the site will be segmented from the rest of the field. The established boundaries provide the majority of the integration.

(d) ancillary works do not integrate with their surroundings; or

I am satisfied that ancillary works will integrate with their surroundings as native planting is proposed around the new access point.

(e) the design of the building is inappropriate for the site and its locality; or

The details of the design are considered appropriate to the location and reflect the traditional style and finishes of dwellings in the surrounding area. The dwelling is to be a storey and a half, with a slate pitched roof, timber fascias, soffits and bargeboards, painted rendered walls and timber window surrounds. With an overall ridge height of 7.5m and given the topography of the land it is considered that it will be appropriate to the location.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

I am satisfied that this proposal would blend with the existing landform given its lower setting in conjunction with the railway embankment and elevated road level as well as the presence of the existing mature vegetation.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As above.

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.

A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

As above.

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site would not result in suburban style build-up of development when viewed with existing and approved buildings.

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

I am satisfied that the proposed dwelling would respect the traditional pattern of settlement found in the area.

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

The proposal would not add to, or create a ribbon of development.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As above.

Policy CTY 16, Development Relying on Non-Mains Sewerage

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.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

This proposal is indicated to be connected to the mains therefore this is not applicable.

Representations

No representations were received.

Neighbour Notification Checked	Yes
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Summary of Recommendation

After careful consideration of the relevant plan, policies, consultation responses and other material considerations as outlined above I recommend approval of the scheme.

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.

shall

2. No development ~~shall~~ 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.

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

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with stamped approved drawing No. W/2014/0285/03B, date stamped received 18th September 2015, 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.

5. 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.

6. The existing natural screenings of this site, as indicated in yellow on the stamped approved drawing W/2014/0285/03B, date stamped received 18th September, shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to and approved by the the Council in writing within 14 days.

Reason: To ensure the maintenance of screening to the site in the interests of privacy and amenity.

7. Landscape works shall be carried out in accordance with the stamped approved drawing W/2014/0285/03B, date stamp received 18th September 2015. The works shall be completed during the first available planting season following the occupation of the ~~the~~ dwelling.

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

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 in accordance with the stamped approved drawing W/2014/0285/03B, 432/08C, date stamp 18th September 2015, shall be planted in 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

landscaping.

9. If any retained tree or hedge is removed, uprooted, destroyed or dies within 5 years from the date of the occupation of the building for its permitted use, another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species and shall be planted at such a time as may be specified by the Council.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. This decision relates to planning control only. The Council would advise that if the proposed works require Building Regulations approval this should be obtained from Ards and North Down Borough Council before the works commence. The Council would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.

5. The onus is on the householder / developer to find out if there is existing water and sewer infrastructure within their property

6. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.

7. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.

8. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder / developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc.

9. It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.

10. Guidance can be given to developers / house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.

11. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NIW Water to extend the public watermain or foul / storm sewer system to service your development.

This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

12. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.

Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopment.asp and Forms.

13. The developer will indemnify Northern Ireland Railways (NIR) against any claims for noise and vibration caused by NIR at any stage.

No encroachment should take place onto NIR / NITHC property. All works to NIR boundaries must be carried out under the conditions of the NIR Rule Book with regard to safety of workers and railway passengers. If necessary, NIR will provide safety critical staff to ensure that a safe method of work is established and maintained. Costs incurred by NIR must be borne by the developer.

Construction plant or equipment must not be allowed to slew over NIR property at any time. Any works involving cranes must have control measures in place to prevent movement of loads into the path of trains and avoid any unforeseen collapse on or near the line. NIR will need to be informed if it is proposed that a crane will be erected during the installation work. All crane / lifting certificates must be forwarded to NIR for approval.

Northern Ireland Railways Co. Ltd. reserve the right to carry out any works to the company's property by any machinery at any time of the day or night as deemed necessary by NIR CO. Ltd Engineers.

14. The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.

15. The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:

- PPG 01 - General guide to pollution prevention
- PPG 02 - Above ground oil storage
- PPG 04 - Disposal of sewage where no foul sewer is available
- PPG 05 - Works in, near or liable to affect watercourses
- PPG 06 - Working at demolition and construction sites

Compliance with the advice in PPG 05 and 06 will help to minimise the impact of the site

clearance and construction phases of the project on the environment. These PPGs can be accessed by visiting the NetRegs website at:-

<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

General advice and guidance on private water supplies can be obtained from the DWI's information leaflet 'Is your private water supply safe?'

<http://www.doeni.gov.uk/niea/privatewatersuppliesleaflet.pdf> (PDF 463KB)

More detailed guidance can be obtained from the private water supplies technical manual at: <http://www.privatewatersupplies.gov.uk/>

Borehole construction should be undertaken by a competent contractor taking account of best practice. Guidance on best practice can be accessed by the Institute of Geologists of Ireland (IGI) at: <http://www.igi.ie/publications/codes-guidelines.htm>

Environment Agency (EA) Guidance on Rainwater Harvesting Guidance can be obtained from:

<http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environment-agency.gov.uk/geho1110bten-e-e.pdf>

16. NIEA Water Management Unit notes that there is a mains sewer in close proximity to this site and the applicant should consider connecting to this rather than use a treatment plant. However, if it is not possible to connect the proposed development to the mains sewer then discharge consent under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the works phase. The applicant should refer and adhere to the precepts contained in DOE Standing Advice Note No. 4 Pollution Prevention Guidelines (April 2015).

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

17. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is 72 Balloo Road, Bangor. A monetary deposit will be required to cover works on the public road.

18. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

19. Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval

to connect.

20. The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.

Details of existing water and sewerage services may be obtained by submitting a Records Request application RR1-A257/A258 available at www.niwater.com/servicesfordevelopers.asp.

21. All services within the development should be laid underground, in the interests of visual amenity.

22. Development shall not begin until drainage works have been carried out in accordance with details submitted to and approved in writing by the Council, to safeguard the site and adjacent land against flooding and standing water.

Case Officer Signature:

[Redacted signature]

[Redacted signature]

Date: 29/10/15

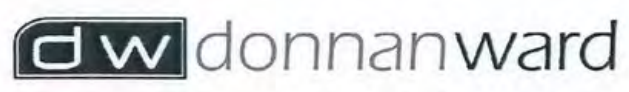
Appointed Officer Signature:

[Redacted signature]

Approval agreed as per officers recommendation and subject to above conditions. Group content that siting away from existing group of farm buildings is justified as an exception under policy in this instance as there is a legislative requirement to have 'special regard' to the desirability of preserving the listed building and its setting and this must therefore be given determining weight. Moreover, due to circumstances unique to this case, there is no risk of setting an undesirable precedent. Group content proposal fully complies with CTY13 & 14.

Date: 30/11/15. In that the dwelling can be visually

integrated and will not erode rural character of the area. While a large amount of roadside hedge will be removed this will be replaced to rear of V5 plays and across lane with site several metres below road therefore minimal visual impact.



61 Mornington Lane
 Lisburn
 BT28 2WH

T: 028 9260 3871
 E: info@donnanward.co.uk

CLIENT Small		
PROJECT Dwelling on a Farm Craigdarragh Road, Helens Bay		
DATE Nov2015	DRAWING LOCATION MAP	
SCALE 1:2500	DRAWING NO 11/57/01	REV A

Appendix 3

OUTLINE PLANNING PERMISSION**Planning Act (Northern Ireland) 2011**Application No: **S/2014/0458/O**Date of Application: **7th July 2014**

Site of Proposed
Development: **Lands to the rear of 3
9 and 11 Mill Road
Lisburn.**

Description of Proposal: **Two storey dwelling on a farm and associated domestic
garage with access lane from Mill Road**

Applicant: **Mr Alan Wilton**
Address:

Agent: **Michael Burroughs Associates**
Address: **33 Shore Road
Holywood
BT18 9HX**

Drawing Ref: **S/2014/0458/01,02,03.**

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS OUTLINE PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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

Reason: Time Limit

2. Except insofar as expressed below approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

REASON: To enable the Council to consider in detail the proposed development of the site.

3. 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.

4. The dwelling shall not 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 3 spaces per dwelling.

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

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

REASON: In the interest of road safety and the convenience of road users.

6. The proposed dwelling shall have a ridge height of less than 8 metres above finished floor level.

REASON: To ensure that the development is not prominent in the landscape in accordance with the requirements of the Councils 'A Sustainable Design Guide for Northern Ireland Countryside.

7. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

REASON: In the interest of visual amenity.

8. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

REASON: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

9. The curtilage of the proposed dwelling shall be as indicated in yellow on the approved plan S/2014/0458/03 date stamped 2nd April 2015.

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

10. A detailed scheme of landscaping providing for species, siting, planting distances, presentation and programme of planting; shall be submitted to the Council as part of the Reserved Matters and shall be subject to its approval before any work commences on site.

REASON: The Council wishes to ensure that there will be a well laid out scheme of healthy trees and shrubs.

11. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

REASON: To ensure the proposal is in keeping with the character of the rural area.

12. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with with a programme to be agreed with the Council.

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

Informatives

1. The onus is on the householder / developer to find out if there is existing water and sewer infrastructure within their property
2. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
3. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
4. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder / developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc.
5. It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.
6. Guidance can be given to developers / house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.
7. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NIW Water to extend the public watermain or foul / storm sewer system to service your development.

This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

8. Septic Tank emptying. The applicant must provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank.

If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team. Copies of our Application Forms can be obtained by contact the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopers.asp and Forms.

9. NIEA WMU has no objection in principle to this proposal providing all the relevant statutory permissions for this development are obtained.

NIEA WMU recommends that all proposed developments should connect to a mains sewer, where available, and providing that the sewer and associated Waste Water Treatment Works (WWTW) can take the additional load. Northern Ireland Water Limited (NIW) can advise if this is possible.

If it is not possible to connect the proposed development to the mains sewer then discharge consent under the terms of the Water (NI) Order 1999 (as amended) will be required for the discharge of sewage effluent from the proposed development. However the applicant should be aware that there is no guarantee that discharge consent will be granted, as a number of site specific factors need to be taken into account in assessing the suitability of the proposed means of sewage effluent disposal.

