



November 3rd, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 8th November 2017** at **10:00 am** in **Boardroom, Monaghan Row.**

The Members of the Planning Committee are:-

Chair: Councillor G Craig

Vice Chair: Councillor K Loughran

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


Agenda

1.0 Apologies.

2.0 Declarations of Interest.

Minutes for Confirmation

3.0 Minutes of Planning Committee Meeting held on Wednesday 11 October 2017. (Attached).

 *Planning Minutes - 11 October 2017.pdf*

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For Discussion/Decision

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

 *Addendum list - 08-11-2017.pdf*


Page 14

Development Management - Planning Applications for determination


41.0 P/2009/1336/F - Mr J C Campbell - Proposed new 70 bed nursinghome together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking) - Economic Impact Assessment received - 68 to 72 & 74 Shore Road, Rostrevor (Case Officer report attached)

Rec: REFUSAL - NOTE THE CHAIRMAN OF THE PLANNING COMMITTEE HAS AGREED THAT THIS APPLICATION BE THE FIRST TO BE CONSIDERED BY THE COMMITTEE

- A request for speaking rights has been received from Colum Sands on behalf of the groups Rostrevor Action Respecting the Environment (RARE) and Love Your Lough. **(Submission attached).**
- A request for speaking rights has been received from Richard O'Toole, Planning Consultant; Eamon Larkin, agent and Colin Campbell, applicant, in support of the application. **(Submission attached).**

 *P-2009-1336-F JC Campbell.pdf*

Page 15

 *Item 41 - submission of objection from C Sands.pdf*

Page 45

 *Item 41 - submission of support (J C Campbell).pdf*

Page 46

5.0 LA07/2015/0590/F - Mr Brian Annett - Proposed 3 no detached

dwelling - Dromore Road to rear of 10 Riverside Road, Ballynahinch (Case Officer report attached)

Rec: APPROVAL

- A request for speaking rights has been received from Malcolm Kee, agent, in support of the application on the basis that "as there have been a number of objections to the application I wish to have the option to speak in support of the application should the need arise".

 *LA07-2015-0590-F Brian Annett.pdf*

Page 56

6.0 LA07/2016/1447/0 - Ballyhosset Properties Ltd., Proposed dwelling and garage - Site No. 5 between 67 Ballyhosset Road and 3 Holly Lane, Ballyhosset Road, Downpatrick (Case Officer report attached)

Rec: REFUSAL


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

 *LA07-2016-1447-O Ballyhosset Properties.pdf*

Page 69

 *Item 6 - submission of support (Ballyhosset Properties).pdf*

Page 75


 *Item 6 - photos.pdf*

Page 79

7.0 LA07/2017/1224/F - Mr Aaron Ross - Storage unit for keeping of vintage vehicles at 16 Killybawn Road, Saintfield (Case Officer report attached)

Rec: REFUSAL


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

 *LA07-2017-1224-F Aaron Ross.pdf*

Page 82

 *Item 7 - submission of support (A Ross).pdf*

Page 88

 *Item 7 - photos.pdf*

Page 91

8.0 LA07/2017/0625/F - Mr Paul Addis - Proposed replacement dwelling - 70m NE 47 Ballynahinch Road, Drumaroad, Castlewellan (Case Officer report attached)

Rec: REFUSAL

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

[LA07-2017-0625-F Paul Addis.pdf](#) Page 92

[Item 8 - submission of support \(Paul Addis\).pdf](#) Page 97

9.0 LA07/2017/0770/F - Mr & Mrs J McPolin - Proposed detached garage, rear extension to dwelling and extended site curtilage - No. 13 Downpatrick Road, Ballynahinch (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Sam Hawthorne or Paul Hamilton, agent, and Jason McPolin, applicant, in support of the application. **(Submission attached).**

[LA07-2017-0770-F Mr and Mrs John McPolin.pdf](#) Page 138

[Item 9 - submission of support \(J McPolin\).pdf](#) Page 145

10.0 LA07/2017/0786/F - Walter Watson - Replacement Dwelling and detached garage - 4 Drumnaquoile Road, Castlewellan (Case Officer report attached)

Rec: REFUSAL

- Addendum list

[LA07-2017-0786-F Walter Watson.pdf](#) Page 152

11.0 LA07/2017/0894/0 - Ryan Morgan - Proposed dwelling (6.5m ridge) and garage - 60m West of 3 Kirk Lane, Tullyree Road, Kilcoo (Case Officer report attached)

Rec: REFUSAL

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

[LA07-2017-0894-O Ryan Morgan.pdf](#) Page 157

[Item 11 - submission of support \(Ryan Morgan\).pdf](#) Page 165

12.0 LA07/2017/0937/F - Mr & Mrs P McGurk - Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated site works and landscaping - 79 Bryansford Village, Newcastle. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-0937-F Mr and Mrs P McGurk.pdf* Page 170

📄 *Item 12 - submission of support (P McGurk).pdf* Page 175

13.0 LA07/2017/1077/0 - Eammon O'Rourke - dwelling on a farm including garage - lands to the south-east of 32 Dromara Road, Leitrim, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- This application is being removed from the schedule at the request of Councillor Murnin, as the agent is unable to attend the meeting.

📄 *LA07-2017-1077-O Eammon O'Rourke.pdf* Page 180

14.0 LA07/2017/1147/0 - Mr D Russell - Infill dwelling and garage - 35m SE of 76 Belfast Road, Saintfield, Belfast (Case Officer report attached)

Rec: REFUSAL

- Addendum list

📄 *LA07-2017-1147-O Mr D Russell.pdf* Page 187

15.0 LA07/2017/1174/0 - Mr B McCartan - Dwelling and garage - Approx 18m north of 156 Downpatrick Road, Ballynahinch (Case Officer report attached)

Rec: REFUSAL

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

📄 *LA07-2017-1174-O Brendan McCartan Esq.pdf* Page 196

📄 *Item 15 - submission of support (B McCartan).pdf* Page 201

16.0 LA07/2015/0456/F - Richard Nummy - Relocation of access to that approved under planning approval P/2010/1452 - 35m south of 93 Belfast Road, Newry (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Richard Nummy, applicant, in support of the application. **(Submission attached)**.
- A request for speaking rights has been received from DEA Councillor David Taylor, in support of the application (his representation will be based on the traffic report submitted).

 *LA07-2015-0456-F Richard Nummy.pdf*

Page 204


 *Item 16 - submission of support (Richard Nummy).pdf*

Page 207


17.0 LA07/2015/0662/F - Frank Clerkin - Additional farm shed - 170m north west of 107 Kilbroney Road, Rostrevor (Case Officer report attached)

Rec: REFUSAL

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

 *LA07-2015-0662-F Frank Clerkin.pdf*

Page 215

 *Item 17 - submission of support (Frank Clerkin).pdf*

Page 224

18.0 LA07/2017/0345/O - Martin Magee - proposed replacement dwelling - between 35 & 37 Ballydesland Road, Warrenpoint. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

 *LA07-2017-0345-O Martin Magee.pdf*

Page 225

19.0 LA07/2015/0682/O - Brian O'Hare - Site for replacement dwelling - opposite No. 5 Glen View, Moneymore Road, Newry (Case Officer report attached)

Rec: REFUSAL

- Application to be removed from the schedule for Planners to consider additional information received.

20.0 LA07/2015/0896/0 - Aileen Quinn - Dwelling and detached garage on a farm - 150 metres north west of 12 Old Town Road, Cullyhanna (Case Officer report attached)

Rec: REFUSAL

- Addendum list

LA07-2015-0896-O Aileen Quinn.pdf

Page 235

21.0 LA07/2017/0236/0 - John McKeever - 1 1/2 storey dwelling with detached double garage (amended plans) - 80m NW of 173 Concession Road, Culloville, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

LA07-2017-0236-O John McKeever.pdf

Page 240

22.0 LA07/2015/1171/F - Mr J Hughes - Proposed two storey dwelling and detached garage - 30m NE of 6 Main Street, Camlough, Newry (Case Officer report attached)

Rec: APPROVAL

- Addendum list

LA07-2015-1171-F Mr J Hughes.pdf

Page 244

23.0 LA07/2015/1306/F - Mr J McMahon - Farmstead made up of two storey farmhouse with 3 no. agricultural sheds forming central courtyard - 114m east-south-east of 83 Clonallan Road (Case Officer report attached)

Rec: REFUSAL

- A request for speaking rights has been received from Richard O'Toole, Planning Consultant, and John Harkness, Architect, in support of the application. **(Submission attached).**

LA07-2015-1306-F Mr J McMahon.pdf

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Item 23 - submission of support (J McMahon).pdf

Page 267

24.0 LA07/2016/0104/F - Patrick Hamill - Metal shelter over car-wash - 60 m north west of 201 Concession road (Case Officer report attached)

Rec: REFUSAL

- This application has been formally withdrawn from the planning process.

[LA07-2016-0104-F Patrick Hamill.pdf](#)

Page 279

25.0 LA07/2017/0957/0 - Gerard Callan - New dwelling and garage on infill site - 70m NW of 12a Annaghgad Road, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0957-O Gerard Callan.pdf](#)

Page 284

26.0 LA07/2016/0733/F - Robert Hollywood - Erection of agricultural sheds & slurry tank - Approximately 80m west of No. 34 Church Road, Forkhill, Newry (Case Officer report attached)

Rec: REFUSAL

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

[LA07-2016-0733-F Robert Hollywood.pdf](#)

Page 288

[Item 26 - submission of support \(Robert Hollywood\).pdf](#)

Page 296

27.0 LA07/2017/0823/0 - Adrian McParland - site for dwelling and garage (Policy CTY8) - Adjacent and 30m SW of 20 Newry Road, Belleek, Armagh. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2017-0823-O Adrian McParland.pdf](#)

Page 303

[Item 27 - submission of support \(Adrian McParland\).pdf](#)

Page 308

28.0 LA07/2016/1632/0 - Jason Fegan - Proposed farm dwelling - Lands 45m North West of No. 12 Upper Knockbarragh Road, Warrenpoint, BT34 3DL (Case Officer report attached)

Rec: REFUSAL

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

[LA07-2016-1632-O Jason Fegan.pdf](#)

Page 313

[Item 28 - submission of support \(Jason Fegan\).pdf](#)

Page 319

29.0 LA07/2017/0180/F - Derek & Rachel Elmore - Proposed 1 No. detached dwelling - directly opposite and east of Nos. 1 and 1a Alexander Drive, Warrenpoint (Case Officer report attached)

Rec: REFUSAL

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

[LA07-2017-0180-F Derek and Rachel Elmore.pdf](#)

Page 325

[Item 29 - submission of support \(D & R Elmore\).pdf](#)

Page 333

30.0 LA07/2017/1168/F - Thomas McDonald - change of house type to that approved under P/2004/0123/0 and P/2006/2102/RM - 200m North of 11 Carewamean Road, Carrickbroad, Dromintee, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2017-1168-F Thomas McDonald.pdf](#)

Page 336

[Item 30 - submission of support \(Thomas McDonald\).pdf](#)

Page 340

31.0 LA07/2017/0563/0 - Mr John Morgan - 2 no. dwellings with detached garages to the rear - Land 20m north of 24 Ballyvally Road, Mayobridge (Case Officer report attached)

Rec: REFUSAL

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

📄 *LA07-2017-0563-O John Morgan.pdf*

Page 345

📄 *Item 31 - submission of support (John Morgan).pdf*

Page 352

32.0 LA07/2017/0687/F - Steven & Diane Campbell - infill site for new dwelling and garage in existing cluster (amended plans) - 30m north of 94 Greencastle Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2017-0687-F Stephen and Diane Campbell.pdf*

Page 354

📄 *Item 32 - submission of support (S & D Campbell).pdf*

Page 361

33.0 LA07/2017/0791/F - MC Developments Ltd - Private Housing Development consisting of the demolition of No. 12 Church Hill, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works. (Amended entrance) - Land at and to the rear of No. 12 & No. 14 Jonesborough Village Edenappa Jonesborough Newry. (Case Officer report attached).

Rec: REFUSAL

- Application to be removed from the schedule at the request of Planners to await consultation response from Transport NI.

📄 *LA07-2017-0791-F MC Developments.pdf*

Page 371

34.0 LA07/2017/0798/F - Phelim Burns - Proposed agricultural storage shed - 185m NE of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen. (Case Officer report attached).

Rec: REFUSAL

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

- A request for speaking rights has been received from DEA Councillor T Hearty in support of the application speaking on the need for this shed and how it would be required in the interest of farmers health safety and animal health.

[LA07-2017-0798-F Phelim Burns.pdf](#)

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[Item 34 - submission of support \(Phelim Burns\).pdf](#)

Page 388

35.0 LA07/2017/0808/F - EDB Construction - Removal of Condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing - Lands between The Sacred Heart Grammar School and Newry High School, Ashgrove Avenue, Newry (Case Officer report attached)

Rec: REFUSAL

- Addendum list

[LA07-2017-0808-F EDB Construction.pdf](#)

Page 392

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

Rec: REFUSAL

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

[LA07-2017-0868-F Daniel King.pdf](#)

Page 396

[Item 36 - submission of support \(Daniel King\).pdf](#)

Page 400

37.0 LA07/2017/0964/0 - Olga Fitzpatrick - proposed new dwelling (under policy CTY 2a) - adjacent to and rear of No. 19 Moygannon Road, Warrenpoint, (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0964-O Olga Fitzpatrick.pdf](#)

Page 401

38.0 LA07/2017/1115/F - Gerard & Tracey Winters - Proposed replacement dwelling (change of house type to previously approved application LA07/2016/1400/F) - 33 Tyrone Ditches Road, Poyntzpass. (Case Officer report attached).

Rec: REFUSAL

- Amended plans received which means approval will issue this week as a delegated matter.

[LA07-2017-1115-F Gerard and Tracey Winters.pdf](#)

Page 407

39.0 LA07/2017/1138/F - Bernard Morgan - erection of agriculture buildings - adj to and immediately SE of 1 Newtown Court - Newtown Road, Cloghogue, Newry. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2017-1138-F Bernard Morgan.pdf](#)

Page 411

40.0 LA07/2017/1442/F - Newry, Mourne & Down District Council - Proposed extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding - Warrenpoint Bowling Green, Clonallon Park, Warrenpoint, BT34 3RP (Case Officer report attached)

Rec: APPROVAL

- Addendum list

[LA07-2017-1442-F Newry, Mourne and Down DC.pdf](#)

Page 418

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

Rec: REFUSAL

- Addendum list

📎 *P-2014-0186-F Gibson Banbridge.pdf*

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For Noting

43.0 October 2017 Planning Committee Performance Report. (Attached).

📎 *8 November 2017 Committee Report.pdf*

Page 428

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

📎 *Record of Meetings.pdf*

Page 429

45.0 October 2017 Appeals and Decisions. (Attached).

📎 *October 2017 Appeals and Decisions.pdf*

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Conferences/Events

46.0 Co-Operation Ireland - Study Visit - The All Island Local Authority Forum to Roscommon County Council on 23 November 2017. (Details attached).

📎 *Date for Diary - Roscommon.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Lorraine Burns	lorraine.burns@nmandd.org
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Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
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Cllr David Taylor	david.taylor@nmandd.org
Caroline Taylor	Caroline.Taylor@downdc.gov.uk
Cllr Jarlath Tinnelly	jarlath.tinnelly@nmandd.org
Cllr John Trainor	john.trainor@nmandd.org
Cllr William Walker	william.walker@nmandd.org
Mr Adam Wilkinson	adam.wilkinson@nmandd.org

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 October 2017 at 10.00 am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson:	Councillor G Craig	
Deputy Chairperson:	Councillor K Loughran	
In attendance:	(Committee Members)	
	Councillor W Clarke	Councillor M Ruane
	Councillor L Devlin	Councillor G Hanna
	Councillor V Harte	Councillor M Larkin
	Councillor J Macauley	Councillor D McAteer
	Councillor M Murnin	
	(Officials)	
	Mr A McKay	Chief Planning Officer
	Ms J McVeigh	Professional Technical Officer
	Mr A Donaldson	Professional Technical Officer
	Ms L Coll	Legal Advisor
	Ms E McParland	Democratic Services Manager
	Ms C McAteer	Democratic Services Officer
	Ms P McKeever	Democratic Services Officer

P/125/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillor Casey. Councillors Clarke and Harte advised they would be unable to stay for the full duration of the Meeting.

The Chairperson welcomed thirteen students and their tutor from Southern Regional College who were attending the Meeting as observers.

P/126/2017: DECLARATIONS OF INTEREST

Councillor Devlin advised she would not be taking part in the discussion / decision on planning Application Nos. LA07/2016/0836 and LA07/2016/0837 as she had not been involved in the original Application presentation in December 2016.

Councillors McAteer, Macauley and Larkin advised they would not be taking part in the discussion / decision on Planning Application Nos. LA07/2016/0836 and LA07/2016/0837 as they had not been present at the site visit.

**P/127/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 13 SEPTEMBER 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 13 September 2017. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 September 2017 as a true and accurate record.

P/128/2017: ADDENDUM LIST

Read: Addendum List of planning applications with no representations received or requests for speaking rights – Wednesday 11 October 2017. **(Copy circulated).**

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

Item 23 – LA07/2017/0808/F – EDB Construction – Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing – Lands between The Sacred Heart Grammar School and Newry High School Ashgrove avenue Newry – **Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor Loughran.**

AGREED: On the proposal of Councillor Macauley, seconded by Councillor McAteer, it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following planning application on the addendum list:-

**Item 11 – LA07/2017/1027/0 – Mr & Mrs Douglas – dwelling – land adjacent to 91 Dunmore Road, Spa, Ballynahinch.
REFUSAL**

P/129/2017: APPLICATIONS FOR DETERMINATION

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

- **Item 9 – LA07/2017/0427/0 – Mr Oliver Murnin – proposed site for farm dwelling and domestic garage – 80m west of 53 Yellow Road, Hilltown – **withdrawn from the schedule at the request of the Chief Planning Officer to consider new information.****
- **Item 20 – LA07/2016/1632/0 – Jason Fegan – proposed farm dwelling – lands 45m NWW of No. 12 Upper Knockbarragh Road, Warrenpoint – **withdrawn from the schedule due to personal circumstances of the****

applicant, for presentation at the next Planning Committee Meeting, at request of Councillor Ruane.

- **Item 25 – LA07/2017/1138/F** – Bernard Morgan – erection of agriculture buildings – adjacent to and immediately SE of No. 1 Newtown Court, Newtown Road, Cloghogue, Newry – **withdrawn from the schedule on the advice of the Chief Planning Officer due to personal circumstances of the applicant, for presentation at the next Planning Committee Meeting.**

The following applications were then determined by the Committee:

(1) LA07/2015/1088/F – United Renewables Ltd

Location:

100m west of No. 133 Carrigagh Road, Finnis, Dromara

Proposal:

Anaerobic digestion plant that includes a CHP unit, gas flare stack, three silos, 3 digestion tanks and associated site works including NIE sub-station.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sarah McDowell, Agent and Simon Warke, traffic consultant had requested to present in support of the application.

In response to queries from Members Mr McKay advised that late information, including a traffic and transport report on behalf of the applicant, had been received which had not been uploaded on to the portal or viewed by the Objectors and he stated it was now a decision of the Committee to decide on the course of action.

Councillor Murnin proposed and Councillor Hanna seconded that the Committee proceed to hear the application:-

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

For: 5
Against: 6

The proposal was declared LOST.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer the Application to the earliest Planning Meeting in order that the Objectors and Transport NI have sufficient time to review the new information, including a traffic and transport report submitted on behalf of the applicant

(10.30 am – Councillor Devlin, Councillor Harte, Councillor Larkin, Councillor Macauley, Councillor McAteer and Councillor Ruane left the meeting).

(2) LA07/2016/0836/F and LA07/2016/0837/LBC – Kings Castle Nursing Home**Location:**

Kings Castle Nursing Home

Proposal:

Single storey extension to accommodate 5 No. single bedrooms

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Gerry Tumelty presented on behalf of objectors.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2015/1363/F and Consent in respect of Planning Application LA07/2016/0837/LBC as per the Management Development Officer reports.

Abstentions: 0

(10.50 am – Councillor Devlin, Councillor Harte, Councillor Larkin, Councillor Macauley, Councillor McAteer and Councillor Ruane returned to the meeting).

(3) LA07/2017/0289/F – Gerard McGrath**Location:**

Adjacent to 4 Saul Road, Downpatrick

Proposal:

New dwelling and improved vehicular access.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess, Agent, and Gerard McGrath, Applicant presented in support of the application.

A written letter had been received from Emma Rogan MLA in support of the application.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2017/0289/F and arrange a Members' site visit.

Abstentions: 0

(11.10am - Councillor Clarke left the meeting)

(6) LA07/2017/0875/F – Mr and Mrs McGouran**Location:**

Lands adjacent to No. 2 The Slip, Strangford.

Proposal:

Erection of a new dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent presented in support of the application

Councillor Larkin proposed and Councillor Macauley seconded to defer Planning Application LA07/2017/0875/F for further discussions between the Applicant / Agent/ Planning Officers and Historic Environment Division to agree to a proposal that would address the reasons for refusal.

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

For: 6

Against: 4

The proposal was CARRIED.

AGREED: To defer Planning Application LA07/2017/0875/F for further discussions between the applicant/agent/Planning Officers and Historic Environment Division to agree a proposal that would address the reasons for refusal.

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

(7) LA07/2017/0705/F – Mr & Mrs P McGreevy**Location:**

103a Manse Road, Raffrey, Newry

Proposal:

Removal of existing commercial premises and offices and construction of proposed dwelling and garage for residential purposes.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Patrick McGreevy, applicant presented in support of the application

A written letter had been received from Emma Rogan MLA in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2017/0705/F as per the Management Development Officer report.

Abstentions: 0

(12.10pm – Councillor Devlin and Councillor Harte left the meeting)

(8) LA07/2016/0401/F – Margaret Kane**Location:**

135m ESE of No. 42 Levallyreagh Road, Rostrevor

Proposal:

Farm building without underground tanks.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Glyn Mitchell, Agent presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded to issue a refusal in respect of Planning Application LA07/2016/0401/F as per the Management Development Officer report.

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

For: 6
Against: 2

The proposal was declared carried.

AGREED: To issue a refusal in respect of Planning Application LA07/2016/0401/F as per the Management Development Officer report.

(12.20pm – Councillor Devlin re-joined the meeting)

(9) LA07/2016/0580/F – Brian and Joseph Murphy**Location:**

100m NW of 17 Glenore Road, Mullaghbawn

Proposal:

Cattle house with slurry tanks below.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Seamus Murphy, Agent, Brian Murphy Applicant and Councillor Terry Hearty presented in support of the application.

Discussion took place regarding the size and scale of the proposed building. Councillor Hanna suggested two smaller buildings might be a better option and he proposed that the Applicant had further talks with Planning Department to seek a solution. This proposal was not seconded.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2016/0580/F contrary to officer recommendation on the basis that modern farming had changed the farming business and whilst it was important to protect the AONB, it was equally important to sustain the farming population in rural areas and also that the proposal was to locate the building in an existing natural depression which would negate against any unacceptable impact on the landscape.

It was also agreed Planning Officials be delegated authority to impose relevant conditions to ensure that the location of the proposed farm building was in the natural depression on the site to ensure it fully integrated into the surrounding landscape.

Abstentions: 0

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

Location:

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

Proposal:

Erection of agricultural sheds and slurry tank.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Stephen Hughes, Agent presented in support of the application

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/0733/F and arrange a Members' site visit to view both the Planners preferred site and the site proposed by the applicant.

Abstentions: 0

(1.10pm – 2.00pm Lunch)

(11) LA07/2016/0952/F – D & M Downey

Location:

113-117 Dublin Road, Newry

Proposal:

Sub division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. 3 ground floor class A1 retail units with new shop-fronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605): and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

David Donaldson, Agent, and David and Michael Downey, applicants, presented in support of the application.

Letters of support had been received from Mickey Brady MP, Councillor Liz Kimmins and Councillor Sean Doran.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2016/0952/F as per the Management Development Officer report.

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

For: 6
Against: 3

The proposal was declared carried.

AGREED: To issue a refusal in respect of Planning Application LA07/2016/0952/F as per the Management Development Officer report.

(12) LA07/2016/1036/F – Thomas McLoughlin**Location:**

Approximately 100m SW of 24 Ryan Road, Mayobridge

Proposal:

Erection of dwelling and detached garage on a farm.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a Refusal in respect of Planning Application LA07/2016/1036/F as per the Management Development Officer Report.

Abstentions: 0

(13) LA07/2016/1130/F – Glenmarshal Sires Ltd**Location:**

Approximately 80m NE of 112 Carrigenagh Road, Kilkeel

Proposal:

Retention of ancillary staff resting areas and staff facilities at pig farm.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2016/1130/F contrary to Officer recommendation on the basis that these facilities were needed for the welfare of the pigs on the farm, which was a 24 hour operation with between 10 and 12 staff on site at any one time and because of the risk of cross contamination, it was essential that all staff shower and change clothes when coming on to and leaving the premises. The applicant had given an assurance that the premises would not be used as permanent residences.

It was also agreed that Planning Officers be given authority to re-visit the site to view the interior of the buildings to ensure they were satisfied that the appropriate conditions were applied to any approval, including a condition that the premises should not be used as permanent residences.

Abstentions: 0

(12) LA07/2016/1264/F – Mr & Mrs Richard Forsythe**Location:**

Between No. 119 and 123 Harbour Road, Kilkeel

Proposal:

Erection of dwelling and domestic garage.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Glyn Mitchell, Architect and Helen Forsythe, Applicant presented in support of the application.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2016/1264/F contrary to officer recommendation on the basis that the Harbour Road does not have an existing pattern of development in terms of layout, design and variety of houses and the proposed design would not have an adverse impact on the surrounding area and would help to regenerate this particular part of the Harbour Road.

Abstentions: 0

(14) LA07/2017/0099/F – Jerry Lucey**Location:**

75m SW of 8 Clontigora Road, Killeen, Newry

Proposal:

Erection of dwelling and garage under substitution for development approved under planning application P/2008/0341/RM.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to defer Application No. LA07/2017/0099/F on the basis that this application had been kept "live" with foundations being put in under a previous approval. The deferral to allow further discussion to take place between Agent and Applicant regarding the submission of an amended proposal regarding modification of the design and reduced ridge height to reduce visual impact.

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

Abstentions: 0

(15) LA07/2017/0145/O – Cathal Sloan**Location:**

Lands immediately 55m south of 14 Sandy Brae, Attical.

Proposal:

Site for dwelling and detached garage at existing cluster of development in the countryside.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to issue a Refusal in respect of Planning Application LA07/2017/0145/O as per the Management Development Officer Report.

Abstentions: 0

(16) LA07/2017/1042/F – Kieran Shanley and Sonya McPolin**Location:**

Lands 10M south of 22 Seafin Road, Meigh, Newry

Proposal:

Change of house type in substitution of approved planning permission reference P/2009/0682/RM (amended description).

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

John Lavery, Agent presented in support of the application.

A written letter of support had been received from Councillor P Byrne.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2017/1042/F contrary to Officer Recommendation, on the basis that evidence from Newry, Mourne and Down District Council Building Control Department indicated that work had commenced on the site before the expiry date of 29 November 2011 on a previous planning application for this site - P/2009/0682/RM.

It was agreed Planning Officers be granted authority to impose any relevant conditions including a condition that a timeframe of 12 months be imposed for work to be completed.

Abstentions: 0

(18) LA07/2013/0569/F – Joseph Donnelly**Location:**

Adjacent to 21 Mountain Road, Cloghogue, Newry

Proposal:

Change of use of former dwelling to granny flat with alterations and extension.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2013/0569/F as per the Management Development Officer Report.

Abstentions: 0

FOR DISCUSSION/DECISION**P/130/2017: PROPOSED WINDFARM AT GRUGGANDOO, HILLTOWN**

Mr McKay advised the Planning Committee was required to approve the submission of a response to the Department for Infrastructure as agreed at Special Council Meeting on 26 September 2017, confirming Council's opposition to planning application P/2015/0218/F on the basis that, having had regard to the Development Plan, the relevant planning policy context and all other material considerations, the proposal for a 10 turbine wind farm at Gruggandoo was considered to be unacceptable in planning terms.

Councillor McAteer stated that the opinion of the Planning Committee should be considered and forwarded to Planning Department in Belfast. He said that the views of the up to 50% of people who voted in favour of the Wind Farm should be reflected. Discussion followed and Ms Coll advised that concerns had already been recorded at the Special Council Meeting on 26 September 2017 where the decision had been made.

The Chief Planning Officer agreed that the current protocol needed to be looked at in terms of the procedures for replying to Consultations from the Department.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Larkin it was agreed to submit the response from the Special Council Meeting held on 26 September 2017 to the Department for Infrastructure.

P/131/2017: PLANNING COMMITTEE MEETING PERFORMANCE REPORT SEPTEMBER 2017

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

AGREED: It was agreed to note the Planning Committee Performance Report September 2017.

P/132/2017: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

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

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

P/133/2017: APPEALS & DECISIONS

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

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

P/134/2017: REGISTER OF CONTACTS JULY 2017 to SEPTEMBER 2017.

AGREED: It was agreed to note the Register of Contacts July 2017 to September 2017.

The Meeting concluded at 4.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 8 November 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 4 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 8 November 2017

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

- **Item 10** - LA07/2017/0786/F - Walter Watson - Replacement Dwelling and detached garage - 4 Drumnaquoile Road, Castlewellan. **REFUSAL**
- **Item 14** - LA07/2017/1147/0 - Mr D Russell - Infill dwelling and garage - 35m SE of 76 Belfast Road, Saintfield, Belfast. **REFUSAL**
- **Item 18** - LA07/2017/0345/0 - Martin Magee - proposed replacement dwelling - between 35 & 37 Ballydesland Road, Warrenpoint. **REFUSAL**
- **Item 20** – LA07/2015/0896/0 - Aileen Quinn - Dwelling and detached garage on a farm - 150 metres north west of 12 Old Town Road, Cullyhanna. **REFUSAL**
- **Item 21** – LA07/2017/0236/0 - John McKeever - 1 1/2 storey dwelling with detached double garage (amended plans) - 80m NW of 173 Concession Road, Cullerville, Crossmaglen. **REFUSAL**
- **Item 22** - LA07/2015/1171/F - Mr J Hughes - Proposed two storey dwelling and detached garage - 30m NE of 6 Main Street, Camlough, Newry. **APPROVAL**
- **Item 25** - LA07/2017/0957/0 - Gerard Callan - New dwelling and garage on infill site - 70m NW of 12a Annaghgad Road, Crossmaglen. **REFUSAL**
- **Item 35** - LA07/2017/0808/F - EDB Construction - Removal of Condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing - Lands between The Sacred Heart Grammar School and Newry High School, Ashgrove Avenue, Newry. **REFUSAL**
- **Item 37** - LA07/2017/0964/0 - Olga Fitzpatrick - proposed new dwelling (under policy CTY 2a) - adjacent to and rear of No. 19 Moygannon Road, Warrenpoint. **REFUSAL**
- **Item 40** - LA07/2017/1442/F - Newry, Mourne & Down District Council - Proposed extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding - Warrenpoint Bowling Green, Clonallon Park, Warrenpoint. **APPROVAL**
- **Item 42** - P/2014/0186/F - Gibson (Banbridge) Ltd - Infilling of field with approximately 25,000m³ of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off - 400m east of 24 Carnbane Way, Newry. **REFUSAL**

ITEM NO	37		
APPLIC NO	P/2009/1336/F	Full	DATE VALID 26/10/2009
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr JC Campbell C/O Agent	AGENT	Milligan Reside Larkin 56 Armagh Road Newry BT35 6DN
LOCATION	68 to 72 & 74 Shore Rd Rostrevor BT34 3AA		
PROPOSAL	Proposed new 70 bed nursing home together with 41 no. 2 & 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking) - Economic Impact Assessment received		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	101	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that the applicant has failed to demonstrate that the proposal would create a quality residential development; adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and the design of the development does not draw upon the best local traditions of form, material and detailing.
- 2 The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 3 The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
- 4 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
- 5 The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: The site is located within the settlement limit of Rostrevor Village on the southern extremity of the village. It fronts onto the Shore Road on its western boundary with the public access to Kilbroney Forest Park, on its northern boundary.

SITE CHARACTERISTICS AND AREA CHARACTERISTICS:

The site, which covers an area of 1.273 hectares, appears as an outlier to the main village core. The site is largely open with good views to the forest to the rear.

A portion of the site contains an existing car showroom and garage, Campbell's Garage, and 2 detached dwellings in single family occupation. The remainder, containing a tennis court, is largely open space. The garage complex consists of a flat roofed 2 storey structure in uniform white rendered finished. The dwellings are largely 2 storey, one, on the north eastern boundary point, in brick finish and the southern unit in render.

There is an existing 2 storey detached dwelling, (Number 50 Shore Road) just beyond the north west corner of the site. It is located 1 – 3 metres from the boundary

of the application site, which is formed by a rendered ivy clad wall, approximately 6 ft in height. This dwelling has a row of 7 first floor windows on its south eastern elevation to the application site, overlooking the wall.

There is a low single storey cottage, (No 56), beyond the north east corner of the application site, accessed by the entrance drive to Kilbroney Forest Park. There are a number of detached houses in individual plots beyond the southern site boundary, accessing onto Shore Road.

The site rises generally from the Shore Road towards the forest just beyond its eastern boundary. Its boundaries are landscaped. It appears very open, situated as it is, on the shores of Carlingford Lough. As a consequence there are distant views of it from nearby Warrenpoint. The views become more pronounced in the vicinity of the Rosses Point monument, a nearby public amenity area.

The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI), and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and Area of Scientific Interest (ASSI). It is within the Mourne and Slieve Croob Area of Outstanding Natural Beauty.

SITE HISTORY:

P/2008/0558. Proposed Residential development. Shore Road, Rostrevor
Determined 13/06/2008.

P/2006/0458/F. Construction of new access to dwelling (to include closure of existing access) Oakwood House, 71 Shore Road, Rostrevor. Determined 12/12/2006.

P/2005/0303/F. Refurbishment of existing dwelling 56 Shore Road, Rostrevor.
Determined 02/08/2005.

P/2002/0296/F. car showrooms and workshop together with refurbishment of existing building Shore Road, Rostrevor. Determined 16/07/2002.

P/2000/1418/F. Extension to dwelling. 52 Shore Road, Rostrevor. Determined 04/10/2000.

CONSULTATIONS:

Transport NI: No objections subject to planning conditions.

NI Water: No objections subject to planning conditions.

Rivers Agency: No objection subject to planning informatives.

DCAL Inland Fisheries & Waterways: Loughs Agency should be consulted.

Loughs Agency: No objections subject to planning conditions.

N&MDC Environmental Health: No objections subject to planning conditions.

NIEA (Water Management Unit): No objection subject to conditions.

NIEA (Natural Heritage) (Land Resource Management): The site is adjacent to Carlingford Lough Special Protection Area (SPA) and Area of Special Scientific Interest (ASSI) and is adjacent to Rostrevor Wood Special Area of Conservation (SAC) and ASSI. NIEA has undertaken a Habitats Regulations Assessment (HRA) Stage 2 Appropriate Assessment on this proposal. It has concluded there will be no likely significant effects on the integrity of the site. Standard conditions and informatives to be attached to the Decision Notice.

NIEA (Historic Buildings Unit): has key concerns regarding the scale, massing and height of the development. Advise that the former tram shed at Rostrevor Quay is the subject of a listing query.

NIEA (Historic Monuments Unit): The historic landscape of the adjacent Historic Park and Demesne is afforded protection under BH 6 of PPS 6 and it would have concerns to any development that would have an adverse impact upon the setting of this registered demesne. It has concerns regarding the scale, massing and height of the development.

The application site is located in an area of historic interest within Rostrevor and once was the site of the Great Northern Hotel, approx 250 metres to the west of the site is the conservation area of Victoria Square and Shore Road (RR08) within which is a number of listed buildings.

Rostrevor Harbour is adjacent to the site which is recorded in the Industrial Heritage Records and there is a large brick chimney on the site may have been associated with the hotel.

HMU are of the opinion that, due to the location of the application site within this locally important historic landscape, would recommend that the design of the proposed development reflect the detail from the Great Northern Hotel which once occupied the site and from the historic character of the buildings in this vicinity.

No archaeological objection in principle to the development provided:

- There is a revised design to the buildings which front on to the Shore Road, more in keeping with those in the vicinity and drawing upon details of the Victorian character of the area. The buildings should front on to the Shore Road
- The chimney within the application site is retained to ensure that the proposed development into the historic landscape of the Registered demesne of The lodge and the conservation area to the west.

Ministerial Advisory Group: In summary, while the panel agree with the principle of the proposal it pointed to the need for re-design and reducing the scale of development on the site with more open space.

OBJECTIONS & REPRESENTATIONS

Details of the application were advertised on 13 November 2009 and 14 nearest neighbours were notified on 30 October 2009.

Two letters of objection were received. Amended details were advertised on 8 June 2012 and 14 nearest neighbours were notified on 25 May 2012. Concerns were again expressed by a previous objector at an office meeting on 20 June 2012.

The main issues raised were:

- scale, density and height of the proposal which is out of character with this coastal location and setting of great natural beauty;
- proximity and height of proposed building and its impact on privacy, light and solar panels;

- architecture is out of keeping with traditional buildings in the immediate vicinity; and
- increase in traffic levels.

PLANNING POLICY MATERIAL CONSIDERATIONS

The relevant prevailing policy context is provided by:

- **the statutory area plan**, the Banbridge, Newry and Mourne Area Plan 2015;
- **regional planning policy documents**: the Strategic Planning Policy Statement, (SPPS); PPS 2: Natural Heritage, PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking, PPS 6: Planning, Archaeology and The Built Heritage, PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas, PPS 8: Open Space, Sport and Outdoor Recreation, PPS 12: Housing in Settlements. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that the policy provisions of the documents listed above, amongst others will be retained until each council adopts its own Plan Strategy.
- **supplementary planning guidance**, which includes: DCAN 8: Housing in established areas; DCAN 9: Residential and Nursing Homes; DCAN 10: Environmental Impact Assessment; DCAN 15 Vehicular Access Standards; and 'Creating Places, Achieving Quality in Residential Developments'.

Banbridge, Newry and Mourne Area Plan 2015. The site is within the settlement limit of the village of Rostrevor as designated in the statutory area plan. It is on a white land site, not zoned for any specific purpose. Applications within designated settlement limits must comply with relevant regional planning policy.

In summary, the application proposes a high density development consisting of a total of 51 apartments and a 70 bed nursing home on a site consisting of 1.273 hectares. The Planning Department has carefully assessed the proposal in the context of the planning policy context above and considers that it is contrary to a number of relevant planning policies.

PPS 7: Quality Residential Environments, PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas. , PPS 12: Housing in Settlements,

Policy QD 1 of PPS 7 states, amongst other things, that 'Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas'.

Policy QD 1 of PPS 7 also requires that all proposals for residential development will be expected to conform to a number of specified criteria.

The application site is located in an edge of village setting and a sensitive landscape, as detailed above. The character of the established residential area is derived from single houses in sizeable individual curtilages. Notwithstanding the existing car showroom within the site, the predominant character of the immediate area is one of low density development, predominantly residential in type and scale.