An application form for consent to discharge sewage effluent under the Water (NI) Order 1999 (as amended) can be obtained by contacting NIEA WMU at the above address, or by visiting our web site at:-
http://www.ni-environment.gov.uk/water-home/regulation_of_discharges_industrial/industrial_and_private_sewage_2.htm

All wastewater treatment systems and soakaways must be located in such a position that they cannot affect surface or ground waters and cannot cause a nuisance to any nearby residential properties.

NIEA WMU recommends that no development should take place on-site until the method of sewage disposal has been either agreed in writing with Northern Ireland Water or a consent to discharge has been granted.

Care should be taken to ensure that only clean surface water is discharged to the surrounding water environment during the construction and operational phases of this development.

NIEA WMU also recommends the following measures be incorporated:

- The storm drainage of the site, during site clearance, construction and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.
- Construction of SuDS should comply with the design and construction standards as set out in the Construction Industry Research and Information Association (CIRIA) manual C697. A separate site handbook (C698) for the construction of SuDS has also been produced by CIRIA.
- It should be noted that several SuDS features may be useful pollution prevention measures during the construction phase.

The applicant should comply with all the relevant Pollution Prevention Guidelines (PPGs) in order to minimise the impact of the project on the environment, paying particular attention to:

PPG 01 - General guide to pollution prevention
PPG 02 - Above ground oil storage
PPG 04 - Disposal of sewage where no foul sewer is available
PPG 05 - Works in, near or liable to affect watercourses
PPG 06 - Working at demolition and construction sites
PPG 08 - Safe storage and disposal of used oils
PPG 18 - Managing fire water and major spillages
PPG 21- Pollution incident response planning
PPG 26 - Safe storage - drums and intermediate bulk containers

Compliance with the advice in PPG 05 and 06 will help to minimise the impact of the site clearance and construction phases of the project on the environment.

These PPGs can be accessed by visiting the NetRegs website at:-
<http://search.netregs.org.uk/search?w=pollution%20prevention%20guidelines>

Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that no polluting discharges occur during the works phase. The site owner needs to make the selected contractor(s) aware that they will be held legally responsible for any polluting discharges which occur during the construction phase.

NIEA WMU notes that there is an intention to culvert a watercourse. The construction of new culverts should be avoided unless no practicable alternative exists. Where culverting is proposed it should comply with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4.

Details of mitigating measures to address the environmental impacts of the construction and operation of the culvert on the aquatic environment should be presented. The Construction Industry Research and Information Association (CIRIA) have published a document titled 'Culvert Design and Operation Guidance C689', which you may find useful.

NIEA WMU recommends that DOE Planning Division contact DARD Rivers Agency regarding this proposal, to seek advice on any considerations that may need to be made within their remit.

NIEA WMU recommends that the applicant adheres to the advice detailed in the DOE guidance document 'Surface Waters Alterations Handbook' which can be accessed via the following link:

http://www.doeni.gov.uk/surface_water_alteration_handbook_-_online_version.pdf

The Inland Fisheries Group, of The Department of Culture, Arts and Leisure (DCAL) should also be consulted due to the potential impact on fish life and shellfish waters.

With Regards to works in or near a waterway;

NIEA WMU Pollution Prevention Team **MUST BE** consulted about any work to be conducted in; near or liable to affect any waterway in order to agree a method statement with the contractors prior to the commencement of any works.

This should reflect all mitigation measures identified to prevent pollution of the water environment during the operational or maintenance phase of a project. Such measures must be in place prior to the commencement of any works and should be incorporated in method statements.

Works method statements should:

- Identify the perceived risks to a waterway e.g. from cement, concrete, grout, fuels/ oil/ hydrocarbons and suspended solids,
- Identify potential pollution pathways,
- Mitigation measures will be employed to minimise the risk of pollution to any waterway (as defined by the Water (NI) Order 1999) e.g.
 1. Use of settlement systems for settlement of suspended solids from site drainage.
 2. Any works in a waterway must be conducted 'in the dry'. No machinery should enter any waterway at any time. NIEA WMU must be consulted prior to commencement of any such works.
 3. To prevent pollution by fuel/oil from leaking machinery there must be regular inspections of machinery working near any waterway.
 4. Safe refuelling, handling and storage practices for earth stockpiles and secondary containment for chemicals, oil, fuels etc

(This list is not exhaustive but should merely be used as a starting point for considerations to be made.)

NIEA WMU would like to highlight the requirements of the Control of Pollution (Oil Storage) Regulations (NI) 2010 (as amended) which are effective from 20th March 2011. These relate to the storage of ANY oils (as defined by the regulations). A key requirement of the Regulations is that oil storage containers over 200 litres (fixed or mobile) must have a secondary containment system (of 110% capacity) as defined by the regulations (a bund, which is an outer wall or enclosure designed to contain the contents of an inner tank, or a drip tray) to ensure that any leaking oil is contained and does not enter the aquatic environment. Guidance on how the Regulations will apply to your development can be found at: www.netregs.org.uk

- The Regulations create new standards for above ground Oil Storage facilities in industrial, commercial and Institutional sectors.
- Make provision for the need for secondary containment of 110% all types of oil stored in containers over 200 litres.
- Compliance immediately for all new all new oil storage facilities installed after 20th March 2011.

The applicant should be informed that it is an offence under the Water (NI) Order 1999 (as amended) to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or ground water as a result of the activities on site, both during site clearance, construction and thereafter.

10. This planning permission is granted for a dwelling on the farm as provided for in Policy CTY10 of the Planning Policy Statement 21 - Sustainable Development in the Countryside, under Farm Business Reference 637595.
11. The applicant is advised that under Policy CTY 10 of PPS 21: Sustainable Development in the Countryside planning permission will not be granted for a dwelling under this policy if a dwelling or development opportunity has been sold off from the farm holding within 10 years of the date of the application. For the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of family.
12. Environmental Health make the following comments, No objection in principle, however, at the subsequent planning stage details should be submitted of the proposed sewage treatment method.

13. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
14. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
15. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
16. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Dated: 24th February 2016 Authorised Officer

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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	2 November 2015
Committee Interest	Deferred Consideration
Application Reference	S/2014/0458/O
Date of Application	7 July 2015
District Electoral Area	Downshire East
Proposal Description	Two storey dwelling on a farm and associated domestic garage with access lane
Location	Lands to the rear of 3, 9 and 11 Mill Road, Lisburn
Applicant/Agent	Michael Burroughs Associates
Representations	6 Objections
Case Officer	Joanna Magee
Recommendation	APPROVAL

Summary of Recommendation

1. A recommendation to approve planning permission was presented to the Planning Committee at its meeting on the 7 September 2015. The Professional Officer Report presented to the Committee in September is provided at Appendix 1.1.8(a).
2. During the Planning Committee Meeting, a representation was made by a third party expressing concerns about the proposed access running passed the rear of his property onto Mill Road. It was suggested that an access could be gained from Pinehill Road which would negate the requirement for a long access through the field to Mill Road. However, it was acknowledged that an alternative

access to Pinehill Road would require the removal of several mature trees. No concern was expressed in relation to the principle of a dwelling at this location.

3. Members agreed that consideration of planning application S/2014/0458/O should be deferred until more detailed information had become available in respect of alternative access to the proposed new dwelling, and in relation to the number of trees, and the amount of vegetation to be removed.

Deferred Consideration

4. Following the September Committee meeting, the Agent was invited to provide more detailed information in respect of an alternative access and the number of trees to be removed.
5. In a response received on 2 October 2015, the Agent advised that the objector had written to Members of the Council to withdraw his objection to the application.
6. The agent had subsequently been instructed by the applicant not to submit any further information with regard to an alternative access or trees to be removed and has requested that the application be determined by the Committee on the basis of the detail presented to it on 7 September 2015.
7. In addition, the Strategic Planning Policy Statement (SPPS) was published on 28 September 2015 and is now a material consideration in respect of planning applications which are undetermined at that point.
8. The policy provisions associated with Policy CTY 10 – Dwellings on Farms are still a material consideration and the policy considerations set out in the previous report remain valid.
9. Whilst the publication of the SPPS cancels the policy tests associated with PPS 1 - General Principles, the thrust of the guiding principle for planning authorities in determining applications remains unchanged.

10. With regard to applications for dwellings on farms, the SPPS indicates that provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The policy also states that the farm business must be currently active and have been established for a minimum of 6 years. It also requires that no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application.
11. The policy also directs that the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding and that dwellings on farms must also comply with Local Development Plan policies regarding integration and rural character. It is important to note that a dwelling on a farm under this policy will only be acceptable once every 10 years.
12. Having considered this new policy context, in conjunction with the provisions of CTY 10 in PPS 21 Sustainable Development in the Countryside, it is contended that the current proposal is still policy compliant. It is considered that there is nothing new in the SPPS that the current application is at odds with and that material weight would be given to the previous consideration and recommendation reached prior to the SPPS being published.

Recommendation

13. As the objection regarding access and tree loss has now been withdrawn, and additional information is no longer required, it is recommended that outline planning permission is granted subject to the conditions set out in the initial report to be met at Reserved Matters stage.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	1 September 2015
Committee Interest	Major Application
Application Reference	S/2014/0458/O
Date of Application	7 July 2014
District Electoral Area	Downshire East
Proposal Description	Two storey dwelling on a farm and associated domestic garage with access lane from Mill Road.
Location	Lands to the rear of 3,9,11 Mill Road, Lisburn
Applicant/Agent	Michael Burroughs Associates.
Representations	6 objections
Case Officer	Joanna Magee
Recommendation	APPROVAL

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The application is presented to the Planning Committee with a recommendation to approve.

Description of Site and Surroundings

3. The site is accessed off the Mill Road with a large two storey house fronting the road at no 3, and two 1 ½ storey properties to the east of the access point at

no.9 and 11 Mill Road. The access to the public road as indicated is currently tree lined with an existing agricultural gate serving fields to the south.

4. The main dwelling (occupied by the applicant) is situated at 238 Ballyleson Road. It is a 1 1/2 storey property which is a Grade B listed building and associated outbuildings. Tennis courts are situated to the rear enclosed by an existing electric gated entrance.
5. The land to the western boundary of the site is defined by mature trees bordering the Grade B2 listed building known as Belvedere House - a garden park or demesne that forms an integral setting for a building or buildings of historical importance.

Proposed Development

6. Outline planning permission is sought for a two storey dwelling on a farm and associated domestic garage with access lane from Mill Road.

Relevant Planning History

7. The relevant planning history includes the following:

Application Reference	Description of Proposal	Address	Decision
S/2010/0796/F	Removal of Condition 5 Agricultural Occupancy Condition	3 Mill Road, Lisburn	Permission Granted
S/2007/0009/F	Internal alterations and renovation to existing listed dwelling and remodelling of existing staircase.	226 Ballyleson Road, Lisburn	Permission Granted
S/2006/1547/LB	Internal alterations and renovation to existing listed dwelling and remodelling of existing staircase.	226 Ballyleson Road, Lisburn	Permission Granted
S/2004/0107/F	Refurbishment and extension of existing barn to create new garden room and study	Ballyaughlis Lodge, 238 Ballyleson Road, Lisburn	Permission Granted

Application Reference	Description of Proposal	Address	Decision
S/2004/0106/LB	Refurbishment and extension of existing barn to create new garden room and study	238 Ballylesson Road, Drumbo, Lisburn,	Permission Granted
S/1990/0749/F	Alterations to dwelling and attached garage,	Ballyaughlis Lodge Ballylesson Road, Drumbo	Permission Granted
S/1983/0461/F	Self-contained flat and general improvements	Ballyaughlis Lodge Ballylesson Rd Drumbo	Permission Granted

Planning Policy Context

8. The relevant planning policy context which relates to the application is as follows:
- Belfast Metropolitan Area Plan 2015: Lisburn Countryside
 - Planning Policy Statement (PPS) 1: General Principles
 - Planning Policy Statement (PPS) 2: Natural Heritage
 - Planning Policy Statement (PPS) 3: Access, Movement and Parking
 - Planning Policy Statement (PPS) 6: Archaeology and the Built Heritage (Policy BH 11 - Development affecting the Setting of a Listed Building)
 - Planning Policy Statement 21: Sustainable Development in the Countryside (Policy CTY 10 Dwellings on Farms and Policy CTY 13 & CTY14).

Consultations

9. The following consultations were carried out:

Consultee	Response
Transport NI	No objections subject to conditions
Environmental Health	No objections
Water Management Unit	No objections

Consultee	Response
NI Water	No objections
NIEA Historic Monuments Unit	No objections
NIEA Historic Buildings Unit	No objections
NIEA Natural Heritage	No objections.
Rivers Agency	No objections
DARD NI	No objections

Representations

10. There have been 6 letters of objection received in relation to the application.

The following issues have been raised:

- The building and laneway would have a detrimental effect on the established character of the neighbourhood.
- Traffic concerns of existing vehicles.
- Loss/invasion of privacy due to the siting of the dwelling.
- Access lane proposed passing existing properties.
- Loss of existing vegetation.
- Potential alternative site further up where it would not cause overlooking with possible access off Pinehill Road.
- Rising levels of proposed location

11. Discussions with the agent took place following objections submitted to Council. Amended drawings have been received showing the siting of the proposed dwelling further away from the objectors property to avoid overlooking.

Consideration and Assessment

12. The main issues to consider in the determination of this planning application are:

- Principle of Development
- Sustainable Development in the Countryside
- Dwellings on Farms

- Integration and design of buildings in the countryside
- Rural Character
- Access, Movement and Parking
- Proximity of Listed Buildings & Belvedere Historic Parks, Gardens and Demesnes in Lisburn City Council Area

Principle of Development

13. The application site lies within Lisburn Countryside as designated under the Belfast Metropolitan Area Plan 2015. The site is located in an Area of Outstanding Natural Beauty (AONB) and Area of High Scenic Value (AOHSV) and Site of Local Nature Conservation Importance (SLNCI).
14. The Ballylesson Road is a protected route and therefore is not a viable option for the creation of a new access. As such, the Mill Road has been proposed to serve the new dwelling and garage. The use of Mill Road ensures that there is no impact on the setting of the listed buildings at Ballyaughlis Lodge or Belvedere House.
15. The guiding principle in the determination of applications is that 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.
16. The proposed development is located outside the settlement limits. PPS21 is therefore a material planning consideration in the determination of this application.

Sustainable Development in the Countryside

17. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside. For the purposes of this policy, countryside is defined as land lying outside the settlement limits as identified in development plans.

18. Policy CTY 1 of PPS 21 – Development in the Countryside indicates that there is 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.
19. This application proposes a two storey farm dwelling and garage and as such, the proposal is assessed in accordance with the policy tests associated with Policy CTY 10 - Dwellings on Farms.

Dwellings on farms

20. Policy CTY 10 – Dwellings on Farms states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:
 - (a) **the farm business is currently active and has been established for at least 6 years;**
21. The Department of Agriculture and Rural Development (DARD) has confirmed that the farm business is active and that it has been established for at least 6 years. As such, they have offered no objections to the proposed development. The response from DARD also indicated that the applicant has been a member of this farm business since 11 April 2005. The farm maps supplied state a total area of 17.26 hectares. It is also noted that whilst out on site the lands appear to be kept in good agricultural condition.
 - (b) **no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and**
22. Site history searches confirm no previous approvals within the farm holding depicted in the farm maps.
 - (c) **the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.**

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group.

23. The proposed location of the new dwelling is an exception in that the applicant's dwelling house is a listed building and contains few outbuildings to cluster with the existing group of farm buildings. Discussions at an early stage in the process allowed NIEA Historic Buildings Unit to recommend a suitable site away from the setting of a listed building with access onto Mill Road. The existing access will not be used in this case due to the property being sited onto Mill Road which is more suitable than the Ballylesson Road which would cause any adverse impact on the setting of a listed building and also the fact that the existing access is a protected route in the development plan.
24. The exception to the policy is a material consideration in this instance due to the fact that the applicant lives in a listed building which forms part of the group of buildings on the farm holding. As such, any new dwelling located near the existing group of buildings has the potential to affect the setting of the listed building and would therefore be contrary to the policy test associated with PPS 6 – Planning Archaeology and the Built Heritage.
25. Furthermore, it was important to ensure that any new building did not compromise the setting of another adjacent listed building.
26. NIEA Historic Buildings Unit is content that the siting of the proposed dwelling out with the group of farm buildings will in this instance be compliant with policy. NIEA will be consulted again at Reserved Matters stage.

Integration and design of buildings in the countryside

27. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
28. Policy states that a new building will be unacceptable where:
 - (a) it is a prominent feature in the landscape; or

- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
 - (c) it relies primarily on the use of new landscaping for integration; or
 - (d) ancillary works do not integrate with their surroundings; or
 - (e) the design of the building is inappropriate for the site and its locality; or
 - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or
 - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.
29. It is considered that there is adequate screening along the existing entrance and boundaries to the eastern boundary of the site. There are also mature trees and existing planting along the access with Mill Road.
30. Whilst further landscaping may be required along the north and west boundary to ensure integration into the rural setting, it is recommended that any decision issued is conditioned to ensure that landscaping details are provided as part of the Reserved Matters application.
31. The design of the building will be considered at submitted at the Reserved Matters stage. It is however recommended that a ridge height condition should be attached to any decision notice issued in order to ensure that the development is not prominent in the rural landscape.
32. The proposal is on an elevated site served by a long laneway to the new site which crosses an existing stream. Although the driveway will pass the rear of no 9 and 11 Mill Road, the proposed dwelling and garage are sited so as to ensure that there will be no adverse impact on the amenity of adjoining properties.
33. Whilst the dwelling is not visually linked or clustered with an established group of buildings on the farm (a policy requirement), the circumstances associated

with the proximity of the farm dwelling and outbuildings (listed) within a pink shaded area, are considered to be an exception resulting in it being relocated 135m away from the residents at 11 Mill Road and approximately 640 metres away from the listed building within the applicant's ownership.

34. There are adequate boundaries to the road frontage and rear of the site to aid integration. The application seeks to establish the principle of a dwelling in this location and as such, full design details will be submitted at the Reserved Matters stage. The design of the building must be in accordance with A Sustainable Design Guide for the Northern Ireland Countryside introduced May 2012. It is noted that there is a two storey property in close proximity to the site and the site has an immediate back drop of mature trees.

Rural Character

35. Policy CTY 14 – Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It states that a newbuilding will be unacceptable where:
- (a) it is unduly prominent in the landscape; or
 - (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
 - (c) it does not respect the traditional pattern of settlement exhibited in that area; or
 - (d) it creates or adds to a ribbon of development (see Policy CTY8); or
 - (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.
36. In light of the existing boundary planting and backdrop of trees, it is contended that a new dwelling and garage will not be unduly prominent in the landscape. The site is also enclosed within the corner of the field which will allow the dwelling to be further integrated into its rural surroundings.

37. Mature trees line the boundaries to the west of the site. This will ensure that the proposed dwelling will integrate into its surroundings. Furthermore, the proposed dwelling will be positioned some 160 metres away from the Mill Road frontage. It is therefore contended that it will not be highly visible.

Access, Movement and Parking

38. PPS 3 – Access Movement and Parking sets out policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.
39. The proposed development will be access via Mill Road. This access was chosen to lessen the impact of the development on the listed building associated with the farm unit and another adjacent listed property known as Belvedere House.
-
40. Transport NI has considered the detail associated with this application and commented that the application was acceptable subject to a condition ensuring that adequate provision has been made for parking and circulating within the site.
41. In light of this response, it is contended that the proposed development complies with the policy requirements contained within PPS 3.

Planning Archaeology & Built Heritage Issues

42. PPS 6 – Planning Archaeology and Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.
43. Policy BH 11 – Development affecting the Setting of a Listed Building states that development which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:
- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
 - (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

- (c) the nature of the use proposed respects the character of the setting of the building.
44. In order to ensure compliance with the above policy tests NIEA Historic Buildings Unit accepted the repositioning of the proposed dwelling within the red line boundary so as to move the new dwelling away from the Listed Buildings.
45. Due to the sites location within an area of archaeological influence, NIEA Protecting Historic monuments was consulted. They offered no objections.
46. It is therefore contended that application satisfies policy tests associated with Policy BH 2 - The Protection of Archaeological Remains of Local importance and their settings.