It is considered that the proposal is contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment. The proposal will result in unacceptable damage to the local character, environmental quality and residential amenity in the area. This is due to the fact that:

- The proposed scale of development is totally out of keeping with the existing character of the area which derives largely from individual houses in individual curtilages.
- The proposed development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area. The scale, massing and overall form of the development, based as it is on an double fronted apartment layout around a central courtyard incorporating underground car parking is not in keeping

with this low density edge of village location within an AONB, adjacent to a designated Demesne.

The proposal involves 7 major buildings which, when read together, will fill almost the entire frontage of the site. The resulting visual impact of the proposal is one of continuous mass with no visual break in the overall facade along the site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

The overall massing is also accentuated due to: the proximity of the development to the Shore Road; the absence of appropriate landscaping; the overall height of the proposed units; and the fact that the blocks to the rear project above the ridge height of the blocks fronting the Shore Road and will be seen between the visual gaps in the buildings fronting onto Shore Road. The proposed development also takes up the application site almost in its entirety with limited distances to all site boundaries.

If implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. It is over development of the site.

- The proposed combination of materials based on a combination of brick, cladding and render does not draw on the character and appearance of the surrounding area. The predominant finishes are predominantly uniform and in render.
- Adequate provision has not been made for open space and landscaped areas as an integral part of the development.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

It is considered that insufficient open space and landscaping has been provided to create an attractive, sustainable and varied residential environment. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

- the design and layout will create conflict with adjacent land uses. It will result in an unacceptable adverse effect on existing properties in terms of dominance, overlooking, loss of light and overshadowing. The proposed scheme incorporates a block of residential units ranging in levels between 16.35, 17.60 to 20.45 metres. These are proposed between approximately 3.5 and 6.5 metres from the north western boundary of the site and within approximately 8.5 to 9 metres of an existing property. As mentioned above there are 7 existing windows at first floor on the existing elevation facing the site. This falls far short of the required separation distances as contained in planning policy guidelines, as contained, for example in 'Creating Places' and is unacceptable in planning terms.

The proposed development will also impact on the residential amenity of an existing single storey dwelling to the rear of the application site beyond its north eastern boundary in terms of dominance and overshadowing.

PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas.

Planning Control Principle 1 of PPS 12 Housing in Settlements

Policy LC 1 of the Addendum to PPS 7, 'Safeguarding the Character of Established Residential Area' states that in established residential area, planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites.....to accommodate new housing, where all criteria set out in QD 1 of PPS 7 and all additional specified criteria are met. These include:

- The proposed density is not significantly higher than that found in the established residential area; and
- The pattern of development is in keeping with the overall character and environmental quality of the established residential area....

It states that the Department will not permit proposals for new housing development in established residential areas where there this would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. New residential developments should therefore be sensitive in design terms to people living in the existing neighbourhood and be in harmony with local character.

Planning Control Principle 1 of PPS 12 Housing in Settlements states that when considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents.

The character of the established residential area is one of individual houses in sizeable single curtilages. The density of the established residential area, in the vicinity of the application site, reflects the edge of village location. It is predominantly low density and varies between 5 to 10 dwellings per hectare. The proposed scheme is based on 3 elements within the site: assisted living units, apartment development and nursing home. The scheme proposes 10 assisted living units and 41 apartments on a portion of the site amounting to approximately 0.80 hectares. The proposed density for this residential element is approximately as follows.

10 assisted living units on 0.20 hectares – 50 per hectare;

41 apartments on 0.60 hectares – 70 per hectare

A total of 51 units on the total site area of 1.273, discounting the nursing home, represents a proposed density of 40 units per hectare.

The Planning Department considers that this level of development is wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

It is considered that this proposal, due to the reasons outlined above, would be detrimental to the local character, environmental quality and residential amenity of

the established residential area. It is also considered that it would not be sensitive in design terms to people living in the existing neighbourhood nor would it be in harmony with the area.

In this regard, the proposal is therefore contrary to Policy QD 1 of PPS 7, Policy LC 1 of the Addendum to PPS 7 and Planning Control Principle 1 of PPS 12.

Strategic Planning Policy Statement for NI (SPPS)

It is also considered to be contrary to Para 6.137 of the SPPS, 'increased housing density without town cramming', which states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. This proposal fails to do so for the reasons already stated.

PPS 2: Natural Heritage and PPS 6: Planning, Archaeology and the Built Heritage.

The application site is located within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the proposal is contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above, and does not respect local architectural styles and patterns.

Policy BH 6 of PPS 6 states that the Department will not normally permit development which would lead to the loss of or cause harm to the character, principal components or setting of parks, gardens and demesnes of special historic interest.

The application site is located on the edge of the early 19th century Historic Park, Garden and Demesne known as The Lodge, designated in the Banbridge, Newry and Mourne Area Plan. NIEA Historic Monuments Unit has confirmed no objections on the basis that there is a revised design to the buildings which front onto Shore

Road more in keeping with those in the vicinity and drawing upon details of the Victorian Character of the area.

In its present form the proposed scheme is contrary to BH 6 of PPS 6 in that the proposed design and layout of the development, as outlined above, is not in keeping with the historic landscape of the Registered Demesne, 'The Lodge'.

PPS 3: Access, Movement and Parking, PPS 3 (Clarification): Access, Movement and Parking.

Transport NI has confirmed no objections to the proposed access arrangements and road layout on the basis that the layout will remain un-adopted.

Future car parking provision is based on the number of proposed units.

PPS 8: Open Space, Sport and Outdoor Recreation.

The proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of grassed amenity space on the periphery of the site boundary.

RECOMMENDATION:

Refusal.

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

Refusal Reasons:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), (g) and (H), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development;
 - the design of the development does not draw upon the best local traditions of form, material and detailing; and

- the design and layout would create conflict with adjacent land uses in terms of overlooking, loss of light and overshadowing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
 3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality; nor does it safeguard the amenity of existing residents.
 4. The proposed development is contrary to Policy BH 6 of Planning Policy Statement 7 (PPS 7) in that it would, in its current form, be detrimental to the overall quality and setting of this historic landscape and the adjacent Registered Demesne by virtue of the scale, density and form of the proposed development.
 5. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

Case Officer Signature:

Date:

Appointed Officer Signature

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: Shore Road, Rostrevor.

Addendum to Case Officer Report

This application was previously brought before the Planning Committee on Wednesday 31 August 2016 with a recommendation to refuse for the reasons set out in the Case Officer's Report. The Meeting agreed to defer the application to allow Planning Officers to meet with the applicant, for discussion to take place between the applicant and the objectors and to facilitate a site visit by the Committee members.

A site meeting took place on Wednesday 2 November 2016 involving, the applicant, his agents and members of the Planning Department. The Planning Department clarified the major planning issues to be addressed.

The Planning Department has contacted the objectors. The objectors have confirmed that the applicant has not requested a meeting with them.

A site visit took place on Tuesday 15 November 2016, attended by members of the Planning Committee.

Following the site meeting the applicant submitted amended plans on 30 November and an amended P1 application form and proposal description on 21 December 2016 for consideration. A Planning Statement was also submitted, on 9 February 2017, in response to the Planning Department's recommendation to refuse.

The application has now been amended, from the previous description above, to read 'proposed new 70 bed nursing home together with 41 no 2 and 3 bedroom apartments with associated site works, landscaping and car parking (including at grade and undercroft car parking).

The proposed layout has been amended to exclude the sheltered housing and communal facilities of 10 apartments. The layout remains the same in all other aspects.

OBJECTIONS & REPRESENTATIONS

Details of the amended proposal were re neighbour notified on 24th February 2017 and re-advertised on 8 and 10 March 2017. A further 7 objections, over and above those previously raised and referred to in the case officer's report and at the previous meeting of the Planning Committee, have been received. The issues raised include:

- Extensive list of concerns raised at previous planning meeting remain unaddressed;
- Welcome scaling down of project but other issues have not been addressed;
- View of Lough from adjacent right of way towards Fiddlers Green would be completely obstructed by the development;

- Inappropriate scale, height and density of development at this location and rural character of the village;
- Buildings too close to native oak forest;
- Contrary to the Council's tourism policy;
- Young people need individual houses not apartments;
- Development does not blend with the natural environment; and
- Project could be more acceptable with scaling down, creative architectural planning and use of wood.

A representation was received from Forest Service On 6 April 2017 referring to existing rights of way at the northern end and through the application site. It also requested that any construction work be undertaken outside of a Root Protection Area associated with the adjacent Rostrevor Forest.

STATUTORY CONSULTATIONS

The Planning Department issued further consultations, on 23 February and 3 March 2017, to DAERA (Marine Fisheries and Archaeology and Built Heritage) and to NIEA (Historic Buildings Unit and Historic Monuments Unit), now NIEA Historic Environment Division, (HED). DAERA Marine Fisheries confirmed no objections subject to planning conditions on 14 March 2017. A joint response from HED, dated 5 April 2017, has confirmed no objections in relation to impact on listed building and archaeological policy requirements.

PLANNING ASSESSMENT

The Planning Department has re-assessed the amended proposal and the additional information referred to above in the context of relevant prevailing policy context, as outlined in the case officer's report.

It is considered that while the amended proposal has addressed one of the concerns previously expressed by the Planning Department in relation to the adverse impact on adjacent dwellings due to overlooking, loss of light and overshadowing, it does not represent a genuine attempt to address the broader fundamental planning issues, as previously expressed to the applicant and to the Planning Committee.

Notwithstanding the proposed reduction in the Scheme to omit the sheltered housing complex it is considered that the amended proposal remains contrary to Policy QD 1 of PPS 7 in that it will not create a quality and sustainable residential environment.

- The only significant difference between the scheme previously presented to the Planning Committee and the one now under consideration is a proposed reduction in the area of the application site to omit the sheltered housing block of 10 apartments. In all other aspects the proposal is identical to that previously assessed. The scale, density and height of the amended scheme remains unacceptable.
- The applicant has also submitted additional aerial type views of the proposed development to highlight the areas of open space within the site in an attempt to minimise the overall massing of the development. These however are not an accurate portrayal of the local and wider critical wider views of the site which would appear on the ground. The proposal, in its present form, still involves 5 major buildings which, when read together, will fill almost the entire frontage of the reduced planning application site. The resulting visual impact of the proposal from critical views would remain one of a continuous mass with no visual break in the overall facade along the application site frontage when viewed from the Shore Road frontage and indeed from wider views around Carlingford Lough.

While it is acknowledged that the omission of the sheltered complex will create a visual break between the existing development and the proposed nursing home, this is insufficient to address the previously expressed planning concerns, as outlined above and in the case officer's report. Indeed it is considered that the approval of this application would make it extremely difficult to resist further development on the 'gap site' that has been created through the omission of the sheltered housing units.

The proposed underground car park remains as part of the proposal. The need to provide car parking facilities underground to service the proposed level of development can be taken as another indication of the

overdevelopment of this site. This type of development, which would more properly be found within an inner city location, is totally inappropriate within an edge of village context and within such a sensitive location.

The fact remains that if implemented, this proposal would be totally out of keeping with its edge of village context. It will appear as an inappropriate mass of development in an area of low density development, an unnatural appendage in this small village setting. The proposal remains one of inappropriate over development of the site.

As a result it is considered that the proposal, as amended, will result in unacceptable damage to the local character, environmental quality and residential amenity in the area for the reasons stated in the case officers report above. It remains contrary to Policy QD 1 of Planning Policy 7 criteria (a) in that the applicant has failed to demonstrate that the proposal would create a quality residential development. It is also considered that the proposal, as revised, would also be contrary to DES 2 of the Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and, as discussed below, use of materials.

- There has been no real attempt to address the Planning Department's previously stated concerns about the proposed form of the development and the combination of brick, cladding and render which do not draw on the character and appearance of the surrounding area. The prevailing form of development is of low elevation, low density development. The predominant finishes in the local area are predominantly uniform and in render. Contrary to the stated view of the agent, in the Planning Statement, it is considered that the high density nature and height of of the proposed scheme coupled with the inappropriate combination of materials would create an inappropriate suburban form and appearance of development on this edge of village location within this sensitive and protected landscape setting. The proposal therefore remains contrary to Policy QD 1 of Planning Policy 7 criteria (g) in

that the design of the the development does not draw on the best local traditions of form, materials and detailing and also Policy DES 2 of the Rural Strategy.

- Adequate provision has not been made for open space and landscaped areas as an integral part of the revised development proposal.

The agent claims, in the Planning Statement, that the Planning Department's concerns around the amount of open space to be provided are unfounded. It is important to emphasise, in response, that the Planning Department accepts that the amount of proposed open space would be sufficient to satisfy prevailing policy requirements, in particular Policy OS 2 of PPS 8. However the location and distribution of that open space is inadequate to create an attractive, sustainable and varied residential environment as required by Policy QD 1 of PPS 7. This Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. It states that where appropriate planted areas of discrete groups of trees will be required along site boundaries to soften the development.

In this case, the proposed layout incorporates an area of open space in the centre of the layout. This will be largely screened from view from the Shore Road by proposed residential units. There are other areas of 'left over' grassed amenity space on the periphery of the site boundary. It is considered that the layout and location of the proposed areas of open space is unacceptable in planning policy terms due, largely, to the over development of the site. This was also highlighted in a review of the proposal by the Ministerial Advisory Group.

It should be noted that by reducing the red line to exclude the dwelling house and curtilage at No 52 Shore Road, the proposal has now excluded an area of open space that could have been used to create an attractive residential environment, as required by policy.

- The agent, in the Planning Statement, has sought to establish that the character of the immediate area in the vicinity of the application site is defined purely by the existing commercial use on the JC Campbell site and not by the adjacent residential land uses. This is an attempt to suggest that the requirements of Policy LC 1 of the Addendum to PPS 7 do not apply. This is clearly incorrect. The Planning Department is strongly of the view that the principle land use in the immediate area, within this sensitive edge of village setting, is not purely commercial but includes a long established residential element, not just on the edge of the application site but in the immediate vicinity.

In this context the Planning Department is strongly of the view that Policy LC 1 of the Addendum to PPS 7 clearly applies to this application.

Notwithstanding the omission of the sheltered housing block of 10 apartments, the revised scheme remains contrary to this policy, for the reasons above and as outlined in the case officer's report. In summary, the Planning Department considers that the level and density of development, as proposed in the revised scheme, remains wholly inappropriate within this edge of village, sensitive location on the shores of Strangford Lough. It does not reflect what is currently on the site, or, as has been suggested in support of the application, what has occupied the site in the past. It is also in contrast with the established residential area.

- The agent, in his Planning Statement has also sought to establish that the provisions of Planning Policy Statement 12 Housing and Settlements are not relevant to this application. This is clearly incorrect. Para 3 in fact states that this PPS is a material planning consideration in dealing with individual planning applications. The Planning Department remains of the opinion that the revised proposal remains contrary to PPS 12, for the reasons stated above and in the case officer's report.
- The agent, in his Planning Statement has also sought to establish that the provisions of the Strategic Planning Policy (SPPS) are not relevant to this application. This is clearly incorrect. The provisions of the SPPS are clear in that where the SPPS introduces a change of policy direction and/or provides a

policy clarification that would be in conflict with a retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. Where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not lessen the weight to be afforded to the retained policies. In this instance the Planning Department policy provisions of PPS 7 which relate to density of development have been retained. It is also clear that the policy provisions of the SPPS relating to housing density, as referred to in the case officer's report, are not in conflict with the provisions of PPS 7. In fact the policy previously referred to in the case officer's report reinforces the central message in PPS 7 which is that inappropriate developments, such as this one, should be resisted, i.e Para 6.137 of the SPPS states that in established residential areas it is imperative to ensure that the proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality...'

The Planning Department remains of the opinion that this revised proposal fails when assessed against this policy, for the reasons already stated.

- The application site is located within the Mourne and Slieve Croob Area of Outstanding Natural Beauty. Policy NH 6 of PPS 2 relates to development within Areas of Outstanding Natural Beauty. It states that planning permission will be granted for new development within an AONB where it is of an appropriate design, size and scale for the locality and all of the specified criteria are met. It is considered that the revised proposal remains contrary to Policy NH 6 of PPS 2, in that its scale size and design are not sympathetic to the AONB, for the reasons outlined above and in the case officer's report and does not respect local architectural styles and patterns.
- In terms of the impact on the setting of the adjacent parks, gardens and demesnes of special historic interest, 'The Lodge', the relevant statutory authority, Historic Environment Division, has now confirmed no objection in relation to this issue.

The previously stated reason for refusal, i.e. contrary to BH 6 of PPS 6, no longer applies.

RECOMMENDATION:

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

REFUSAL REASONS:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and
 - the design of the development does not draw upon the best local traditions of form, material and detailing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
4. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the

particular locality and does not respect local architectural styles and patterns, local materials or design.

5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

APPLICATION REF: P/2009/1336/F

DATE RECEIVED: 29 October 2009

PROPOSAL: Sheltered housing and communal facilities in one block of 10 apartments, a 70 bed nursing home each with site works and parking and 41 apartments with site parking and basement parking.

LOCATION: Shore Road, Rostrevor.

2nd Addendum to Case Officer Report

This application was returned to the Planning Committee on Wednesday 26 April 2017 with a recommendation to refuse for the reasons set out in the Case Officer's Report. This followed a site visit by members of the Planning Committee on Tuesday 15 November 2016 and the submission of amended plans, proposal description and a Planning Statement by the applicant.

The Meeting agreed to overturn the recommendation and approve the application on the grounds that:

'refusal reasons had been addressed and this development would enhance economic benefit in the village of Rostrevor and add to the vibrancy of the community that already existed'.

The Council received a Judicial Review pre-action protocol letter, on 7 June 2017, from an objector to the proposal, following the Planning Committee meeting and prior to the issuing of the formal approval notice. This raised a number of points of concern including the absence of a economic impact assessment or appraisal of the proposal to measure how the proposed development would enhance economic development in the village of Rostrevor.

Following the receipt of legal advice, the application has been returned to the Planning Committee for reconsideration. The applicant has submitted an Economic Impact Assessment (EIA) of the proposal in support of the application. The Planning Department has now considered the EIA as part of its assessment of this application.

The Planning Department has sought to facilitate a meeting to enable discussions between the applicant and the objectors as referred to at a previous meeting of the Planning Committee on 31 August 2016. The objectors had previously confirmed that the applicant has not requested a meeting with them. To date it has not been possible to convene a meeting at a time to suit all parties ahead of the Planning Committee meeting.

OBJECTIONS & REPRESENTATIONS

Nearest neighbours and previous objectors were re-notified following the receipt of the Economic Impact Assessment on 29 September 2017.

A further 42 objections, over and above those previously received, have been received to date. The issues raised include:

- Inappropriate scale, design and density of development for a small village and AONB;
- Dense apartment blocks too close to native Kilbroney Oak Forest, one of the oldest oak forests in Ireland, a Special Area of Conservation and National Nature Reserve protected by EU and national law; Underground car park will impact on root system of oak trees;

- Adverse impact on environment;
- No objection to change from commercial to residential but the design and scale is too big and is better suited to urban regeneration than to this area of outstanding natural beauty;
- A more appropriate residential development sensitive and in keeping with the surrounding developments in the area would undoubtedly gain the support of the community;
- Tourist industry need buildings that attract. The tram sheds and parts of the old railway line could form part of a tourist attraction.
- Need an Environment and Social Impact Assessment as well as Economic Impact Assessment;
- Buildings Units should be affordable to local residents;
- Cannot financially quantify an ancient oak forest;
- There are other more appropriate places for apartments of this nature, not beside seafront and an ancient oak forest and this crucial place for tourism, beauty and environmental legacy.
- Traffic issues and lack of Traffic Impact Assessment;
- No need for nursing home facilities
- The approval will skew the figures for available living accommodation in Rostrevor and have a detrimental impact on the future planning for affordable and social housing in the upcoming area plan.
- The figures in the Economic Assessment are subjective and no comparisons are made with existing similar nursing homes where commercial constraints have a major impact in staffing levels.

PLANNING ASSESSMENT

The Planning Department has considered the additional information submitted within the Economic Impact Assessment (EIA) as part of its re-assessment of the proposal.

The EIA is based purely on an assessment of the benefits that might accrue from the proposed development now submitted for planning approval. There is no mention or assessment of the benefits that might accrue from different scenarios, as is common practice for such an exercise. These might include a do-nothing scenario, or a

scenario based on a scheme designed to fit with the previously stated planning requirements, as advocated by the Planning Department.

The EIA points to significant turnover and employment benefits for the Newry, Mourne and Down economy during the construction and operational phases, i.e. a total £23.37 m Gross Value Added; 1326 job years and £27.71 m in wages over 20 years. The EIA also points to £5.14m in new residents wages.

It is not disputed that the implementation of this proposal could lead to enhanced employment opportunities and other economic benefits for the area. That said, a similar scheme, sensitively designed to address the concerns already highlighted by the Planning Department, could bring enhanced shorter and longer term benefits to the local and wider council area. The benefits associated with such a scheme would be substantially greater in terms of the level of impact on the natural environment, the local setting within this AONB, the attractiveness of the area and the associated benefits to the tourist industry. Such a scheme would be more sustainable.

The EIA also concludes that the proposal will be in line with key strategic documents, including the Council's new Community Development Plan in relation to the need for family accommodation; dwellings to facilitate the elderly and smaller households; housing need in the Rostrevor area and a requirement for 2 bedroom dwellings.

Any future requirement for elderly or smaller family homes would be more appropriately provided for, in the main, by detached and semi detached units within conventional and suitably designed housing layouts, close to amenities. While apartments are attractive to a certain section of the population, the provision of 40 2-3 bed apartments in 2, 4 – storey, apartment blocks, on the outskirts of a village, will not cater for this type of housing need.

While the proposed 70 bed nursing home may address a need for this type of care it is felt that the absence of any clear explanation of the existing local need for this type of facility has meant that this need has not been proven. There are existing nursing homes in the area catering for this need.

It must also be noted that the additional 40 residential units, if approved at this location, would form part of the committed housing supply for the village. This will be a material consideration for the forthcoming Local Development Plan and its future housing allocation to Rostrevor for the period of the new plan, normally 15 years.

The role of planning is to balance the need for development against the need to protect our natural environment. The Planning Department considers that the application site could accommodate a suitably designed scheme appropriate to its location, natural context and setting. In terms of this particular proposal, the case for such a scale of development at this location, within this highly sensitive and protected area, has not been established by the applicant.

The Planning Department remains of the view that this proposal is inappropriate when assessed against prevailing planning policy and for the reasons previously stated. It is considered that the cost to the local area of this proposal, in terms of its negative impact on the sensitive and protected natural setting of Rostrevor and the character of the established residential area would significantly outweigh any of the economic benefits, suggested in the EIA, that may accrue.

The Planning Department feels that the information provided in the EIA does not provide sufficient grounds to set aside the valid planning issues highlighted in the totality of the case officer's report. Greater weight should be attached to the environmental and social issues highlighted in the report than to the EIA.

For all of these reasons, it is considered that the Economic Impact Assessment does not provide a sufficient basis to recommend this proposal for approval. More weight should be attached to the strong and valid planning policy based reasons advanced for its refusal.

RECOMMENDATION:

It is considered that the application should be refused due to the issues raised above and for the reasons stated below.

REFUSAL REASONS:

1. The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that
 - the applicant has failed to demonstrate that the proposal would create a quality residential development;
 - adequate provision has not been made for private open space and landscaped areas as an integral part of the development; and
 - the design of the development does not draw upon the best local traditions of form, material and detailing.
2. The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that:
 - The proposed density is significantly higher than that found in the established residential area; and
 - The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
4. The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
5. The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

Appointed Officer Signature:
Date:
Senior Officer Signature:
Date:

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

In summary I will point out a number of serious anomalies in the general application including inaccurate information supplied in the fundamental document, namely the application form.

I will ask the planning committee if they are comfortable with the discovery in the application of a tree report which fails to point out the presence of oak trees within 3 metres of the site boundary, a point apparently missed during a site visit.

I will ask the planning committee if they are comfortable with the avoidance of an Environmental Impact Assessment on the grounds of a bat survey having been carried out, given that part of this bat survey was carried out in daylight hours.

I will ask the planning committee if they are comfortable with the legal implications of making an informed decision upon an application which appears to contain misinformation.

These are the main points.

Thank you,
Colum

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Town Planning & Licensing Consultants

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COMMITTEE BRIEFING NOTE

PROPOSED 70-BED NURSING HOME AND 41 NO. APARTMENTS

68 - 72 AND 74 SHORE ROAD, ROSTREVOR

APPLICATION REFERENCE: P/2009/1336/F

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RECOMMENDED REFUSAL REASONS

The planning officer's various recommended refusal reasons are set out in full in Figure 1 and refer to the following matters:

1. Inadequate open space provision
2. Unacceptable form, scale, massing, materials, detailing and design
3. Unacceptable density

The same recommendation was presented to the Planning Committee in April of this year. After careful consideration of all representations, the Committee resolved to approve the application on the basis that all refusal reasons had been addressed and this development would enhance economic development in the village of Rostrevor and add to the vibrancy of the community that already existed.

The fact the proposal was considered to meet the relevant policy requirements would have been sufficient to justify approval on its own. Although an Economic Impact Assessment was not previously submitted, general economic benefits in terms of jobs created and investment were presented at the Committee meeting. The Committee were therefore entitled to include economic benefits as an additional reason for approving the application. Nevertheless, following a threat of judicial review, the applicant has now submitted a full Economic Impact Assessment to further assist the Committee.

We respond to each of the issues raised by the recommendation to refuse and provide a summary of the economic benefits of the proposal in the sections below.

Figure 1: Recommended Refusal Reasons in Full

- 1 The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c) and (g) in that the applicant has failed to demonstrate that the proposal would create a quality residential development; adequate provision has not been made for open space and landscaped areas as an integral part of the development; and the design of the development does not draw upon the best local traditions of form, material and detailing.
- 2 The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and The proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
- 3 The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.
- 4 The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.
- 5 The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

OPEN SPACE PROVISION

48

The planning officer's report alleges that inadequate provision has been made for open space and landscaped areas as an integral part of the development.

PPS7 Policy QD1 Criterion (c) requires adequate provision of public and private open space. PPS8 Policy OS2 recommends the provision of a minimum of 10% of the total site area should be public open space, although a reduced amount is acceptable where the site is close and accessible to areas of existing public open space, or where it provides accommodation for the elderly. Creating Places paragraph 5.20 recommends a minimum of 10sqm of private open space per unit (i.e. 410sqm for the 41 apartments proposed), which can be provided in communal landscaped areas, courtyards or roof gardens.

The total site area excluding visibility splays is 1.03ha (10,300sqm). There are two principle areas of public open space within the development: the balcony and garden area to the front of the nursing home (550sqm) and the landscaped courtyard and associated walkway within the south of the site (850sqm). Various other pockets and bands of open space are provided within the remainder of the site. **The total open space provision within the development is approximately 3,050sqm, which is 30% of the total site area.**

The level of open space provision is therefore substantially greater than the minimum recommended by relevant policy and guidance.

Figure 2: Proposed Site Layout



Figure 3: Visual of Landscaped Courtyard



FORM, SCALE, MASSING, MATERIALS, DETAILING AND DESIGN

49

The development could do little more to draw on the traditional architectural features of this area. The proposal has been specifically designed to emulate the historic built fabric with modern elements and materials tastefully incorporated to compliment the traditional form and detailing of the buildings.

The finish of the buildings is predominantly render and redbrick, which is consistent with that of the existing dwellings at 50 and 52 Shore Road respectively and the historic buildings that once occupied the site. Stone, cedar and zinc cladding provide a modern twist to the design. The roofing is to be natural slate, consistent with both the existing and historic buildings in the area.

The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and that of the buildings that once occupied the application site.

The overall appearance and impression of the proposed development will be remarkably similar to that of the historic development once found in this location – See Figures 4 and 5.

Paragraph 3.8 of the SPPS also dictates that fallback must be a consideration in the assessment of a proposal, as this states that **approval must be granted unless a proposed development will cause demonstrable harm**. Given the existing site is predominantly occupied by an unattractive and insensitively designed car showroom and its associated informal car park, the proposal will deliver a significant improvement to the character of the area and the townscape of Rostrevor.

Figure 4: Historic Rostrevor



Figure 5: Comparative Image of Proposal



Figure 6: Existing Car Showroom



Figure 8: Image of Proposal



Figure 7: Existing Car Showroom



Figure 9: Image of Proposal



DENSITY

PPS7 Addendum Policy LC1 in relation to density applies to development in established residential areas only. The application site is not located within an “established residential area”, as defined by Annex E of the policy.

The principle land use in this area is the JC Campbell car sales, a commercial use. To the north is the ‘Glensheelin’ holiday accommodation and opposite is a fuel depot. There are only three detached dwellings on the surrounding plots, two of which are owned by the applicant and none of these are read together to form a legible neighbourhood. This is predominantly a commercial area, or a mixed use area at best.

As the application site and surrounding area do not constitute an “established residential area”, as defined by the PPS7 addendum, policy LC1 does not apply.

PPS12 is not operational planning policy. Paragraph 3 of the document confirms it is a material planning consideration for the planning authority in preparing development plans. Paragraph 77 explains that the Planning Control Principles are amplified through the development control policies, which includes PPS7.

The SPPS does not contain more prescriptive policy than that of the retained policies and a Plan Strategy for the whole of the council area is not yet adopted. The SPPS Transitional Provisions (paragraph 1.10 to 1.16) therefore direct that PPS7 continues to take precedence.

Figure 10: Existing Site Aerial



ECONOMIC BENEFITS

The Economic Impact Assessment submitted with the application has been prepared by RSM PACEC Ltd, a firm with over 30 years' experience providing economic consultancy services, specialising in programme and policy evaluation, strategies for economic development and regeneration, economic intelligence and impact assessment. They have advised that the proposal will deliver the following estimated economic benefits:

Construction Phase

Estimated Construction Cost	Construction Employment	Gross Value Added to the Newry, Mourne and Down / NI Economy
 <p>£8.6 million</p>	 <p>129 Job Years £3.44 Million in Wages</p>	 <p>£7.26 Million</p>

Annual Operational Economic Impacts

	GVA (£)	Job-Years	Wages (£)
Direct	£532,850	46	£875,238
Indirect	£130,826	8	£186,400
Induced	£142,234	7	£152,118
Total	£805,910	60	£1,213,756

Lifetime Operational Economic Impacts

	GVA (£m)	Job Years	Wages (£m)
Direct	£10.66	910	£17.50
Indirect	£2.62	153	£3.73
Induced	£2.84	134	£3.04
Total	£16.12	1,197	£24.28

Total Economic Impact

	GVA (£m)	Job Years	Wages (£m)
Direct	£14.31	979	£19.37
Indirect	£4.91	194	£4.87
Induced	£4.15	153	£3.47
Total	£23.37	1,326	£27.71

CONCLUSION

The proposal complies with all relevant planning policy, the planning committee are therefore respectfully requested to grant planning approval:

- (1) Open space in excess of the minimum recommendations of PPS8 and Creating Places.
- (2) The form, scale, massing, materials, detailing and design reflect that of the historic development that once occupied this site and will deliver a significant improvement to the character of the area and the townscape of Rostrevor over the existing car showroom and car park that currently occupies the application site.
- (3) The proposed density is acceptable in this mixed-use, predominantly commercial area. The restrictive LC1 policy applies to "established residential areas" only and is not applicable here.

In addition to the above, the proposed development will deliver substantive economic benefits.

SUMMARY

To further assist the Committee, we have provided a direct summary response to each of the recommended refusal reasons below:

(1) The proposed development is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7) criteria (a), (c), and (g), in that the applicant has failed to demonstrate that the proposal would create a quality residential development: adequate provision has not been made for private open space and landscaped areas as an integral part of the development: and the design of the development does not draw upon the best local traditions of form, material and detailing.

- PPS8 Policy OS2 recommends the provision of a minimum of 10% of the total site area should be public open space, the total open space provision within the development is approximately 3,050sqm, which is 30% of the total site area. The level of open space provision is therefore substantially greater than the minimum recommended by relevant policy and guidance.
- The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and has been specifically designed to reflect that of the buildings that once occupied the application site. It will deliver a significant improvement over the unattractive car showroom development that currently occupies the site.

(2) The proposed development is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7 on Safeguarding the Character of Residential Areas, criteria (a) and (b) in that: The proposed density is significantly higher than that found in the established residential area; and the proposed pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

- PPS7 Addendum Policy LC1 in relation to density applies to development in established residential areas only. The application site is not located within an "established residential area", as defined by Annex E of the policy, because the majority of land uses in the surrounding development node are non-residential. This policy is therefore not applicable to the proposal.
- The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and has been specifically designed to reflect that of the buildings that once occupied the application site. It will deliver a significant improvement over the unattractive car showroom development that currently occupies the site.

(3) The proposed development is contrary to the Strategic Planning Policy Statement and Planning Control Principle 2 of PPS 12, in that the proposed density of the development, together with its form, scale, massing and layout does not respect local character and environmental quality.

- The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and has been specifically designed to reflect that of the buildings that once occupied the application site. It will deliver a significant improvement over the unattractive car showroom development that currently occupies the site.

(4) The proposed development is contrary to Policy NH 6 of Planning Policy Statement 2 (PPS 2) in that the design, size and scale is not appropriate to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality and does not respect local architectural styles and patterns, local materials or design.

- The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and has been specifically designed to reflect that of the buildings that once occupied the application site. It will deliver a significant improvement over the unattractive car showroom development that currently occupies the site.

(5) The proposal is contrary to Policy DES2 of the Planning Strategy for Rural Northern Ireland in that the development would, if permitted, be detrimental to the townscape of Rostrevor and would not be sensitive to the character of the area surrounding the site with regard to design, scale and use of materials.

- The form and appearance of the buildings have been kept simple and traditional, generally consistent with that found in the wider Rostrevor settlement and has been specifically designed to reflect that of the buildings that once occupied the application site. It will deliver a significant improvement over the unattractive car showroom development that currently occupies the site.

ITEM NO	2			
APPLIC NO	LA07/2015/0590/F	Full	DATE VALID	07/07/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr Brian Annett 39 Carricknadarriff Road Hillsbrough BT26 6NJ		AGENT	Kee Architecture Ltd 9a Clare lane Cookstown BT80 8RJ
LOCATION	Dromore Road to rear of 10 Riverside Road Ballynahinch			
PROPOSAL	Proposed 3no detached dwellings			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	29	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

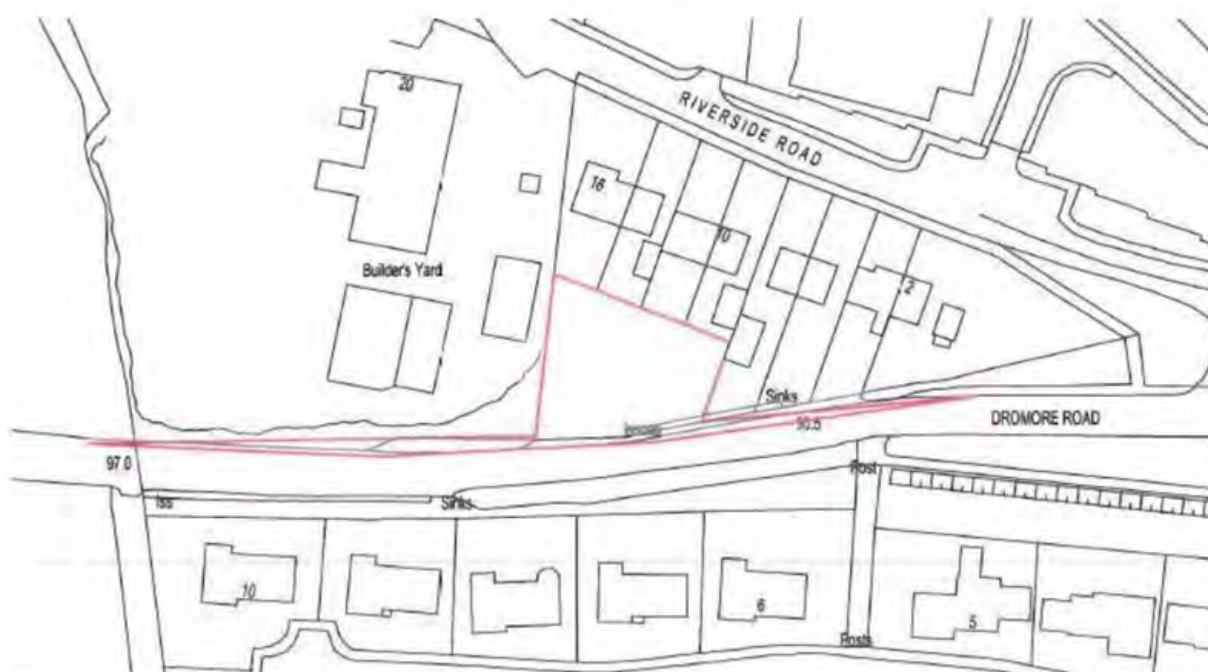
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0590/F

Date Received: 07.07.2015

Proposal: The application is for full planning permission for 3no detached dwellings

Location: The application site is located within the settlement limit of Ballynahinch as designated in the Ards and Down Area Plan 2015.



Site location plan



Site Characteristics & Area Characteristics:

The site is located along on a roadside plot, along the Dromore Road at Ballynahinch at lands between the Dromore Road and Riverside Road. The levels of the site fall in a northerly direction towards the dwellings at Riverside Road. The site is very overgrown at present. The northern and eastern site boundaries are defined by the hedges and gardens of the dwellings at Riverside Road. There is a builders yard to

the west of the site and semi-detached housing to the east. At present the site is screen with vegetation.

Site History:

R/1988/4020 8 Riverside Road, Ballynahinch, Garage

R/1988/0298 8 Riverside Road Ballynahinch New Garage Application Withdrawn

R/2005/1076/O Site On Dromore Road, To Rear Of 10 Riverside Road, Ballykine Upper, Ballynahinch, Northern Ireland, Bt24 8jb Proposed 3no Detached Dwellings Permission Granted 01.05.2007

R/1980/0791 Riverside Road, Ballynahinch Housing Development Permission Granted

R/1980/0350 Riverside Road, Ballynahinch Housing Development Application Withdrawn

R/1980/0146 Riverside Road, Ballynahinch Housing Development Permission Granted

R/2010/0337/Rm Site On Dromore Road To Rear Of 10 Riverside Road Ballynahinch Co Down Bt24 8jb. Proposed 3 No Detached Dwellings. Permission Granted 11.07.2011

R/1974/0582 Dromore Road, Ballynahinch 2 Or 3 Bungalows. Permission Granted

La07/2015/0590/F Dromore Road To Rear Of 10 Riverside Road, Ballynahinch, Proposed 3no Detached Dwellings Valid Application Received

R/2014/0500/A 20 Riverside Road, Ballynahinch, Bt24 8jb., Free Standing Totem Sign. Permission Granted 05.02.2015

R/2014/0111/Ca 20 Riverside Road, Ballykine Upper, Ballynahinch, Down, Bt24 8jb, Alleged Unauthorised New Access, Fence And Building Works Enforcement Case Clo2s5e.1d1.2014

Planning Policies & Material Considerations:

The site is located within the development limits of Ballynahinch as designated in the Ards and Down Area plan 2015 and as such SPPS, PPS 3, PPS 7, APPS7, PPS 12, PPS 15, DCAN 8 and Creating Places are all relevant to the application.