Conclusions

47. The application seeks an approval in principle for a two storey dwelling on a farm with an associated garage. It is contended that the siting of the proposal is in the best possible location given the proximity of Listed Buildings on adjacent land and that the principle of a dwelling and garage is acceptable.
48. Based on careful consideration of all the relevant material planning considerations, including third party representations and responses from consultees, it is contended that the proposal is acceptable in that it meets all relevant policy tests associated with PPS 21 and PPS 6.

Recommendation

49. It is therefore recommended that outline planning permission is granted subject to conditions to be met at reserved matters stage.

Conditions

50. The following conditions are recommended:

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

Reason: Time Limit

- Except in so far as expressed below approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: To enable the Council to consider in detail the proposed development of the site.

- 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 dwelling shall not 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 3 spaces per dwelling.

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

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

- The proposed dwelling shall have a ridge height of less than 8 metres above finished floor level.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of the Councils, 'A Sustainable Design Guide for Northern Ireland Countryside.

- The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

- No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform and to ensure resident's privacy is not adversely affected.

- The curtilage of the proposed dwelling shall be as indicated in green on the approved plan S/2014/0458/01 date stamped 21 August 2014.

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

- A detailed scheme of landscaping providing for species, siting, planting distances, presentation and programme of planting; shall be submitted to the Council as part of the Reserved Matters and shall be subject to its approval before any work commences on site.

Reason: The Council wishes to ensure that there will be a well laid out scheme of healthy trees and shrubs.

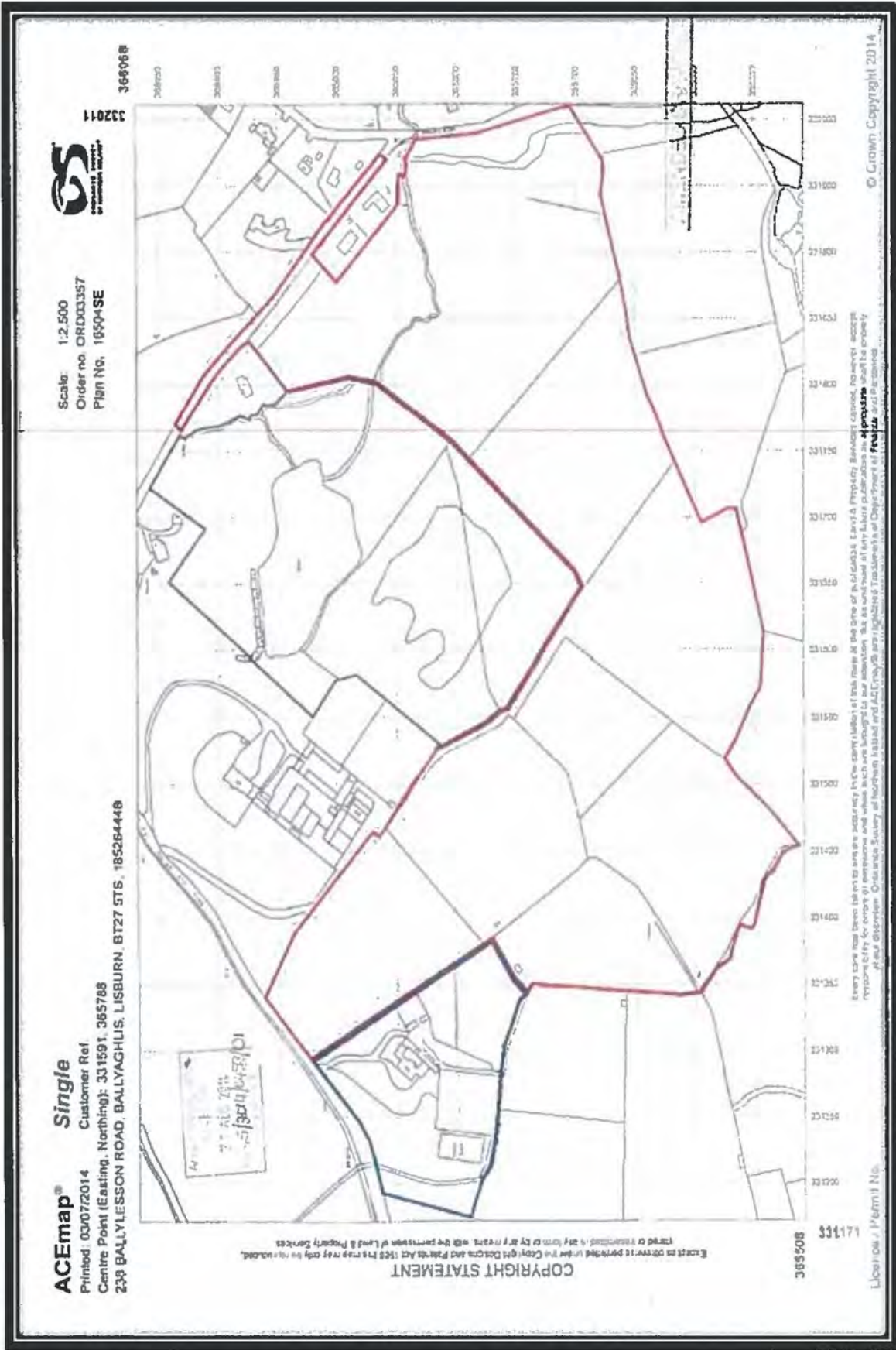
- The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

- All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with a programme to be agreed with the Council.

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

Site Location Map - S/2014/0458/O



Photographs – S/2014/0458/O



ACEmap® Single

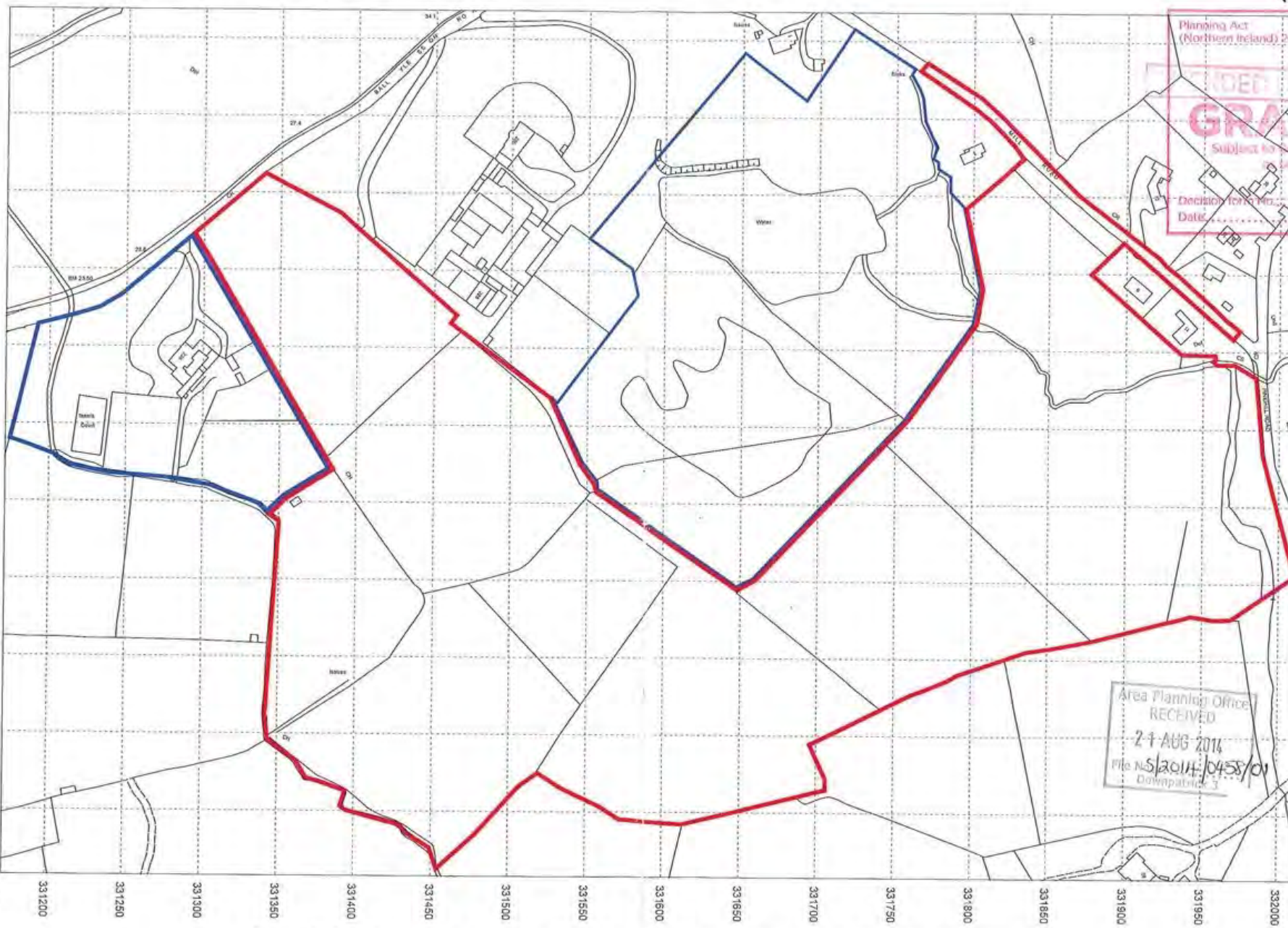
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Centre Point (Easting, Northing): 331591, 365788
238 BALLYLESSON ROAD, BALLYAGHLIS, LISBURN, BT27 5TS, 185264448

Scale: 1:2,500
Order no. ORD03357
Plan No. 16504SE



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Planning Act (Northern Ireland) 2011

PLANNING PERMISSION GRANTED

Subject to conditions (if any)

Decision Ref No. 365950

Date 24.2.16

LCC
Lisburn City Council

Area Planning Office
RECEIVED
24 AUG 2014
File No. S/2014/0458/01
Downpatrick 3

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Illustrative Site Plan
Drawing No: 02 Rev B
Scale: 1:1250 @ A3

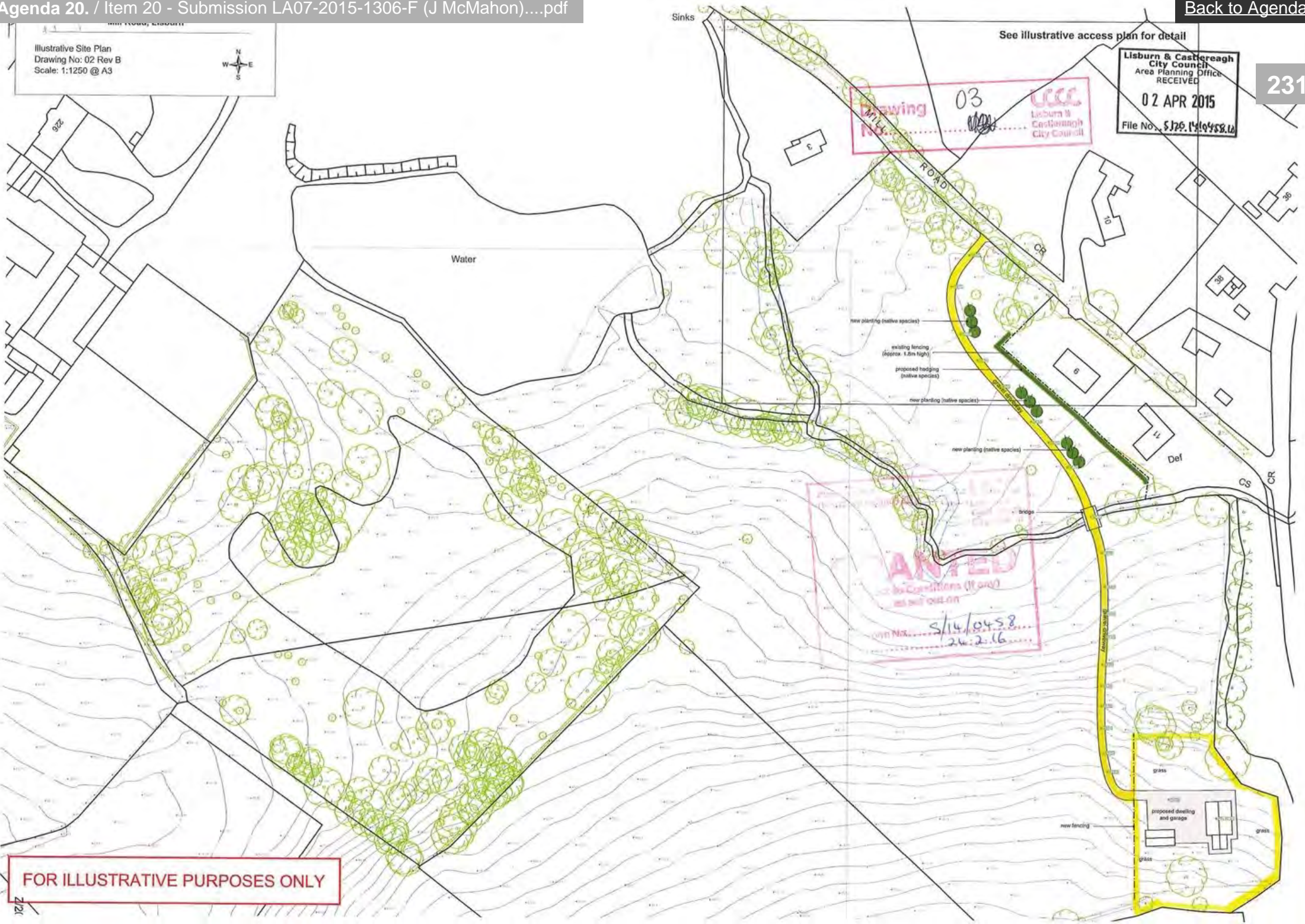


See illustrative access plan for detail

Lisburn & Castlereagh
City Council
Area Planning Office
RECEIVED
02 APR 2015
File No. S/14/0458/14

Drawing No. 03
Lisburn & Castlereagh City Council

ANTED
Conditions (if any)
as set out on
S/14/0458
24.2.16



FOR ILLUSTRATIVE PURPOSES ONLY

Z/20

ITEM NO	9			
APPLIC NO	LA07/2016/0193/F	Full	DATE VALID	2/2/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Raymond McVeigh c/o 86A Newry Road Kilkeel BT34 4ES		AGENT	Milligan Reside Larkin 56 Armagh Road Newry BT35 7NN 02830253755
LOCATION	No. 22 Grange Meadows Kilkeel			
PROPOSAL	Retention and alteration of existing extension			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale and massing of the proposal dominates the host property and detracts from the appearance and character of the dwelling and surrounding areas and there is insufficient space within the curtilage of the property for the parking and manoeuvring of vehicles.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0193/F

Date Received: 02/02/2016

Proposal:

Retention and alteration of existing extension.

A two storey extension has been erected to the side of the dwelling without planning permission which the applicant seeks to retain and carry out alterations to. It is proposed that the extension is set back 800mm from the dwelling to the front, the ridge height of the extension is to be reduced, the eaves height of the extension is to be reduced, the window on the front elevation is to be reduced in size and replaced with a dormer window, the second window in bedroom 1 is to be removed and replaced with brick and the window at the bathroom is to be replaced with a dormer window.

Location:

No. 22 Grange Meadows, Kilkeel.

The site is located inside the settlement development limits of Kilkeel towards the western end of the town.

Site Characteristics & Area Characteristics:

This urban side contains a two storey semi-detached dwelling with a two storey side extension which does not have planning permission. The dwelling is finished in red brick, it has a hipped roof with grey flat non-profiled tiles, brown PVC windows and black guttering. The driveway is laid in decorative loose stone and the front garden is laid in lawn and bound by a concrete wall which is approximately 1.0m in height. A passageway is located at the centre of the dwelling providing access to the rear.

The dwelling is located inside the settlement development limits of Kilkeel, as defined in the Banbridge / Newry and Mourne Area Plan 2015. The site is located on land zoned for housing – KL 03. This area is also part of the Mourne Area of Outstanding Natural Beauty. There are no historic sites or monuments in close proximity to the site. Grange Meadows is a housing development with dwellings finished primarily in red brick. A range of house types are present but they are predominantly semi-detached dwellings in the vicinity of the site.

Site History:

Ten planning applications have been submitted on the site – the first five relate to the overall housing development and the most recent five relate specifically to the

dwelling on the application site. The following planning applications have been submitted on this site:

1. P/1998/6096 – Housing development Scrogg Road – Pre-application enquiry.
2. P/2000/1894/O – Site for residential development – Granted 01/06/2001.
3. P/2001/1637/F – Residential development – Granted 13/02/2002.
4. P/2002/2488/F – Erection of housing development -2 storey dwelling and apartment with associated car parking (various house types) – Granted 02/01/2004.
5. P/2004/2114/F – Erection of housing development and associated site works (amendment to previous approval) – Granted 05/04/2005.
6. P/2007/1170/F – Extension to dwelling – Refused 06/05/2008.
7. P/2009/0298/F – Retention of 2 storey side extension to dwelling – Refused 15/06/2009.
8. P/2011/0112/F* – Retention of two storey side extension to dwelling – Refused 05/12/2011.
9. P/2014/0483/F – Retention of garage, first floor bedroom and proposed landscaping and site works – Declined 02/06/2014 as the application was a copy of the previously refused application P/2011/0112/F.
10. P/2014/0545/F – Retention of existing extension to dwelling and conversion to separate dwelling with alterations, parking and ancillary works – Refused 01/06/2015.

*The application P/2011/0112/F was appealed in 2011/A0308 and the appeal was dismissed and full planning permission refused.

Planning Policies & Material Considerations:

The following policies were considered:

- Regional Development Strategy 2035.
- Banbridge / Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- Addendum to PPS 7 – Residential Extensions and Alterations.
- Parking Standards.

Consultations:

One consultation response was received from Transport NI on 11/04/2016. Transport NI has no objections to the proposal provided Planning are satisfied with the parking arrangements.

Objections & Representations

This planning application was advertised in the local press on 22/02/2016 and six neighbours were notified by letter. No letters of objection or any other representations have been received.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is currently under the remit of the Banbridge / Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. Using the above plan, the site is located inside the settlement development limits of Kilkeel and on land zoned for housing. There are no specific

policies in the plans that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS and the Addendum to PPS 7.

Addendum to PPS 7 – Residential Extensions and Alterations.

As there is no significant change to the policy requirements for extensions to dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policy of the Addendum to PPS 7 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Four criteria are required to be met for planning permission to be granted for an extension to a residential property:

- a. The external materials used in the authorised extension match those of the original dwelling and are considered to be acceptable. The scale, massing and design of the proposed extension are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area. The original extension (as built) was considered by the PAC to be prominent, incongruous and out of character with existing dwellings on the estate and to be dominant over the host property. The applicant has submitted revised their plans which involves the setting back of the extension from the existing dwelling by 800mm, the lowering of the ridge height of the extension, the lowering of the height of the eaves in the extension, the removal of a window, the replacement of two windows (on at the front and the other at the rear) with dormer windows. Despite these amendments, the extension proposed extension would continue to be prominent – particularly as it is located at the entrance to the development. The proposed extension would also continue to be incongruous, out of character with existing dwellings in the area and dominant over the host property. The proposed extension is of a sufficient scale to be viewed as a separate property and is therefore neither subordinate to the host dwelling nor in keeping with the semi-detached properties located in close proximity to the site. Also, with regards to design, the roof at the side elevation has three projections and is not in keeping with the hipped roof design of the host dwelling. The applicant was advised to reduce the scale and massing of the design during the course of this application and did set the extension back from the existing dwelling by 800mm only which was not a substantial reduction in scale as requested. Overall the scale massing and design of the proposal are not sympathetic with the built form and appearance of the existing dwelling and would detract from the appearance and character of the surrounding area.
- b. The proposed extension does not respect the established distances between dwellings in this development. That said however it would be difficult to sustain a refusal on the basis that the proposed development would unduly affect the privacy or amenity of neighbouring residents. The proposed plans involve the removal of a window above the garage door and the reduction in the size of window, both on the front elevation, which would be beneficial to the privacy of nos.2 and 4 Grange Meadows.