Consultations:

NI water – No objections

Transport NI – No objections subject to conditions

NIEA Water management – No objections

NIEA – Land, Soil and Air – raised issues regarding contamination

Environmental Health – has pointed out that the site is directly adjacent to a commercial property which is currently operating as a building supplies yard and there may be impact on the amenity of the proposed dwellings. They have included an informative.

PSNI Statistics Branch – Nil return

Rivers Agency -

Objections & Representations

In line with statutory requirements forty four neighbours have been notified on 21.08.2015 and again 11.09.2017 with updated information. The application was advertised in the Mourne Observer and the Down Recorder on 05.08.2015.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

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

There have been a total of 27 objections to the proposal. The main points of 26 of the objections deal with:

- The development will intrude, dominate, overshadow and severely restrict natural light
- Development will reduce privacy and increase size of hedge
- The access point is on a dangerous bend and previous accident there
- New footpath could be dangerous
- Responsibility of the up keep of trees and hedges to the rear of the proposed development
- Increased run off which is placing pressure on the current drainage system

- Existing wildlife displaced

Letter from 16 Riverside Road

- Exit onto Dromore Road would cause a major hazard, with recent accident
- Ownership of land for visibility splays
- Other developments in the immediate area have changed the character of the area with upgrading the infrastructure
- Lack of joined up thinking

Letter from Jim Wells MLA

- Stating opposition to previous application
- Housing would overshadow the existing dwelling and create a traffic hazard
- Calling for Roads Service to carry out a new traffic study and PSNI relevant accident statistics.

PSNI Statistics Branch, Lisnasharragh – A collision history of reported injury road traffic collisions on Dromore Road, between Edenvaddy Road and Riverside Road junctions between 1 April 2012 and 31 March 2015 shows a NIL RETURN.

Letter from Jim Wells sent to Transport Ni for consideration whereby a response indication that all aspects of road safety were fully considered when assessing the previous application R/2010/0337. A new traffic study would therefore would not be considered necessary.

The site lies within the development limits of Ballynahinch, thus a presumption in favour of development subject to compliance with the policies contained within PPS 7 and 12. The proposal is therefore assessed against the criteria under Policy QD1 including the following, site context, site characteristics, layout considerations, neighbourhood facilities, form, materials and detailing, density, landscape design, public/private open space, movement, parking, privacy.

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

The surrounding character of the area is dominated by residential development immediately adjacent to the site. These developments comprise a mix of 2 storey semi-detached dwellings, each with individual private space to their front and rear. The proposal is for a scheme of 3 two storey detached dwellings. A similar scheme for outline planning permission was granted under R/2005/0076/O which was approved April 2007 with stamped approved layout. This application is for full planning permission with changes to the access arrangements and the dwellings are being pushed further back into the site from the Dromore Road. The dwellings will

have a maximum height of just over 7.7 metres above ground level. Materials and finishes include grey render walls and red/brown facing brick with blue/black concrete tiles, this is generally in keeping with the surrounding character of the immediate area, more so with the dwellings to the north at Riverside Road which are all red brick. The dwellings would have their principle elevation facing onto Dromore Road. In terms of separation distances between the dwellings at Riverside Road, there is a 20m separation distance with plot 3, with plots 1 and 2 approx 18m, this is mainly due to the 12m gardens of the dwellings at No 10 and 12 Riverside Road. The house types show no upper floor bedroom window to the rear instead this window is located to the side elevation. The only upper floor window to the rear is the bathroom window which will have obscure glazing.

After discussion with the agent, it was deemed that the separation distances with the dwellings at Riverside Road were insufficient and the full 20m back to back separation distance that is stated in Creating Places guidance was essential, given the nature of the site where these dwellings will be elevated in relation to the dwellings at Riverside Road and given the objectors concerns regarding privacy.

Amended plans were received 5 September 2016, showing the most easterly property and the middle plot moved forward towards the Dromore Road, thus the proposed landscaping along the frontage has now been lost to both these dwellings. The dwellings now show 20m separation distances with the properties to the north and this should mitigate against any overlooking, in addition there are no upper floor windows proposed to the rear.

This proposed layout makes provision for 2 car parking spaces. The most easterly dwelling shows the turning and parking to the side and rear of the site as there is insufficient room to the front of the dwelling for parking and turning. It also reduces the useable amenity space for this dwelling to the rear. This is a similar arrangement to the previous approval which is now lapsed but is still a material consideration. The glare of headlights will also be reduced due to the introduction of a 2m fence to the rear of this property.

PPS 15 – Planning and Flood Risk

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. Rivers Agency have considered the following:

FLD1 - Development in Fluvial and coastal Flood Plains – Not applicable to this site.
FLD2 - Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse flows along the southern boundary of the site. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5

meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.

FLD3 - Development and Surface Water – Dfl Rivers has reviewed the Storm Attenuation Calculations and the correspondence submitted by Carey Consulting, and comments are as follows:-

Rivers agency accept the logic of the storm attenuation calculations.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Thus no objections are offered from Rivers Agency.

Conclusions

The site is a relatively restrictive site for these 3 dwellings and while there are shortcomings in the overall scheme in terms of a quality residential development, it does meet the standards as contained in Creating Places in terms of 20m separation distance and private open space provision. Cognisance must be given to the previous approval on the site which had previously been deemed as acceptable.

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that local character, environmental quality or residential amenity would not be so unacceptably damaged as to warrant refusal of the application, thus on balance approval is recommended.

Recommendation:

Approval

Conditions:

Time, access, landscaping.

Case Officer Signature

Date

Appointed Officer Signature

Date

Dfl Rivers, while not being responsible for the preparation of the Storm Attenuation Calculations and the attenuation proposals, accepts its logic and has no reason to disagree with its conclusions.

FLD4 - Artificial Modification of watercourses – Not applicable to this site.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

Thus no objections are offered from Rivers Agency.

Conclusions

The site is a relatively restrictive site for these 3 dwellings and while there are shortcomings in the overall scheme in terms of a quality residential development, it does meet the standards as contained in Creating Places in terms of 20m separation distance and private open space provision. Cognisance must be given to the previous approval on the site which had previously been deemed as acceptable.

Based on careful consideration of all the relevant material planning considerations including objections, it is contended that local character, environmental quality or residential amenity would not be so unacceptably damaged as to warrant refusal of the application, thus on balance approval is recommended.

Recommendation:

Approval

Conditions:

Time, access, landscaping.

Case Officer Signature

Date

Appointed Officer Signature

Date

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 01 bearing the date stamp 7 July 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.

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.

Notwithstanding the terms and conditions of the Department of Environment'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 Transportni Section Engineer whose address is 129 Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.

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.

Planning Condition

Line, level and construction of 2 metre wide footway to be agreed with Transportni prior to commencement of works on site.

Relocation of existing traffic signs on the public road will be required to be carried out by the applicant at their own expense. This work must be agreed with Transportni Traffic Management prior to commencement of work on site.

The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section.

(These works will be carried out entirely at the developers own expense.)

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

ITEM NO	10			
APPLIC NO	LA07/2016/1447/O	Outline	DATE VALID	25/10/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Ballyhosset Properties Ltd 422 Lisburn Road Belfast BT9 6GN		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT

LOCATION Site No 5 Between 67 Ballyhosset Road And 3 Holly Lane Ballyhosset Road
Downpatrick

PROPOSAL Proposed Dwelling and Garage (Amended Address)

REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions	
			Addresses	Signatures	Addresses	Signatures
	3	0	0	0	0	0
			0	0	0	0

- 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - (A) the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling
 - (B) the cluster does not appear as a visual entity in the local landscape
 - (C) the cluster is not associated with a focal point and is not located at a cross-roads;
 - (D) the dwelling would if permitted significantly alter the existing character of the cluster and
 - (E) the dwelling would if permitted adversely impact on residential amenity.
- 3 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Holly Lane.



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

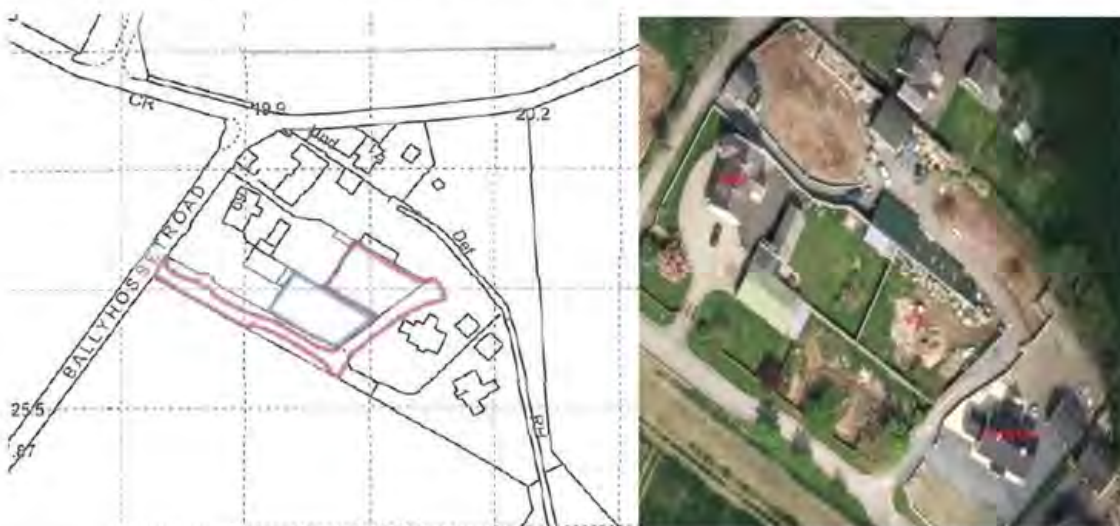
Application Reference: LA07/2016/1447/O

Date Received: 25th October 2016

Proposal: Proposed Dwelling and Garage

Location: Site No 5 between 69 Ballyhosset road and 3 Holly Lane, Ballyhosset Road, Downpatrick.

Site Characteristics & Area Characteristics:



The site is located on a parcel of land to the rear of No 69 Ballyhosset Road and to the north-east of No 3 Holly Lane. The site is accessed via a private lane serving those dwellings at No 1 and 3 Holly Lane. The site is comprised of an enclosed site which is defined by a stone wall and close board timber fence. The site slopes upwards in a north-westerly direction and is currently undeveloped.

Characteristics of Area:

The site is located within the rural area and is surrounded by undulating countryside. The immediate area surrounding the site has seen increased development in recent times, with the erection of two dwellings to the east of the site – Nos 1 and 3 Holly Lane and it is noted that a dwelling has been approved immediately south of the site for a dwelling under LA07/2015/1261/F.

Site History:

Previous history on the site relates to R/2005/1039/F – 50m East of 67 Ballyhosset Road, Downpatrick – Holiday accommodation – Withdrawn.

There are a number of approvals on the adjacent sites see LA07/2015/1261/F and R/2008/0229/F.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3 and 21, in addition, to the history and any other material consideration.

The application was advertised in the local press on 15.02.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, NIEA Historic Environment Division (HED), NIEA Water Management Unit and NIW. No objections have been received

The following neighbours were notified of the proposal 07.02.17

- Nos 1-8 Holly Lane
- Nos 67, 69 and 71 Ballyhosset Road
-

Objections & Representations

A number of objections have been submitted and they are summarised below

Michael and Una Starkey 3 Holly Lane – object to the proposal for the following reasons

- The proposed dwelling will overlook their property
- The proposed dwelling would cause overdevelopment of the Holly Lane area
- There is no reason why this development is essential in this rural location.

Mrs Fiona Linehan 71 Ballyhosset Road Downpatrick, objects to the proposal on the following grounds

- The proposal would be detrimental to the setting and character of the immediate area
- The proposal is contrary to PPS 21 Policies CTY 1, 8 and 14

Dr Kieran & Mrs Lesley Keown 67 Ballyhosset Road Downpatrick objects to the proposal on the following grounds

- The proposal would result in overdevelopment of the area
- The site does not represent an infill site
- The proposal would be out of keeping with the style and character of the neighbouring properties
- Loss of privacy as proposal would overlook private garden
- Concerns regarding access.

Consideration and Assessment:

The proposal seeks outline planning permission for the erection of a dwelling and garage. As the site is located within the rural area Policy CTY 1 of PPS 21 applies which states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It is noted that the applicant / agent has suggested in the Design and Access Statement that the new dwelling will be located within a gap site provided by the existing walled garden and access, therefore Policy CTY 8 is applicable.

Policy CTY 8 states that development will be permitted where there is a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In assessment of this, it is noted that the frontage of the site will be that laneway immediately north of No 3 Holly Lane. It is acknowledged that a dwelling has been approved immediately adjacent the site under LA7/2015/1261/F, however, it has not been built, and that there are a number of buildings on the land to the north of the site which may be being used as dwellings, however, these are unauthorised and cannot be considered as contributing to the frontage of the lane. Consequently, it is my view that a substantial and continuously built up frontage does not exist along this lane and as such the proposal is contrary to the requirements of CTY 1 of PPS 21.

In addition, Policy CTY 2a is applicable given the arrangement of the development on this land surrounding. CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

In assessment of this, the proposal is adjacent to a number of buildings, of which three are dwellings, however, the remaining buildings are comprised of garages and ancillary buildings and therefore the proposal does not meet this criterion.

- The cluster appears as a visual entity in the local landscape;

On approach from the SE along Ballyhosset Road, the existing buildings do not appear as a visual entity. There appear to be two distinct groups of development (No 67 Ballyhosset Rd and its associated buildings and those Dwellings Nos. 1 and 3 Holly Lane) as can be seen below.



- The cluster is associated with a focal point such as a social community building/ facility, or is located at a cross roads,

There are a no such features located within the vicinity.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

The proposed site would be enclosed and is bounded by development on at least two sides.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter the existing character or visually intrude into the open countryside; and

While it is acknowledged that an approval exists immediately adjacent and SE of the site (LA07/2015/1261/F), it is noted that it has not been developed. A significant gap remains therefore between the two groups of buildings identified above and as such approval of this current site would alter the existing character of the area.

- Development would not adversely impact on residential amenity

The concerns of No 3 Holly Lane are noted, particularly in light of the orientation of their dwelling, in which their living / sunroom is located immediately opposite the site and views into their property from the laneway to the site are readily available. It is noted that there is a separation distance of approximately 8m from the gable of No 3 Holly Lane to the frontage of the site, there is therefore concern regarding the potential for an adverse impact on the residential amenity of No 3 Holly Lane – any approved dwelling would have to be sensitively designed so as not to cause an adverse impact on the residential amenity of this property.

On the basis of the above I recommend refusal.

Recommendation: REFUSAL

Refusal Reason

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding

reasons why this development is essential in this rural location and could not be located within a settlement.

- The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - (A) The proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling
 - (B) The cluster does not appear as a visual entity in the local landscape
 - (C) The cluster is not associated with a focal point and is not located at a cross-road;
 - (D) The dwelling would if permitted significantly alter the existing character of the cluster and
 - (E) The dwelling would if permitted adversely impact on residential amenity.
- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Holly Lane.

Signed

Date

Signed

Date

Planning Committee Schedule of 8th November 2017

Planning reference: **LA07/2016/1447/O**

Proposal: **Proposed Dwelling & garage.**

Applicant: **Ballyhossett Properties Ltd**

Location: **Site No 5 between 67 Ballyhossett Road & 3 Holly Lane Ballyhossett Road.**

Recommendation: **Refusal**

Reasons

1

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

2

The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

(A) the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling

(B) the cluster does not appear as a visual entity in the local landscape

(C) the cluster is not associated with a focal point and is not located at a cross-roads;

(D) the dwelling would if permitted significantly alter the existing character of the cluster and

(E) the dwelling would if permitted adversely impact on residential amenity.

3

The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Holly Lane.

Site Description

The site is located within the rural area and is surrounded by undulating countryside, the application site comprises a walled garden to the rear of No 67 Ballyhosset Road and to the north-east of No 3 Holly Lane.

The site is accessed via a private lane serving dwellings at No 1 and 3 Holly Lane and 67 Ballyhossett Road.

The site comprises an enclosed area of former garden which is defined by a stone wall and close board timber fence. The site is generally flat and is currently undeveloped.

The immediate area surrounding the site has seen development in recent times, with the erection of two dwellings to the east of the site – Nos 1 and 3 Holly Lane and a dwelling has recently been approved immediately south of the site for a dwelling by the current Planning Authority under LA07/2015/1261/F.

Planning Policies & Considerations

RDS

SPPS

PPS3

PPS21

Ards & Down Area Plan 2015

Consultations and Representations

Consultations were carried out with

Transport NI

NIEA (HED)

NIEA Water Management Unit

NI water

No objections from any consultees were received.

3 No public representations have been received in relation to the proposal.

Assessment of reasons for Refusal

Reason 1

This is a catch all reason for refusal as the Planning Authority argue that the proposal does not sit easily with either of the Planning Policies that it relies on for the Authorities other reasons for refusal and if the Committee are minded to round of this development as the developer proposes this reason is not prevalent.

Reason 2

This reason for refusal is solely based on Policy CTY2a and its criteria

(A) The proposed site lies within a cluster of 3 existing dwellings and 2 extant approvals contrary to the Planning Authority's opinion.

(B) It is argued that the cluster does appear as an entity in the landscape (see Photograph)

(C) While the application site is not located at a crossroad it is located in the vicinity of another group of buildings to the North East which house a farmer's co-operative known as East Down Farmers this is a grain store and farmers retail outlet distributing to the local farming community

(D) The proposal will not alter the existing character as it will not be visible from any view point as it is completely surrounded by existing and proposed development.

(E) The proposal will not impact on any existing or approved development as it is located in a walled garden which protects it from the existing development. The current approval adjacent to the site is under the applicant's control.

Reason 3

The current proposal will not create a ribbon of development along Holly lane rather it will fill a gap site which will be compliant with the Policy CTY8 as defined in PPS 21 & SPPS as can be seen from the attached aerial photography.

Overview

This proposal is compliant with Policy CTY 8 of PPS21 Ribbon of Development as the site is located in an existing gap site with access on to an existing laneway which is at the crux of this particular policy.

It can be argued that the proposed site is also compliant with Policy CTY2a as the site is located within a cluster which is located adjacent to a focal point which can be described as a community facility as set out in this policy this cluster is a visual entity in the local landscape, the site provides a suitable

degree of enclosure as it is bounded on 3 sides and the can be absorbed into the existing cluster through the rounding of the development and there will be no impact existing due to the existing walls which surround the site and it would be the developers intention to retain the existing walls and should these be conditioned to be retained the developer would welcome this. The overview of the proposal would indicate that the proposal could be seen as been compliant with both Policy CTY8 and Policy CTY2a.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for.







ITEM NO	35			
APPLIC NO	LA07/2017/1224/F	Full	DATE VALID	10/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Aaron Ross 16 Killybawn Road Clontagnagar Saintfield BT24 7JP		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
LOCATION	16 Killybawn Road Saintfield BT24 7JP			
PROPOSAL	Storage unit for keeping of vintage vehicles			
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 RE1 of the Addendum to PPS7 (Residential Extensions and Alterations), as the design, external materials and siting in front of the established building line are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1224/F

Date Received: Aug 2017.

Proposal: Full planning permission is sought for a new storage unit for keeping vintage vehicles, at 16 Killybawn Road, Saintfield.

Applicant Mr Aaron Ross

Location:

The site is located in the countryside between Crossgar and Saintfield, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site. This area is pre-dominantly rural in character, although also includes several dwellings along this stretch of road.

Site Characteristics & Area Characteristics:

The site outlined in red comprises the dwelling and curtilage of no.16 Killybawn Road, which comprises a roadside plot.

This site is bounded by no.14 and a field to either side, and includes the dwelling (single storey in form) and several outbuildings, with 2 small sheds adjacent to no.14 and 2 larger buildings to the far side of the site. These 2 larger buildings include what appears to be a double garage and larger agricultural building along the northern boundary. However on closer inspection it appears the double garage has been converted to living accommodation, while it is unclear whether the larger building is used for agricultural use. This entire curtilage is accessed from one entrance point, which then includes a separate entrance to the yard area within the curtilage, which is sectioned off from the dwelling curtilage.

This site is relatively flat whereby the roadside boundary comprises a stone wall and grass verge. The boundary with no.14 is marked by a wall and planting, while that with the field to the far side is marked by ranch type fencing and the gable of the large shed,

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of previous applications in the immediate vicinity of the site, the most relevant of which include:

LA07/2017/1302- 16 Killybawn Rd, Retention of conversion of double garage to ancillary accommodation, Full, Pending, Applicant: Mr A Ross

LA07/15/0741/F- 16 Killybawn Rd, Retention of boiler house, Full, approval, Applicant: Mr A Ross,

R/12/0432/RM and R/08/0333/O- 16 Killybawn Rd, Replacement dwelling, Outline and Reserved Matters, Approval, Applicant: Mr A Ross

It is also noted there are recent permissions for the retention of the farm yard and agricultural buildings (R/11/0494) and erection of a farm dwelling (R/09/1037) on lands to the far side of the road, which appear to be associated with the applicant.

Consultations:

Having account the nature of this proposal and constraints of the site and area, no consultations have been undertaken as part of this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with no.14 Killybawn Road in August 2017, while the application was also advertised in the local press in August 2017.

No representations have been received to date (04-10-17).

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS7 Addendum, PPS21, and supplementary guidance

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply, and having account the nature of this proposal which comprises a storage unit for keeping vintage vehicles within the curtilage of a dwelling, it is considered the Addendum to PPS7 (Residential Extensions and Alterations) is key.

Policy EXT1 of Addendum to PPS7 states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (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; and
- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

In addition, with regards to proposals for garages and other associated outbuildings, paragraphs A11-A13 are of relevance.

Para A11

Buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. 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 use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side.

Para A12

Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.

Para A13

In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings

Assessment

The proposed storage unit will be located in the front corner of this site, and adjacent to the road.

It is noted there are already a number of buildings within this curtilage, including the dwelling, 2 small sheds and 2 larger buildings.

Following initial assessment of the case the Planning Authority issued a letter to the agent on 23rd Aug, seeking justification as to why an additional shed is required. It also transpired the previously approved double garage which is located in the northern corner of the site, has recently been converted to living condition and is now the subject of a separate planning application (LA07/17/1302). (The site visit associated with this current application for the storage unit resulted in the submission of this further retrospective application.

A letter was then received from the agent on 26th Aug, in response to the Planning Authority's letter, advising the applicant has a collection of vintage machinery including tractors and agricultural machinery together with 2 vintage motor vehicles, whereby the applicant wishes to store them in a shed adjacent to his home in a safe and secure manner.

The agent has also advised there are currently no buildings on his property suitable to store these vehicles as the existing shed was constructed as part of the farm complex and is used for that purpose.

In response to this letter the Planning Authority issued a further email on 11th Sept requesting details of the farm business, including business number, maps and location of farm buildings. In addition the agent was also requested to advise why this shed is now required if the previously approved double garage (which has now been converted) was no longer required for the storage and parking of vehicles. The agent was requested to provide comments within 21 days in line with the Councils Scheme of Delegation.

Nothing further has been received to date (04-10-17), whereby the application cannot continue to be held.

As stated above the shed will be located in the front corner of this curtilage immediately adjacent to the existing largest shed on site. This shed will measure approx 14m by 8m and will be 4m high, to be constructed in corrugated green cladding.

The existing dwelling, recently converted double garage and large shed are constructed in block with brown colour dash finish, whereby the dwelling and garage also include a tile roof, while the large shed has a green corrugated panelled roof.

It is considered this proposed structure, which will be located in the front corner of the curtilage well in advance of the existing dwelling and any other building will have a dominant impact at the front of the property, whereby the design, style and external materials are not considered to be sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

As such it is considered the proposal is contrary to policy RE1 of PPS7 Addendum.

In addition to the above, no well founded need has been demonstrated to warrant permitting a further additional building on this site, while there certainly appears to be scope to re-use the former double garage and also large shed to store the said vehicles. It was noted during a site inspection several vintage vehicles were being stored in the larger shed.

While the supporting comments from the agent were noted, the Planning Authority questioned the agricultural use of the existing building on site and requested details of the farm business and associated lands and farm buildings. This information was requested as the agent outlined the agricultural use of this building as a reason why this shed cannot be used and an additional structure is required.

During consideration of the case it was also noted there is a recent permission for a farm dwelling (R/09/1037) and retention of farm yard and agricultural buildings (R/11/0494) on lands to the far side of the road, whereby the applicant was Mr R Ross of 14 Killybawn Rd (immediately adjoining the application site), whereby the lands comprising the application site were also included on the farm maps.

The Planning Authority requested further comments from the agent regarding the farm business of the applicant, as having account the site history of the area, and information supplied by the agent, it appears the farm buildings associated with the applicants family, and also farm dwelling, are all connected and are located to the far side of the road. As such further clarification regarding this matter was requested to assist in the consideration of the case, however nothing further has been received to date (04-10-17).

It was also observed during the site visit in August 2017 the existing yard area where it is proposed to locate the new storage unit appears more like a builders storage yard, with a range of materials present that one would associated more with building works than farming.

As outlined above nothing further has been received to date in response to the Planning Authority's queries, whereby the application cannot be held indefinitely. As

such it is considered insufficient information has been submitted in this respect to fully explore and investigate this aspect.

Taking into account the above it is considered no sustained argument has been provided justifying the need for an additional building within this curtilage, while the design, external materials and siting are also considered unacceptable.

As such Refusal is recommended.

Recommendation: Refusal

Reasons:

- The proposal is contrary to policy RE1 of the Addendum to PPS7 (Residential Extensions and Alterations), as the design, external materials and siting in front of the established building line are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.

Planning Committee Schedule of 8th November 2017

Planning reference: **LA07/2017/1224/F**

Proposal: **Proposed Storage unit for the keeping of vintage vehicles.**

Applicant: **Mr Aaron Ross**

Location: **16 Killybawn Road, Saintfield.**

Recommendation: **Refusal**

Reasons

The proposal is contrary to policy RE1 of the Addendum to PPS7 (Residential Extensions and Alterations), as the design, external materials and siting in front of the established building line are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.

Site Description

The site is located in the countryside between Crossgar and Saintfield, as defined in the Ards and Down Area Plan 2015.

This area is pre-dominantly rural in character, although also includes several dwellings along this stretch of road.

The application site comprises the dwelling and curtilage of no.16 Killybawn Road.

This site is bounded by the applicant's parent's home No.14 to the south and an agricultural field to the north

The existing dwelling is single storey with associated domestic buildings and an existing farm shed which was constructed prior to the erection of the applicants dwelling.

Planning Policies & Considerations

RDS

SPPS

PPS3
PPS7 & Addendum
PPS21
Ards & Down Area Plan 2015

Consultations and Representations

The Planning Department did not consider that any consultations were necessary due to the nature of this proposal

No public representations have been received in relation to the proposal.

Assessment of reasons for Refusal

The reason for refusal as put forward by the Planning Department is that the proposal is not compliant with policy RE1 of the Addendum to PPS7 (Residential Extensions and Alterations).

It is argued that the proposal is compliant with the criteria of Policy EXT1. The design of the proposal is in keeping with existing farm building which is located on the site and which is used for agricultural purposes to a max over the winter months and while reference is made in the officers report to the existing shed been used for the storage of vintage vehicles this is only on a adhoc basis when it is not in agricultural use.

The existing agricultural shed has stood from prior to the construction of the dwelling and domestic out buildings and while the existing garage which can only house two cars is the subject of a separate application it would not be capable of housing vintage machinery.

The applicant is happy to address any issues relating to finishes and materials and he is willing to construct the building in rendered block work with a metal roof should the planning department require, while it is argued that the proposed shed does not detract from the appearance and character of the surrounding area nor does it affect amenity of neighbours and furthermore it will cause no loss or damage to trees or other landscape features and it can be clearly seen that sufficient recreational and parking space remains within the site.

Reference to paragraphs A11 -13is made by the Planning Department and it is the applicants assessment that proposal is compliant with these paragraphs as the proposal is similar in size and design of the existing building and the

applicant is prepared to alter the finishes should it be deemed necessary and the current proposal results in an integrated group of buildings.

Overview

The proposal is for a storage unit for the keeping of the applicant's vintage vehicles, tractors and cars and the application is made on domestic application forms and it is similar to many structures which are approved by the authority for similar uses within domestic curtilages.

The current site differs from the norm as an existing agricultural building is located on the site and used for agricultural purposes. The case officer states the proposed location of the building appears more like a builder's storage yard this must be clarified as the site is used in association with the existing farm business and as the applicant has explained to me he currently stores materials which he has used during the construction of his home and associated on going works around his home, the applicant keeps a neat and tidy premises which he is very proud of and he only wishes to construct a building which will allow him to store the vintage machinery the he currently owns.

The developer has indicated he will address any issues relating to the finishes of the proposed structure should the planning department require him to.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the development as applied for.



ITEM NO	16			
APPLIC NO	LA07/2017/0625/F	Full	DATE VALID	24/04/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Paul Addis 55 Ballynahinch Road Drumaroad Castlewellan BT31 9PB		AGENT	Hillen Architects Limited 87 Central Promenade Newcastle BT33 0HH
LOCATION	70m NE of 47 Ballynahinch Road Drumaroad Castlewellan BT31 9PB			
PROPOSAL	Proposed replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - (A) the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
 - (B) the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0625/F

Date Received: 24th April 2017

Proposal: Replacement Dwelling

Location: 70m NE 47 Ballynahinch Road Drumaroad, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Ballynahinch Road, Drumaroad. It is comprised of a 0.2 hectare portion of land, which contains a single storey traditional style dwelling and outbuilding.

The dwelling is accessed via an existing lane way from Ballynahinch Road, which runs along the side of No.47 and the dwelling is positioned within a small plot immediately to the rear of No 47 Ballynahinch Road. The site is elevated above the public road and is visible when viewed from the frontage of Ballynahinch Road. The site benefits from elevated land to the rear and it is noted that there is mature vegetation along all boundaries surrounding the existing dwelling.



The external walls and roof of the dwelling are intact, the openings are still present but no longer glazed. An inspection of the inside reveals one ground floor room, with a narrow staircase leading to the loft area.

The site is located within the rural area as designated in the Ards and Down Area Plan and it is surrounded by agricultural land, there are however, a number of detached single dwellings dispersed throughout the area.

Site History:

R/1980/0834
Replacement Dwelling
Ballynahinch Road Castlewellan
Granted 29.01.81

R/1985/0188
Replacement dwelling
Ballynahinch Road Castlewellan
Granted 21.05.85

R/1986/0213
Dwelling
Ballynahinch Road Scribb
Granted 24.07.86

A paper copy of the site location of these approvals is no longer available, however, computer records indicate that they relate to lands immediately surrounding No 47 Ballynahinch Road and do not include the current application site. There is therefore no evidence to suggest that this dwelling has been replaced previously.

The proposed dwelling would have a significantly greater visual impact than the existing building as shown above and would not integrate into the surrounding landscape given its overall size, scale and massing. In addition, the design therefore is not appropriate to the sites rural setting. The proposal therefore fails to comply with the requirements of Policy CTY 3 of PPS.

Recommendation : Refusal

Reason:

The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that

- (A) The overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and
- (B) The design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.

Signed

Date

Signed

Date

HILLEN

ARCHITECTS

SUPPORTING STATEMENT AND DOCUMENTATION

Replacement dwelling at Ballynahinch Road, Castlewellan, for Mr
Paul Addis

Planning Reference: LA07/2017/0625/F

1st November 2017

Overview

- The original planning application was lodged by another agent and the house type proposed did not comply with planning policy or the rural design guides in general.
- We met with the planning case officer in Downpatrick, along with the client, Mr Addis, and at this meeting we were informed that we would be given the opportunity to submit an alternative house type.
- On the basis of this meeting, Hillen Architects have been engaged as the new agents for this application, to prepare and submit the necessary information as agreed.
- A new house was designed and drafts forwarded to the case officer.
- Emails were sent back and forth between our office and the planning case officer from 31st August to 3rd October. (see enclosed at back of submission). We felt that the new design was much more in keeping than the original, and integrated well into the site, which is visually enclosed as per the attached photographs.
- On 3rd October, correspondence from the case officer informed us that the application was to be determined on the basis of the original drawings, and no alternative house type would be accepted.
- I immediately hand delivered 4no copies of our proposals to the planning office, and these were returned in the post the next day.

LA07/2017/0625/F

Replacement Dwelling

70m NE of 47 Ballynahinch Road, Drumaroad, Castlewellan, BT31 9PB

Mr Paul Addis.



Supporting Statement:**Full Application**

traditional in form and materials. The boundaries of the site are seen to be defined via mature in situ hedgerows with associated mature trees.

Lands at 70m NE 47 Ballynahinch Road, Drumaroad, Castlewellan, BT31 9PB

Site Area:

The site area is approx. 0.20 hectares.

Applicant:

Mr P. Addis

Site Analysis

The site is seen to be set back from the Ballynahinch road approx. 125 meters. Access is gained to the site via an in situ laneway which is seen to serve two other dwellings. The site is seen to be at a higher level than the Ballynahinch road, with rising topography to the rear of the site evident.

The site is located within a rural landscape of rolling agricultural lands within a landscape characterised by rolling drumlins. A number of single dwellings and farmsteads can be observed within the local area. To the south of the site a large detached two storey dwelling and associated detached garage is noted.

Within the site a detached single storey vacant dwelling and associated detached single storey outbuildings are in situ. The dwelling is seen to exhibit the essential characteristics of a dwelling house. It is seen to

Planning Policy Consideration



than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances;

SPPS

Replacement dwellings

Provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so.

Replacement dwellings must not have a visual impact significantly greater

PPS 21

Policy CY3 – Replacement Dwellings

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

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

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

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

Non-Listed Vernacular Dwellings

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

- if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.
- if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as an auxiliary accommodation or a store, to form an integrated building group.

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

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;
- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing buildings;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

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

Listed Dwellings

The policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

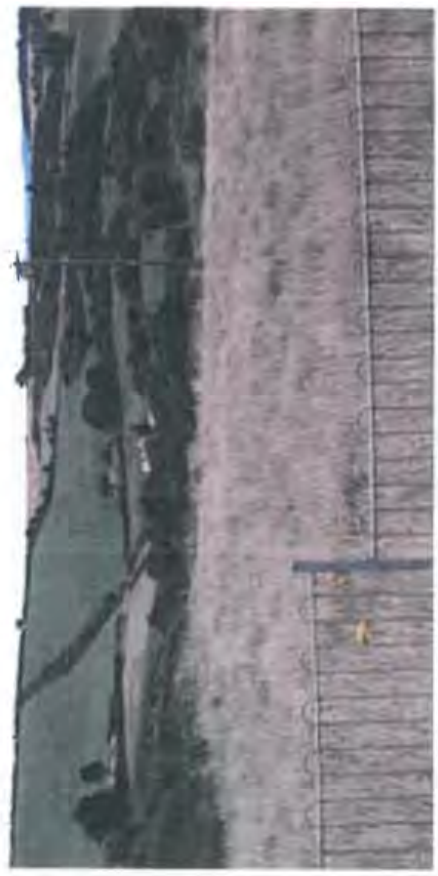
It is proposed to site the new dwelling within the existing curtilage of the site (with a small curtilage increase required to provide access to the site). It is felt that given the degree of set back from the Ballynahinch road, the steeply rising topography to the rear of the site and the mature in situ boundaries (which shall be augmented via additional native species landscaping) that this site could accommodate a modern two storey dwelling of simple rural design and materials/finishes. It is acknowledged that the dwelling to be replaced is single storey but it is felt as outlined above that the site could accommodate a 2 storey dwelling. Given the limited transient viewpoints into the site from the adjacent Ballynahinch

road to the south west it is felt that the provision of a two story dwelling of appropriate design could be accommodated within this site. It is felt that the provision of a two storey dwelling of appropriate design would not have a visual impact significantly greater than the existing group of buildings currently found within the site.



The above three images of the site taken from available viewpoints of the site from the Ballynahinch road help to illustrate the capacity of the site for accommodating a two storey dwelling of appropriate rural design. The degree of set back from the road, strong in situ boundaries/landscaping and rising topography to the rear of the site are clearly evident. It is also noted that number 47 Ballynahinch road, to the south of the site is a two storey dwelling which is situated immediately adjacent to the road. The positioning of this established two storey dwelling in relation to the site and the adjacent Ballynahinch road can be seen to be more visually intrusive than what a two storey dwelling within the proposed site would be.

The adjacent images of the site illustrates views of the site from the top of Drumaroad Hill to the west of the site. Again the capacity of the site for the provision of a two storey modern rural dwelling of simple rural design is evident. The site has the capacity via in situ planting and rising ground to its rear to accommodate a two storey dwelling which would not have a significant visual impact upon the surrounding landscape.



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
- (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.

Given the rising topography to the rear of the site no issues with respect to prominence shall arise. The site has long established boundaries in place which shall be augmented via additional planting. The provision of a replacement dwelling within the site shall not depend on the use of new landscaping for integration. Ancillary works would integrate into the rural landscape.

It is felt that a two storey dwelling of modern rural design and finishes would be visually acceptable within this site. A dwelling of acceptable design, form, massing and finishes would blend into the site. A strong backdrop of rising topography to the rear of the site coupled with in situ strong boundaries provide for a site which could accommodate a modern two storey dwelling.

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

The rural character of the area in which the site is located would not be unduly eroded. No issues with respect to prominence would arise given the in situ boundaries noted and existing rising topography to the rear of the site. No issues with respect to the build up of development shall arise. The traditional pattern of development found within the area shall be respected. No issues with respect to ribbon development shall arise. The impact of required ancillary works would not damage the rural character of the area.

Relevant Planning Approval:

It is felt that the following planning approval which is located within the Newry, Down and Mourne Council area provides for an appropriate example of were a small single storey dwelling has gained planning approval to be replaced with a modern two storey dwelling house and garage.

Planning Ref:

R/2014/0670/F

Opposite 22 Edenavaddy Road, Ballynahinch.



Original site with small dwelling in field to rear of tree (single storey)

This approval provides an example of a single storey dwelling being replaced with a modern two storey dwelling. It is noted that in situ strong boundaries and rising topography to the rear of the site provide for an acceptable development. This approval sits with providing a two storey dwelling within the applicant's site. It is noted that the above approval is adjacent to the road whereas the applicant's site sits well back from the

road and as a consequence would have less of a visual impact than the above outlined approval.

As such it is hoped that this visual assessment helps to illustrate to the Council the capacity of the applicants site for the provision of a modern two storey dwelling and associated garage of appropriate design, scale, massing and finishes.