- c. The proposed extension will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.
- d. Beyond the patio area to the rear, there is approximately 70m² of recreational space and sufficient recreational space to the front of the property. There are concerns however at how the proposed development would change parking arrangements at the site. One space can be provided on the driveway and the other in the integral garage. These parking provisions fall short of the required number of spaces for a 4 bed semi-detached property (as taken from Table 8 of Annex A in Parking Standards). Sufficient space therefore does not exist within the curtilage of the property for the parking and manoeuvring of vehicles.

The proposed extension fails to comply with two of the four criteria specified in Policy EXT 1 of the Addendum to PPS 7.

PPS 2 – Natural Heritage

Policy NH 6 states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. Although the design, size and scale of the proposed development are inappropriate, the development is unlikely to have an adverse impact on the AONB.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy EXT 1 of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations, in that the scale and massing of the proposal dominates the host property and detracts from the appearance and character of the dwelling and surrounding areas and there is insufficient space within the curtilage of the property for the parking and manoeuvring of vehicles.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

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 Email info@mrlarch.co.uk www.milliganresidelarkin.com

 Democratic Services Office
 Newry, Mourne and Down District Council
 Monaghan Row,
 Newry

Your Ref

Our Ref 40064

03.11.2016

Dear Sir/Madam,

**RE: 40064 Client 16.11.02 Speaking Rights Request for Council Committee Meeting
 Proposal – Retention and alteration of existing domestic extension
 Address- No. 22 Grange Meadows, Killeel
 Planning Reference- LA07/2016/0193/F**

In relation to the above application please accept this letter as a registered request to speak in respect if the application at the next Council Meeting schedule for Thursday 10th November. (Item No 9 on the Schedule)

During the 5 minute timeline the statement will contain the following;

a) **The history of this development**

- Our client, Mr. Raymond McVeigh, advised us, that back in 2009, he obtained advice from a consultant who in turn advised him that he could proceed with the construction of the extension, in that, achieving planning permission would be a formality. As a result a Building Control application was lodged around the same time as the planning application. Due to the timeline associated with planning during this period, the Building Control application proceeded to an approval and the applicant's builder commenced work on-site. Subsequently our client was informed that the planning application was refused however by this stage the extension was complete. Mr McVeigh had not been advised that there was a risk of this occurring.

b) **Planning Applications**

- A planning application for the retention of the two storey side extension was subsequently lodged and was refused on 15th June 2009 on the grounds that it was contrary to Policy EXT1 of the Addendum to PPS7 in that the scale and massing would, if permitted, dominate the host property and therefore detract from the appearance and character of the dwelling and surrounding area and there is insufficient space within the curtilage of the property for the parking and manoeuvring of vehicles. Note that there were no neighbour or third party objections to this application.
- On the 10th November 2009 our client was issued with an enforcement notice.
- A new application was lodged to retain the extension in 2011 which was refused on the basis that there was no change in circumstances from the previous refusal.
- An application was then made to the Planning Appeals Commission in respect of this refusal in or around 2012 but it appears that the appeal was not proceeded with by our client and was dismissed.



c) Enforcement

Despite our clients efforts to try and obtain planning permission, he was fined on the 21st February 2011 for failure to comply with the enforcement notice issued back in November 2009. A period of time passed and the next enforcement summons was listed in Newry Court on 15th April 2014. As a result, in a further effort to resolve matters prior to this, his solicitor requested our assistance on behalf of his client to ascertain if a planning solution could be obtained.

d) New Planning Application

We advised Mr. McVeigh that our initial feeling was that without introducing an alternative approach to alleviate the concerns raised by the department another planning application based on the previous information would most likely attract another refusal. As a result the scheme prepare by our office, separated the new extension internally from the existing dwelling. The new extension was then shown as a one bedroom dwelling. Using other external amendments such as removing the front garden boundary wall and creating additional parking, the approach taken was to create three houses out of two thereby creating a townhouse block within the development. This would become a focal point within the development and the massing and scale would thereby be retained. This application was refused by the department. As a result of enforcement, Mr McVeigh was further fined as a result of not being able to secure planning permission.

e) Current Planning Application

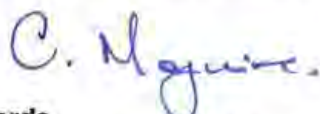
As a last attempt to secure planning Mr McVeigh requested that we lodge a further planning application showing a reduced ridge height in the hope to overcome the issue of mass and scale. Further to a meeting with the department they contended that the only way to make the dwelling acceptable was to reduce the mass by taking down a section of wall at the gable. This would mean considerable works to the point that it would mean the removal of the extension. This was not feasible. As a result the application was refused.

Mr McVeigh's Request to the Council Committee

Further to all of the above we would ask the committee to consider the following to allow this application to be approved;

1. Mr McVeigh considered that the advice that he was given advice back in 2009 was correct and did not realise that planning for the extension could not be achieved.
2. There was never any neighbour or third party objections to any of the planning applications.
3. The build quality of the extension is high (i.e. using the same materials as the original house)
4. The house now acts as a focal point within the development being suitably located at the main entrance to Grange Meadows.
5. Demolishing the extension is an excessive situation for anyone to be faced with.
6. In the 7 years since the extension was constructed there has been no complaints from others.
7. The current application as drafted shows a reduction to the scale and mass of the extension from that build. In elevational terms it no longer integrates into the dwelling therefore it is not as dominant.
8. There is sufficient space to parking cars, that is, one can be parked in the garage and one in the front driveway. The manoeuvring of vehicles is no different than that associated with other dwellings within the development.

We thank you for taking the time to consider the above prior to the meeting,



Regards,
CATHAL MAGUIRE RIBA
Director

Email: c.maguire@mrlarch.co.uk

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

ITEM NO 8
APPLIC NO LA07/2015/1365/F Full **DATE VALID** 12/21/15
COUNCIL OPINION REFUSAL
APPLICANT Martin D Skillen 116 **AGENT** Glyn Mitchell
 Ballyveaghmore Road Architectural
 Ballymartin Design 139
 Kilkeel Ballinran Road
 BT34 4UW Kilkeel
 BT34 4JB
 NA

LOCATION 200m East of No 134 Ballyveaghmore Road
PROPOSAL Proposed Farm Building with underground tanks

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
	2	1	0		0	
			Addresses	Signatures	Addresses	Signatures
			0	0	0	0

- 1 The proposal is contrary to the Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the existing agricultural is not currently active and established;
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the development, if permitted would have an adverse impact on the natural heritage as it is within the Mourne AONB and a designated SLNCI;
 - the proposal is sited beside existing farm buildings; and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and
- 2 that the alternative site away is essential for the efficient functioning of the business. The proposal is contrary to the Strategic Planning Policy Statement (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 design of the proposed building is inappropriate for the site and its locality.
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
- 3 2. The proposal is contrary to the Strategic Planning Policy Statement (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 and would therefore result in a detrimental change and further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1365/F

Date Received: 21st December 2015

Proposal: Proposed farm building with underground tanks

Location: 200m East of No 134 Ballyveaghmore Road. The site is in the Annalong ward of the Mourne district and is located approximately 3.8Km north west of Annalong and 0.3Km south of the Head Road.

Site Characteristics & Area Characteristics:

The site is accessed from a laneway (known as Regans Lane) off the Ballyveaghmore Road. This area of the Morunes is characterised by land that gently slopes from Kilkeel/Annalong towards the foothills of the Mourne Mountains at Head Road.

The landscape provides long range views and the fields are generally defined by dry stone walls and little to no mature vegetation other than whinn bushes. The site itself is a section of a larger field. The field is currently used for grazing sheep and is bound on two sides by dry stone walls while the others are undefined. The remaining section of the field is covered in rough grass and thick whinn bushes.

Regans lane leads to a dwelling that does not form part of the application site. The foundations of three dwellings have been laid on lands to the south of the lane that is within the applicants control.

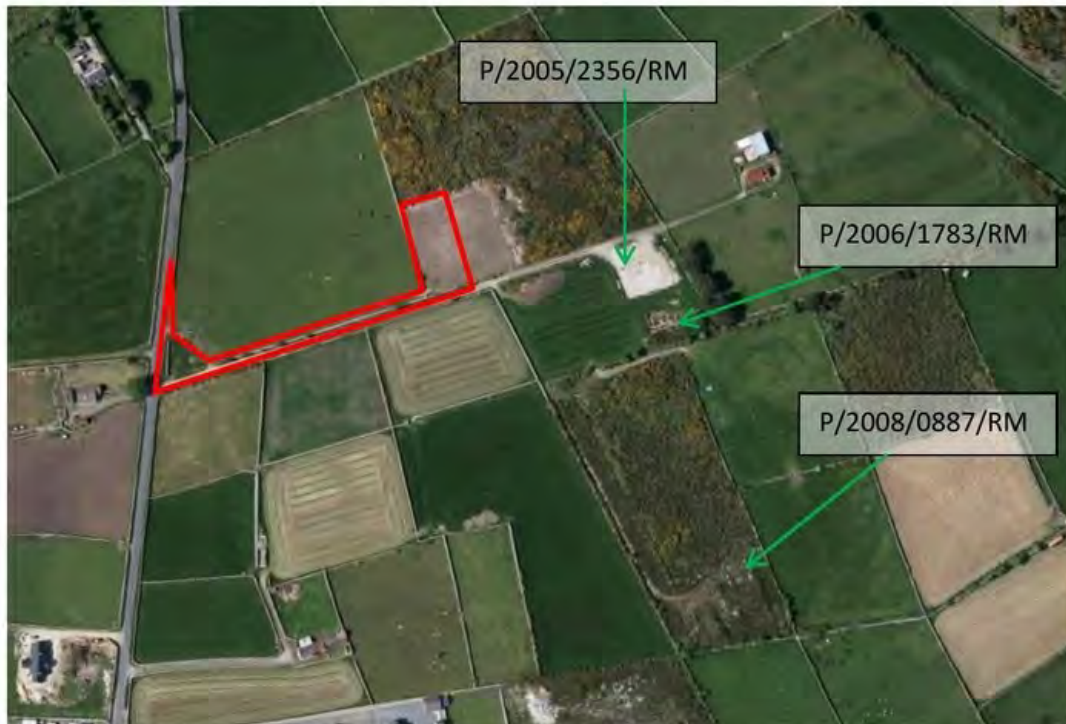
Site History:

No relevant planning history on the application site.

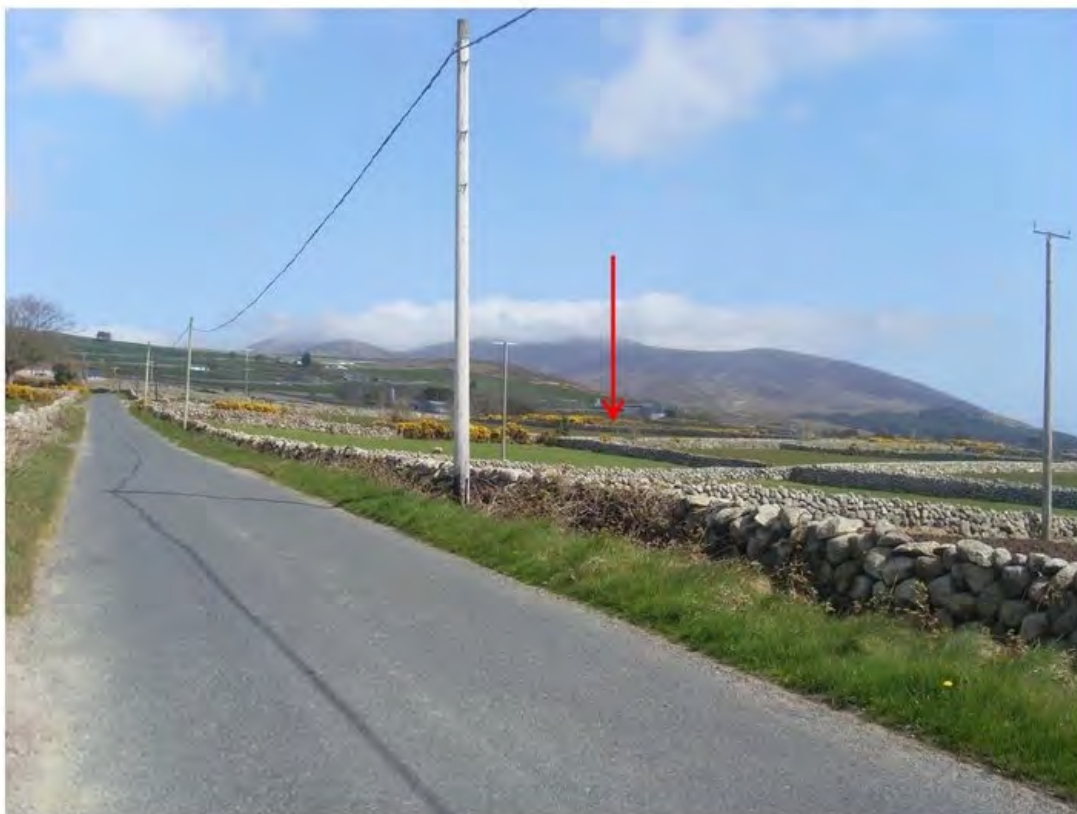
Foundations of two dwellings on the opposite side (south) of the lane have been poured, this land appears to be within the applicants control as it is outlined in blue on the site location map and forms part of the farm holding on the farm maps

provided. These dwellings were approved under P/2005/2356/RM and P/2006/1783/RM.

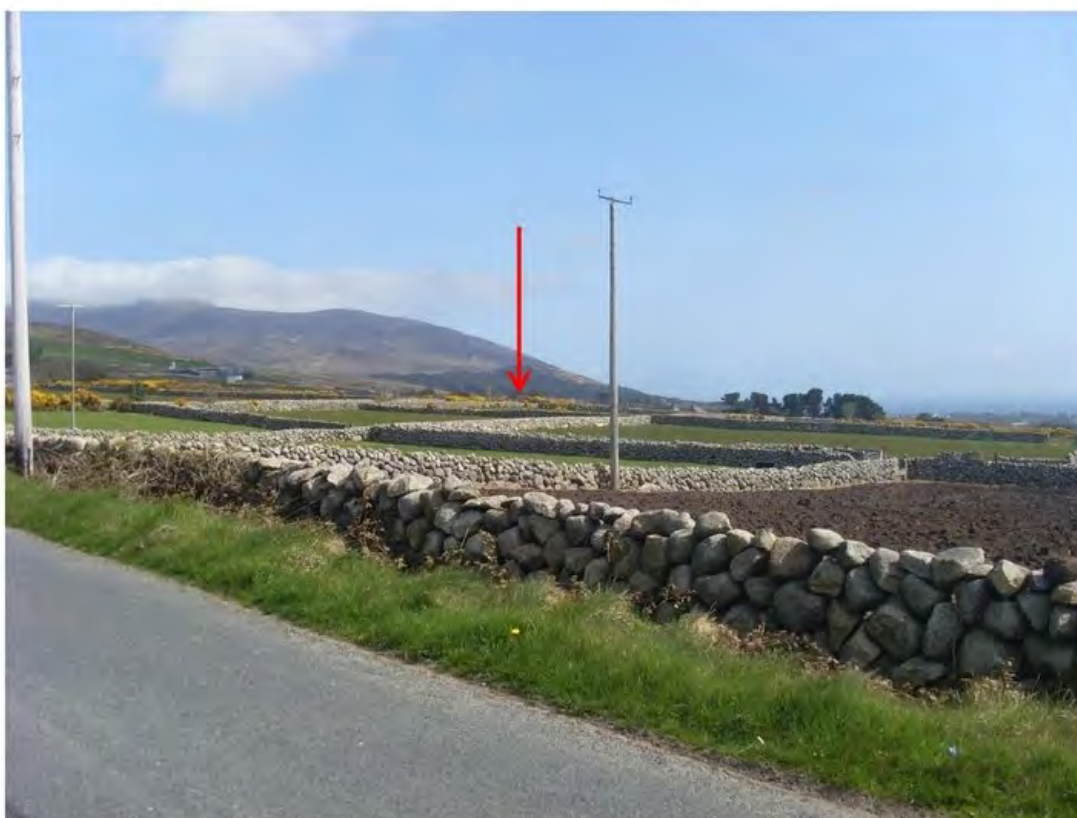
A third dwelling was approved on lands within the applicants control to the south of these approvals under reference P/2008/0887/RM.



Application site and location of dwellings approved on the opposite side to the lane on land in applicants control



View north along Ballyveaghmore Road. The red arrow indicated the location of the site along the lane way.



View of the site from Ballyveaghmore Road



Access lane leading to the site.



View into the application site from Regans Lane

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan 2015.
- Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development.
- Planning Policy Statement 3 Access (PPS3), Movement and Parking Policy AMP2.
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.
- Planning Policy Statement 2 PPS2 – Planning and Nature Conservation

Consultations:

DARD have been consulted in relation the 'active and established' farm business.

The response notes that the business has NOT been in existence for more than 6 years and that NO Single Farm Payments (SFP), Less Favoured Area Compensatory (LFACA) or Agri Environment Schemes have been paid. The response notes that the business reference provided was created in 2015 and has been paid for Young Farmer in 2015.

Mr Johnston from DARD confirmed in a follow up email that Mr Skillen established the new business in 2015 and subsequently applied for and was awarded Basic Payment Scheme entitlements under the Young Farmer Regional Reserve Category. One of the requirements and subsequent assessments with such applications is that the applicants business is separate from any other associated farm business. The sheep inventory records for Mr Skillen at the end of 2015 indicate he had 23 ewes, 1 ram and 12 lambs.

Environmental Health Department has no objections

Transport NI has no objections.

NI Water – standard advice

NIEA Water Management Unit have raised concerns on the details of the disposal of foul sewage 'sprayed on the fields' but acknowledges that the description is likely to relate to the contents of the underground tanks. A number of informatives are recommended in relation to polluting discharges, abstraction and impoundment.

NIEA - Natural Heritage has considered the SLNCI (Ballymartin Moraine) and the proposed development and is content. An informative in relation to the Wildlife (NI) Order 1985 is proposed.

Objections & Representations

1 Neighbour notified on 20th July 2016 and advertised in the Mourne Observer on 4th January 2016.

Two letters of objection received from the same address.

Letter dated 15th January 2016

This letter relates to the names attached to the land on maps provided to him recently by Rivers Agency. Concerns are raised about the land ownership of the lane.

Letter dated 29th February 2016

This letter relates to the surface/storm water run-off if a shed was to be built on the site. Photographs of the lane have been provided showing flooding along the vehicle tracks. Concerns are raised again about the ownership of the lane.

The applicant has been asked to review the land ownership certificate and serve notice on the land owners as necessary. This was carried out on 19/09/2016 and a copy of Certificate 'c' on form P1 was received by the Planning Department on 20/09/2016.

NIEA Water Management Unit has also been consulted - the response notes that the development will need to adhere to all standing advice in relation to storm drainage, pollution prevention and water abstraction.

Letter dated 10/08/2016 from Ulster Farmers Union (UFU)

Letter of support stating that Mr Skillen is an active farmer and has successfully established entitlements as a new entrant and young farmer under the basic payment scheme which was introduced on 1/1/2015. The letter confirms Mr Skillen farms 15 acres of land producing sheep and fodder for his flock with the aim of growing the business by introducing housing when suitable premises are in place for housing. The letter highlights that persons in charge of animals have a legal obligation (under the Welfare of Farmed Animals (NI) Regulations 2012) to ensure the animals in their care have a suitable environment.