PHOTOMONTAGES FROM KEY VIEWPOINTS

Replacement dwelling at Ballynahinch Road, Castlewellan, for Mr Paul Addis

Planning Reference: LA07/2017/0625/F

3rd October 2017







Viewpoint 1



Photograph of existing building cluster in context



Photomontage of proposed dwelling and garage in context of existing vegetation





Photograph of existing building cluster in context



Photomontage of proposed dwelling and garage in context of existing vegetation



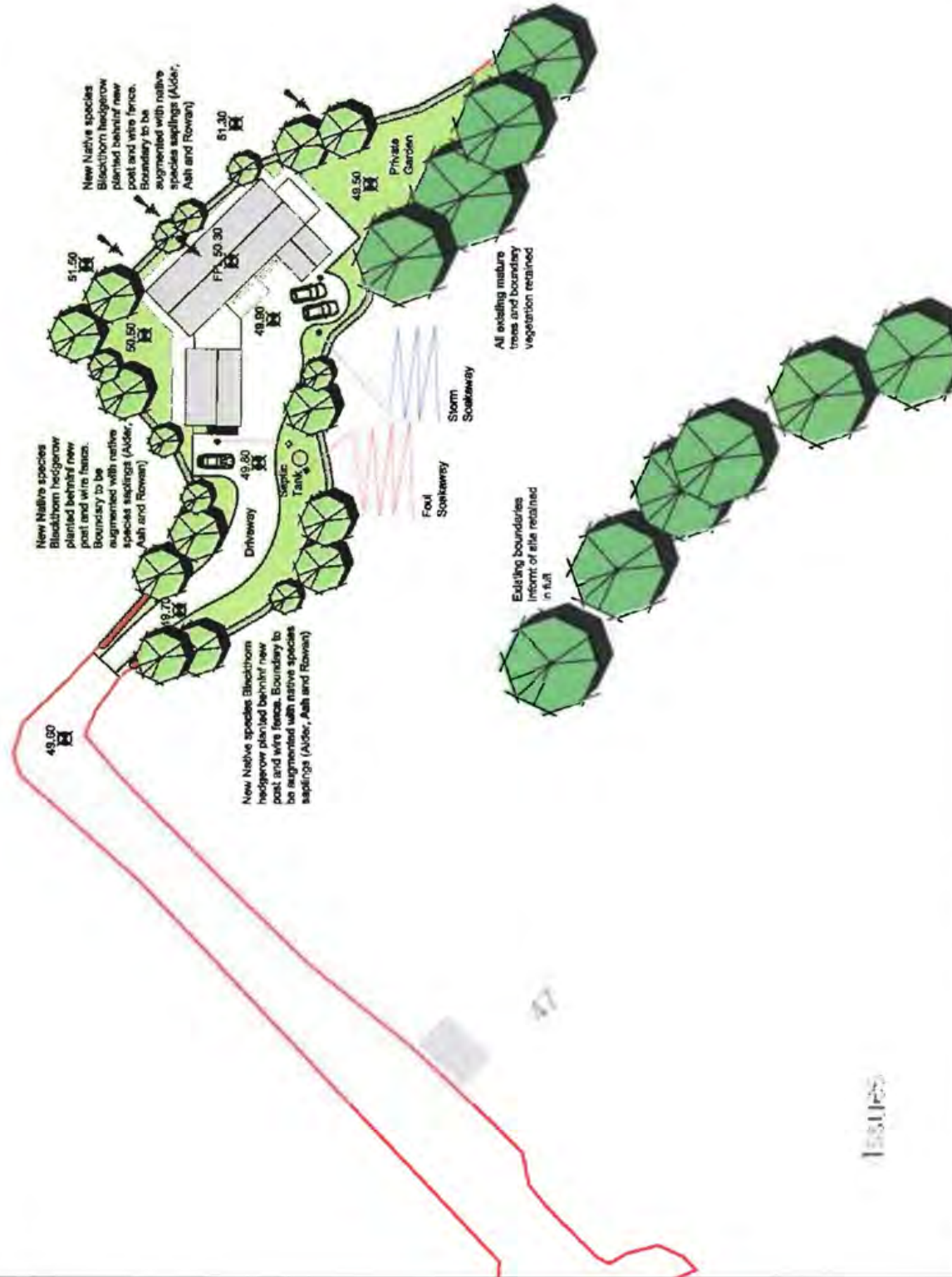
Existing site boundary vegetation to be retained in full, which includes mature native species trees.

Existing 2 storey dwelling restricting immediate views towards the site from the highway

Existing secondary level of vegetation providing screening mid way between site and highway

Existing mature roadside vegetation providing good screening immediate to the highway (to be retained in full)

Reduced scale copy of revised plans hand delivered to Planning office and returned the next day



HILLEN
ARCHITECTS



ARCHITECTURE : DESIGN : PLAN

REV.	DETAILS	SUMMARY	DATE
<p>CLIENT: PAUL ADDIS</p> <p>PROJECT: REPLACEMENT DWELLING AT BALLINAHINCH ROAD, CASTLEWELLAN</p> <p>A: 27 CENTRAL PROMENADE, NEWCASTLE, CO. DUBLIN, D13 3RN</p> <p>T: +353 10158 4372 5533 E: INFO@HILLENARCHITECTS.COM W: WWW.HILLENARCHITECTS.COM</p>			
SCALE:	AS INDICATED	DRAWN BY:	DATE:
PROJECT NO.:	2017-1402	REVISION:	PLANNING
PROJECT NAME:	2017-1402	DATE:	09/10/2017
PROJECT NO.:	2017-1402	DATE:	
PROJECT NAME:	2017-1402	DATE:	
PROJECT NO.:	2017-1402	DATE:	
PROJECT NAME:	2017-1402	DATE:	

Hillem

Email correspondence between case officer and agent from
31st August 2017 - 3rd October 2017

From: Barry (Hillen Architects Limited) barry@hillenarchitects.com
 Subject: LA07/2017/0525/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
 Date: 31 August 2017 at 16:10
 To: claire.cooney@nmandd.org
 Cc: Paul Addis pauladdis78@yahoo.co.uk
 Bcc: Barry Hillen barry@hillenarchitects.com

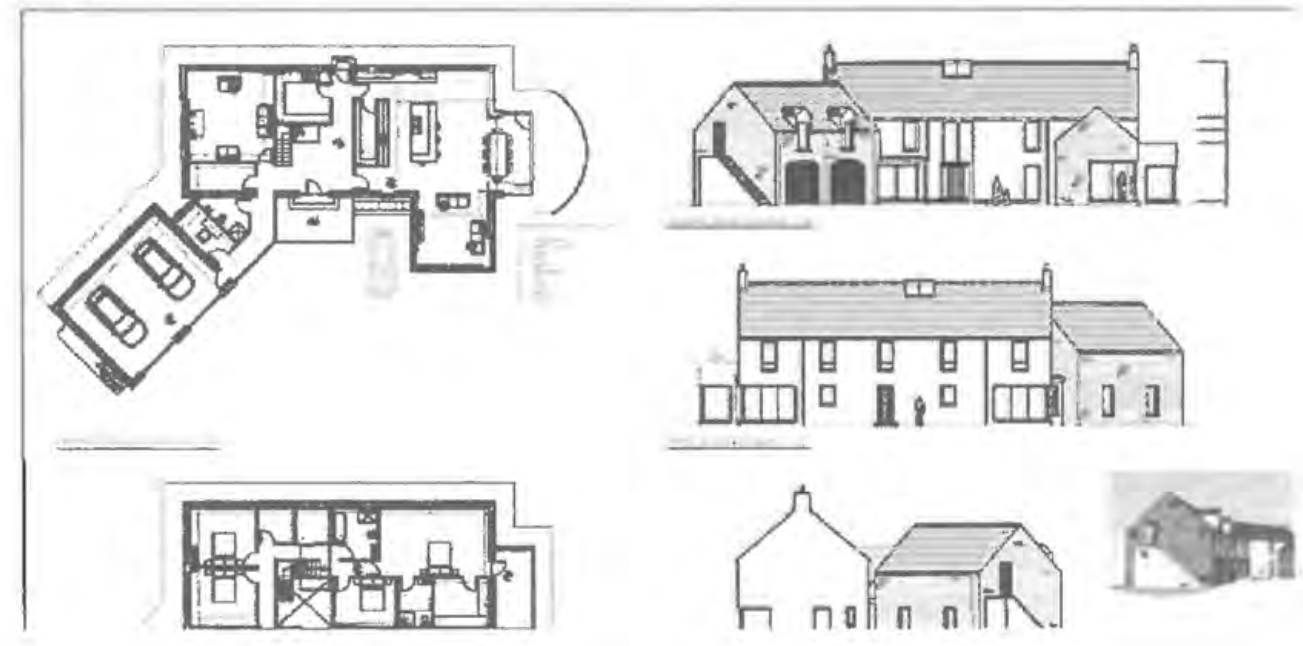
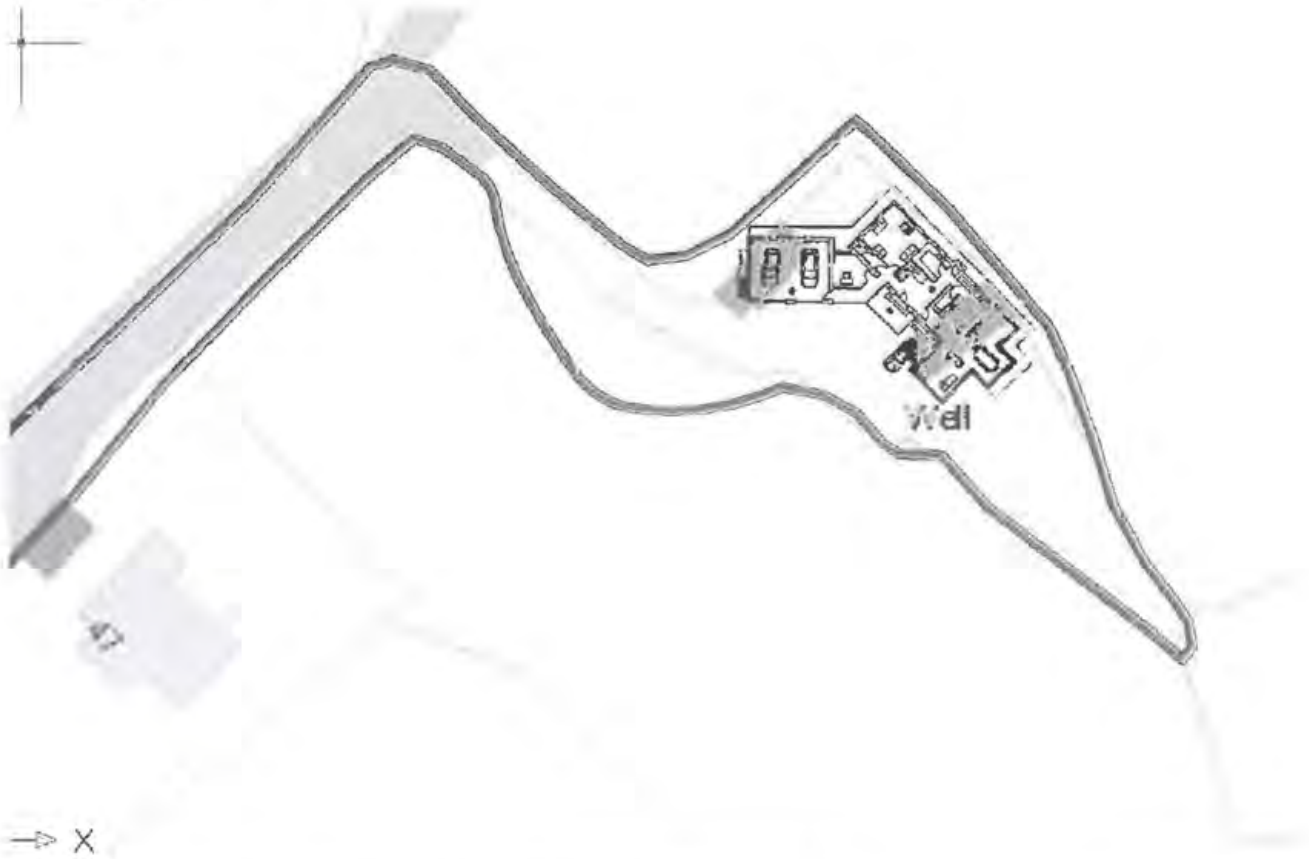
Hi Claire,

Further to our meeting a couple of weeks ago in relation to this application, please find attached alternative house type for your consideration, along with draft site plan showing where we proposed to locate the house within the existing red line.

Can you let me have your thoughts, and if you are happy to proceed, I will forward 4no copies of final drawings to you.

Kind Regards

Barry Hillen RIBA
Director



From: Barry (Hillen Architects Limited) <barry@hillenarchitects.com>
 Subject: Fwd: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
 Date: 4 September 2017 at 11:50
 To: claire.cooney@nmandd.org
 Bcc: Barry Hillen <barry@hillenarchitects.com>

Hi Claire,

Have you had a chance to look over this alternative house-type yet? I will forward 4no copies if the proposal is OK.

Kind Regards

Barry Hillen RIBA
 Director

HILLEN ARCHITECTS LIMITED
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 Newcastle
 Co Down
 BT33 0HH

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 M- 07894 038 411
 E- barry@hillenarchitects.com
 W- www.hillenarchitects.com



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Begin forwarded message:

From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
Subject: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
Date: 31 August 2017 at 16:19:48 BST
To: claire.cooney@nmandd.org
Cc: Paul Addis <pauladdis78@yahoo.co.uk>

Hi Claire,


Further to our meeting a couple of weeks ago in relation to this application, please find attached alternative house type for your consideration, along with draft site plan showing where we proposed to locate the house within the existing red line.

Can you let me have your thoughts, and if you are happy to proceed, I will forward 4no copies of final drawings to you.

Kind Regards

Barry Hillen RIBA
 Director



From: 
Subject: Re: Fwd: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
Date: 4 September 2017 at 17:12
To: Barry (Hillen Architects Limited) <barry@hillenarchitects.com>
Cc:

Barry

I've had a quick look at it but before I request the drawings formally I would like to let Annette see it - so I'll come back to later in the week with our opinion.

Regards

Claire Cooney
Planning Officer

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

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Planning: 0300 200 7830

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www.twitter.com/nrncouncil

From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmandd.org,
Date: 04/09/2017 11:50
Subject: Fwd: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan

Hi Claire,

Have you had a chance to look over this alternative house-type yet? I will forward 4no copies if the proposal is OK.

Kind Regards

Barry Hillen RIBA
Director

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W- www.hillenarchitects.com

[attachment "PastedGraphic-2.tiff" deleted by Claire Cooney/Newry&Mourne/NI]

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From: [REDACTED]
Subject: Re: Fwd: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
Date: 7 September 2017 at 16:05
To: Barry (Hillen Architects Limited) barry@hillenarchitects.com
Bcc:

Barry,

I have discussed your suggested alternative house type with Annette and it is considered that while rural elements have been introduced into the design, its massing is significantly greater than that which it is replacing and efforts should be made to reduce the scheme.

I hope this is useful for now.

Regards

Claire Cooney
Planning Officer

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmdcouncil.org
Date: 04/09/2017 11:50
Subject: Fwd: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan

Hi Claire,

Have you had a chance to look over this alternative house-type yet? I will forward 4no copies if the proposal is OK.

Kind Regards

Barry Hillen RIBA
Director

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E- barry@hillenarchitects.com
W- www.hillenarchitects.com

[attachment "PastedGraphic-2.tiff" deleted by Claire Cooney/Newry&Mourne/NI]

From: Barry (Hillen Architects Limited) <barry@hillenarchitects.com>
 Subject: Re: LA07/2017/062501 - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewella
 Date: 12 September 2017 at 21:05
 To: Claire Cooney <clairr.cooney@nmanod.org>
 Cc: Paul Addis <pauladdis78@yahoo.co.uk>
 Bcc: Barry Hillen <barry@hillenarchitects.com>

Hi Claire. Thanks for your email.

Please find attached our report/summary of the current proposal for this application, and photomontages from the only viewpoints towards the site.

We feel that, while this proposal is for a 2 storey dwelling (less than 300m² excluding the garage), the degree of enclosure and screening that this site offers make it more than capable of comfortably accommodating the proposal without any significant visual intrusion. The site offers significant screening and backcloth when viewed from either direction on the Ballynahinch Road, and we feel this is demonstrated in the attached photorenders. This will be further enhanced with the proposed planting schedule around the site as per the proposed site plan.

Can you please get back to me when you have had an opportunity to review the attached. I have also issued 4no copies of each by post.

Kind Regards

Barry Hillen RIBA
 Director



Planning
 Report.pdf



Comparative
 Photo...es.pdf

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On 7 Sep 2017, at 16:04, claire.cooney@nmandd.org wrote:

Barry,

I have discussed your suggested alternative house type with Annette and it is considered that while rural elements have been introduced into the design, its massing is significantly greater than that which it is replacing and efforts should be made to reduce the scheme

From: claire.cooney@nmdcouncil.org
Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewella
Date: 13 September 2017 at 10:13
To: Barry (Hillen Architects Limited) barry@hillenarchitects.com
Bcc:

Barry

Thank you for the attached, I will discuss with Annette and come back to you as soon as I can.

Regards

Claire Cooney
Planning Officer

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Newry, Mourne and Down District Council

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmdcouncil.org
Cc: Paul Addis <pauladdis78@yahoo.co.uk>
Date: 12/09/2017 21:05
Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewella

Hi Claire, Thanks for your email.

Please find attached our report/summary of the current proposal for this application, and photomontages from the only viewpoints towards the site.

We feel that, while this proposal is for a 2 storey dwelling (less than 300m² excluding the garage), the degree of enclosure and screening that this site offers make it more than capable of comfortably accommodating the proposal without any significant visual intrusion. The site offers significant screening and backcloth when viewed from either direction on the Ballynahinch Road, and we feel this is demonstrated in the attached photorenders. This will be further enhanced with the proposed planting schedule around the site as per the proposed site plan.

Can you please get back to me when you have had an opportunity to review the attached. I have also issued 4no copies of each by post.

Kind Regards

Barry Hillen RIBA
Director

[attachment "Planning Report.pdf" deleted by Claire Cooney/Newry&Mourne/NI] [attachment "Comparative Photomontages.pdf" deleted by Claire Cooney/Newry&Mourne/NI]

HILLEN ARCHITECTS LIMITED
87 Central Promenade
Newcastle
Co Down

From: Barry Hillen Architects Limited <barry@hillenarchitects.com>
 Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
 Date: 20 September 2017 at 11:25
 To: claire.cooney@nmndd.org
 Cc: Barry Hillen <barry@hillenarchitects.com>

Hi Claire,

Just a quick enquiry to see if Annette and yourself have had an opportunity to discuss the last submission for this application.

Thanks

Barry Hillen RIBA
 Director

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On 13 Sep 2017, at 10:13, <claire.cooney@nmndd.org> wrote:

Barry

Thank you for the attached, I will discuss with Annette and come back to you as soon as I can.

Regards

Claire Cooney
 Planning Officer

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
 To: <claire.cooney@nmndd.org>
 Cc: Paul Addis <pauladdis78@yahoo.co.uk>
 Date: 12/09/2017 21:05
 Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan

From: Claire Cooney <barry@hillenarchitects.com>
Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
Date: 20 September 2017 at 14:47
To: Barry (Hillen Architects Limited) barry@hillenarchitects.com
Cc:

Barry,

Yes we have discussed your latest submission and as a result Annette inspected the site. It remains our opinion that the proposal should be amended so that the massing of the building is reduced, particularly in light of the view of the site from Drumaroad Hill.

I hope this is useful for now

Regards

Claire Cooney
Planning Officer

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmandd.org,
Date: 20/09/2017 11:24
Subject: Re: LA07/2017/0625/F - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan

Hi Claire,

Just a quick enquiry to see if Annette and yourself have had an opportunity to discuss the last submission for this application.

Thanks

Barry Hillen RIBA
Director

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M- 07894 038 411
E- barry@hillenarchitects.com
W- www.hillenarchitects.com

From: Barry (Hillen Architects Limited) <barry@hillenarchitects.com>
 Subject: Re: LA07/2017/06201 - Alternative house type - 70m NE of 47 Ballynahinch Road, Castlewellan
 Date: 20 September 2017 at 15:15
 To: claire.cooney@nmandd.org
 Cc: Barry Hillen <barry@hillenarchitects.com>

Hi Claire,

Thanks for your response. Would you be able to give me a call when you're free to have a quick chat about the application, and agree a way forward in terms of massing, heights etc, rather than going into a full re-designed scheme.

Kind Regards

Barry Hillen RIBA
 Director

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On 20 Sep 2017, at 14:47, claire.cooney@nmandd.org wrote:

Barry,

Yes we have discussed your latest submission and as a result Annette inspected the site. It remains our opinion that the proposal should be amended so that the massing of the building is reduced, particularly in light of the view of the site from Drumaroad Hill.

I hope this is useful for now

Regards

Claire Cooney
 Planning Officer

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
 To: claire.cooney@nmandd.org,

Subject: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewella
Date: 29 September 2017 at 15:17
To: barry@hillenarchitects.com
Bcc:

Barry,

Could I get an amended P1 form detailing you as agent for the above application. I am happy to receive this by email.

Regards,

Claire Cooney
Planning Officer

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

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From: Barry (Hillen Architects Limited) barry@hillenarchitects.com
 Subject: Re: LA072017/0625/F - Replacement at Ballynahinch Rd Castlewalian
 Date: 29 September 2017 at 15:24
 To: claire.cooney@nmandd.org
 Bcc: Barry Hillen barry@hillenarchitects.com

I'll get that through shortly Claire.

Have you had a chance to further consider the proposal yet?

Kind Regards

Barry Hillen RIBA
 Director

HILLEN ARCHITECTS LIMITED
 87 Central Promenade
 Newcastle
 Co Down
 BT33 0HH

T- 028 4372 5535
 M- 07894 038 411
 E- barry@hillenarchitects.com
 W- www.hillenarchitects.com



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On 29 Sep 2017, at 15:17, claire.cooney@nmandd.org wrote:

Barry,

Could I get an amended P1 form detailing you as agent for the above application. I am happy to receive this by email.

Regards

Claire Cooney
 Planning Officer

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

Oifig Dhún Pádraig
 Downpatrick Office

Downshire Civic Centre
 Downshire Estate, Ardglass Road
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From: Barry (Hillen Architects Limited) <barry@hillenarchitects.com>
 Subject: RE: LA07/2017/0525/R - Replacement at Ballynahinch Rd Castlewellan
 Date: 29 September 2017 at 15:32
 To: claire.cooney@nmanad.org
 Bcc: Barry Hillen <barry@hillenarchitects.com>

Claire,

Attached revised P1 form as requested

Kind Regards

Barry Hillen RIBA
 Director



H.A.Ltd
 17092...90.pdf

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On 29 Sep 2017, at 15:17, claire.cooney@nmanad.org wrote:

Barry,

Could I get an amended P1 form detailing you as agent for the above application. I am happy to receive this by email.

Regards

Claire Cooney
 Planning Officer

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

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Downshire Civic Centre
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From: Claire Cooney <claire.cooney@nmandd.org>
Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewella
Date: 29 September 2017 at 15:43
To: Barry (Hillen Architects Limited) barry@hillenarchitects.com
Bcc:

Barry

Thank you

I have had a look at the example you've provided at Farranfad Road and I hope to discuss in more detail with Annette later this afternoon / Monday.

Regards

Claire Cooney
Planning Officer

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

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmandd.org,
Date: 29/09/2017 15:31
Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewella

Claire,

Attached revised P1 form as requested.

Kind Regards

Barry Hillen RIBA

Director

[attachment "H.A Ltd 17092915390.pdf" deleted by Claire Cooney/Newry&Mourne/NI]

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[attachment "PastedGraphic-2.tiff" deleted by Claire Cooney/Newry&Mourne/NI]

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From: Barry Hillen Architects Limited <barry@hillenarchitects.com>
 Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewellan
 Date: 31 October 2017 at 09:52
 To: claire.cooney@nmandd.org
 Bcc: Barry Hillen <barry@hillenarchitects.com>

Hi Claire,

How are we getting on with this one now?

Kind Regards

Barry Hillen RIBA
 Director

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 M- 07894 038 411
 E- barry@hillenarchitects.com
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On 29 Sep 2017, at 15:42, claire.cooney@nmandd.org wrote:

Barry

Thank you

I have had a look at the example you've provided at Farranfud Road and I hope to discuss in more detail with Annette later this afternoon / Monday.

Regards

Claire Cooney
 Planning Officer

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
 To: claire.cooney@nmandd.org,
 Date: 29/09/2017 15:31
 Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewellan

Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewella
Date: 3 October 2017 at 10:54
To: Barry (Hillen Architects Limited) barry@hillenarchitects.com
Bcc:

Barry,

Please find attached a letter which will be issued in the post to you today.

It has been considered that the proposed scheme sent by email for preliminary consideration on 31st August 2017 has not addressed the Council's concerns regarding scale and massing and would not integrate into the surrounding landscape. It is considered that this revised scheme would have a visual impact significantly greater than the existing building and would not therefore comply with the requirements of CTY 3 of PPS 21.

As the sketch drawings have not been formally submitted, the refusal presented to committee in November will be based on those drawings originally submitted.

Please note that I will not be requesting any further amendments and any received may be returned to you.

Regards

Claire Cooney
Planning Officer

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

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Downpatrick Office

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From: "Barry (Hillen Architects Limited)" <barry@hillenarchitects.com>
To: claire.cooney@nmdcouncil.org
Date: 03/10/2017 09:51
Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewella

Hi Claire,

How are we getting on with this one now?

Kind Regards

Barry Hillen RIBA
Director

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Liam Hannaway
Chief Executive



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

136

Date: 3rd October 2017
Our ref: LA07/2017/0625/F
Your Ref:

Hillen architects Ltd
87 Central Promenade
Newcastle
BT33 0HH

Dear Mr Hillen,

Re: Replacement Dwelling at lands 70m NE of 47 Ballynahinch Road Castlewellan.

I refer to the above planning application currently with the Planning Office of Newry Mourne and Down Council for determination.

I am writing to advise you that following a detailed consideration of the application as submitted, it is the opinion of the Planning Office that the application is fundamentally flawed and is being recommended for refusal.

The Planning office is not requesting any amendments on the application and any received may be returned to you.

Please be advised that it is the intention of the Planning Office to recommend the application to the forthcoming meeting of Newry Mourne and Down Planning Committee on the 8th November 2017. A copy of the case officer's consideration will be available to you upon the issuing of the agenda by the Council 2 weeks prior to the Planning Committee meeting date.

Details of how to avail of your Speaking Rights is contained within the Planning Committee Operating Protocol which can be accessed through the link below. The Councils Scheme of Delegation is also available at <http://www.newrymournedown.org/planning>

I trust that the above clearly sets out the Councils position on the matter.

Yours Sincerely

Planning Officer

Oifig an Iúir
Newry Office
O'Hagan House
Monaghan Row
Newry BT35 8DJ

Oifig Dhún Pádraig
Downpatrick Office
Downshire Civic Centre
Downshire Estate, Ardglass Road
Downpatrick BT30 6GQ

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council@nmandd.org
www.newrymournedown.org

Ag freastal ar an Dún
agus Ard Mhacha Theas
Serving Down
and South Armagh

From: Barry Hillen Architects Limited <barry@hillenarchitects.com>
 Subject: Re: LA07/2017/0625/F - Replacement at Ballynahinch Rd Castlewellan
 Date: 3 October 2017 at 11:20
 To: claire.cooney@nmdc.org
 Bcc: Barry Hillen barry@hillenarchitects.com

Claire, I just logged a call for you there. Could you give me a call to discuss please.

Thanks

Barry Hillen RIBA
 Director

HILLEN ARCHITECTS LIMITED
 87 Central Promenade
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 Co Down
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 E- barry@hillenarchitects.com
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On 3 Oct 2017, at 10:54, claire.cooney@nmdc.org wrote:

Barry,

Please find attached a letter which will be issued in the post to you today.

It has been considered that the proposed scheme sent by email for preliminary consideration on 31st August 2017 has not addressed the Council's concerns regarding scale and massing and would not integrate into the surrounding landscape. It is considered that this revised scheme would have a visual impact significantly greater than the existing building and would not therefore comply with the requirements of CTY 3 of PPS 21.

As the sketch drawings have not been formally submitted, the refusal presented to committee in November will be based on those drawings originally submitted.

Please note that I will not be requesting any further amendments and any received may be returned to you.

Regards,

Claire Cooney
 Planning Officer

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

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Downshire Civic Centre
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ITEM NO	18			
APPLIC NO	LA07/2017/0770/F	Full	DATE VALID	19/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs J McPolin 13 Downpatrick Road Ballynahinch BT24 8SH		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA
LOCATION	13 Downpatrick Road Ballynahinch BT24 8SH			
PROPOSAL	Proposed detached garage, rear extension to dwelling and extended site curtilage			
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 Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there has been no justifiable reason given as to why the residential curtilage should be extended into this area of countryside.
- 2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building relies primarily on the use of new landscaping for integration and the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform, slopes and other natural features which provide a backdrop 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 works would, if permitted not respect the traditional pattern of settlement exhibited in that area the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.

Application Reference: LA07/2017/0770/F

Date Received: 23.05.17

Date of site visit: 05.06.17



Proposal:

The Council has received an application seeking planning approval for proposed two storey extension to the rear of dwelling, new detached garage and extended site curtilage.



Location: No.13 Downpatrick Road, Ballynahinch

Characteristics of site:

The site is comprised of a two storey detached domestic dwelling with undercroft garage and associate domestic curtilage. The existing dwelling fronts on to the Downpatrick Road, is at an elevated position approximately 1.0m above the road and set back approximately 20.0m from the road. This site built on the side of a hill and cut into this hillside to the rear by way of large retaining wall. The land slopes down from west to east towards stone gabion reinforced river bank and the agricultural land beyond the rear boundary rises steeply up in a southerly direction. The site is part of a group of five properties in linear arrangement fronting the Downpatrick Road and all sharing similar plot sizes of approximately 0.2ha.

The dwelling has a T-shaped footprint and is two storey with a two storey rear return from the centre of the rear elevation and single storey sunroom to the R.H.S gable elevation. The property has a good sized front/side garden to the R.H.S and a small amount of private rear amenity space with vehicular access to undercroft garage to the L.H.S and within curtilage parking to the R.H.S. The existing dwelling has a standard pitched roof construction with main entrance single storey pitched roof porch projection to the centre of the front elevation. There is a chimney projecting from each side of the ridge.

The treatment to the L.H.S boundary between this property and adjacent river (Ballynahinch River) comprises of stone gabion reinforcing to river bank with a 1.2m high timber ranch style fence with mesh infill panels along the top. The rear boundary between this site and adjacent agricultural land is defined by a 1.4m high rendered masonry retaining wall with 1.2m high laurel hedge along the top and a higher 2.0m high mature hedge to field behind. The treatment to the R.H.S boundary between this property and adjacent property No.11 Ballynahinch Road comprises of a rendered masonry wall with high laurel hedge along the top sloping down from rear to front of site and a higher 2.0m high mature hedge behind. The front boundary adjacent to the road is defined by a 1.2m high natural stone wall with matching circular stone pillars to each side of vehicular entrance.

Characteristics of area:

The site is in the countryside and near to but not within the settlement limit of Ballynahinch and near to Local Landscape Policy Area 1– Ballynahinch River Corridor as defined in the Ards and Down Area Plan 2015 and shown on Map No. 3/001a - Down District North and Map No.3/003a - Ballynahinch. It is located in a rural area with a variance of styles between old and new properties and farm buildings. The surrounding land is used mainly for agricultural purposes and the predominant feature of this area being the rolling drumlin topography typical of this region and native species hedgerows.

Site History:

R/2001/1098/F 13 Downpatrick Road, Magheradrool, Ballynahinch,

Amendment to previously approved dwelling R/2000/1245) – addition of dormer windows.

Permission granted - 28.11.2001

R/2000/1245/F 13 Downpatrick Road, Ballynahinch

Replacement dwelling.

Permission granted - 25.04.2001

R/1989/4052 13 Downpatrick Road, Ballynahinch

Extension to Dwelling

Permitted Development.

R/2006/0037/F 11 Downpatrick Road, Ballynahinch.

Renovation and extension to dwelling, pitched roof and garage.

Permission granted - 10.04.2006

R/2005/0035/F 16 Downpatrick Road, Ballylone Big, Ballynahinch

Extension to side of dwelling and detached garage.

Permission granted - 14.03.2005

R/2001/0114/F 9 Downpatrick Road, Ballynahinch

Replacement Dwelling and Garage

Permission granted - 25.04.2001

R/2001/0353/F 14 Downpatrick Road, Ballylone Big, Ballynahinch

Detached domestic garage.

Permission granted - 08.05.2001

R/1991/0451 11 Downpatrick Road, Ballynahinch

Alteration and extension to dwelling and new vehicular access.

Permission granted.

R/1989/0237 16 Downpatrick Road, Ballynahinch
Alterations to dwelling.

Permission granted.

R/1986/0410 11 Downpatrick Road, Ballynahinch
Alterations and extension to dwelling.

Permission granted.

R/1982/0336 11 Downpatrick Road, Ballynahinch
Garage

Permission granted.

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Addendum to PPS7 Residential Extensions and Alterations

The Addendum to Planning Policy Statement 7; Residential Extensions and Alterations

Policy EXT 1 sets out the main considerations that the Council will take into account in assessing proposals for residential extensions and/or alterations. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Planning Policy Statement 15 – Planning and Flood Risk (Revised September 2014)

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains and Policy FLD 2 – protection of Flood Defence and Drainage Infrastructure set out the main considerations that the Council will take into account in assessing proposals for development in areas known to be at risk of flooding, or that may increase the risk of flooding elsewhere or any development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

Planning Policy Statement 21: Sustainable Development in the Open Countryside

Policies CTY 1 – Development in the Countryside, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character of PPS -21; Sustainable Development in the Open Countryside set out the main considerations that the Council will take into account in assessing proposals of this type and in this location. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Consultations:

Historic Environment Division were consulted on 01.06.17 in respect of this proposal due to it's proximity to a nearby archaeological site and monument. Historic Monuments Unit responded on 08.06.17 and upon considering the impacts of the application and on the basis of the information provided were content that this proposal was satisfactory to the policy requirements of the SPPS and PPS 6.

The Rivers Agency were consulted in regard to this application on 01.06.17 and responded on 03.07.17 stating that the eastern boundary of this site affected by a watercourse that is designated in accordance with the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the Ballynahinch River. Under the policy it is essential that a working strip of minimum width 5m is retained. The site layout drawing shows space for maintenance and it should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition.

The Strategic Flood Map for Northern Ireland indicates that the site lies just outside the 1 in 100 year fluvial floodplain. Hence Rivers Agency would have no specific reason to object to the proposed development from a drainage or flood risk perspective.

Objections & Representations:

3 No. neighbouring properties within proximity to this site (No's. 9, 11 & 12 Downpatrick Road) were notified on 02.06.17. This application was advertised in the local press on 23.05.17 and to date no objections or representations have been received.

Consideration of the proposal:

The application seeks to extend the original curtilage of the dwelling and also to extend the existing dwelling and add a triple garage located within the extended area of curtilage. The proposed extension of curtilage is 30m deep and varies in width from approx. 54m wide and 76m.

The extension to dwelling is 9.7m deep and at the widest point is 15m with the height matching that of the exiting dwelling. The garage proposed is 13m wide and 7.9m deep with a height of 7.4m.

Consideration is given to the extension of curtilage, the dwelling is located on an adequate sized site that is in keeping with the size and context of curtilages in the area. The proposed extension is into an agricultural field that rises away from the dwelling itself. In order to accommodate the proposed extension to dwelling and also the garage there would be a considerable amount of cutting in and also filling of land in order for the site to function. The agricultural lands to the rear of this dwelling and indeed all of the five dwellings, where visible, helps to soften the visual impact of the dwelling and existing associated curtilages, to allow an extension of the curtilage would create a greater visual impact and would also erode the rural character of the area. It is appreciated that there are limited long distance views of the site however given that it is road side development, and is exposed the works would have a negative impact on the surrounding area.

The agent, when aware of concerns of the extension of curtilage and level of building works submitted justification of the works to demonstrate why the development is essential in this rural location, this reasoning can be seen on file however the justification including the need for additional amenity to safely play football and additional garage space to allow for the provision of 4 cars is not considered justification to allow an extension of the curtilage. The site has amenity space provided and while the applicant claims that there is not enough private amenity the situation on site has not changed in the time since construction and it would be a simpler solution to screen exiting amenity with a suitable planting scheme rather than to extend to the rear incorporating a section of agricultural land. The level of development and expectation that the applicant has of the site is not consistent with general domestic standards and is not suitable for the site and clearly does not justify the extension into the countryside area.

In addition to this the bulk of the resulting building is also not in keeping with design considerations and would allow for a much greater visual impact than what exists at present, the depth of the dwelling being 24.2m deep with the design offering little attention to breaking up and reducing the overall scale, bulk and massing of the design.

The application is contrary to PPS 21 CTY 1 Development in the Countryside in that there are no overriding reasons why that development is essential and could not be located in a settlement.

Consideration of CTY 13 is given to the proposed works and it is noted that the proposed works including garage located outside the existing curtilage and also the removal of the existing vegetation and boundary treatment to the rear will allow for the resulting dwelling and associated works to be a more prominent feature in the landscape.

The site will require new planting for integration and will rely on that planting to help integrate the works, it is also noted that given the changes of levels across the site retaining walls are likely to be necessary further impacting on the character of the area.

Ancillary works including the extensive extension to curtilage and the triple garage with 1st floor accommodation above is not considered to integrate with the surroundings. The curtilage as is at present is in keeping with the size of adjacent plots and there is some uniformity to the arrangement with the back lands, in agricultural use, providing a suitable back drop and defining the limit of development across the sites, to allow for such an extensive increase and to also introduce a considerable amount of development in those lands would not integrate with the surroundings and would impact on the character of the area.

The design of the resulting building is not appropriate for the locality, while noted that there already is a garage under the dwelling to continue with this level of under build, approx. 2.7m until land rises again and to provide a visible depth of 24m with poor scale and mass and large roof mass has a much greater impact than what exists currently on the site, this coupled with the construction of a triple garage with 1st floor accommodation with a height from ground of 7.4m in height further adds to the potential for negative impacts.

The applicant has failed to fully demonstrate that the works will blend with the existing landform and the slope that exists to the rear of the site which provides a back drop to domestic development.

The application is also considered against CTY 14 Rural Character

The works including extension of curtilage and additional building works does not respect the pattern of settlement exhibited in that area and the impact of the ancillary works will further damage rural character.

The agent was made aware of the concerns regarding the proposed development and was afforded the opportunity to amend the proposal, to date there have been no further submissions.

Recommendation:

Having considered the proposal and the relevant policy context the application is not considered acceptable and therefore refusal is recommended.

Reasons for Refusal:

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there has been no justifiable reason given as to why the residential curtilage should be extended into this area of countryside.
- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building relies primarily on the use of new landscaping for integration and the ancillary works do not integrate with their surroundings and the proposed building fails to blend with the landform, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the works would, if permitted not respect the traditional pattern of settlement exhibited in that area the impact of ancillary works would damage rural character and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signed: _____ Date:

Signed: _____ Date:

Speaking Rights for LA07/2017/0770/F

I write to request speaking rights for Paul Hamilton of Hawthorne Associates and Jason Mc Polin the applicant on the meeting scheduled for 8th November 2017.

AGENDA

CTY1 – We aim to express our reasons as to why this residential curtilage should be extended as per attached letter.