The letter also suggests that the Planning Department has granted approval for other agricultural; sheds on farm businesses which have not been established for 6 years and where it is proved the case is genuine and the welfare of the livestock could be at stake if a shelter is not provided. Unfortunately none of these examples have been identified in the letter.

The UFU fully supports the application and stresses the need for urgent approval to ensure Mr Skillen does not fall foul of basic animal welfare legislation.

The proposed shed

The proposal is for an agricultural shed 12.4m wide 15.2m deep and 5.6m high with a low angle pitched roof with 4 x 4.5m roller door at each end of the building. The shed will be smooth or roughcast render for first 2m in height with ventilated green cladding above including the roof. Dry stone walls are proposed around the shed and some additional planting to screen the shed from views along Ballyveaghmore Road. A 1m black iron gate with granite posts at the entrance to the shed off the laneway is shown on the plans.

The internal layout shows underground tanks on the RHS. The sheep pen area is indicated as 59m². On the LHS the feed storage is 29m² and the machinery store area is 42m²

Consideration and Assessment:

The farm maps provided with the application show that there are no buildings on any of the fields included within the farm holding. The holding includes 6 No fields extending to 5.1ha total area.

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS): Planning for Sustainable Development. Paragraph 1.12 states that "Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS".

The overarching aim of the SPPS 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" Page 12.

Page 54 relates to Agriculture and forestry development, the text states "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."

Under the BNMAP the site is located in the rural area and is part of the Mourne AONB. The site is also within Ballymartin Moraine incorporating Ballyveagh Beg, an identified 'Site of Local Nature Conservation Importance' SLNCI NC03/156. Proposals will need to satisfy Policy NH4 of PPS 2 which states that planning permission will only be granted for a proposal that is not likely to have a significant adverse impact on the local nature reserve or a wildlife refuge. NIEA has been

consulted and has no concerns, a number of standard informatives in relation to wildlife are suggested.

PPS 3 Access Movement and Parking Policy AMP 2, access to public roads. Transport NI has been consulted and has no objections.

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside.

PPS 21 policies CTY 1, (CTY 10 – for definition of active and established business), CTY 12, CTY 13 and CTY14 apply.

I am content that there is no conflict with the provisions of the SPPS and PPS21. Both documents state that provision should be made for development on an **active and established** (minimum 6 years) farm holding for proposals that are necessary for the efficient operation of the holding and that exceptionally alternative sites may be considered.

While the Strategic Planning Policy Statement for Northern Ireland (SPPS) replaces the definition of agricultural activity given in paragraph 5.39 of PPS21, there is no material difference between the two as to what can constitute agricultural activity

Active and Established Farm Business

Policy CTY 12 of PPS 21 states that planning permission will be granted for development on an **active and established** agricultural or forestry holding where it is demonstrated that it; (bold is my emphasis)

- a) is necessary
- b) appropriate in terms of scale and character
- c) visually integrates
- d) will not have an adverse impact on the natural/built heritage
- e) will not result in a detrimental effect on residential amenity

In cases where a new building is proposed applicants will need to provide sufficient information to show that

- no other buildings on the holding can be used
- the design and materials are sympathetic
- the proposal is sited beside existing farm/forestry buildings.

Exceptionally, consideration may be given to an alternative site away from the holding where no other sites beside existing buildings are available and where it is essential for the functioning of the business or there are demonstrable health and safety reasons.

For the purposes of this policy an active and established business is **more than 6 years**.

DARD has been consulted and has responded that the business has not been established for more than 6 years and that no subsidies have been claimed.

The response also notes that the DARD business ID was created in 2015.

Information provided by the applicant

- The applicant has provided information setting out his farming background and his intentions for starting and growing the farm business. He notes that the location of this shed is beside his own dwelling house which he has begun to construct.
- Letter from DARD confirming Young Farmers payment dated 9/2/2016,
- Letter from DARD dated 8/6/2015 allocating a business number ID,
- Details on sheep/lamb numbers 2015 (total 60animals)
- Receipts for ground maintenance sent to Mr Skillen at his parents home, dates range from 2013 – 2015.
- Note to say his 2015 – 2016 accounts are with his accountant
- A letter from Eric Skillen (farmer adjacent to applicants current residence) where he states that in the past the applicant has worked on his farm
- A letter from Mourne Veterinary Clinic confirming the applicant is a customer with about 70 ewes. He states that last winter the applicant had to lamb outside and this caused serious welfare issues for the ewes and newborn lambs. He has advised the applicant that a shed is essential for the welfare of the animals for the next winter.

- Letter dated 19/09/2016 to state that Mr Skillen has bought a cow and the herd book will be forwarded once it has been updated.

Exceptional Circumstances

The agent was contacted on 31st May 2016 by letter advising that there were concerns with the application and the applicant was informed by telephone on 16th July 2016 that the application was likely to be refused due to the 6 year criteria of Policy CTY 10 of PPS 21.

The UFU has highlighted instances where the Planning Department has allowed buildings for young farmers that have not been established for 6 years and where there were no existing building with which to cluster. The letter acknowledges that this has occurred where it has been demonstrated that the case is genuine and the welfare of the livestock could be at stake. No examples have been provided.

As with any planning application, each will be assessed on its own merits and where it can be demonstrated that the case is exceptional, the policy does allow for an alternative site "away from existing buildings". I do not consider Mr Skillens situation to be exceptional and may set a dangerous precedent for all young farmers to seek new buildings where the holding does not include any existing buildings on the land and where a farm holding has not been active and established for the required 6 year period.

Previous PAC decisions

The main issue highlighted by the agent was the cross reference of Policy CTY 12 with Policy CTY 10 which requires the farm business to be active and established for a minimum of 6 years (para. 5.56 of CTY 12). The appeal decision referred to decipherers between the 'business' and the 'holding'. Regardless of this appeal decision, Mr Skillen has not demonstrated that he has had the 'holding' for 6 years.

It is important to note that in more recent PAC decisions (post 2012) the weight attached to the 'business' aspect of CTY 12 is apparent. (2013/A0244, 2013/A0263 and 2014/E015). Appeal 2012/A0257 also identifies the importance of demonstrating active farming over the 6 year period. Decision 2016/A0048 also highlights the importance of having the business established for the requisite 6 year period. The Commissioner states at para. 10 "It is the longevity of the holding rather than the current owner's business that is critical and the onus is on the Appellant to provide sufficient information to demonstrate compliance with the policy".

The appeal referenced in the information submitted (2012/A0128) notes at para. 9 that "Detailed evidence was presented on behalf of the appellant to indicate that the

appellant has owned this holding since 2004, for some eight years. This includes letters from the appellant Mr Frank McGovern, from the tenant of the adjoining bungalow, Mr Martin Duffy, from Mr Adrian McGovern brother of the appellant who has farmed the holding since February 2004 and copies of title documents which show that the appeal site, the adjacent dwelling and the total farm holding were transferred to Mr Frank McGovern on 3 February 2004.”

I received an email from the agent that was sent to him by MBA Planning. This states that it is understood that Mr Skillen has owned a farm holding for more than 6 years and that his uncle has farmed the holding during this time and that the holding is active. (underlining my emphasis)

No evidence of when Mr Skillen bought/transferred this holding has been presented.

With the PAC decisions according weight to the demonstration of the length of time the holding has been established I consider this application to fall short of the policy requirement of CTY 12.

Integration and Design

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping.

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

A new building will be unacceptable where:

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

Policy CTY 13 (Integration). The critical views are from Ballyveaghmore Road and Head Road. There are no trees or existing vegetation to help a building integrate as the site is a section cut out of a larger field. There is insufficient enclosure for a new building and a site should not rely on new planting to make it acceptable under CTY 13.

CTY 14 assesses the impact this proposal will have on the rural character of the immediate area. It notes that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where: (a) it is unduly prominent in the landscape. Given the topography of the surrounding landscape, this large farm building will appear prominent at this location from critical viewpoints along Ballyveaghmore Road and Head Road. The building will not cluster with other farm sheds/buildings and relies solely on new landscaping to aid integration.

As the site is within the Mourne AONB, Policy NH 6 - Areas of Outstanding Natural Beauty will apply. The policy states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality. A number of additional criteria are listed relating to siting, scale and design.

Recommendation:

This application has failed the first criterion of Policy CTY 12. A new farm building will only be permitted where there is an active and established farm holding. I have not been convinced by the evidence presented that the holding has been established for the 6 year period. The receipts supplied to demonstrate the active nature of the holding only date from 2013. No evidence of the land transfer/sale of land have been supplied.

This application has been submitted by a young farmer and while I have sympathy for his situation and need for a shed for his sheep, the SPPS and PPS21 aim to achieve sustainable development in the countryside. For this reason, a farmer must be active and established before new buildings will be permitted on the farm holding as they are a permanent feature on the landscape.

Once the farmer can demonstrate the longevity and permanent nature of his holding an application for a shed can be submitted. It is important to consider that any future application will also need to meet the criteria set out in CTY 12 as the proposal will need to successfully integrate into the local landscape.

Although the applicant states in his letter that he has begun to construct his dwelling, at the time of the site inspection on 22/4/2016 only the foundations have been poured. The other 2No. dwellings approved on the holding are at the same stage of construction (foundations poured but grown over).

I consider that even if a need was demonstrated for the farm building for the efficient use of the holding there would not be any justification for the scale of the proposed structure.

Refusal

1. The proposal is contrary to the Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the existing agricultural is not currently active and established;
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - it is not appropriate to this location due to the unacceptable character and scale of the development;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 - the development, if permitted would have an adverse impact on the natural heritage as it is within the Mourne AONB and a designated SLNCI;
 - the proposal is sited beside existing farm buildings; and
 - that health and safety reasons exist to justify an alternative site away from the existing farm buildings; and
 - that the alternative site away is essential for the efficient functioning of the business.

2. The proposal is contrary to the Strategic Planning Policy Statement (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 design of the proposed building is inappropriate for the site and its locality.
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop
2. The proposal is contrary to the Strategic Planning Policy Statement (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 and would therefore result in a detrimental change and further erode the rural character of the countryside.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	