CTY13 – We aim to demonstrate with the use of photographs and policy how this proposal will integrate into the landform using photographic and video footage. It is essential to the function of the proposed design and practicality of use that excavation works into the rear field will be required however the proposal does not solely rely on this for integration. The proposed landscaping consists of a hedge row and some trees which are primarily to demarcate the new curtilage in a traditional manner. The existing landscaping and topography most certainly provide an excellent degree of enclosure, backdrop and screening to ensure that proposal will integrate.

CTY 14 -We aim to demonstrate with the use of photographs and video specific to the locality how the proposal will respect the pattern of settlement exhibited in the area and how the proposal will not damage rural character or result in a detrimental change to further erode the rural character. It is important that we highlight that the existing pattern of settlement in this locality is typical of suburban type plots with individual driveways, large lawns to the front and sides with a rear yard and lawn. This will be demonstrated from video footage. This extension is designed strictly in keeping with the design proportions, finishes, fenestration and form of the existing house and is located to the rear and entirely behind the existing front elevation. The garage is located to an area screened behind the existing mature tree line. This area allows the access to the garage to function as private rear yard whilst it location minimises the amount of excavation required.

PPS 7 – To accommodate this extension within the existing curtilage simply will not function but more so it would prove to be a detrimental alternative towards planning policy. Our proposal is sympathetic with the built form of the existing property and it does not unduly affect the privacy or amenity of the neighbouring residents, nor will it cause an unacceptable loss of trees or other landscape features which contribute significantly to the local environment. We also wish to outline how our proposal retains the existing built form without any detrimental effect on neighbouring properties regarding dominance, privacy, over shadowing or loss of light.

We wish to bring forward the consideration within policy to highlight the importance of private amenity space and in particular how planning policy considers: "amenity space is an essential part of the character and quality of the environment of residential properties. It is important therefore to ensure, when bringing forward a proposal to extend, that adequate amenity space -particularly private space, is left. Garden space around a residential property is an integral part of its character and appearance and should not be reduced to a point where it is out of scale or fails to meet the present and future occupiers need for adequate useable private amenity space.

All residential properties require some in-curtilage private open space, usually to the rear, compatible with the overall size of the plot, for normal domestic activities, such as, bin storage, clothes drying, sitting out and playspace. This space should enjoy a high degree of privacy from the public street and from any other public places. to the rear of a property and how our proposal is an acceptable balance of applicant need and policy considerations”.

We also note the case officer has referenced that the agent was made aware of the concerns the proposed development and was afforded the opportunity to amend the proposal. For the avoidance of doubt regarding our awareness I will raise to the committee that the reason for refusal we were given was solely under CTY1 in that there are no overriding reasons why this development is essential in this rural location. After we submitted a statement in support to outline the overriding reasons I received an email from the case officer stating that their opinion remains the same so I replied asking if there were any other reasons outside of CTY1 as to why the opinion is to refuse. From that email I received a call on the 22nd Sept from the case officer asking if I could look at a redesign within the existing curtilage. From then the applicant and I looked at several ways to approach this but found it unfeasible that the curtilage is too restricted and the practicality along with the requirement for space to the rear. Given that we felt we could offer a revision to reduce the amount of site curtilage where possible, we moved the proposed garage 3.5m towards the house and tightened the curtilage as much as reasonable and resubmitted those proposals accordingly. Those revised drawings were returned from the case officer with a letter stating that they would not be considered and will not form a part of their decision and a copy will be held on file for record.

Statement of support to Planning application LA07/2017/0770/F

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

In response to your concerns expressed regarding Policy CTY1 of PPS21 where you feel that there are no overriding reasons why this development is essential in this rural location I would like to outline the fact that this has been a family home from initial build and for that reason I have asked the applicant to provide us with clarification on the need for this proposal.

When the applicant first built the property in 2000, it was their intention to stay for a short time and move to an alternative site with more appropriately sized house and garden.

Requirement for extending the home:

When they first moved into the house they were a family of 2 adults and 1 infant.

They are now a family of 6 comprising of 2 adults 2 teenagers and 2 children whereby each need their own space and primarily their own bedrooms etc.

This has now become the family home and as such they intend to stay at the location.

The existing home currently has three bedrooms and a study.

The proposal is to extend to 5 bedrooms and with the study retained.

Similarly, with the growing family they need to extend the size of the utility room and Kitchen.

Requirement for extending the site curtilage:

Given the current footprint of the home as existing on the site you will acknowledge that there is no available private space to the rear of the property with the front gardens restricted in size and open to the traffic driving past on the main Ballynahinch/Downpatrick road. The family have no outdoor privacy. There is no available or suitable option to screen their space off as the site currently stands. Extending the rear curtilage would permit the enjoyment of privacy at the rear of the site, this would be planted and screened accordingly.

Another major consideration for the extended curtilage is that of safety concerns. The family has two boys who are actively involved in the local football clubs and as such they are practising football at every opportunity at home. At present there is a significant case where the footballs etc bounce out on to the road and the kids are tempted to follow the ball on to the road. This is a very busy section of main road with fast moving traffic around dangerous bends and hence the applicant sees the cost of extending the site curtilage as an important necessity that is vital to the safe keeping and

well-being of the family. The extended garden area to the rear will provide a safe and private amenity space whilst mitigating potential hazards from passing traffic entirely as this would become the usable private space and would be suitable for the family needs.

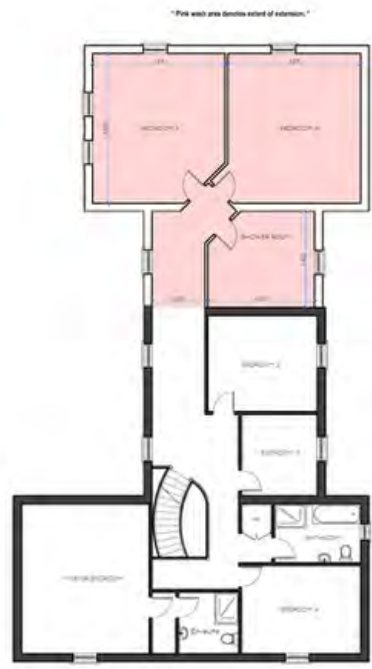
Requirement for the detached Garage:

Within the next 18 months two of the children will be driving and intend to have their own car, given the existing arrangement, a garage at present was created within the basement void space when the house was built. This garage can only accommodate 1 car whilst all lawn equipment has to be kept off site as there is no suitable storage. All ancillary equipment associated with the enjoyment of the family home is currently left around outside exposed to the element whereby the use of domestic storage provided by the proposal is needed.

The additional garage will provide for additional safe parking storage of garden equipment and garden furniture storage. It would be estimated that there will be 4 cars parked on the property at any one time. The parents each have a car for work and a separate car for family use. This will then increase as the two younger children become eligible to drive. The garage will allow safe parking and turning space for visitors.

Conclusion:

In summary, whilst our applicant could look and has already considered to move to a different location that would accommodate these requirements, however this is their family home. As a family, it essential for their wellbeing to stay at this location hence the reason for purchasing the additional land to the rear.



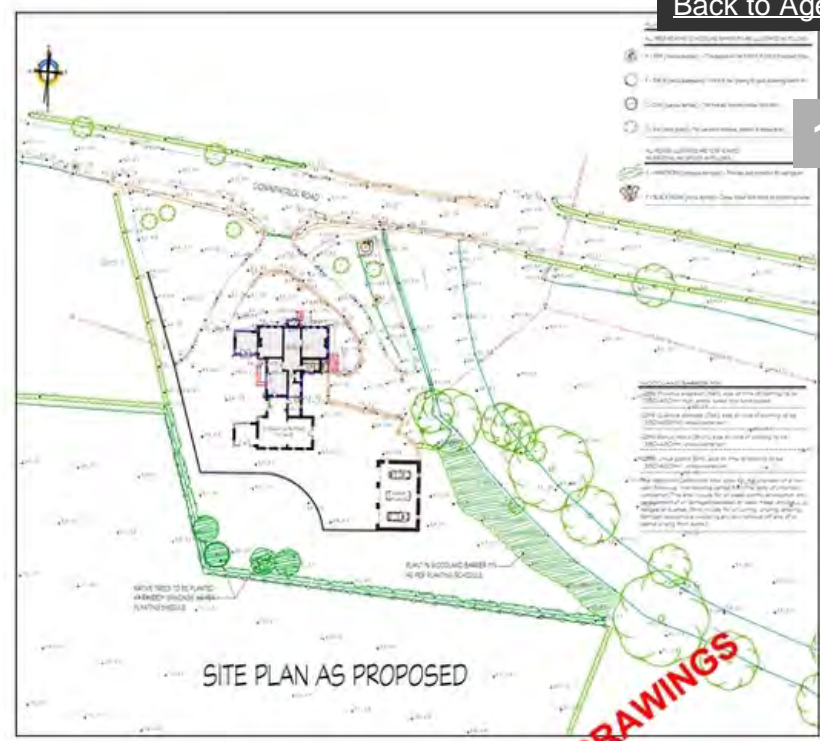
PROPOSED FIRST FLOOR LAYOUT



FRONT ELEVATION AS EXISTING/PROPOSED



LEFT ELEVATION AS PROPOSED



SITE PLAN AS PROPOSED

INITIAL DRAWINGS



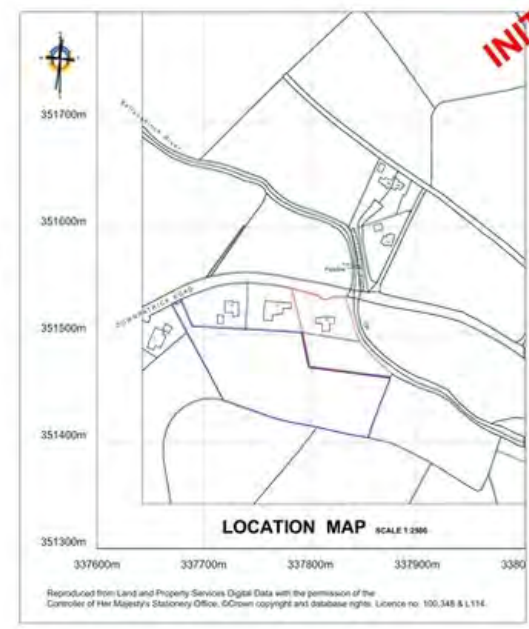
PROPOSED GROUND FLOOR LAYOUT



RIGHT ELEVATION AS PROPOSED



REAR ELEVATION AS PROPOSED



- SCHEDULE OF EXTERNAL FINISHES:**
- All new finishes are to match existing in colour, texture and finish.
 - Roof:** Roof covering to be traditional blue/black plain slate fix fixed to traditional batten & lat structure.
 - Walls:** All external walls are to be finished using 13mm sand/cement scratch coat of plaster then finished in roughcast wet dash to match existing.
 - Windows:** All windows shall be finished in white UPVC in style as illustrated on elevations.
 - Rearwater goods:** 110mm black seamless profiled gutters with matching 80mm box downpipes with proprietary matching fastening clips etc.

DATE	DESCRIPTION	DRAWN BY



2-1 The Baches,
Cove Road,
Smy,
Co Down
BT24 4NSA

PROPOSED DETACHED GARAGE,
EXTENSION TO DWELLING & SITE
CURTAGE AT No 11 DOWNPATRICK
ROAD BALLYNAHACH

16-1632 SIP

SCHEME DESIGN AND SITE LAYOUT
AS PROPOSED

MR & MRS J MCPOLIN

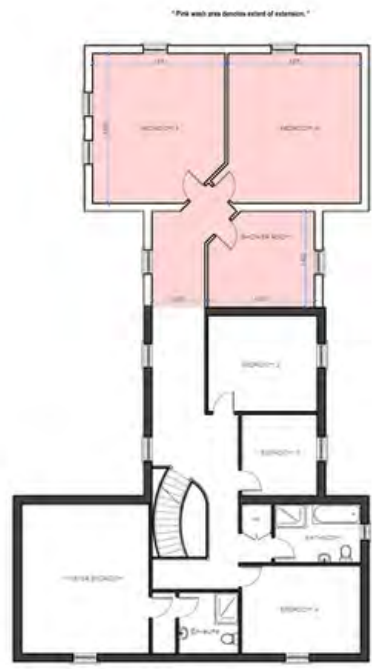
16-1632 SIP

APR 2014 1:100/500



"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"

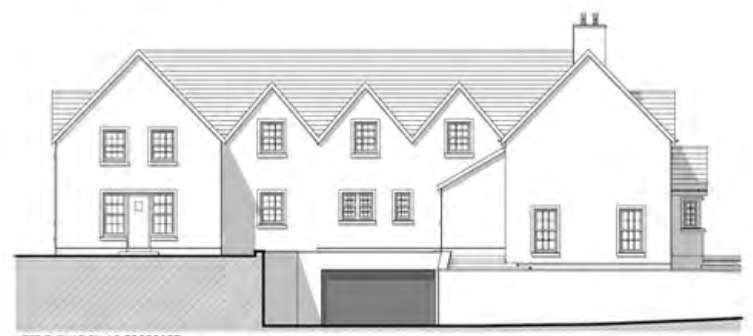




PROPOSED FIRST FLOOR LAYOUT



FRONT ELEVATION AS EXISTING/PROPOSED



LEFT ELEVATION AS PROPOSED



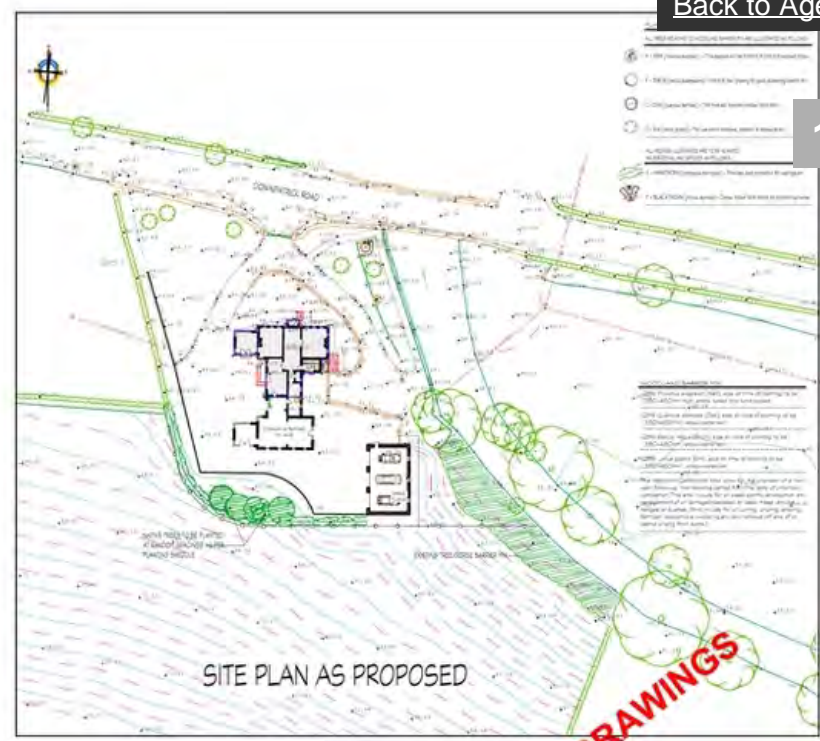
PROPOSED GROUND FLOOR LAYOUT



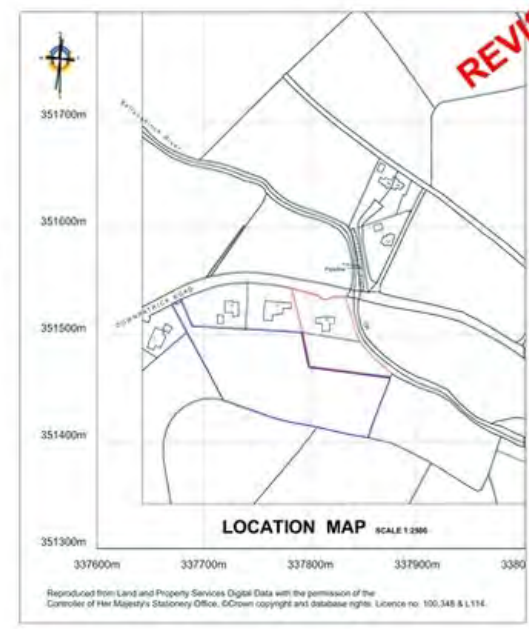
RIGHT ELEVATION AS PROPOSED



REAR ELEVATION AS PROPOSED



REVISED DRAWINGS



SCHEDULE OF EXTERNAL FINISHES:

- All new finishes are to match existing in colour, texture and finish.
- Roof:** Roof covering to be traditional blackback plain slate tile fixed to traditional batten & felt structure.
- Walls:** All external walls are to be finished using 13mm sandiementh scratch-coat of plaster then finished in roughcast wet dash to match existing.
- Windows:** All windows shall be finished in white UPVC in style as illustrated on elevations.
- Rainwater goods:** 110mm black seamless profiled gutters with matching 80mm box downpipes with proprietary matching fastening clips etc.

DATE	DESCRIPTION	DRAWN BY



HAWTHORNE ASSOCIATES
 architects and engineers project management team & facility planning

2-5 The Buoys,
 Grove Road,
 Sars,
 Co Down,
 BT24 4NSA

PROPOSED DETACHED GARAGE,
 EXTENSION TO DWELLING & SITE
 CURTLAGS AT NO. 13 DOWNPATRICK
 ROAD BALLYNAHICH

PROJECT NO. 16-1632-91P

SCHEME DESIGN AND SITE LAYOUT
 AS PROPOSED

MR & MRS J MCPOLIN

DATE: APR 2014 1: 1000000

ITEM NO	19			
APPLIC NO	LA07/2017/0786/F	Full	DATE VALID	23/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Walter Watson 124 Ballylough Road Castlewellan BT31 9JQ		AGENT	Johnnie Agnew Designer Homes Plans 1 Victoria Court Ballymartin BT34 4YH
LOCATION	4 Drumnaquoile Road Castlewellan			
PROPOSAL	Replacement dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage of the locality and is capable of being made structurally sound and improved and the existing structure has not been retained and sympathetically incorporated into the new development scheme.
- 2 The proposal is contrary to the SPPS and Policy BH 11 of PPS 6, in that the proposal, if permitted would adversely affect the setting of a listed building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

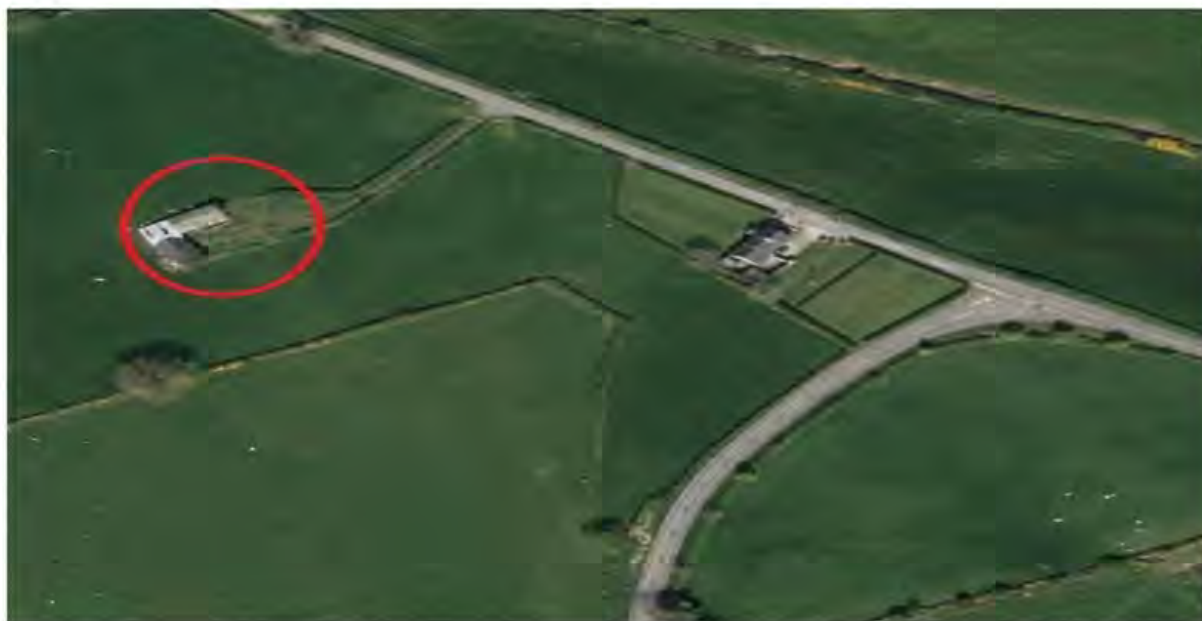
Application Reference: LA07/2017/0786/F

Date Received: 23rd May 2017

Proposal: Replacement Dwelling and detached garage

Location: 4 Drumnaquoile Road, Castlewellan

Site Characteristics & Area Characteristics:



The site is located along the minor Drumnaquoile Road, Castlewellan. It is comprised of a 0.2 hectare portion of land, which contains an existing single storey dwelling and associated outbuildings. The dwelling is accessed via a private lane from the public road which is defined on both sides by mature hedges. The dwelling and associated buildings are cut into an agricultural field, which rises steadily upwards from the public road. The site is defined by mature hedgerows on all sides.

The external walls and roof of the dwelling are intact, and the dwelling appears to be have been recently occupied. The internal arrangement of the dwelling is visible, with evidence of internal doors and rooms.

To the rear of the site the land rises steadily and appears open and undulating.



The site is located within the rural area as designated in the Ards and Down Area Plan and it is surrounded by agricultural land, there are however, a number of detached single dwellings dispersed throughout the area.

Site History:

There is no previous history on this site.

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 2, 3, 6 and 21 (CTY 1 and 3), in addition, to the history and any other material consideration.

The application was advertised in the local press on 07.06.17.

2 Drumnaquoile Road was neighbour notified of the proposal on 06.06.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), no objections have been received.

Objections & Representations

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

Consideration and Assessment:

The proposal seeks outline planning permission for a replacement dwelling to which Policy CTY3 of PPS 21 provides the policy context. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. It is considered that the proposal meets this initial test.

The site is in close proximity to a Grade B2 listed building, Kinelarty 2 Drumnaquoile Road which was constructed between 1900-1919 and was used as a waterpipe attendants dwelling. NIEA Historic Environment Division (HED) have been consulted about the proposal, they consider the building to be of traditional vernacular character which makes a significant contribution to the historical character of the setting of the Listed Building described above.

In these circumstances Policy CTY 3 encourages the retention and sympathetic conversion of non-listed vernacular dwellings. As the dwelling to be replaced makes an important contribution to the heritage of the locality, planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved. Following a visual inspection of the premises on 3rd July 2017, it appears that the dwelling is intact and sound. A scheme of refurbishment has not been presented and therefore the proposal is contrary to policy.

In addition to the above, proposals for replacement dwellings will only be permitted where they meet an additional 5 criterion. In assessment of these the proposed dwelling is to be located within the existing curtilage of the dwelling.

The proposed dwelling will have a maximum ridge height of 6.5m, a frontage of 15.4m and a gable depth 7.2m. It will be finished with natural / bangor blue slates, and white painted rendered walls.



Policy BH 11 of PPS 6 is applicable given the sites location near a listed building. This policy states that development will not be permitted which would adversely affect the setting of a listed building.

The applicant has been requested to amend the design of the proposal so as to comply with the above, however, that received 30th August 2017, remains unacceptable, in that would adversely affect the setting of No 2 Drumnaquoile Road.

The existing building is considered to be a good example of a traditional small scale farm group, therefore its retention, refurbishment and perhaps extension would be preferred.

On the basis of the above, the proposal will be recommended for refusal.

Recommendation: REFUSAL

REASONS:

- The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside as the dwelling which it is proposed to replace makes an important contribution to the heritage of the locality and is capable of being made structurally sound and improved and the existing structure has not been retained and sympathetically incorporated into the new development scheme.
- The proposal is contrary to the SPPS and Policy BH 11 of PPS 6, in that the proposal, if permitted would adversely affect the setting of a listed building.

Signed

Date

Signed

Date

ITEM NO	25		
APPLIC NO	LA07/2017/0894/O	Outline	DATE VALID 08/06/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Ryan Morgan 28 Cairn Grove Kilcoo BT34 1HB	AGENT	Martin Bailie 44 Bavan Road Mayobridge BT34 2HS
LOCATION	60m West of 3 Kirk Lane Tulyree Road Kilcoo Newry		
PROPOSAL	Proposed dwelling (6.5 m ridge) and garage		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.
- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration; and
 - the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.
- 3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if permitted a dwelling would be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0894/O

Date Received: 08.06.2017

Proposal: Proposed dwelling (6.5 m ridge) and garage

Location: 60m West of 3 Kirk Lane, Tullyree Road, Kilcoo



The site is within the countryside

Site Characteristics & Area Characteristics

The site is within the Mourne Designated Area of Outstanding Natural Beauty and is located within the Mourne Foothills. The area is rural and outside the small settlement of Kilcoo which is a short distance to the west of the site. The area has drumlin topography. The site itself is a roadside site.

Site History:

LA07/2015/0084/F Ryan Morgan

Proposed dwelling and garage at 60m North East of 3 Kirk Lane, Tullyree Road, Kilcoo

Refused 28.04.2017 (SPPS and PPS21- CTY1 & 10 Farm business not active, building not visually linked with established group of buildings on farm and access

not from existing lane, Contrary to CTY13 Integration, Contrary to CTY14 Rural Character, Impact on AONB)

R/2002/1241/O Mr Ryan Morgan (PAC Ref 2003/A495)

Private dwelling house & garage at 30 metres south of 14 Tullyree Road, Kilcoo, Newry

Refused 15.10.2003 (DES 5 Integration, DES5 Suburban roadside dev, DES 6 Cumulative Impact, DES 4 Undue Prominence in AONB)

Appeal dismissed 12.08.2004

Planning Policies & Material Considerations:

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside, PPS3: Access, Movement and Parking.

Department Guidance documents such as Building on Tradition – A Sustainable Design Guide, DECAN 15 Vehicular Access.

Consultations:

NI Water Ltd

Standard response detailing information for the applicant.

Transport NI

No objections subject to conditions

DAREA (DARD)

Response received 26th June 2017 to state that the farm business id has been in existence for 6 years, does not make a claim to DAERA in form of a Single Farm Payment (SFP), Area of Natural Constraint (ANC) or Agri Environment Scheme Payment in the past year. DAERA comments that the farm business ID 652751 was upgraded to Category 1 business in 2012.

Objections & Representations

The site was advertised in Mourne Observer 28th June 2017.

A total of 3 Neighbours were notified.

No objections or representations have been received.

Consideration and Assessment:

The application is an outline proposal for a dwelling within the Countryside.

Planning Policy within the Countryside is managed through sustainable development. Policy PPS21 Sustainable Development in the Countryside and the recently published Strategic Planning Policy Statement for Northern Ireland will be considered.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

PPS21 considers a range of development in the countryside that is considered to be acceptable and would contribute to the aims of sustainable development. One of these is a dwelling on a farm under policy CTY10, this policy is expressed permissively stating that planning permission will be granted for a dwelling house on a farm where the following three criteria are met;

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with the settlement limits have been sold off from the farm holding within 10 years of the date of the application with this provision only applicable from 25th of November 2008
- (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 unless there are verifiable plans to expand the business or there are demonstrable health and safety reasons.

In assessment of Criteria A, it is noted that the farm holding is 0.69ha, incorporating 2 No small parcels of land 0.619ha and 0.068ha respectively at 2 Kirk Lane. The farm business is registered to Mr Ryan Morgan of 28 Cairn Grove, Kilcoo as detailed within the farm maps provided by the applicant.

DAERA have been consulted on the application and returned a response confirming that the farm business 652751 has been in existence for more than 6 years and that it was upgraded to Category 1 business in 2012. However, DAERA advise that the business has not claimed SFP in the last year.

In support of their application and to demonstrate active farming over the last 6 years the applicant has submitted the following information.

- The P1C refers to a HMRC letter (dated 17.3.2017) stating that the applicant has been declaring their Farm income on their Self Assessment tax returns since 2009.
- A letter from PD Doyle of 16 Backaderry road Leitrim stating that Mr Doyle is renting 3 acres of land for grazing from the applicant – no date detailed
- Invoice from William Kirkwood and Sons of Newcastle Road, Castlewellan to Ryan Morgan of Tullyree Road for fencing materials dated 18th May 2017

- Invoice from PD Doyle of 16 Backaderry Rd, Leitrim to R Morgan of Tullyree Road for 8 suffolk ewes dated 10th of May 2017
- The applicant, Mr Morgan, is detailed within P Doyles DARD Movement Document of flock/Herd No 781929 as purchasing 8 sheep/goats dated 10th May 2017.
- A document referring to a Shetland pony dated 1.2.2017 but there is no additional details apart from a cost and what appears to be the applicants name
- Invoice from Ryan Morgan to O McClean dated 15th of September 2016 for silage bales
- Letter from F McCrickard Tax practitioner dated 18.10.2016 stating that Ryan Morgan included Farming return on his Tax return since 2009.
- Invoice from Vincent Morgan 'Stone Mason' to R Morgan Tullyree Road dated 1.3.2015 for repairs to a stone wall on stone ditches
- DARD letter dated November 2014 advising of an up to date farm map supplied by DARD as the last map was printed 2013.
- Letter from DARD to applicant at 28 Cairn Grove Kilcoo dated 13.10.2014 highlighting entitlements (SFP)
- DARD Letter to applicant addressed at 28 Cairn Grove, Kilcoo dated 29.10.2014 stating that the applicants farm business (652751) will not meet the conditions to be allocated entitlements in 2015.
- DARD letter to All Flock Keepers (does not specify applicant by name, address or farm business ID) dated November 2012 regarding sheep tagging and movement documents
- Invoice from Ryan Morgan to P Duddan dated 20th October 2012 for potatoes
- DARD consultation response dated 23.11.2011 referencing planning application LA07/2015/0084/f and applicants farm business id 652751 stating farm business id has been in existence for more than 6 years and makes a return to DARD for SFP, ANC or Agri Environment schemes in the last 6 years.

- Invoice from William Kirkwood of Newcastle Road, Castlewellaan to Ryan Morgan dated 25.3.2011 for fencing materials.
- DARD letter to applicant addressed to 9 Castleglen Grove, Kilkoo dated 1.2.2011 regarding application for flock registration
- Letter to applicant dated 23 March 2010 from NIE PLC regarding the connection charges for the farm building at Tullyree Road which includes a map.
- Invoice from Applicant Ryan Morgan to J McClean dated 1st August 2008 for silage bales
- Invoice from William Kirkwood and Sons of Newcastle road, Castlewellaan dated 1st August 2008 for 16'Agrigate (unsure of product due to handwriting) to Ryan Morgan

In assessment of the above, it is considered that the information supplied fails to demonstrate an active and established holding. It is noted that Mr Doyle of Backaderry Road states in a letter submitted with the applicants supporting information that he lets out land to the applicant, however, this is not supported by farm maps. The purchase of 8 ewes from Mr P Doyle on the 10th of May 2017 along with the invoices dated 2015 and 2016 for the sale of silage from the applicant to O McClean does not prove the farm has been and remains active over a 6 year period. It is considered therefore that the proposal fails to comply with Criteria A of CTY 10.

In assessment of planning history on the farm, it is noted that no development opportunities have been sold off the holding since 2008 and therefore the proposal is compliant with Criteria B of Policy CTY10.

Criteria C of CTY 10 requires the new dwelling to be visually linked and 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. In assessment of this criterion, it is noted that a building exists on the farm holding as can be seen below. This building is unlawful, in that it has been erected without the benefit of planning permission and a Certificate of Lawful Use has not been obtained from the Planning Authority, as such the building cannot be considered. Nevertheless, the policy requires new dwellings to cluster with an established group of buildings on the farm and as only one building is present, the proposal does not comply with the requirements of the policy.



It has previously been determined through applications R/2002/1241/O and subsequent appeal 2003/A495 and more recently LA07/2015/0084/F that a dwelling, if approved, on this site would lack integration, be visually prominent and result in a suburban style build up when viewed with existing an approved dwellings, and thereby have a detrimental impact on the character of the AONB. As the circumstances of the site have not changed these reasons for refusal still stand.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the SPPS and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that farm business is currently active and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access is taken from an existing lane.

2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building is a prominent feature in the landscape;
 - the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration; and
 - the dwelling is not sited to cluster or visually link with an established group of buildings on the farm.

3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that if permitted, a dwelling would be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings.

_____ DATE

Case Officer

_____ DATE

Appointed Officer

JOB NO 2229

STATEMENT FOR PLANNING COMMITTEE MEETING.

PROPOSED DWELLING AND GARAGE ON A FARM 60M NORTH WEST OF 3 KIRK LANE, TULLYREE ROAD, KILCOO FOR MR RYAN MORGAN YOUR REF LA07/2017/0894

A similar application to the above under reference LA07/2015/0084/F was originally presented to a Briefing Panel on 23 February 2016 with a recommendation to refuse for reasons regarding design and positioning but was deferred. The Case Officers Report clearly states that “the Council can ascertain that the farm business is currently active and will be established for more than 6 years on the 14/01/2016. **This lead my client to believe that he now had a genuine expectation of getting Planning Approval for a dwelling on his farm and had the application not been deferred and the design and positioning issues been resolved he would today be on site constructing his home.**

At a subsequent meeting held on site with the Divisional Planning Manager my client was informed that he was not satisfied solely with the DARD response and in his opinion the business was not active or established and additional proof was needed. Futher information was provided but the application was still refused. My client and I did not have the opportunity to speak before the Committee regarding that application as we were late for the scheduled meeting and the application was refused.

On the back of the refused application this new Outline application was lodged and it to has been recommended for refusal. There are for 3 reasons this time as opposed to the 4 reasons included in the previous refusal and the concerns over ribboning have been overcome.

I would comment on each reason for refusal as follows:

Reason 1. This reason for refusal essentially has 3 parts.

(1) Planning deem that “it has not been demonstrated that he Farm Business is currently active”. What does the term “active” mean in Planning terms? Proof has

been given to Planning yet it does not seem to satisfy them and we are at a loss as to what amount of documentation would overturn their recommendation once it has been made. Currently a STP is not claimed due to the required criteria and paperwork involved and the uncertainty as to whether this application will be approved.

The Business is small and in its infancy so the amount of paperwork is limited but nowhere in Planning Policy does it refer to the scale or indeed the viability of the Business merely that it is active. As a new farmer the applicant took the opportunity to buy some land and it was and is his intention to expand the Business where ever possible. As some members of the Committee can confirm land rarely comes up for sale in the area where the site is located and when it does it is sold at a premium.

(2) The second part of this reason is that the proposed dwelling would not be visually linked with and cluster with an established group of buildings on the farm. The Planning report refers to the matter that the main shed does not have the benefit of Planning but proof was provided that the shed has been constructed more than 5 years so it is beyond Planning Enforcement and so is in effect an established farm building. The Planning Report also does not refer to the existing timber shed on site which is part of the farm group and is also established.

(3) Planning require that the access to the dwelling is via an existing farm lane. Our proposal as can clearly be seen from the aerial photographs will be accessed via the existing farm lane which services the group of established farm buildings.

Reason 2. This reason for refusal can be summarised in that a new dwelling would be “prominent in the landscape”, there is not “ a suitable degree of enclosure” to integrate the building and primarily new landscaping would be required for integration and that the dwelling would not be visually linked with an established group of farm buildings.

In my opinion a new dwelling would not be prominent whatsoever in this area and would refer you to the photographs we have submitted. There is existing enclosure in the form of hedges and buildings to side and rear of the site which would be enhanced by new planting as is the case in the majority of new dwellings in the country as opposed to relying on it alone and as already established will link with the group of established farm buildings.

Reason 3. This reason states that that a “dwelling would be unduly prominent in the landscape resulting in a suburban style build-up of development when viewed with existing and approved buildings” Here it can be seen from the Planners photographs and photographs provided that this is not the case and any new building would easily integrate into the locality and this part of the Tullyree Road. A suitably designed dwelling of around 6m in height would in my opinion be acceptable.

On behalf of my client and myself we would now ask the Committee to support this application. Planning deem the Business not to be active yet it has an established Business ID, was previously in receipt of “Single Farm Payment” and substantial proof in the form of letters and invoices has been provided. It is not for Planning to determine if the Business is of a certain scale or if it is viable but merely to acknowledge that it is active. A small scale farmer or a new farmer wishing to

establish a foothold in the agriculture business should not be discriminated against due to the actual size of their Business and indeed should be encouraged to be part of and add to the rural community.

Thank you for your time

Site



Site



ITEM NO	26		
APPLIC NO	LA07/2017/0937/F	Full	DATE VALID 15/06/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr & Mrs P McGurk 79 Bryansford Village Newcastle	AGENT	McAdam Stewart Architects Banbridge Enterprise Centre Scarva Road Banbridge BT32 3QD
BT33 OPT			
LOCATION	79 Bryansford Village Newcastle		
PROPOSAL	Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated site works and landscaping		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the SPPS and Policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the demolition of the existing building, would if permitted adversely affect the setting of a listed building.
- 2 The proposal is contrary to the SPPS and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the demolition of the existing building, would if permitted, adversely affect the character of the ATC.



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

Application Reference: LA07/2017/0937/O

Date Received: 15th June 2017

Proposal: Demolition of existing dwelling and erection of new single storey replacement dwelling, retention and reuse of existing access and associated siteworks and landscaping

Location: 79 Bryansford Road Newcastle

Site Characteristics & Area Characteristics:



The site is located at the junction of Hilltown Road and Burrenreagh Road, Bryansford and is comprised of a single storey dwelling which a former school is built in 1823.

Characteristics of Area:

The site is located within the settlement limit of Bryansford and is also positioned within the Area of Townscape Character (ATC). The dwelling is not listed but is within the vicinity of a number of listed buildings i.e. Bryansford Gate and Gate Lodge and former Roden Arms.

Site History:

Previous history on the site relates to R/2014/0597/F – 79 Bryansford Village Bryansford – Single Storey extension and alteration to dwelling & demolition and replacement of existing garage. Granted 11.05.15

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, 6 and 7, in addition to the history and any other material consideration.

The application was advertised in the local press on 05.07.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI who had no objections and NIEA Historic Environment Division (HED), who consider the proposal to be contrary to Policy BH 11 of PPS 6.

The following neighbours were notified of the proposal 26.06.17

- 1 Tudor Heights
- Nos 2 and 3 Hilltown Road
- Nos 21, 22, 27 and 28 Roden Court
- 89 Burrenreagh Road

Objections & Representations

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

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a replacement dwelling. The proposed dwelling will be erected on the existing footprint of the existing dwelling and will have a maximum ridge height of 5.2m above finished floor level and a frontage of 19.5m as shown below



PROPOSED FRONT ELEVATION

The site is located within the ATC of Bryansford as designated in the Ards and Down Area Plan 2015. It is noted that the SPPS states in paragraph 6.22 that demolition of an unlisted building in an ATC should only be granted where the building makes no material contribution to the distinctive character of the area.

The Addendum to PPS 6 is also applicable which states in Policy ATC 1: Demolition Control in an ATC, that there is a presumption in favour of retaining any building which makes a positive contribution to the character of the ATC.

In assessment of the contribution the building makes to the character of the ATC it is noted that Proposal BD03 of the ADAP states that the basis for Bryansfords designation as an ATC is derived from, among other features, the architectural consistency of the core buildings including the estate buildings, the cottages, the old schools, shop, offices and churches, in particular their unity of style, scale and materials.

While not listed, the building is considered as an important building within the village given its historic value, which constitutes an irreplaceable record that contributes to our understanding of both the present and the past and which has been noted in the Ulster Architectural Heritage Society Mourne Area list of Historic Buildings. The building therefore makes a positive contribution to the character of the ATC and its demolition would be detrimental to the character of the ATC. The proposal is therefore contrary to Policy ATC 1 of the addendum to PPS 6.

The site is in close proximity to a number of listed buildings and therefore Policy BH 11 of PPS 6 is applicable. This policy states that development will not normally be permitted which would adversely affect the setting of a listed building. In assessment of this, NIEA: Historic Environment Division has been consulted and states that the dwelling on site is one of the core buildings of the village and needs to be retained. In addition, it is an important component of the immediate setting of Bryansford Gatescreen (pictured below) and it makes a significant positive material contribution to the distinctive character of the area. It is considered that the demolition would result in an unacceptable erosion of, and have an adverse impact on the Setting of the Listed Buildings under BH 11 of PPS 6.



On the basis of the above, it is considered that the proposal to demolish the existing building is fundamentally flawed from the outset and should be recommended for refusal given the contribution it makes to the character of the ATC and the setting of the adjacent Listed Buildings.

Recommendation: REFUSAL

Refusal Reasons

1. The proposal is contrary to the SPPS and Policy BH11 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the demolition of the existing building, would if permitted adversely affect the setting of a listed building.

2. The proposal is contrary to the SPPS and Policy ATC1 of the Addendum to Planning Policy Statement 6: Areas of Townscape Character in that the demolition of the existing building, would if permitted, adversely affect the character of the ATC

Signed

Date

Signed

Date

SPEAKING NOTES PLANNING APPLICATION LA07/2017/0937/F

Procedural Issues

1. The Council's Planning office has failed to consider material planning factors before them submitted on 26th October 2017. This included revised drawings, building condition information and a statement on planning policy about the revised scheme.
2. To fail to appropriately consider them (which has been confirmed to us on the 1st November 2017 with the reason being the application is already on a Council Schedule) is prejudicial to the applicant and Council's Planning office will have failed to have had proper regard to material considerations before them should they progress on this basis.
3. We trust that Council's Planning Committee will reconsider Council's position and that these revised drawings will be consulted upon, as necessary and the application deferred for further consideration. If not, the decision on this application must pertain to the revised drawings submitted on 26th October 2017.
4. Council's letter issued to McAdam Stewart Architects Ltd on the 3rd October 2017 states that the application is '*fundamentally flawed*'. However, no detail or explanation has been provided by Council's Planning office, as to how this is considered so. This is at odds with their own advice letter issued to McAdam Stewart Architects Ltd on the 25th January 2017 which stated that the only way a replacement dwelling could be determined was via a planning application.
5. No copy of the Council's Conservation Officer comments on this application has been provided or loaded on the Planning NI Portal.
6. Council's 3rd October 2017 letter also stated: **"The Planning office is not requesting any amendments on the application and any received may be returned to you"**. Whilst Council's Planning office may not be requesting amendments to the proposed development, the applicant should they so desire, is lawfully entitled to amend their scheme during the processing of their planning application. Moreover, if such amendments are made and submitted, Council's Planning office must lawfully consider them in the processing of the application.

Policy BH11 Development affecting the Setting of a Listed Building

7. The opening sentence states:

"The Department will not normally permit development which would adversely affect the setting of a listed building".
8. The key in this case is that there is no adverse harm on the setting of any of the listed buildings/structures referred to in HED:HB's response. There is minimal change to the existing situation, as the proposed replacement dwelling is very similar to the existing dwelling. The photomontages showing the before and after shots demonstrate this.
9. The revised drawings enclosed make it further akin to the existing dwelling. Given this position, no adverse harm on the listed buildings can be said to occur.



10. Policy BH11 goes on to state: "***Development proposals will normally only be considered appropriate where all the following criteria are met***". It then sets out three bullet point tests. We examine each below.

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

11. This first test encompasses four elements regarding the detailed design and how each respect the relevant listed building(s).

12. The ***scale*** of the proposed replacement is similar to the existing.

13. The ***size*** of the dwelling, including its footprint, window positions, doors positions, floor heights, and other identifiable units, e.g. chimney position and orientation, are largely similar. Where difference is apparent, these draw upon the established characteristics of the architectural features of the nearby listed buildings.

14. In terms of ***massing***, again, an identical mass is proposed.

15. Turning to the issue of ***height***, the existing building is single storey, as is the proposed. Moreover, the ridge height is the same.

16. Regarding ***alignment***, there is a dual aspect of frontage to both the Hilltown and Burrenreagh Roads in both the existing and proposed dwellings. This design ethos has been retained.

17. The existing dwelling has a porch protruding towards Hilltown Road, which was annotated for removal on extant planning permission on R/2014/0597/F.

18. HED:BH has referred to the historical importance of this in their consultation response, yet R/2014/0597/F granted its removal. Notwithstanding, this proposal will keep a porch in the same position and of a similar scale and dimension.

19. The alignment of the roof pitches has been amended so that the formerly proposed gable end at the corner of Burrenreagh and Hilltown Roads has been removed and replaced with a Dutch barn style roof arrangement, similar to the existing. The proposed positioning and alignment of the chimney is now also the same as exists.

20. The photomontages of before and after show the revised proposal against the existing building. Again, these updated photomontages demonstrate that there is no discernible difference in terms of ***massing***.

21. The revised proposal's detailed design respects the listed building in terms of scale, height, massing and alignment. This first test is met.

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

22. A simple palette of materials is proposed which is in keeping with the character of the area, namely: grey roughcast render to external walls; natural slate to roofs; white painted timber sliding sash double glazed windows; painted timber external doors; and black aluminium cast iron effect gutters and downpipes. ***This second test is met.***

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

23. The proposed use is one of a family home and; hence, no change of use occurs. **This third policy test is met.**
24. **Overall, the policy tests of Policy BH11 are fully met. There are no sustainable grounds for refusal on this basis.**

ATC 1

25. The HED:BH response also sets out some detail regarding The Bryansford Area of Townscape Character ('ATC'), as it considers it forms: **"...the ingredients which come together to create the character of the setting of the Listed Buildings are best identified..."**.
26. Whilst HED state that former school buildings are some of the key components of the ATC, it is important to note that the use of the existing building is as a private residence and therefore, **what is important is not the use of the building, but its architectural merits.** That is the derivation of the third bullet point of the ATC's designation in the Ards and Down Area Plan 2015 ('ADAP'). **Thus, as the proposed dwelling is of very similar in terms of scale, mass, alignment, height, finishes/materials, and unity of style, etc. that 'architectural consistency' is maintained, at no detriment to the ATC designation itself.**
27. The ATC, at page 208 of the ADAP, is also quoted, namely: ***"Development proposals should be in keeping with the overall historic built form of the small settlement in terms of layout, scale, massing and materials. In matters of style, proportions and detailing contemporary or traditional solutions may be acceptable but in either case inspiration should be sought from the core or key buildings and other artefacts of the settlement."*** [Underlining is HED's emphasis].
28. There is no discernible difference between the proposed and existing and, again as stated above, the layout, scale, massing and materials are all fully in keeping with the overall historic built form. **This first sentence is also met.**
29. Turning to the emphasised section by HED:HB, the proposed scheme has also drawn inspiration from not only the existing building to be replaced (as its similar), but also the listed buildings nearby.
30. For example, the Gate Screen is the inspiration for the curved wall to the garage and the arched window on the western elevation to Burrenreagh Road draws inspiration from the Roden Court development, i.e. HB18 13 017 Former Roden Arms Bryansford Grade B2. This second sentence is also met.

Policy ATC 1

Policy ATC 1 Demolition Control in an Area of Townscape Character

There will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character.

The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. [Our underlining emphasis].

31. There is an exception – the second paragraph. **Use of the word 'normally' means that there are circumstances upon which demolition is granted for buildings that do make a material contribution to the distinctive character, otherwise it would not be worded in such a fashion. This is such a case.**
32. **There is no net detriment as what is proposed for replacement is very similar to that being replaced. It 'maintains' (and perhaps enhances) the contribution to the ATC. There is no material harm to the ATC itself.**

SPPS

6.21 In managing development within ATCs designated through the LDPs process, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form.

33. It is an 'or' test. This application, at worst, maintains the ATC. There is no material difference!

6.22 The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. [Our underlining emphasis].

34. The word '**should**' is used, which is not a prohibition on such materially contributing buildings being demolished. The replacement is essentially the same; thereby causing no adverse harm to the ATC.

Existing Living Conditions

35. The existing fabric of the dwelling is in very poor condition and showing significant signs of distress.
36. It is extremely thermally inefficient.
37. Problems with cold and damp over time are having an adverse effect on the health of the occupants, particularly the applicants' young children.
38. **The owners of the house have had to move out due to the persistent issues with cold, damp and mould.**
39. There is therefore a dire need to replace this dwelling with a modern thermally efficient dwelling to meet modern family living standards.



40. The applicants are entirely willing to only demolish the existing building once building contracts are signed, to guarantee that the replacement dwelling is delivered (so that at no detriment to the ATC or the setting of the listed buildings will occur. They will accept a planning condition to that effect (as per Justification & Amplification of Policy ATC 1).
41. We trust that the enclosed revised drawings and photomontages will be fully considered and re-consulted upon or, in the alternative, that Council's Planning Committee see fit to grant full planning permission now.
42. Thank you for your time.

END.

ITEM NO	29
APPLIC NO	LA07/2017/1077/O
COUNCIL OPINION	REFUSAL
APPLICANT	Mr Eammon O'Rourke 52 Legananny Road Ballyward Castlewellan BT31 9TG
AGENT	DJ Cleland 74 Gilnahirk Road Belfast BT5 7DJ
LOCATION	Lands to the south-east of 32 Dromara Road Leitrim Castlewellan BT31 9SJ
PROPOSAL	Dwelling on a farm including garage

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	14	0	1	0	Addresses	Signatures	Addresses	Signatures
					0	12	0	0

- 1 The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:
There is a development opportunity for a farm dwelling approved on the holding.
The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
No 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
No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
- 3 The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would, if permitted create or add to a ribbon of development 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: LA07/2017/1077/O

Date Received: 17th July 2017

Proposal: Dwelling and Garage on a farm

Location: Lands to the SE of No 32 Dromara Road, Leitrim.



Site Characteristics & Area Characteristics:

The site is comprised of a 0.4 hectare greenfield site located along the minor Dromara Road. The site is open and defined at the roadside by a post and wire fence. Immediately adjacent and NW of the site lies No.32 Dromara Road a single storey dwelling, which has a number of agricultural buildings surrounding.

The area is rural in character and located within the AONB as designated in the Ards and Down Area Plan 2015.

Site History:

There is no previous history on this site for this type of application.

Planning Policies & Material Considerations:

I have assessed the proposal against the following relevant policies:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Building on Tradition

Ards & Down 2015 – the site is located within the Area of Outstanding Natural Beauty (AONB) outside any defined settlement area.

Consultations:

Transport NI – No objections

DARDNI – Confirmed 6 years active business and payments claimed

Objections & Representations

The following neighbouring properties were notified on 24th July 2017:

- Nos 30, 31 and 32 Dromara Road, Leitrim

The application was advertised in the local press on 2nd August 2017.

A number of objections have been received regarding the proposal, they have been summarised below.

Alex Santos – states that this is an invalid application as the farm yard and land are not under the same ownership and that approval will ruin the existing view

Thomas McGeary – makes the same point as above

Michelle Anderson – also is concerned about the impact the proposal will have on the scenic value of the area and that there is no farm attached to the field

Hillcrest Walking Club – object to the proposal on the grounds of ecology and public safety in that approval would spoil views and result in the erection of fencing which would disrupt their hill walking activities.

A petition with 12 names has been submitted raising those issues notes above

Consideration and Assessment:

The proposal seeks outline planning permission for a farm dwelling and garage.

Under CTY1 of Policy PPS21 a dwelling on a farm will be permitted where it meets the criteria of CTY10, CTY 13, CTY14 and CTY16.

Under Policy CTY 10 of PPS21 a dwelling can be erected on a farm where it meets all the criteria.

The applicant has provided a DARD business ID 655498. DARDNI have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years.

It is considered that criteria (a) have been met.

The applicant has stated in the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has revealed that planning approval has been granted for a farm dwelling on lands adjacent 37 Dolmen Road Castlewellan see Q/2010/0343/F. This dwelling was granted under farm business number 612849 to James O'Rourke. It is noted from the applicants supporting statement this land has been inherited by James O'Rourkes' son Eamonn O'Rourke, who now operates the farm under business number 655498. As this development opportunity is located within the holding currently owned by the applicant, it is considered that the 10 year opportunity has been obtained and the proposal is therefore contrary to CTY10.

The farm buildings associated with this business number are located a Legananny and Dolmen Road, several miles from the application site. It is noted in the accompanying statement that the applicant considers the land adjacent these buildings inappropriate for development given the presence of Legananny Dolmen a state protected monument (shown below) and that HED have previously advised that further development within the vicinity of this monument would not be permitted.



With this opinion in mind the applicant has submitted an off-site proposal. Policy CTY 10 will exceptionally give consideration 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 (my emphasis) where there are either :

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s)

It is noted that there are no farm buildings associated with this farm business adjacent the site. Those immediately adjacent at No 32 are not associated with the applicants' farm business.

In the applicants supporting statement, it is noted that no health and safety reasons have been given regarding the off-site proposal. However, the applicant has stated that plans to expand the farm business at the existing building group at Legananny Road would not be possible due to the presence of Legananny Dolmen and indicates from Historic Environment Division that further development will not be permitted. I do not accept this latter justification and consider that there are opportunities adjacent the existing farm buildings which can be utilised, without detriment to the archaeological aspects of the land provided they are appropriately conditioned.

CTY13

The site is located within an open 0.4hectare green field, which is defined on all sides by a post and wire fence, with hedges and a few mature trees along the south-eastern boundary



It is considered given the open nature of this site, that any dwelling would appear prominent in the landscape and would require new landscaping for integration. In addition, and as discussed above the proposed farm dwelling would not be sited to cluster or visually link with a group of buildings on the farm. It is considered therefore, that the proposal fails to comply with CTY 13 of PPS21.

CTY14

It has been considered above that the proposed dwelling would appear prominent in the landscape. There is also concern that the proposed dwelling would create a ribbon of development when viewed with in conjunction with the new dwelling to the SE of the site that to the NW at No 32 Dromara Road as can be seen below.



Summary

On the basis of the above assessment it is considered that the proposal is contrary to Policies CTY 10, 13 and 14.

Recommendation: REFUSAL

REASONS:

1. The proposal is contrary to the SPPS Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case for the following reasons:
 - There is a development opportunity for a farm dwelling approved on the holding.
 - The proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
 - No 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
 - No verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established

group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

3. The proposal is contrary to the SPPS and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signed:

Date:

Signed:

Date:

ITEM NO	32		
APPLIC NO	LA07/2017/1147/O	Outline	DATE VALID 28/07/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr D Russell 25 Lessans Road Saintfield BT24 7HD	AGENT	Ewart Davis 14 Killynure Avenue Carrduff Belfast BT8 8ED
LOCATION	35m south east of 76 Belfast Road Saintfield BT24 7EX		
PROPOSAL	Infill dwelling & garage		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	3	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1147/O

Date Received: 28.07.2017

Proposal: The application is for outline planning permission for an infill dwelling & garage.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015. There are no particular zonings on the site. The site accesses onto the Belfast Road which is a Protected Route. The site is approx. 1.6 miles to the north of the village of Saintfield.





Site Characteristics & Area Characteristics:

The site outlined in red comprises a roughly rectangular portion of a roadside agricultural field along Belfast Road, approx 110m from the junction with Lessans Road. This field comprising the application site is large and irregular in shape and undulates, although is relatively low lying adjacent to the Belfast Road. There is also a grass verge along the frontage of the site, with a hedgerow forming the roadside boundary.





Site History:

LA07/2015/0265/O 55m North West of 21 Lessans Road, Saintfield, Infill dwelling PERMISSION GRANTED 25.05.2016

LA07/2016/1384/F 21 Lessans Road, Lessans, Saintfield, Ballynahinch, Demolition of existing dwelling and erection of replacement dwelling PERMISSION GRANTED 09.12.2016

R/2010/0822/F Adjacent to 78 Belfast Road Saintfield. Proposed Infill Dwelling & Garage. PERMISSION GRANTED 18.07.2011

R/2007/0924/F 21 Lessans Road, Saintfield. Erection of replacement dwelling and garage PERMISSION GRANTED 03.11.2011

R/2014/0405/O - 50m West of 21 Lessans Road – infill dwelling –permission granted 07.01.2015
R/2015/0049/RM - 50m west of 21 Lessans Road, Saintfield – infill dwelling and garage – permission granted - 29.06.2015.

R/2015/0072/O – 40m South East of 25 Lessans Road - Infill dwelling and garage – permission granted - 24.02.2016

R/2014/0512/F - 25a Lessans Road, Saintfield - Alterations to garage front elevation - 01.12.2014

LA07/2015/0221/F - 25A Lessans Road, Saintfield - Amended access to dwelling – permission granted 20.11.2015

R/1984/0370 25 Lessans Road, Saintfield.New Double Garage And Conversion Of Existing To Living Area. Permission Granted

R/1983/0292 Lessans Road, Saintfield Erection Of Dwelling Permission Refused

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

NI water – No objections
 Transport NI –
 NIEA Water management – No objections

Objections & Representations

In line with statutory requirements eight neighbours have been notified on 04.08.2017. The application was advertised in the Mourne Observer and the Down Recorder on 16.08.2017. Three objections have been received in relation to the application. Two objections are from No 76 Belfast Road and the third is from the occupant of no 78 Belfast Road.

The main points of objection include :-

- This is a green belt area and fourth house in a small field
- Detrimental effect on the character of the landscape and established rural area
- Access off a main road (protected route) concerns about accidents with increased traffic
- Proposed planting from previous application never implemented and site sold on to third party
- Flooding – applicant not installing sufficient pipe work
- Increase pressure on amenities in area
- Proposed dwelling and planting will block light to their home as it is a PassivHaus requiring light and solar panels to heat the main house
- Impact with regard to noise, traffic, disturbance, loss of privacy and views
- Contributes to ribbon development and does not adhere to CTY 8
- Contravenes, CTY 14 – Rural Character as it will result in build up
- Contravenes CTY 13 – Integration and Design of buildings in the Countryside
- Contravenes Policy AMP 3 access onto a protected route.

Consideration and Assessment:

Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In practice this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material

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

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 states that a range of types of development are acceptable in principle in the countryside. This includes infill dwellings if they are in accordance with Policy CTY 8 which will be considered below. Integration (CTY 13) and Rural character (CTY 14) will also be considered.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. It continues that any exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. Paragraph 5.33 of Policy CTY 8 makes specific reference to 'buildings sited back, staggered or at angles and with gaps between them' representing ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 of Policy CTY 8 reads 'For the purpose of this policy, the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.

When travelling from SE from Saintfield towards Belfast no.21 accesses onto Lessans Road, however includes a frontage towards the Belfast Road, whereby the curtilage also extends down to this road. Beyond this is a site which has outline planning permission for an infill dwelling under LA07/2015/0265/O for a dwelling, (however, as there is no buildings in relation to this, this cannot be considered). Adjacent to this is the site seeking permission for a dwelling. No.76 although set back also includes a frontage to this Belfast Road and accesses onto it. Directly in front of No 76 is an agricultural shed. Beyond this there is a clear ribbon of development which includes No's 78, 80, 82 and 84.

While there is a mature conifer boundary separating the curtilage of No 21 with the agricultural field which accommodates the site, account has to be taken of PAC decision 13/A0041, and subsequent appeals thereafter in which the commissioner stated

"The term 'gap' as referred to in policy CTY 8 relates to the space between buildings. For an infill opportunity to exist, the gap site must be located within a substantial and continuously built up frontage consisting of "a line of 3 or more buildings ". It is clear that, in considering any proposal for infill development, a visual assessment will be critical. If there is no perception, whether by sequential awareness or by direct visual linkage, of the existence of a substantial and continuously built up frontage, then

there cannot be an infill opportunity. Each infill proposal must be assessed on its particular merits, in its own unique visual context."

In this particular case there will be a perception of a line of 3 buildings sequentially as you are driving. Similarly if you stand to the front of the application site then there is a direct visual linkage of 3 buildings.

The existing development reads as a line of buildings with a frontage onto the Belfast Road and consequently the site could be described as a gap within an otherwise substantial and continuously built up frontage as defined in CTY 8. The site would respect the existing plot depths in the immediate vicinity, which would be considered large enough to accommodate a dwelling with sufficient provision for parking, turning and amenity space, and also associated septic tanks and soak-aways. The objectors (76 Belfast Road) have mentioned that they have a PassivHaus and that a dwelling on the site would block the light to their home. Given the plot sizes along this stretch of road and that this is an outline application, a suitably designed dwelling could be conditioned including a ridge height restriction if deemed necessary. Thus it is considered that a dwelling on the site could be considered as being located a sufficient distance from any other existing/approved/existing dwelling to prevent any unacceptable impact in terms of residential amenity. The proposal therefore complies with Policy CTY 8.

Policy CTY 13 - Integration. A dwelling on the site would be integrated given the settlement pattern that exists along this part of the road. While the site lacks boundaries to the rear of the site, the land is undulating and would provide a suitable backdrop for a well designed dwelling. The existing development will read with the existing development and new fencing and planting should take place along this boundary.

Policy CTY 14 of PPS 21 '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 sets out five circumstances where a new building would be unacceptable. Circumstance (c) is that it does not respect the traditional pattern of settlement exhibited in that area; whilst circumstance (d) is that it creates or adds to a ribbon of development (see CTY 8). The application meets the criteria of CTY 8 and thus there would be no issues regarding rural character.

Annex 1 of PPS 21 – Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving access onto this category of Protected Route in a number of specific cases including the following:

(d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development in the countryside and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

In essence (d) requires that for other categories of development that proposals **make use of an existing vehicular access** onto the Protected Route. Access is indicated as being taken directly onto the Belfast Road. A field gate would not constitute an existing vehicular access.

Consideration

This issue arose on the adjacent infill site under planning reference LA07/2015/0265/O whereby access onto a protected route formed part of the consideration, however, the policy at this time had been interpreted incorrectly, thus the advice given now, in particularly when tested at Planning Appeals that flawed decisions should not be replicated and on this basis refusal has to be recommended.

Conclusion

The proposal does not comply with relevant planning policies and it is recommended that the application be refused.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to SPPS, PPS 21 – Annex 1 and Policy AMP 3 – Access to Protected Routes (Consequential Revision), in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route (A21), thereby prejudicing the free flow of traffic and conditions of general safety.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	34			
APPLIC NO	LA07/2017/1174/O	Outline	DATE VALID	03/08/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Brendan McCartan Esq 156 Downpatrick Road Ballynahinch BT24 8SN		AGENT	John Kirkpatrick Architect 20 Ballyknockan Road Saintfield BT24 7HJ
LOCATION	Approx 18m north of 156 Downpatrick Road Ballynahinch BT24 8SN			
PROPOSAL	Dwelling & garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster is not associated with a focal point and is not located at a cross-roads;
 - the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and
 - the dwelling would if permitted significantly alter the existing character of the cluster and will visually intrude into the open countryside.
- 2 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved building, and would add to a ribbon of development, therefore resulting in a detrimental change to and further erode the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1174/O

Date Received: Aug 2017.

Proposal: Outline planning permission is sought for a dwelling and garage, on lands north of 156 Downpatrick Road, Annacloy.

Applicant Mr B McCartan

Location:

The site is located in the countryside approx 0.5 mile west of the edge of the settlement limit of Annacloy, as identified in the Ards and Down Area Plan 2015. There do not appear to be any other zonings affecting this site. It is noted there is a scheduled monument on the lands to the far side of the road. This area is pre-dominantly rural in character, although also includes several dwellings.

Site Characteristics & Area Characteristics:

The site comprises a portion of lands to the side of no.156 Downpatrick Rd. These lands appear to be outside the defined curtilage of no.156, with ranch type fencing marking the boundary with no.156. A stone wall and grass verge runs along the site frontage. The lands comprising the site rise from the road, and also slope away from no.156 down to the small watercourse which runs along the western boundary.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been a number of previous applications in the immediate vicinity of the site, including for alterations, extensions and erections of new dwellings, however no relevant history was observed relating to the application site.

Consultations:

Having account the nature of this proposal and constraints of the site and area, consultations have been carried out with Transport NI, NI Water, NIEA, Rivers

Agency, Shared Environmental Services, as part of this application, who offer no objections in principle.

It is not considered necessary to seek any additional comments from any other body to fully assess and determine this application.

Objections & Representations

Having account the red line of the application site, neighbour notification was carried out with several properties along Downpatrick Road in August 2017, while the application was also advertised in the local press in August 2017.

No representations have been received to date (04-10-17).

Applicable Policy considerations- RDS, Ards & Down Plan 2015, SPPS, PPS3, PPS6, PPS21, and supplementary guidance

As stated above the site is located in the countryside whereby Policy PPS21 and the recently published SPPS apply.

One of the policies retained by the recently published SPPS is PPS21, whereby it is considered there is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21.

As such it is considered PPS21 remains the applicable policy context to consider the proposed development under.

In a statement to the Assembly on 1st June 2010, the Minister of the Environment indicated that the policies in this final version of PPS21 should be accorded substantial weight in the determination of any planning application received after 16 March 2006.

PPS21 sets out the planning policies for development in the countryside (any land lying outside of development limits as identified in development plans).

Policy CTY1 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.

This is an Outline application for 1 dwelling, whereby a P1 form, site location plan, and a concept plan have been submitted.

The information submitted indicates the applicant (Mr McCartan) lives at no.156 Downpatrick Road (adjoining the site).

Based on the information submitted this application is for a new dwelling to round off the cluster, as indicated on the P1 form submitted, to be considered under policy CTY2a of PPS21.

Policy CTY2a advises planning permission will be granted for a dwelling at an existing cluster of development provided all of the listed 6 criteria are met.

With regards to this 6 listed criteria it is considered the development lies outside of a farm and consists of 4 or more buildings, of which at least 3 are dwellings, whereby this existing row of properties including 156 to 160 appear as a visual entity in the landscape.

However it is considered this cluster (as described in policy) is not associated with a focal point such as a social/community building/facility, or is not located at a crossroads. This stretch and side of road only includes 6 private dwellings (No.156-160a).

Also the site is not bounded on at least 2 sides with other development in the cluster, while it is considered the development of this site cannot be absorbed into the existing cluster through rounding off and consolidation and will alter the existing character, and will visually intrude into the open countryside.

Following initial consideration of the case a letter was issued to the agent in Sept 2017, advising the application is considered unacceptable, whereby the principle of a dwelling is not accepted.

Further information was received from the agent on 21st Sept who disagreed with the Planning Authority's opinion and referred to several planning and appeal decisions which were considered to be of relevance.

It is considered this current scheme is not directly comparable to any of the listed examples. The original appeal decision referred to (2010/A0202), acknowledged the proposal failed to meet 1 of the listed criteria of policy CTY2a, however listed a number of site specific characteristics that were found compelling, one of which was that the site was also considered to be a gap site, thus the site was considered to be one of the types of development that is acceptable in the countryside.

(A further letter was issued to the agent on 26th Sept responding to the points raised and advising the scheme remains to be considered unacceptable).

The Planning Authority remains of the opinion all of the listed criteria of policy CTY2a must be met, however as outlined above, this current proposal fails more than 1 of these criteria, and as such is considered contrary to policy CTY2a, whereby the principle of a dwelling is not accepted.

As this is an Outline application no details have been provided, although an indicative site concept plan has been submitted. It is acknowledged the site is large enough to accommodate a dwelling which would respect the existing plot sizes and character of the area, and is also large enough to provide sufficient parking, amenity space, services and spacing with any other existing/approved property to prevent any unacceptable impact.

However it is considered contrary to policy CTY14 as the development would add to the existing ribbon of development, and also has the potential to result in a suburban style build up of development when viewed with existing buildings.

Taking into account the above it is considered the proposal is unacceptable being contrary to policies CTY2a and CTY14 of PPS21.

Accordingly Refusal is recommended.

Recommendation: Refusal

Refusal reason:

- The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

a) the cluster is not associated with a focal point and is not located at a cross-roads;

b) the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure; and

c) the dwelling would if permitted significantly alter the existing character of the cluster and will visually intrude into the open countryside.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build-up of development when viewed with existing and approved building, and would add to a ribbon of development, therefore resulting in a detrimental change to and further erode the rural character of the countryside.

Statement of Support

New Dwelling Approx.18m North of 156 Downpatrick Road, Ballynahinch for Brendan McCartan Esq.

The application is brought to Council as it is deemed compliant with PPS 21 CTY 2a.

Compliance with CTY2a is conditional upon six criteria. Three of these criteria are cited in the refusal notice, namely:

Criterion 3

The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads.

This is the criterion that is not satisfied in this case.

However, I wish to identify recent planning approvals granted under PPS 21 CTY2a where the presence of a focal point or cross roads was not fatal to the application.

A/2009/0214/F 2010/A0202

SEE MAP 2. Dwelling now known as No. 23.

This is a 2011 decision **approved on appeal** and I particularly refer to Paragraphs 10 and 11 where the Commissioner considered the third criterion of CTY2a relating to the fact that the cluster is required to be at a crossroads or near a focal point. I particularly refer to the following statements:

"There is merit in the appellants point that the criterion is not exhaustive in its definition of a focal point and that stated examples of such is not an exhaustive list".

*"Whilst the proposal fails the third criterion of Policy CTY2a of PPS 21, it complies with the policy's **broad overall intent** (my emphasis) in that it would round off and consolidate an existing cluster of development without changing the area's character"*

Some of the remaining points in paragraph are also worth noting.

- The site is visually associated with the adjoining dwellings.
- Given its size and relationship with adjoining dwellings, the site is unsuited to agriculture
- It is bounded, at least in part, by residential development on three of its four sides.

I consider the site in question has some degree of similarity to the site under consideration.

LA07/2015/0135/O

SEE MAP 3.

This was a direct Council decision where the decision referred to above was cited as a reason for the approval. This decision was within the Newry, Mourne and Down Council Area.

LA08/2015/0056/F

SEE MAP 4.

Again, after this case was originally refused, 2010/A0202 was cited and the decision to approve was recommended.

LA07/2016/0556/O

SEE MAPS 5 and 6.

This was a case first refused in 2011 by Council and subsequently an appeal was dismissed, even in light of the cases referred to above. The application was submitted again in 2016, refused by Council but quite correctly an appeal was upheld in January 2017.

The main points in the appeal are as follows:

“Para 5. At the hearing the Planning Authority said because of a previous appeal decision 2012/A0120 and two recent granted planning permissions, one of which is in its own jurisdiction (LA08/2015/0056/F) and (LA07/2015/0135/O) that if the appeal proposal met all of the other requirements of Policy CTY 2a the requirements of criterion three could be disapplied as the appeal proposal would then be comparable to those cases”.

“Para 8. As the proposal meets all of the other criteria in Policy CTY2a, I agree with the Planning Authority, that in the interests of fairness, the requirements of criterion three should be set aside”.

Criterion 4.

The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

The site is bounded to the SE by No. 156a, partially to the SW by No.156 and partially to the NE by No. 158a. In all approx. half of the site bounded by other development in the cluster.

Criterion 5.

Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter the existing character, or visually intrude into the open countryside

The site can be created using three existing hedges and as such will be easily integrated into the existing cluster. The site will not visually

intrude into the open countryside and will be well integrated with the other buildings in the cluster when viewed from critical view points along Downpatrick Road.

In addition, Policy CTY 14 was also cited. In light of pleaded compliance with CTY 2a, I do not feel that the proposal would be detrimental to the character of the area and furthermore, I do not believe the proposal would be ribbon development as the dwelling does not have a direct frontage on to the road. An access lane does not contribute to the frontage of development on to the road.

Conclusion.

It appears to me that the interpretation of CTY2a is now well established and this policy “ is not required to be slavishly adhered to”.

It is accepted that PAC consider that the overall intention of the policy was to round off and consolidate an existing cluster of development without changing the characteristics of the area.

I also refer to SPPS Para. 6.58 where it states:

“ the policy approach is to cluster, consolidate and group new development, particularly new residential development, with existing established buildingswhilst simultaneously mitigating the potential adverse impact arising from the cumulative effects of otherwise one-off or sporadic development upon rural amenity an scenic landscapes ”.

The case currently under consideration is another comparable instance of rounding off and consolidation and no demonstrable harm will be caused in allowing this application to be approved.

I respectfully ask for the reconsideration of this outline planning application.

ITEM NO	1			
APPLIC NO	LA07/2015/0456/F	Full	DATE VALID	12/06/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Richard Nummy C/O 83 Belfast Road Newry		AGENT	Martin Byrne 20 School Road Newry BT34 1SX
LOCATION	35m south of 93 Belfast Road Newry			
PROPOSAL	Relocation of access to that approved under planning approval P/2010/1452			
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 AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.



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**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2015/0456/F
Date Received:	12 th June 2015
Proposal:	Relocation of access to that approved under planning approval P/2010/1452
Location:	35m south of 93 Belfast Road, Newry

Re-consideration

The dwelling on this site was approved under policy CTY7 in 2011 in association with an existing transport business. As the adjacent Belfast Road is a Protected Route, a new access was not permitted and access to the dwelling was to be taken through the existing transport yard.

The current application is for a new vehicular access to the dwelling where there was previously an agricultural gate. The intensification of use of this access was found contrary to policy AMP3 of PPS3 and recommended for refusal. It was deferred at the meeting of the Planning Committee on 15th March 2017.

It should be noted that since the site was inspected, the applicant has gone ahead with the creation of a new stone access lane direct to the Protected Route without planning permission and this appears to be in regular use.

On 30th June 2017, a report by Lisbane Consultants was submitted for consideration. It makes arguments regarding the reduced traffic flow on this section of the Belfast Road (now re-designated the A28) since the construction of the A1 Newry bypass, the fact that the access will be restricted to left-in / left-out movements due to the central reservation, the standard of access proposed in terms of visibility, and the fact that the trips that the access will generate are already approved through the existing yard. However, the A28 Belfast Road remains a strategic road in the context of the whole of Northern Ireland. It is still a Protected Route and is the main route from the north to Warrenpoint Port, the second most important port in Northern Ireland after Belfast in terms of tonnage. The intention of the protected routes policy is to restrict access onto the main roads that facilitate the efficient movement of

traffic over long distances in Northern Ireland. These roads contribute significantly to economic prosperity by providing efficient links between the main towns, airports, seaports and with the Republic of Ireland (paragraph 5.24). The problem with this access is not a matter of its design or safety, but that it will result in a proliferation of access points onto the Protected Route, and could set a precedent for other similar developments. This dwelling was approved on the basis that there was an existing access through the transport yard that could be used. Had this not been the case, the dwelling would have been refused on policy AMP3. If land ownership means that this situation has now changed, it is not a material planning consideration.

Approval of the application would severely compromise the intention of designating protected routes for the efficient movement of traffic. The free flow of traffic would be prejudiced by the intensification of vehicular movements in and out of the access and there would be increased road safety risks. If this proposal was allowed to use the field gate as 'an existing access' it would set a dangerous precedent, not only for this protected route, but for all others in the district (e.g. A1, A2, A7, B8, A24, A25, A27, A37 and A50). The Planning Committee has recently refused another application for access through a former field gate onto a Protected Route at Castlewellan Road, Hilltown (Ref: LA07/2015/0545/F). In the interests of consistency, we would again recommend refusal in this case.

The consequential revision of Policy AMP3 in Annex 1 of PPS21 has a specific section for dwellings approved under CTY7 for established commercial or industrial enterprises. It is clear that where access cannot be obtained from an adjacent minor road, proposals will be required to make use of an existing vehicular access onto the Protected Route. This means the only option for this dwelling is to use the transport yard's existing access.

TransportNI was consulted with the Lisbane traffic report and returned no objections on safety grounds (as before), but referred to their previous comments including that the application should be refused if it is not an exception to the protected routes policy AMP3. It has been demonstrated above that this proposal is not an exception to the policy and refusal is therefore recommended.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3 - Access Movement and Parking in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:



**Relocation of access to that proposed under planning approval
P/2010/1452/F at lands 35m south of 93 Belfast Road, Newry**

Planning reference LA07/2015/0456/F

Report

April 2017

1. Introduction

1.1 This Report has been prepared on the instructions of M. Richard Nummy to support Planning Application LA07/2015/0456/F for the "*Relocation of access to that approved under planning approval P/2010/1452 at 35 m south of 93 Belfast Road, Newry*".

1.2 The Report is based on documents downloaded from the Planning Service website, discussions with the Applicant and Agent (Mr Martin Byrne) and on a site visit on 11h April 2017.

2. Proposed development

2.1 As noted above, the current Application seeks the "*Relocation of access to that approved under planning approval P/2010/1452*" at a location 35m south of 93 Belfast Road, Newry.

2.2 Under planning reference P/2010/1452, the Applicant was granted permission to erect a dwelling and garage (currently under construction) with a vehicular access routed through the adjacent transport business yard.

2.3 The proposed access will re-use an existing agricultural access some 85 m south of the new dwelling. The existing access will be improved to 5m, increasing to 6m where it joins the public road.

2.4 The proposed access will be a "*restricted movements*" access because it joins onto the A1 Belfast Road which is a dual carriageway at this location, with no break in the central reservation separating the north and south bound carriageways. Only left turn in and left turn out movements will be permitted. This means that traffic wishing to exit northwards will have to left turn out of the site, and travel to the Damolly roundabout approximately 1 mile to the south to turn northwards. Similarly, traffic arriving from the south will have to travel northwards past the site, and turn at the interchange at the recently constructed Newry Ring Road. This is approximately 0.7 miles from the proposed site access.

2.4. Generic trip generation figures accepted by Transport NI (TNI) show that a single dwelling in the countryside is forecast to generate a total of 8 daily vehicular trips (4 arrivals and 4 departures). This figure was quoted by the Roads Service (as TNI were then named) representative (Mr Trevor McClay) at a Planning Appeal (PAC reference 2010/A0230) in

respect of a residential development at 201 Hillhead Road, Ballyclare (planning reference U/2006/0013/F).

2.5 Per their Consultation Response of 9th September 2015 (copy appended), TNI offered no objection to the proposal and suggested conditions to be included in the planning approval. However, it did point out the status of the Belfast Road as a Protected Route and advised refusal of the Application, if it did not fall within the exceptions listed in the policy related to new accesses onto Protected Routes.

2.6 The Report (copy appended) prepared by the Council's Development Management Officer advised that there have been no objections to the current application. His report recommended refusal based on the Protected Routes policy.

3. Existing situation

3.1 The section of the A1 Belfast Road at the site location is a dual carriageway, which is part of the "Protected Routes" network, and is subject to a 60 mph posted speed limit. The junction to the north is the interchange on the recently constructed Newry Ring Road, and to the south the Damolly Roundabout.

3.2 There are no TNI Automatic Traffic Counter sites on this section of the A1 Belfast Road. The closest site (437) is located on the A28 west of the Damolly roundabout. Traffic flows on the A28, which acts as a local By-Pass for the northern end of Newry City, are likely to be higher than those on the A1 at the site location. However, it is interesting to compare traffic flows from 2010 Traffic Census (prior to the construction of the Newry Ring Road) with the latest figures from the latest (2014) Census. At site 437, the Annual Average Daily Flows (AADT) fell from 20,000 vehicles per day in 2010 to 11,500 vehicles per day in 2014. This is a substantial decrease.

3.3 The character of the area (between the 2 roundabouts) is defined by dispersed dwellings, farms, minor side roads, industrial & commercial premises, retail & fuel filling stations and the transport yard adjacent to the site. There are a multiplicity of accesses on to the A1 Belfast Road.

4. Policy

4.1 The section of the Report describes the policy in respect of access to the public road network, especially with regard to Protected Routes. .

4.2 Planning Policy Statement 3: Access, Movement and Parking (PPS3) sets out the Department's planning policies, *inter alia*, for vehicular access to the public road network. Policy AMP 2 Access to Public Roads indicates that:

"Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) The proposal does not conflict with Policy AMP 3 Access to Protected Routes."*

4.3 The policy regarding access to Protected Routes is provided in Policy AMP3. To explain this policy, the Department has produced a document entitled "Clarification of Policy AMP 3: Access to Protected Routes". The A1 Belfast Road is classed in the category "Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes – All locations". The document explains that for this class of road *"Planning permission will only be granted for a development proposal involving direct access or the intensification in use of an existing access in exceptional circumstances or where the proposal is of regional significance"*.

4.4 The document explains that *"The Department has a long established policy of restricting access onto the main roads that facilitate the efficient movement of traffic over long distances in Northern Ireland....."* Policy AMP 3 also advises that *".... It is important that a new access or intensified use of an existing access onto a Protected Route does not compromise their function of facilitating the free and safe movement of traffic or does not significantly add to congestion."*

4.5 PPS3 refers to the Department's standards for vehicular access. Development Control Advice Note 15: Vehicular Access Standards (commonly referred to as DCAN 15) sets out and explains those standards.

5. Consideration.

5.1 This section of the Report considers the design standards of the proposed access, tested against those in DCAN 15, and then considers whether it complies with Policy AMP3.

DCAN 15

5.2 DCAN 15 advises in paragraph 2.1 that *“Good visibility is essential to enable drivers emerging from the minor road to see and be seen by drivers proceeding along the priority road”*. The Belfast Road is subject to a 60 mph posted speed limit and examination of Tables A and B in DCAN 15 shows that the appropriate visibility splays are 2.4 x 160 metres

5.3 The available visibility splays are considerably in excess of the 160 metres y-distance, in both directions (although as the access emerges onto a dual carriageway, there is no need to provide a splay to the left when exiting, as the traffic passing the access will be uni-directional (southwards – towards Newry City).

5.4 During the site visit, observations were made of the time taken for traffic travelling south, from when they first came into sight until they passed the access. These ranged from 12 -16 seconds. This shows that the visibility splay available to the right when exiting the access is at least 300 metres. The time period is also more than sufficient for a vehicle to emerge safely from the access, without affecting traffic progression on the main road.

5.5 The proposed access will be around 5 metres wide – 6 metres where it joins the public road, - which exceeds DCAN 15 standards, with entrance/exit radii in excess of DCAN 15 requirements. Given this, the access is designed such that for a car entering can pass by a car sitting in the access, and waiting to emerge. Thus there will be no issue with a vehicle entering the site having to wait on the main road for an emerging vehicle to depart.

5.6 As noted above, because the proposed access emerges onto a dual carriageway with no break in the central reservation, and thus only restricted movements are available. These are left turns in and left turns out, which means that there can be no conflict between arrivals and departures. This means the proposed access will be considerably safer than a normal access where all movements can be made.

5.7 The gradient of the access complies with DCAN 15 requirement. Thus there will be no issue with a car waiting to emerge inadvertently rolling onto the main road carriageway, or stalling on a mild hill when attempting to accept a gap in main road traffic.

5.8 In conclusion, the access complies with (or generally exceeds) DCAN 15 standards, and is therefore safe. It therefore does not offend against Policy AMP 2 Access to Public Roads.

Policy AMP 3: Access to Protected Routes

5.9 The previous comments show that the access is designed in excess of current standards. It is a *restricted movements* access and the comments above demonstrate that it is safe.

5.10 The traffic generated by the dwelling under construction could use the access arrangements approved under P/2010/1452. Approval of the current Application would therefore not add any additional traffic to the road network, and thus will not add to congestion on the Belfast Road.

5.11 As noted above, the opening of the Newry Ring Road has caused the traffic on the section of the Belfast Road to fall from 20,000 to 11,500 vehicles per day. This is a substantial reduction, and reinforces that the traffic generated by the site will not cause congestion.

5.11 The daily traffic forecast to be generated by the proposed development (8 trips per day – arrivals & departures summed) is only 0.07% of the (much reduced) daily traffic flow on the Belfast Road B(Based on the traffic flows at the nearest count site). This traffic will be imperceptible on the Belfast Road, and will be much less than the normal daily variation in daily traffic flows (normally around 10%).

5.12 The above clearly demonstrates that approval of the current Application would not compromise the objective of the Protected Routes policy, as it would not affect road safety, nor the progression of traffic on the Belfast Road.

5.13 There is precedence in the approval of accesses onto this section of the Belfast Road. As noted in paragraph 3.3 above, there is already a multiplicity of accesses approved onto the main road.

5.14 There are exceptional circumstances related to this Application. These are as follows:

- While this is a new access, the trips from the dwelling have been approved
- The traffic flows on the Belfast Road have reduced substantially
- The proposed access will have only restricted movements.
- The proposed access exceeds standards and is clearly safe
- Approval of the Application would not compromise the objectives of the Protected Routes policy.
- There are several other accesses onto the Belfast Road.

It therefore does not offend against Policy AMP 3 Access to Protected Routes.

6. Conclusions

6.1 This Report has been prepared to support Planning Application LA07/2015/0456/F for the *"Relocation of access to that approved under planning approval P/2010/1452 at 35 m south of 93 Belfast Road, Newry"*.

6.2 For the reasons outlined above, it has been clearly demonstrated that it does not offend against Policy AMP 2 Access to Public Roads, and Policy AMP 3 Access to Protected Routes of PPS 3 Access, Movement and Parking. There have been no objections to the proposal, and TNI offered no objections.

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

Figure

ITEM NO 3
APPLIC NO LA07/2015/0662/F Full **DATE VALID** 22/07/2015
COUNCIL OPINION REFUSAL
APPLICANT Frank Clerkin 141 Kilbroney Road Rostrevor **AGENT** Cole Partnership 12A Duke Street Warrenpoint BT34 3JY

LOCATION 170m north west of 107 Kilbroney Road Rostrevor

PROPOSAL Additional farm shed

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

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- It has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding;
- It is not appropriate to this location due to the unacceptable scale of the development on this elevated hillside site;
- 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 of the area;
- The applicant has not provided sufficient information to confirm that the design is sympathetic to the locality and the proposal is sited beside existing farm buildings; and
- It has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.

2 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21,

3 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 proposed building would rely primarily on the use of new landscaping along the northern boundary for integration.

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.

4 The proposal is contrary to policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting and scale of the proposed development is not sympathetic to the special character of the Area of Outstanding Beauty in general and of the particular locality.

Application Reference: LA07/2015/0662/F

Date Received: 6th July 2015

Proposal: This application is for an additional farm shed

Location: 170m north-west of 107 Kilbroney Road Rostrevor.

Site Characteristics & Area Characteristics:

The application site is located 170m north-west of number 107 Kilbroney Road, which is approximately 1 mile north-east of Rostrevor Village. The site is in the open countryside and within the Mourne Area of Outstanding Natural Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The surrounding area is rural in character with a number of dwellings and agricultural buildings dispersed along the road. The topography of the surrounding land is undulating.

The site is accessed via a long laneway. The boundary of the site is defined by a timber post and wire fence along the laneway and a hedge to the left-hand side and rear. Here is a large mound of earth along the eastern boundary that partially screens the site from the road. The site consists of a large agricultural shed, a portable pre-

fabricated building and a number of metal storage containers all set within a large yard area.



Figure 1 - Application Site

The agricultural shed has been extended without planning permission. An application (LA07/2016/1337/F) has been approved which regulates the unauthorised extension to the shed. The portable building and metal storage containers do not benefit from planning approval and are considered to be unauthorised. They have been report to the Councils Planning Enforcement section for further investigation.

Site History:

P/2010/0061/F –	Erection of Farm Store – Permission granted 26.11.2011
P/2013/0217/O –	Site for farm retirement dwelling – Permission refused 11.09.2014
LA07/2016/0381/O –	Proposed farm retirement dwelling opposite No. 107 Kilbroney Road, Rostrevor – Refused 28.10.2016 – Planning Appeal in Progress (2016/A0185). Rostrevor
LA07/2016/1337/F –	Proposed retention of extensions to existing farm shed – recommended for approval as it is considered necessary for the efficient use of the agricultural holding.

Planning Policies & Material Considerations:

- The Banbridge, Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3 – Access, Movement and Parking (PPS 3)
- Planning policy Statement 21 – Sustainable Development in the Countryside (PPS 21).

Consultations:

Transport NI –	No objections on the basis the proposal is for agricultural use only.
Env. Health –	No objections
Loughs Agency –	No objections subject to conditions
DARD –	The farm business ID identified on the form P1C has been in existence for more than 6 years and has claimed farm payments within the last 6 years.

Objections & Representations

2 Neighbour notification letters were issued and the application was initially advertised in the local press the week beginning 31st July 2015. No objections or 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 within the remit of the Banbridge, Newry & Mourne Area Plan 2015. The site is outside settlement limits and as there has been no significant change to the policy requirements for agricultural development 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 there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. Policy CTY 12 states planning permission will be granted for development on an active and established agricultural holding where it meets a number of criteria. It therefore follows that if the development is considered to satisfy the policy requirements of CTY 12 then it will also satisfy Policy CTY1 of PPS 21.

Principle of Building

Paragraph 5.56 of CTY 12 states that for the purposes of that policy, the determining criteria for an active and established business will be that set out under Policy CTY 10.

Policy CTY10

Policy CTY 10 requires that the farm business is currently active and has been established for at least six years. DEARA confirmed in their consultation response dated 26/11/2015 that the farm business has been in existence for more than 6 years and that it has claimed farm payment within the last 6 years. Claiming farm payments is the main means used to determine if the farm business is active and established. I am satisfied that policy requirements of CTY 10 have been met.

Policy CTY 12

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it meets five criteria.

Criterion (a)

Criterion (a) requires the applicant to demonstrate the development is necessary for the efficient use of the agricultural holding.

Planning permission was granted for a large farm store on this site under reference P/2010/0061/F on 26th November 2011. The planning application was initially recommended for refusal; however following a site meeting the previous planning authority subsequently accepted there was a necessity for the building for agricultural purposes. The floor area of the approved farm store measured 369m².

The applicant submitted this application for an additional farm shed at the same location. It became evident during the site inspection for this application that the original shed appeared to be much longer than approved. The increase in size did not benefit from planning approval and was considered to be unauthorised. The agent (Cole Partnership) submitted an application (LA07/2016/1332/F) in an attempt to regularise the increase in size. According to a letter from the agent dated 30th September 2016, the original approved store was constructed and two additional sections added at a later date.

The submitted plans for the retention of the extensions to the existing shed illustrate an overall floor area of 655.59m² which equates to a 78% increase from the approved floor area. The agent submitted the following information on 3rd October 2017. It includes details of equipment, hay volume, herd numbers and grazing areas in order to demonstrate the existing extensions to the original building and the proposed new building are necessary for the efficient use of the agricultural holding:

- 330 sheep consisting of 230 ewes and 100 lambs;
- Grass lamb grazing area 42 (I assume this to mean hectares) either owned or taken in conacre;
- 55 Ha of mountain grazing rights;
- 4.7 Ha of willow

Machinery

- 3 Tractors; a bailing machine; trailers for sheep; a tipping trailer, a wrapping machine; a rotavating harrow; a roller; a 18 ton track digger; a mini digger; sheep pens; a crush and a plane mower.

Having considered the information provided, the extensions to the existing shed were considered to be necessary for the efficient use of the farm holding and LA07/2016/1337/F was subsequently granted retrospective permission. The overall floor area of 655.59m² was considered to be more than sufficient to meet the overall needs of the agricultural holding.

The agent has stated that when the existing stores are full all machinery is parked outside which is a source of concern for the applicant due to the rise in theft of agricultural machinery. The agent goes on to state the proposed new store – which has a proposed floor area of 369m² – will be used for the storage and maintenance of machinery, with overflow of hay if required. If the new shed is required for the overflow of hay the machinery is to be removed and parked outside in the yard. This contradicts the main reason for wanting an additional shed in the first instance – i.e. to store/maintain machinery inside in case of theft.

I inspected the site in April 2016, December 2016 (when you would expect the shed would be almost fully stocked with hay for the winter period); June 2017 and October 2017 (again when it would be expected the shed be full to capacity with hay following the cutting season). On each occasion it was evident that all of the machinery listed above was not parked in the yard area.

It is also worth noting the site has considerable security in the form of double gates at the entrance laneway, steel shutters on the existing shed and security cameras located along the front elevation of the shed. The agent has not submitted any incidents of theft or attempted theft from the site or surrounding area that have been reported to the police. I am not convinced a new shed is necessary for the storage and maintenance of machinery.

The existing shed, including extensions, measure 655.59m². The farm business appears to have been functioning for a considerable period of time without the need for an additional shed. I consider the existing shed and extensions to be of a size that is more than sufficient to meet the current and future needs of the agricultural holding in terms of storing hay and machinery. It has not been demonstrated to the satisfaction of the Council that the proposed new shed is necessary for the efficient use of the holding. The proposal therefore fails to comply with criterion (a) of Policy CTY 12.

Criterion (b)

The proposed shed will be sited at a 90° angle to the existing shed on an elevated site on the hillside (14m above road level). As a result the scale - 30m long; 12.3m wide & 6m high - is not considered appropriate to its location. The proposal therefore fails to comply with criterion (b).

Criterion (c)

The existing earth mound along the eastern boundary of the site and the existing boundary treatment along the southern boundary would provide a degree of screening of the proposed building when viewed from the front of the site and on approach from the Rostrevor side of the Kilbroney Road. However a proposed building measuring 30m long and 6m high would be a prominent feature in the landscape when travelling along the Kilbroney Road from the Hilltown direction, especially as it is on an elevated hillside site. As a result the proposed shed would not visually integrate into the local landscape and therefore fails to comply with criterion (c).

Criterion (d)

The proposed building would have an adverse impact on the natural heritage of the Mourne Area of Outstanding Natural Beauty as it would be a prominent feature in the landscape when travelling in a southerly direction along the Kilbroney Road. The proposal fails to comply with criterion (d).

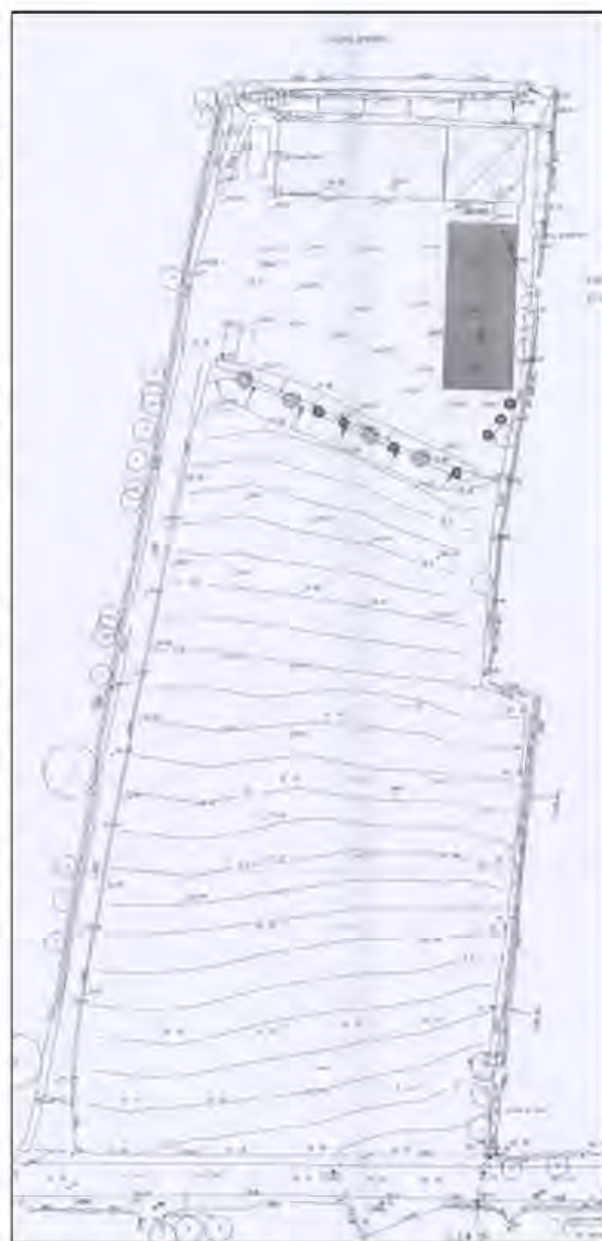


Figure 2 - Proposed Site Layout

Criterion (e)

The proposed shed would be located a considerable distance away from dwellings outside the agricultural holding, therefore I do not consider there to be any impact on residential amenity in terms of noise, smell and pollution.

Where a new building is proposed, the applicant is required by Policy CTY 12 to confirm it meets three additional criteria:

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

The agent has stated there are no other suitable buildings on the farm which could be used, the only other building being a small farm store adjacent to the applicant's house at 134 Kilbroney Road. However as stated above, I am of the opinion the existing large agricultural building on the proposed site, including the retention of extensions approved under reference L07/2016/1337/F, are sufficient to meet the needs of the farm holding.

2. The design and materials used are sympathetic to the locality and adjacent buildings.

The materials used are typical of agricultural buildings located throughout the locality and are similar to the adjacent building. However I consider the design of the proposed shed (30m L x 12.3m W x 6m H) would result in it being a prominent feature in the landscape and not visually appropriate to its elevated hillside location.

3. The proposal is sited beside existing farm **buildings** (my emphasis).

As there is only one farm building on site the proposed shed is not sited beside existing farm *buildings* as required and therefore fails to satisfy the policy.

Both the SPPS and Policy CTY 12 state an alternative site away from existing buildings will only be acceptable in exceptional circumstances provided there are no other sites available at another group of buildings on the holding and where it is essential for the efficient functioning of the business or there are demonstrable health and safety reasons. The applicant has failed to demonstrate the building is essential for the efficient functioning of the business and that there are demonstrable health and safety reasons for its location.

Policies CTY 13 and CTY 14 – Integration and Rural Character

I am not satisfied the new building would successfully integrate into the surrounding landscape due to its size, scale and orientation, especially when viewed on approach from the Hilltown side of the Kilbroney Road when travelling in a southerly direction. The building would therefore be a prominent feature in the landscape and its design is inappropriate for such an elevated site and its locality.

Planning Policy Statement 2 – Natural Heritage

This site lies within the Mourne Area of Outstanding Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015. The siting and scale of the proposal on this elevated site is not considered to be sympathetic to the special character of the AONB in general and of the particular locality. The proposal therefore fails to comply with policy NH6 of PPS 2.

Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - It has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding;
 - It is not appropriate to this location due to the unacceptable scale of the development on this elevated hillside site;
 - 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 of the area;
 - The applicant has not provided sufficient information to confirm that the design is sympathetic to the locality and the proposal is sited beside existing farm buildings; and
 - It has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.

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 proposed building would rely primarily on the use of new landscaping along the northern boundary for integration.
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.
4. The proposal is contrary to Planning Policy Statement 2, Planning and Nature Conservation in that the siting and scale of the proposed development is not sympathetic to the special character of the Area of Outstanding Beauty in general and of the particular locality.

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

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

Ref: Proposed new farm shed 170M NW of 107 Kilbroney Road, Rostrevor

Further to your e mail dated 17-02-2017 we can confirm the following

(a)

Our client requires the additional shed to store equipment and hay.

(b)

In terms of character and scale the proposed store is similar in terms of height and finishes to the existing store.

(c)

The location of the store is behind the existing bank which has been planted out and which screens the proposed store from the Hilltown Road.

(d)

There is no conflict with natural or built heritage

(e)

The nearest dwelling to the proposed store is app 98 M away and the location of the store will not interfere with views. There are no openings to the rear of the store and the existing ditch to the rear of the proposed store will remain untouched. There is no slurry pit in the proposed shed and the main purpose for the shed will be the storage of machinery and hay.

(f)

There are no suitable existing buildings on the holding

(g)

The design and materials used are sympathetic to the locality and similar to the existing adjacent shed.

(h) The proposed shed is sited adjacent to an existing farm shed.

(i)

The proposed shed is not situated away from existing farm buildings

Aidan J. Cole.

Cole Partnership
architecture & project management
12 A Duke Street.
Warrenpoint
Co. Down BT34 3JY
Tel 028 41753679

ITEM NO	14			
APPLIC NO	LA07/2017/0345/O	Outline	DATE VALID	06/03/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Martin Magee 123 Newcastle Road Kilkeel BT34 4NL		AGENT	Cole Partnership 12a Duke Street Warrenpoint BT34 3JY
LOCATION	Between 35 & 37 Ballydesland Road Warrenpoint BT34 3QB			
PROPOSAL	Proposed replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling has previously been replaced under application P/1984/0771 and the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0345/O

Date Received: 27.02.2017

Proposal: Proposed replacement dwelling

Location: Between 35 & 37 Ballydesland Road Warrenpoint BT34 3QB

Site Characteristics & Area Characteristics:

The site is in a rural location, with a number of single dwellings along the road. A long field slopes up from the Ballydesland Road to an old dwelling and associated outbuildings at the top of the site, as well as a group of trees and vegetation.

Site History:

Planning Reference	Description	Address	Decision	Decision date
P/1973/0381	PROPOSED USE OF LAND FOR ERECTION OF BUNGALOW	BALLYDESLAND, NEWRY	Refusal	
P/1984/0771	REPLACEMENT BUNGALOW	BALLYDESLAND, NEWRY	Permission granted	07.09.1984
P/2004/3072/RM	Erection of dwelling and garage	Lands adjacent and to the south-east of No.35 Ballydesland Road, Burren, Warrenpoint	Permission granted	04.02.2006

- A site visit established that planning approval P/2004/3072/RM which granted approval for a dwelling on part of the application site has not been implemented.

- The 1984 approval for a replacement bungalow on the site appears to have been implemented. This is discussed further below as it is relevant to the consideration of the current planning application.

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside

Planning Policy Statement (PPS) 2 – Natural Heritage

DCAN15 – Vehicular Access Standards

Building on Tradition – Design Guide for Rural Northern Ireland

Consultations:

Historic Environment Division – no objections

Transport NI – Transport NI was consulted on the 05 June 2017. No response has been received.

NI Water – no objections

DAERA Water Management Unit – no objections

NIEA Natural Environment Division – bat survey recommended

Objections & Representations

1 neighbour was notified of the application on 8 June 2017.

The application was advertised in local papers on 22 March 2017.

1 letter of objection was received on 14 April 2017, stating that the dwelling to be replaced under this application has already been replaced.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located outside settlement limits on the above Plan, and is unzoned. It is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty and within a Site of Local Nature Conservation Importance 141.

I am satisfied that the building to be replaced exhibits the essential characteristics of a dwelling. The SPSS allows for a replacement dwelling in certain circumstances but states:

“In cases where the original building is retained, it will not be eligible for replacement again.”

Policy CTY 3 of PPS 21 also states that, “In cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish.”

The planning history file shows that planning application P/1984/0771 already granted approval for the replacement of the dwelling indicated as part of this application (indicated in green on the plans). Number 35 Ballydesland Road was built to replace this dwelling. A condition attached to the 1984 approval states that, "The existing dwelling coloured green on the attached plan date stamped 10 August 1984 shall cease to be used for human habitation after the date of occupation of the proposed dwelling." Therefore, the dwelling indicated in green as part of this application is not a valid replacement opportunity under the provisions of the SPSS and PPS 21.

The map relating to planning approval P/1984/0771:



Map relating to current application (shows that it is proposed to replace the same building as above):



In addition, policy CTY 3 of PPS 21 states that proposals for a replacement dwelling will only be permitted where the proposed replacement dwelling is sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. It is considered that the proposed location of the replacement dwelling, away from the curtilage of the existing dwelling would result in a dwelling that is more dominant in the landscape than the original dwelling house and therefore detrimental to the character of the area. No information has been provided as part of the planning application to justify an off-site replacement. Planning permission was granted for a dwelling in the proposed location in 2006. However, this permission is no longer extant and the policy context has changed with the introduction of PPS 21 and the SPPS.

The issues of bats, Transport NI and other issues have not been considered further as the principle of a replacement on the application site is not acceptable.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling

has previously been replaced under application P/1984/0771 and the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Case officer:

Authorised officer:

ITEM NO	4			
APPLIC NO	LA07/2015/0682/O	Outline	DATE VALID	29/07/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Brian O'Hare 39 Tullymore Road Banbridge BT32 3PF		AGENT	WS Design 27 Acre Lane Waringstown Craigavon BT66 7SG
LOCATION	Opposite No 5 Glen View Moneymore Road Newry			
PROPOSAL	Site for replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- Having notified the applicant under Article 3 (6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015 that further details regarding this application were required to allow the Planning Department of the Council to determine the application, having not recieved sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0682/O

Date Received: 29.07.2015

Proposal: Replacement Dwelling

Location: Opposite No 5 Glen View Moneymore Road Newry

The site is located within the Countryside NW of the settlement Glen as defined in the Banbridge, Newry and Mourne Area Plan 2015.

The site is a steeply sloping area of overgrown ground between the Moneymore Road to the SE and a small river corridor to the NW.

There are the remains of structure to the NE of the site. The building has no roof covering and the stone walls have recently been striped back. The building has a linear plan with a small front porch.

The dwelling is set below the adjacent road level and in close proximity to a river corridor which runs along the north western boundary of the site. This river is zoned as a Local Landscape Policy Area.

Site History:

No previous planning approvals.

Objections & Representations

No. of neighbours notified= 11

No representations received= 0

Advertise expiry= 28.08.2015

Consultations

TransportNI- no objections

NIW- Stat

EH- standard inform

NIEA NED- PEA required

Consideration and Assessment:

Given the countryside location of the site the proposal will be assessed against the provisions contained within PPS 21.

The building to be replaced although in a state of disrepair would exhibit the essential characteristics of a dwelling and as a minimum has all the external structural walls substantially intact. The building has window openings and a doorway opening with internal division. The building is not considered to be to have any vernacular qualities.

Given the age of the building, the building to be replaced has no defined residential curtilage. The proposed curtilage and siting of the replacement should be agreed and conditioned by the Planning Department. Given the constraints of the site and particularly its position close to the river, it is felt the replacement dwelling should be sited in situ and conditioned single storey with a restricted floorspace.

As stated the dwelling should be conditioned single storey in size and design with a maximum ridge height of 5.5metres. The design should be of a high quality appropriate to the rural setting. Access to the proposal is from the North east corner of the site frontage with splays of 2 x 60m, TransportNI have raised no objections to this.

The proposal will not result in build up as it will replace the former cottage. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Given the close proximity to the river corridor (LLPA) and the mature trees along the river banks the site has the potential to impact upon NI Priority Habitat and Species. Having consulted NIEA, it was noted that there where records of riverine habitat, mature trees and hedgerow habitat occurring within the application site. Planning permission will only be granted for a development proposal that is not likely to harm a Protected Species or result in an unacceptable adverse impact on Priority Habitat or Species. A Preliminary Ecological Assessment had been requested twice to enable a full assessment of the potential impact the development may have on natural heritage issues. However, given the lack of information received there is insufficient information to establish the impact.

As stated above the river is a designated LLPA. Policy CVN3 of the plan states that within LLPAs, proposals that would be liable to affect their intrinsic environmental value and character will be refused. It is considered that this development could not be carried out without adversely affecting some of the river corridor vegetation given its extent across the site, and that there would be consequent harm to the character of the LLPA. In absence of any evidence to the contrary, or mitigation measures proposed, the application is contrary to policy CVN 3 and should be refused.

Recommendation:

Refusal- lack of information received.

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ITEM NO	5			
APPLIC NO	LA07/2015/0896/O	Outline	DATE VALID	11/09/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Aileen Quinn 12 Old Town Road Cullyhanna Newry BT35 0JP		AGENT	Karl Sherry 103 Rostrevor Road Hilltown Newry BT34 5TZ
LOCATION	150 metres north west of 12 Old Town Road Cullyhanna Newry			
PROPOSAL	Dwelling and detached garage on a farm			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

2 The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Oldtown Road.

3 The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.



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**Newry, Mourne
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District Council

Application Reference: LA07/2015/0896/O

Date Received: 21.09.2015

Proposal: Dwelling and detached garage on a farm

Location: 150 metres north west of 12 Old Town Road Cullyhanna Newry

The site is accessed from the Oldtown Road. The site is relatively flat with the lands to the rear of the site rising in a westerly direction. The south eastern boundary of the site is defined by a post and wire fencing with mature hedgerow and trees. Beyond this boundary there is an existing laneway. The road side boundary is also defined by mature hedgerow and trees. All other boundaries of the site are undefined.

The buildings on this farm are located south east of the application site. Between the site and the farm buildings there is the existing laneway and beyond this a field with a small replacement opportunity.

Site History: no planning history on the application site. History relevant to the case reference in the report below.

Objections & Representations

No. of neighbours notified=2

No representations received= 0

Advertise expiry= 23.10.2015

Consultations

TransportNI- no objections subject to conditions

DAERA- see below

NIW- statutory

Environmental Health- statutory

Consideration and Assessment:

The application is sited within the rural context; therefore the provisions of PPS 21 apply to the case. The applicant has applied for a dwelling/garage on a farm.

The applicant has supplied the following information on the P1 C form:

The owner of the farm holding is M & N Quinn (father of the applicant) and they reside at the same address as the applicant, 12 Oldtown Road, Cullyhanna.

The farm has been established since the 1970's the business owners have a DARD business number (603208 allocated 1966 and they makes a single farm payment return to DAERA.

The holding is 36.82 hectares.

From the information provided on the P1C form and the comments from the consultation with DAERA the Planning Department can ascertain that the farm business is currently active and has been established for more than 6 years. There have been a number of planning approvals on the farm lands for single dwellings. P/2006/1364/RM & P/2006/1565/RM are both sites located along the Mullaghduff Road and within the farm business. Letter received from the applicant's Estate agent confirming under the instruction of Mr Michael Quinn that the successful sale of the above sites took place on the 16th March 2006.

The dwelling is proposed to be sited in an agricultural field on the edge of the farm unit cluster. The site will visually link with the existing buildings on the farm and access will be onto the Oldtown Road.

In my opinion the proposal complies with CTY 10.

As stated above the site is positioned on the edge of the farm. Between the application site and the existing outbuilding south east of site there is an extant approval for a replacement dwelling, LA07/2016/0903/F.. The proposed siting will result in the creation of a ribbon development along the Oldtown when viewed with the existing and approved development.

A dwelling appropriately conditioned on the site would not be a prominent feature in the landscape. The site itself is relatively flat with the lands to the rear rising gradually in a westerly direction. The existing topography surrounding the site will

provide a good backdrop enabling the successful integration of a dwelling on the site. Having considered the site and surrounding development it is felt that if the principle of development be accepted on the site this would be subject to a single storey condition.

Addendum to report

Following planning committee recommendation, two site visits were carried out to look at alternative sites for the applicant. The first site was ruled out as this did not comply with policy CTY 10 and the applicant was informed of this. Then the applicant indicated that a nearby site maybe be available to him which contained a former dwelling. The Planning Department then inspected the site and informed the applicant that this site/dwelling would comply with CTY 3 subject to any other considerations. The applicant was then given to Tues 24th Oct to withdraw the current application. However, no withdrawal was forthcoming and so the application has been recommended for refusal again and will feature at the next planning committee meeting in Nov.

Recommendation:

Refusal

The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Oldtown Road.

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

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

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ITEM NO	13		
APPLIC NO	LA07/2017/0236/O	Outline	DATE VALID 15/02/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	John McKeever 3 Drumboy Road Culloville Crossmaglen BT35 9JQ	AGENT	Karl Sherry 103 Rostrevor Road Hilltown BT34 5TZ
LOCATION	80M North West of 173 Concession Road Culloville Crossmaglen County Armagh BT35 9JB		
PROPOSAL	1 1/2 storey dwelling with detached double garage (amended plans)		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4 metres x 160 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.



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Application Reference: LA07/2017/0236/O

Date Received: 15.02.2017

Proposal: The applicant seeks Outline Permission for the erection of a 1 1/2 storey dwelling with detached double garage

Location: 80M North West of 173 Concession Road, Culloville, Crossmaglen

Site Characteristics & Area Characteristics:

The site includes an agricultural field beside associated buildings and dwelling which is accessed from a private laneway linking it to the public road (Protected Route). Whilst located in the countryside a number of properties including commercial premises are located within the vicinity of the site.

Site History:

P/2009/1039/F

Erection of replacement farm dwelling

Permission Granted: 13.01.2010

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 6.

Planning Policy Statement 3 / DCAN 15

Building on Tradition

Consultations:

NI Water – Generic Response

NIEA- no objections

Transport NI – **Refusal** - required visibility splays cannot be achieved.

DARDNI – DARD number has been in existence for at least 6 years and SFP has been claimed in this period.

Environmental Health – No objections.

Objections & Representations

6 neighbours notified and application re-advertised on 26.07.2017. No objections or representations received.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10. DARD NI has confirmed the Business ID submitted with the application has been in existence for more than 6 years and has claimed subsidies during this period. This satisfies the requirements of CTY 10 (a).

A history search of the DARD number and fields registered has returned a nil result. This satisfies the requirements of part (b) of policy CTY10.

The proposed dwelling is sited to cluster with existing buildings on the holding which satisfies part (c) of the policy.

The SPPS reemphasises the need for the development to integrate and respect the rural character of the area.

Given the distance from the public road, the buildings at the roadside and the mature vegetation that exists to the east of the site, the site is considered to integrate and able to accommodate a 2 storey dwelling. The use of the existing laneway will reduce ancillary work needed to provide a new access. Ribbon development, build up and prominence are not considered to be issues for this site.

The proposal is considered to meet policy CTY8, 13 and 14.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

The proposed access is to be taken from the Protected Route as designated along the Concession Road. The proposal is considered to meet the exemption of a farm dwelling as defined in policy AMP 3 (Consequential Revision). However despite this exemption Transport NI has confirmed the required visibility of 2.4m x 160m cannot be achieved at this access point and as such is contrary to policy AMP 2.

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

Historic Environment Division has confirmed it has no objections with regards to the above policy criteria.

Recommendation:

Refusal

Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4... metres x 160.... metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

Case Officer:**Authorised Officer:**

ITEM NO	6			
APPLIC NO	LA07/2015/1171/F	Full	DATE VALID	11/11/2015
COUNCIL OPINION	APPROVAL			
APPLICANT	Mr J Hughes C/O OHare Associates Architectural Consultants Ltd		AGENT	O'Hare Associates The Masters House Abbey Yard Newry BT34 2EG
LOCATION	30m North East of No 6 Main Street Camlough Newry Co Down			
PROPOSAL	Proposed two storey dwelling and detached garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0



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Application Reference: LA07/2015/1171/F

Date Received: 10/11/2015

Proposal: Proposed two storey dwelling and detached garage

Location: 30m NE of no. 6 Main Street, Camlough, Newry, Co Down.

Site Characteristics & Area Characteristics:

Access to the site is achieved via the existing driveway to no. 6 Main Street, Camlough. Along the access there is a small bridge which crosses over the Camlough River. The access and bridge was approved under application P/2004/0092/F. The site is currently an open green field. No works had commenced on the previous approval at the time of inspection. Along the NE boundary of the site lies Camlough river corridor, south of the site no. 6 (2storey dwelling) with the eastern boundary defined by mature hedge with randomly dispersed trees.

Site History:

*P/2004/0092/F- New vehicular access to dwelling- approval- 11th April 2007
P/2004/1762/O- site for 2 storey dwelling- approval 7th Sept 2007
P/2010/0629/F- 2 storey dwelling in substitution of P/2004/1762/O- approval 16th Nov 2010*

Planning Policies & Material Considerations:

The site is located within the settlement limits of Camlough and within an Area of Archaeological Potential. Along the NE boundary of the site lies Camlough river corridor Local Landscape Policy Area as defined in the Banbridge, Newry and Mourne Area Plan 2015.

From the DARD strategic flood maps and consultation with Rivers Agency it has been established that part of the site lies within the Q100 yr fluvial flood plain and the site is also within the draft inundation area of the Camlough Lake Reservoir.

Consultations:

TransportNI- No objection subject to conditions

Environmental Health- No objections in principle- consent to discharge required

NIW- statutory response

Rivers Agency- FLD 5- Development in Proximity to Reservoirs applies and the proposed development is within the draft inundation area of the Camlough Lake reservoir.

NIEA Historic Monuments Unit- content with the proposal

NIEA Water Management Unit- no comments, standard conditions and informatives.

Objections & Representations

No. of neighbours notified= 11

Advertised= 16.11.2015

No. of representations received=0

Consideration and Assessment:

There was a previous proposal on this site under ref: P/2010/0629/F for a single dwelling. The red line of the site remains the same, given the issues around flooding on the site the dwelling is to be re-sited to the south east corner outside the Q100 flood plain.

In relation to the flood risk associated with this development the SPPS states that 'development in flood plains should be avoided where possible, not only because of the high flood risk and the increased risk of flooding elsewhere, but also because piecemeal reduction of the floodplains will gradually undermine their functionality.'

Rivers Agency flood hazard map has identified that a large part of the site lies within the Q100 yr fluvial flood plain and within the draft inundation area of Camlough Lake. The revised site layout drawing shows the dwelling and access to be located outside the Q100 flood plain.

The SPPS reinforces that land raising, which involves permanently elevating a site to an acceptable level above the flood plain in order to facilitate development will not be acceptable within the fluvial flood plain, where the displacement of flood water would be likely to cause flooding elsewhere.

An undesignated watercourse flows along the north eastern boundary of the site. A 5 metre maintenance strip has been provided by the applicant for maintenance in line with FLD 2.

Revised PPS 15 introduced a new Policy FLD 5- Development in close proximity to Reservoirs. Rivers Agency has stated that the development is within the draft inundation area of the reservoir. Under FLD 5 new development will only be permitted within a potential flood inundation area if it can demonstrate the condition, management and maintenance regime is appropriate to provide sufficient assurance regarding reservoir safety so as to enable development to proceed, is accompanied by a risk assessment and there are suitable measures to manage and mitigate flood risk. Following the submission of the FRA, Rivers Agency had no reason to disagree with the condition, management and maintenance regime.

The proposal is within the settlement limit where there is presumption in favour of development and the proposal in itself is not so substantial that the effect would be so significant. It is considered sufficient to attach an informative to highlight the concerns to the applicant.

The dwelling is to be finished in a mix of render and Donegal slate nature stone to the front porch area with black concrete flat tiles. The proposal is within the settlement limit and the design is not considered to offend the surrounding character.

The main property potentially impacted upon this development is no. 6 Main St, the applicant's home property. Given the position and orientation of the windows and the separation distances no unreasonable overlooking between the two units will occur as a result of the proposal. The proposal will not cause any loss of light or overshadowing. There should be no issues of conflict between these units.

The proposal has a substantial curtilage and more than adequate private amenity in line with the guidelines as stipulated in Creating Places.

**Recommendation:
Approval**

Conditions:

Time limit, Rivers Agency 5 metre working strip, landscaping

ITEM NO	7			
APPLIC NO	LA07/2015/1306/F	Full	DATE VALID	24/11/2015
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr J McMahon Greenpark 44 Greenpark Road Rostrevor BT34 3HA		AGENT	MRL Architects Ltd MRL House 56 Armagh Road Newry BT35 0DN
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
			0	0
			Addresses	Signatures
			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:
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 buildings would be prominent features in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, the ancillary works do not integrate with their surroundings, the proposed buildings fail 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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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 Gatelodge, 42 Greenpark Road.	Extension & alterations to dwelling	06.05.2005
P/2006/0833/O	PERMISSION REFUSED	60 metres south-south-east of 44 Greenpark	Site for farm workers retirement	21.02.2011
P/2005/3052	INVALID APPLICATION	60 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/1987/1293	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	



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1306/F.

Date Received: 24 November 2015

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

Location: 114m east-south-east of 83 Clonallon Road, Warrenpoint.

Addendum to Case Officer Report

1.0. This application was brought to the Planning Committee on Thursday 10 November 2016 with an opinion to refuse on the following grounds:

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:

- 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.

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- 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.

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- 2.0.** The proposal was deferred at the Planning Committee meeting to allow planning officers and the applicant to explore alternative options on the site
- 3.0.** Following the Committee meeting the applicant submitted further drawings showing a re-positioning of the access with Clonallon Road. Transport NI has

confirmed that the revised access arrangement is acceptable. Refusal Reason No 4 no longer applies and is withdrawn. It is therefore apparent that the applicant wishes to pursue the original site despite the other policy reasons for refusal.

- 4.0.** Following the Committee Meeting the Planning Department considered the matter further to explore other more suitable sites on the land holding in consultation with NIEA and Transport NI.
- 5.0.** NIEA referred to a previous planning application Reference Number P/2006/0833/F on lands at Greenpark Road in the ownership of the applicant. It confirmed that while the site selected at that time was unacceptable there was an alternative site to the rear of the listed building. An internal note on the planning file, dated 14/03/2008, confirmed this.
- 6.0.** Transport NI also confirmed at a site meeting on 21 July (see note on file) that it would be possible to provide a satisfactory access to service a farm dwelling at Greenpark Road with a re-alignment of the access details.
- 7.0.** The Planning Department advised the agent at an Office meeting at a meeting on Tuesday 3 October and in a note dated 12 October 2017 that while Transport NI has withdrawn its reasons for refusal, the current application remains unacceptable for the reasons stated at the previous Planning Committee. It also advised him of the comments from Transport NI and NIEA and the possibility of an alternative site at Greenpark Road. It confirmed that it intended to return this application to the Planning Committee in November as a refusal. The agent is currently exploring an alternative site with the applicant.
- 8.0.** The application site remains unacceptable for stated reasons above.

Refusal.

- 9.0. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1, CTY10, CTY 12, CTY13 and Policy CTY14 of Planning Policy Statement 21.**

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/1306/F.

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- 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.

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.

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.

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.

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confirmed that the revised access arrangement is acceptable. Refusal Reason No 4 no longer applies and is withdrawn. It is therefore apparent that the applicant wishes to pursue the original site despite the other policy reasons for refusal.

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- 8.0.** The application site remains unacceptable for stated reasons above.

Refusal.

- 9.0. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policies CTY1, CTY10, CTY 12, CTY13 and Policy CTY14 of Planning Policy Statement 21.**

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

COMMITTEE BRIEFING NOTE

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

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

APPLICATION REFERENCE: LA07/2015/1306/F

MBA PLANNING LTD

4 College House

Citylink Business Park

Belfast

BT12 4HQ

T: 028 9042 1011

E: planning@mbaplanning.com

W: www.mbaplanning.com

RECOMMENDED REFUSAL REASONS

The planning officer's recommended refusal reasons are set out in full in Figure 1 and refer to the following matters:

1. The principle of a dwelling on a farm at this location; and
2. The visual integration of the proposed access and buildings.

We consider each of the above in the sections below.

Figure 1: Recommended Refusal Reasons in Full

- 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:
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 buildings would be prominent features in the landscape, the proposed site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape, the ancillary works do not integrate with their surroundings, the proposed buildings fail 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.

PRINCIPLE OF A DWELLING ON A FARM AT THIS LOCATION

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PPS21 Policy CTY10 – Dwellings on Farms states that a new dwelling should be visually linked or sited to cluster with an established group of buildings on the farm, but allows 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 demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group.

Figure 2: PPS21 Policy CTY10

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;
- (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
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

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

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

A proposal for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will also be assessed under the criteria set out in this policy.

The main group of buildings on the applicant's farm are located at 44 Greenpark Road, approximately 3.5 miles from the application site. 44 Greenpark Road is a listed building located within Green Park, a park of special historic interest, which also forms part of a designated Local Landscape Policy Area. The buildings here and their setting are therefore protected by policies within PPS6 and the Newry Mourne and Down Area Plan.


The applicant had previously attempted to obtain outline planning permission for a dwelling at 44 Greenpark Road under application P/2006/0833/0, but this was refused on 11 February 2011 because of harm to the setting of 44 Greenpark Road, a listed building, adverse impact Green Park, a park of special historic interest and road safety issues.

It should be noted that application P/2006/0833/0 was an outline planning application, considered unacceptable after 5 years' consideration by the planning authority. If approval for a dwelling at 44 Greenpark Road could have been possible, that application surely would have been granted planning consent.

Figure 3: 44 Greenpark Road and Historic Park



Figure 4: Refusal P/2006/0833/0



REFUSAL OF OUTLINE PLANNING PERMISSION
Planning (Northern Ireland) Order 1991

Application No: **P/2006/0833/0**

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	Agent: Farrell Kelly Associates
Address: 44 Greenpark Road	Address: 2 Castle Avenue
Rostrevor	Castletown
Co. Down	Co. Down
BT34 3HA	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.

- 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/2006/0833/0 Cityview Planning Office



- 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.
- 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.
- 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
- 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.

Informative:

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

Dated: 11th February 2011 Authorised Officer 

Application No. P/2006/0833/0 Cityview Planning Office

The main difficulty with accommodating a new dwelling at 44 Greenpark Road is the fact the existing access is not safe and the works that would have to be done to improve this, or create a new access, would harm the setting of the listed building and important features of the protected historic park. Also, the gate lodge dwelling, which is located adjacent to the access, is not controlled by the applicant.

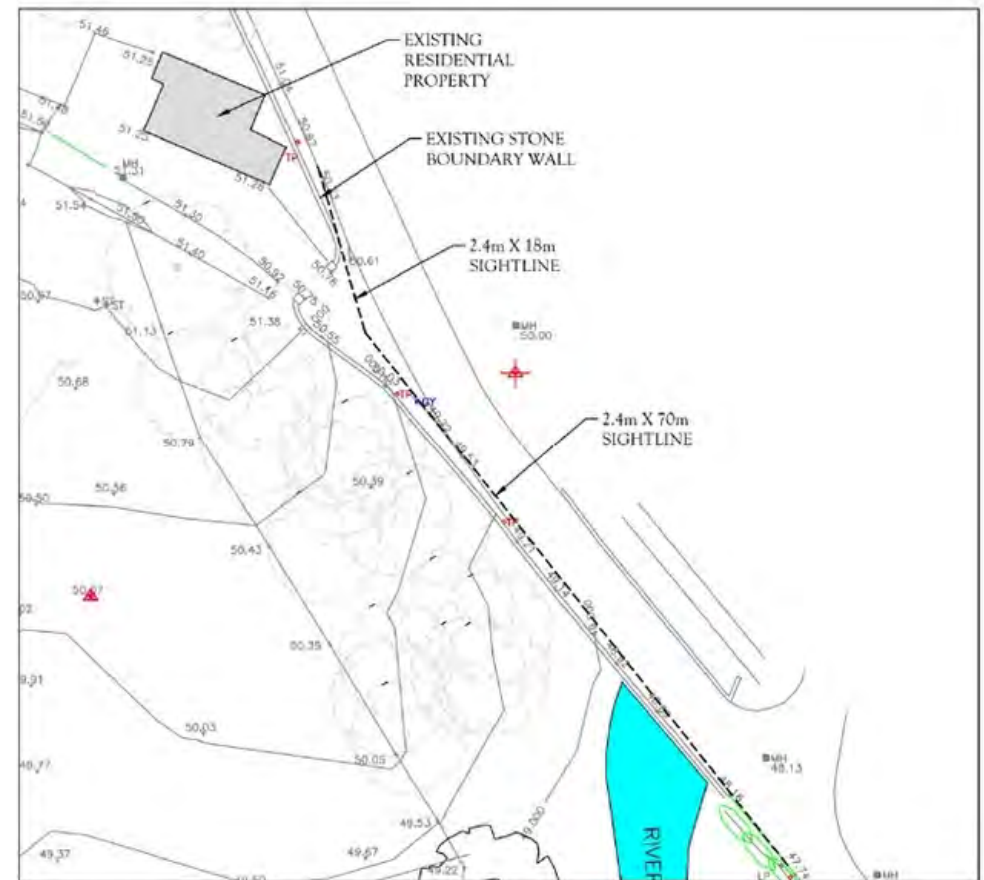
This existing access is positioned on a bend on the Greenpark Road, and the access itself is not perpendicular to the road. The existing residential property at the entrance has a stone boundary wall surrounding it, restricting the sightline from the existing access (Figure 5).

This access is located within a 40mph speed limit and DCAN 15 states that the required sightline for this type of access should be 2.4m X 70m. As illustrated by the drawing at Figure 6, the existing sightline to the north is only 2.4m X 18m, which is dangerously short of the minimum requirement.

Figure 5: Substandard View North from Existing Access



Figure 6: Existing Access Details



In order to improve the existing access to 44 Greenpark Road and provide safe visibility to the north to serve a new dwelling here, the applicant would require permission to undertake the following works to important features of the historic park:

- Demolition of the pillars that mark the entrance to the historic park (Figure 7);
- Demolition of a section of the wall that marks the boundary of the historic park (Figure 7);
- Realignment of the laneway from the access to create a perpendicular access to the road (Figure 8);
- Removal of a number of trees at the access to facilitate the realignment of the access lane (Figures 8 and 9).
- Demolition of part of the gate lodge, which is not owned by the applicant.

Figure 7: Existing pillars and wall required to be removed to upgrade access



Figure 8: Realignment of lane and tree removal required to facilitate improved access



Figure 9: Mature trees to be removed to facilitate an improved access



Irrespective of the other issues, the fact the applicant does not own the land required to improve this access means that a safe access cannot be provided for the proposed dwelling at 44 Greenpark Road.

Even if the land required were controlled by the applicant, the works involved in upgrading the access to a safe and acceptable standard would cause significant harm to the setting of the listed building, irreparably damage the form and layout of the historic park and cause harmful destruction to the gates, pillars and wall of the historic park and removal of a number of mature trees from the historic park and designated Local Landscape Policy Area. This would be unacceptable under current planning policy.

Equally, the creation of a new access from Greenpark Road would require the demolition of the historic park wall, removal of a number of mature trees along the road frontage and around the listed building and cutting a swathe through the historic park over a substantial distance. This would also be considered unacceptable under current planning policy.

It is for these reasons that application P/2006/0833/0 for a dwelling at Greenpark Road was previously refused and why any subsequent application for a dwelling on a farm at Greenpark Road would be refused.

Although these points have been made to the planners of Newry, Mourne and Down Council, they continue to look at the matters of access, impact on the setting of the listed building and impact on the historic park and LLPA separately, when they should be considering them together.

Because a safe access cannot be provided to serve a new dwelling at the applicant's main group of farm buildings at Greenpark Road, this constitutes a demonstrable health and safety reason why an alternative site elsewhere on the farm should be acceptable in principle, in compliance with the requirements of PPS21 Policy CTY10.

INTEGRATION OF THE PROPOSAL

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It should be noted that integration is not a test of invisibility, as confirmed by paragraph 5.58 of PPS21:

Figure 10: PPS21 Extract

5.58 Landscapes vary, and this needs to be taken into account. The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings.

The proposed buildings are sited a substantial distance, 220m back from Clonallan Road and there is an orchard and a row of taller mature trees of approximately 12-14m in height along the intervening northern boundary of the site, which are taller than any of the proposed buildings. There are also further intervening trees along the field boundary to the north of the site (Figure 12 and 13 overleaf).

It is noted that the planning officer's report states that the intervening trees are only 2-3m in height, which is entirely incorrect.

The distance from the road together with the screening trees will help to ensure the proposed buildings will not be visible when these trees are in leaf, and will not appear prominent in the landscape at other times of the year (Figure 13 overleaf).

The realigned laneway also follows a line of existing trees for much of its length, to ensure suitable integration can be achieved.

The proposed buildings and access therefore will not appear prominent and will suitably integrate into the landscape.

Figure 11: Aerial View of Site and Surroundings



Figure 12: Existing orchard and mature trees along site's northern boundary



Figure 13: View towards site from Clonallan Road – Mature intervening trees in foreground



CONCLUSION

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A safe access to serve a new dwelling at 44 Greenpark Road cannot be provided. This is a demonstrable health and safety reason that confirms an alternative site elsewhere on the farm, as proposed, is acceptable under PPS21 Policy CTY10.

The applicant has chosen a site set back from the roadside, beside an existing farm building. There is substantial intervening field boundary vegetation that will both screen views of the proposed buildings and the proposed lane to ensure the development will not appear unduly prominent and will acceptably integrate into the landscape.

The proposal satisfies all other relevant planning policy requirements.

We therefore respectfully request that the planning committee reject the planning officer's recommendation to refuse and grant planning permission for the proposal.

ITEM NO	8			
APPLIC NO	LA07/2016/0104/F	Full	DATE VALID	25/01/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Patrick Hamill 201A Concession Road Crossmaglen Newry BT35 9JD		AGENT	J.A. Murphy 43 New Road Silverbridge Newry BT35 9NB
LOCATION	60 metres Northwest of 201 Concession Road Crossmaglen Newry BT35 9JD			
PROPOSAL	Metal shelter over car-wash			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy PED2 of Planning Policy Statement 4, Planning and Economic Development in that the proposal lies within a rural area and no justification has been put forward to demonstrate how the proposal satisfies any of the policy criteria.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and to criteria (a), (k) and (m) of Policy PED9 of Planning Policy Statement 4, Planning and Economic Development.
- 3 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**

District Council

Application Reference: LA07/2016/0104/F

Date Received: January 25th 2016

Proposal: Metal Shelter over Car Wash

Location: 60m NW of 201 Concession Road, Crossmaglen

Site Characteristics & Area Characteristics:

The site consists of a small lay-by on the southern side of Concession Road that is currently used by a car wash business; currently there is a portakabin, a container, a shed and a concrete ramp on the site as well as various items of equipment and detergent canisters. The site is open to view along this stretch of Concession Road with a small area of grass in between the two vehicle entrances.

The site is located in a rural area approximately 2 miles east of Cullaville; to the rear of the site is a commercial yard that appears to be used for the storage and/or sale of diggers and excavators. No 201 Concession Road is situated to the south east of the site, with No 205 set directly behind it on the top of a small hill 130 metres away.

In response to a written request for further details from the Planning Department, the applicant's agent has provided a statement that according to the applicant the business has been operating from this location for around 20 years; copies of electricity bills dating from June 2010 have been provided. A check of Google Street View shows the business to have been in situ in a photo dated April 2011.

A car wash falls in to Use Class B2 Light Industrial of the Planning (Use Classes) Order (Northern Ireland) 2015

Site History:

The site was the subject of an Enforcement Case run by the then Planning Authority in 2006, P/2006/0065/CA, the case was closed as it proved unable to determine when the business had first begun operating.

Planning Policies & Material Considerations:

Strategic Planning Policy Statement

Banbridge/Newry and Mourne Area Plan 2015

Planning Policy Statement 4 Planning and Economic Development.

Consultations:

Transport NI No objections

Environmental Health No objections provided that all plant and equipment used in connection with the premises should be situated, operated and maintained to prevent the transmission of noise, vibration and odours to nearby dwellings.

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:**Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to Economic Development Industry and Commerce; it states that settlements will continue to be the preferred location for such enterprises. Paragraph 6.87 relates to proposals in the countryside, it refers to *"appropriate redevelopment and expansion proposals for industrial and business premises will offer the greatest scope for sustainable economic development in the countryside."*

This paragraph is less prescriptive than the existing policy for the expansion of established economic development uses in the countryside and therefore this takes precedence over the SPPS.

Banbridge/Newry and Mourne Area Plan 2015.

The site is located in the rural area outside of any settlement limit, no other policies of the plan are relevant.

PPS21 Policy CTY1 Development in the Countryside

The policy sets out a number of types of non residential development that may be acceptable in the countryside subject to all relevant criteria being addressed. Proposals for economic development uses are delegated to PPS 4, any proposal which fails to meet the criteria of the relevant policy automatically fails CTY1.

PPS4 Planning and Economic Development Policy PED2

The policy sets out a number of categories for economic development uses in the countryside which are to be assessed under subsequent policies. The proposal does not fall within any of the categories listed.

Policy PED 3 Expansion of an Established Economic Development in the Countryside

The business has not been established by any previous planning approval, therefore it cannot be considered as an established building. The Council wrote to the applicant on October 21st 2016 requesting the submission of a CLUD to establish this site and no such CLUD has been submitted.

Policy PED 9 General Criteria

As well as all other relevant policy criteria, proposals are required to satisfy the following:-

"(a) it is compatible with surrounding land uses;
 (b) it does not harm the amenities of nearby residents;
 (c) it does not adversely affect features of the natural or built heritage;
 (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
 (e) it does not create a noise nuisance;
 (f) it is capable of dealing satisfactorily with any emission or effluent;
 (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
 (h) adequate access arrangements, parking and manoeuvring areas are provided;
 (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
 (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
 (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
 (l) is designed to deter crime and promote personal safety; and
 (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape."

The most relevant criteria are (a), (k) and (m), in relation to Criterion (a) the site is located in a rural area beside a busy road, it is highly visible from traffic using this road and represents a land use which is more typical of urban areas, the overall thrust of PPS4 is that such uses should be prevented from being in rural area. Criteria (k) and (m) are similar as they relate to the visibility of the proposal in the countryside, the site has no boundary treatments and is open and exposed to view, this results in it being highly prominent in the local area and there are no satisfactory measures to assist integration.

The proposal fails three of the general criteria set out in PED9 in that the proposal is for a use that is more appropriate in an urban area, it is highly prominent in the area and there are no satisfactory measures to assist integration into the landscape. As the proposal does not pass any of the criteria of PPS4 it automatically fails the provisions of CTY1.

Therefore refusal is recommended for the reasons outlined below.

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy PED2 of Planning Policy Statement 4, Planning and Economic Development in that the proposal lies within a rural area and no justification has been put forward to demonstrate how the proposal satisfies any of the policy criteria.
2. The proposal is contrary to the Strategic Planning Policy Statement and to criteria (a), (k) and (m) of Policy PED9 of Planning Policy Statement 4, Planning and Economic Development.

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

Case Officer

Authorised Officer

ITEM NO	27			
APPLIC NO	LA07/2017/0957/O	Outline	DATE VALID	19/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Gerard Callan 11 Annaghgad Road Crossmaglen Newry BT35 9JG		AGENT	James A Murphy 43 New Road Silverbridge Newry BT35 9NB
LOCATION	70 metres North West of 12a Annaghgad Road Crossmaglen Newry BT35 9JG			
PROPOSAL	New dwelling and garage on infill site			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0957/O

Date Received: 19.06.2017

Proposal: The proposal seeks Outline Permission a new dwelling and garage on infill site

Location: 70 metres North West of 12a Annaghgad Road, Crossmaglen, Newry, BT35 9JG

Site Characteristics & Area Characteristics:

The site includes a rectangular field that abuts the public road with thick hedging/trees to the roadside and rear boundaries. The area is rural in character with a ribbon of development notable along this side of the road around the application site.

Site History:

N/A

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.
Strategic Planning Policy Statement for Northern Ireland
Planning Policy Statement 21
Planning Policy Statement 3 / DCAN 15.
Planning Policy Statement 6
Building on Tradition

Consultations:

Transport NI – No objections subject to the RM application being in compliance with the attaches RS1 form.
Historic Environment Division – No objections.

Objections & Representations

1 neighbour notified on 07.07.2017 and the application was advertised on 05.07.2017. No objections or representations received.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. This is defined by a line of 3 or more buildings, which in this case is achieved.

However, the policy also states the gap should be small enough to only hold a maximum of 2 houses while remaining respectful to the existing development pattern in terms of size, scale, siting and plot size. It is important to note that the adjacent agricultural buildings do not benefit from planning permission and therefore cannot be included as buildings to one side of the gap. Therefore the gap is taken between buildings (as defined by the PAC) 10b and 12a Annaghgad Road. This amasses approximately 140m which is well beyond what could be considered a small gap large enough to accommodate only 2 dwellings. Further to this the average plot size for the frontage is approximately 34m which would account for at least 4 dwellings located within this gap.

The proposal therefore does not meet the exception listed in CTY 8 as the gap is large enough to comfortably accommodate more than 2 dwellings. This is instead contrary to CTY 8 in that it represents an extension of ribbon development along Newry Road.

Additionally there are no over-riding reasons why this dwelling essential at this location. As a result the application fails to meet the policy criteria for CTY1 and CTY8.

The proposed siting is consistent with the policy requirements of CTY13 however with regard to CTY 14 it would add to a ribbon of development and result in suburban style build-up when viewed with the existing and approved building, particularly to the East of the site. The proposal is contrary to policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has no objections to the proposal with regard to the above policies.

Planning Policy Statement 6

Historic Environment Division has no objections with regard to the above policy criteria in terms of the designated Archaeological Site and Monument in the area.

Recommendation: Refusal

Refusal Reasons:

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

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

Case Officer:

Authorised Officer:

ITEM NO	9			
APPLIC NO	LA07/2016/0733/F	Full	DATE VALID	03/06/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Robert Hollywood 6 Upper Road Shanroe Mullaghbawn Newry BT35 9XL		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE
LOCATION	Approximately 80M West of No. 34 Church Road Forkhill Armagh			
PROPOSAL	Erection of agricultural sheds & slurry tank			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and the applicant has not provided sufficient information to confirm that
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm buildings;
 - it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
- 4 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.
- 5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0733/F

Date Received: 31st May 2016

Proposal: Erection of agricultural sheds & slurry tank

Location: The site is identified as approximately 80m west of No. 34 Church Road, Forkhill. It sits outside the development limits of Forkhill and is approximately 11.8 kilometres south west of Newry.

Site Characteristics & Area Characteristics:

The site is an agricultural field with defined boundaries. The topography of the site increases from the South West to North East before dropping again at the frontage with Church Road. The surrounding landscaping is undulating with Crosslieve Mountain to the rear of the site (Southwest). The site is inside the Slieve Gullion Area of Outstanding Natural Beauty, it is within 2km of a Site of Local Nature Conservation Importance NC 03:97 (SLNCI) (Crosslieve Pond Fen), within 7.5km of a Special Area of Conservation (SAC) (Slieve Gullion) and Areas of Special Scientific Interest (ASSI) (Slieve Gullion, Levallymore, Cashel Loughs, Lurgan Lough Loughaveely, Carrickstickan and Cam Lough).

A residential dwelling sits in the adjoining field to the south of the application site with further residential dwellings on the east side of Church Road and north of the site.

Site History:

There is no planning history relevant to this application site.

Planning Policies & Material Considerations:

The Strategic Planning Policy Statements (SPPS), The Banbridge / Newry and Mourne Area Plan 2015, Planning Policy Statement 2 (PPS2), Planning Policy Statement 3 (PPS3), Planning Policy Statement 21 (PPS21) and Building on Tradition design guide.

Consultations:

There were four consultations issued for this application, these have been outlined below.

- SES – following re-consultation with further information SES were satisfied with the proposal (16/02/2017).

- Transport NI – No objection subject to conditions. (07/03/2017)
- NIEA – No concerns subject to conditions. (04/08/2017).
- Environmental Health – No objection, recommended 75 metre minimum setback distance from residential dwellings. (27/06/2016)
- DAERA - Confirmation of farm business ID and SFP/LFACA / Agri Environment schemes (20/06/2016).

Objections & Representations

There were four neighbour notifications sent out on 20th June 2016. The application was advertised in the local press on the 24th June 2016. There were two representations received.

- Resident was concerned with the separation distance of residential property from the closest agricultural building proposed by this application. Measuring the separation distance on the drawings provided confirms that both proposed agricultural sheds are setback more than 75 metres from the residential dwelling at No. 34 Church Road.
- A nearby property owner was concerned with potential water contamination affecting his fish nursery, the noise of agricultural machinery and odour from livestock imposed on a lakeside cabin used during the day and for overnight accommodation and the potential for vermin around the property resulting from the development of agricultural sheds. The lakeside cabin / holiday chalet has been identified by the property owner as sitting SW of the buildings proposed and within 75 metres, however a search on our system does not reveal any approval ever being granted for a holiday chalet and as such we do not classify it as a residential property. The Water Management Unit has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to the applicant referring and adhering to standing advice and any relevant statutory permissions being obtained. Natural Environment Division (NED) has requested further information to enable a full assessment of the potential impact of the proposal on Crosslieve Pond Fen site. No approval for this development will be issued until NED are satisfied with the proposal.

Consideration and Assessment:

In relation to non-residential development in the countryside PPS21 CTY1 states that planning permission will be granted for non-residential development in the countryside in the case of agricultural and forestry development in accordance with Policy CTY12 which states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) It is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) In terms of character and scale it is appropriate to its location;
- (c) It visually integrates into the landscape and additional landscaping is provided as necessary;
- (d) It will not have an adverse impact on the natural or built heritage; and

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

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

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

Exceptionally, consideration may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding, and where:

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

The SPPS para 6.73 states that 'New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from the existing buildings will only be acceptable in exceptional circumstances.'

Principle of Development

Policy CTY1 states that a range of types of development are acceptable in principle in the countryside. This includes agricultural development on an active and established agricultural holding if it is in accordance with Policy CTY12. For the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY10.

CTY10 requires a farm business to be currently active and established for at least 6 years. Claiming Single Farm Payment is the main means used to determine if the farm is active. DAERA have confirmed that the farm business has been active and established for more than 6 years and payments have been claimed within the past 6 years. The agent outlined there is 11 beef cattle and 9 heifers within the applicant holdings at present; a photocopy of the applicants herd book was provided and upon review of the stock movements and disposal there appears to be more than 20 animals remaining.

A review of the DARD farm maps submitted with this application outlines that total area of land owned and controlled by the application is 9.14 hectares and this is separated into 22 fields along Church Road, Upper Road, Glendessa Road and Quilly Road. The farm business is registered to 6 Upper Road, Mullaghbawn on which sits a dwelling, garage and outbuildings. There are agricultural buildings further NW of No. 6, consisting of a stone, storey and a half building and an ancillary building used for the storage of farm tools which are both part of the farm holding. These two buildings sit within the curtilage of the dwelling at No. 4 Upper Road. A

check of land registry maps confirms that the dwelling (No.4) is within ownership of the Hollywood family.

The distance from the farm dwelling and existing farm buildings to the proposed application site is approximately 0.8 miles and takes several minutes by car.

Rented Accommodation.

The agent has indicated that the applicant does not have any sheds available for the storage of animals at the applicants main farm holding (No. 6 Upper Road) and has previously rented a third party neighbours sheds for the storage and handling of animals but this opportunity does not exist anymore. This has been confirmed by a letter from the third party neighbour. It has been outlined that without approval for the farm building as proposed by this application the applicant will have no alternative but to rent buildings (if available) which will be a significant financial burden.

Exception

The exception to the requirements of CTY12 is applied as this proposal is for an alternative site away from farm buildings. While there are existing farm buildings along the Upper Road, the agent considers these inappropriate and the works required to develop near these building to be excessive.

Upon inspection of the existing farm buildings and land around them, the Planning Department consider an opportunity exists to develop at this location to meet the needs of the applicant. We acknowledge that to facilitate development at this location additional works would be necessary however it is considered sufficient room exists next to the existing agricultural buildings to accommodate either an expansion to these existing sheds or potentially a new building.

Essential for the efficient functioning of the business and Health and Safety Reasons

The agent has stated the following reasons the new sheds at the proposed location are essential.

- The sheds are required to provide buildings to satisfy animal welfare legislation.
- The financial burden of renting farm buildings is inappropriate and unsustainable for the applicant and renting buildings off a third party causes a farm bio-hazard potentially resulting in contamination and disease transfer between herds.
- There will be benefits from keeping animals and feedstock adjacent to one another. Without the need to transfer bales to a different locations the farm holding becomes more efficient by achieving maximum productivity with minimum wasted effort or expense.
- Capturing slurry and spreading at one location is good farming practice, reduced carbon footprint and current expenditure.

Upon consideration of the agents reasons outlined above for justifying new sheds and an alternative location, the Planning Department are not satisfied these demonstrate that they are essential for the efficient functioning of the business. There is an opportunity to develop / expand at the existing farm buildings to provide sheds for livestock. The existing farm buildings are located a relative short distance

(0.8 miles) from the proposed application site and it is not considered this travel distance will impact significantly on the efficiencies and expenditure of the farm business. To conclude on this, the Planning department consider that it has not been satisfactorily demonstrated that that renovation, alteration or re-development opportunities exist and that a new farm building away from the existing farm buildings is essential for the efficient functioning of the farm business. The application site is included within an AONB and within short distances from designated sites and the potential impact of this proposal on natural heritage is considered in a section below.

Should it be accepted that this proposal meets the exceptional case test and the principle of development is accepted to allow the development of farm sheds away from existing farm buildings, below provides a summary of the proposal against PPS 2, PPS3 and PPS21.

PPS2 – NH1, NH2, NH3, NH5 and NH6

The site is within 7.5 kilometres of a European Site, Slieve Gullion SAC, planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on an SAC. Further, planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Confirmation provided by SES outlines that the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the proposal would not be likely to have a significant effect on any features of any European site.

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to known priority habitats. This site is within 2 kilometres of the Crosslieve Pond Fen Site of Local Natural Conservation Importance (SLNCI) and Natural Environment Division requested a SCAIL modelling on the emissions expected from the cattle shed and slurry store. NED in their consultations response had no concerns on the proposal impact on designated sites and other natural heritage interests and on the basis of the information provided had no concerns subject to conditions.

The visual impact of the proposal is also an important consideration that needs to be addressed particularly within this AONB. The siting and scale of the proposed sheds and the new access and laneway is not considered sympathetic to the special character of the AONB. Creating a new access will cause the loss of existing mature hedging and create a visual break whilst travelling along both directions of this road. The proposed reinstatement of some of the hedging removed along the eastern boundary will eventually reduce the visual impact however this will take some years to mature. It is considered the nature and scale of this proposal does not contribute to the creation of a quality environment and will if developed detract from the visual amenity of this area.

PPS3 – Access, Movement and Parking and DCAN 15 – Vehicular Access Standards.

Transport NI was consulted on this proposal and are content subject to conditions being met.

CTY 13 and CTY 14

Critical views of the proposed site are from Church Road when travelling northwest and southeast. The sheds will have a ridge height of 8 metres above the ground level, however due to the topography within the site the ground floor level of the shed will sit approx. 4 metre below the highest point within the application site which is located in the foreground between the proposed position of the sheds and Church Road to the northeast. The sheds will have no immediate backdrop due to the falling land level further southwest; however Crosslieve Mountain further west of the application site provides a backdrop.

It is not considered the sheds would appear prominent considering their position, the topography within the site and the existing natural screening along the northwest and south eastern boundaries of the site and the position of the dwelling at No. 34 Church Road. The sheds would be designed with olive green agricultural cladding and purlins to assist with integration. The proposed design is typical of modern agricultural buildings. It is not considered the design is inappropriate to the locality or the surrounding buildings.

The ancillary works comprising of a new access and lane are not considered to integrate with their surroundings. The rise of land levels for approx. 50m within the application site from the road frontage (travelling east to west) results in the proposed 5 metre wide lane becoming a prominent feature particularly when travelling along Church Road towards the site from the south. While we acknowledge CTY 13 encourages new access to run alongside existing hedgerows, we note no landscaping measures have been proposed to aid with the integration of this new lane.

While the sheds proposed will be visible when traveling along Church Road, they won't be prominent due to their setback from the road and topography within the site. The new access and laneway proposed are however considered prominent in the landscape and would adversely impact on the rural character of this area.

Recommendation:

Refusal

Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;
- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and the applicant has not provided sufficient information to confirm that;

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm buildings;
- it has not been demonstrated that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
4. 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.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale of the proposal is unsympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

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

Reference: LA07/2016/0733/F
Applicant Name: Mr Robert Hollywood
Proposal: Approximately 80M West of No. 34 Church Road Forkhill Armagh
Site Location: 6 Upper Road, Shanroe, Mullaghbawn, Newry, BT35 9XL

Consideration

As a brief introduction to the previous meeting it was advised that the applicant has only two parcels of land on which he can build his new sheds.

The proposal is necessary for the efficient use of this agricultural holding as there are currently no agricultural buildings available at the main farm holding which are suitable for the storage of cattle. At the main farm holding there is an existing stone barn which is used for the storage of bales of hay however the scale and nature of the building is not suitable to house cattle and if used as such would present a health & safety risk and significant danger to any farmer due to the restrictive nature of the building.

Mr Hollywood, who farms cattle, previously rented a shed from a local landowner however these sheds are no longer available and it is therefore necessary to erect new sheds on the family farm to ensure the future of the farm business.

The only existing building on the farm holding is located at No.6 Upper Road however the lands surrounding the building drop sharply from the roadside and any works to erect farm sheds in this small field would result in significant engineering works. The existing barn lies in an elevated position above the Forkhill Road and the erection of new sheds on the site would result in an unacceptable determinately impact on this sensitive landscape. This impact would also be compounded by the potential necessity to construct a new access to the property from the Forkhill Road, resulting in a completely exposed site with large agricultural buildings placed upon it.



Exposed Site Adjacent to Existing Farm Building



Exposed Site Adjacent to Existing Farm Building

In addition to this the existing farm buildings are located beside neighbouring dwellings (No's 23 & 29 Forkhill Road, Shanroe, Mullaghbawn, Armagh), which are not part of the Hollywood farm. Any agricultural shed in this field would only have a separation distance of 51m away from the adjacent dwellings. This distance falls significantly short of the recommended 75m separation for agricultural buildings from dwellings not associated with a farm holding.



The details of the Environmental Health Guidelines state:

“7.2.3 Cattle /Sheep

Houses for cattle and / or slurry tanks are recommended to be a minimum of 75m from non-associated residential dwellings.”

“8.1 Screening for amenity impacts

As previously detailed, no separation distances are contained within planning policy and each case must be considered on its merits. Clearly it would be impractical and costly for applicants, if Environmental Health were to seek detailed impact assessments for every proposed dwelling near a farm and therefore it is useful to have a ‘rule of thumb’ distance, which along with the consideration of site specific factors can be used to guide a decision.

Part 6 of Schedule 1 of the Planning (General Development) Order (Northern Ireland) 1993 lays out where permitted development rights may be used for the development of new agricultural buildings (<500m²). Such rights exist where the development is more than 75m from any non-associated dwelling. This separation distance aims to minimise the likelihood of an adverse amenity impact being caused to the residents of that dwelling. Accordingly, it may be inferred that if a new dwelling were to be sited at least 75m away from an existing agricultural building which has the potential to cause amenity impacts (of a typical size and without any specific issues which would exacerbate the impact), then the risk of adverse effects is minimised. Such separation distances are not required for buildings storing inert, non-odorous material or equipment etc.”

The question must therefore be asked if planning permission would be granted for an application for new agricultural sheds within this field? It is quite clear that there are significant negative aspects of any such proposal and it is therefore felt that planning permission would not be forthcoming in that respect.

In contrast to this, the application proposal seeks to erect 2 new agricultural sheds within an agricultural field on the family farm which can easily absorb the proposal without any detrimental impact on the landscape. It is proposed to site the buildings to the rear of the field where the land is approximately 3m below the adjacent roadside and there is also a rise in the centre of the field of almost 2m which will assist in screening the development from

the public view on Church Road. Only the initial 50m of the agricultural lane way will be visible from the Church Road, while the remaining ancillary works will essentially be invisible from the Church Road. It is therefore perplexing how the Planning Authority are refusing this application due to the impact of ancillary works. Indeed it is felt that this site represents a significant element of planning gain when taken in comparison to the alternative site located beside the existing main farm group. If necessary it would be possible to add in additional planting along the proposed access to assist in the integration of the laneway.



The design of this proposal is not atypical of modern agricultural building throughout Northern Ireland and **the proposed site is not visible from the public road.** It is therefore

felt that the proposal is completely sympathetic to the special character of this Area of Outstanding Natural Beauty in general and of the particular locality.

It is therefore requested that this recommendation is overturned and an approval granted for this proposal.

ITEM NO	23			
APPLIC NO	LA07/2017/0823/O	Outline	DATE VALID	26/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Adrian McParland 24A Newry Road Belleek Armagh BT35 7PG		AGENT	ERES Limited Mourne House 41-43 Downshire Road Newry BT34 1EE
LOCATION	Adjacent and 30m South-west of no.20 Newry Road Belleek Armagh BT35 7PG			
PROPOSAL	Site for dwelling and garage (Policy CTY8)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0823/O

Date Received: 14.04.2017

Proposal: The proposal seeks Outline Permission for a site for a dwelling and garage (Policy CTY8)

Location: Adjacent and 30m South-west of no.20 Newry Road, Belleek, Armagh, BT35 7PG

Site Characteristics & Area Characteristics:

The site includes an agricultural parcel of land and existing private laneway that abuts the main Newry Road and lies adjacent to No. 20 Newry Road. The site, which rises to the North, is located in the countryside where a dispersed pattern of development exists. The site also borders a TPO designation and LLPA (BL05)

Site History:

P/2007/1378/O

The Deer Park, Belleeks - Immediately north of no's 6-24, Newry Road, Belleeks, Newry.

Site for hotel and ancillary accommodation with health spa and 9-hole golf course
EIA – deemed refusal: 10.02.2009

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Building on Tradition

Consultations:

Transport NI – No objections subject to the RM application being in compliance with the attaches RS1 form.

NI Water – Generic.

Objections & Representations

5 neighbours notified on 08.06.2017 / 10.07.2017 and the application was advertised on 14.06.2017. Objection received from Linda Reel. Below are a summary of the issues raised.

1. Ownership issues, right of way and septic tank easement at the proposed site.
2. Septic tank and soakaway should be included in the application.
3. Pre application discussion should have taken place.
4. Objector should have been consulted with regard to fowl sewage disposal.
5. Should joint owners name not be on application?
6. No 20a should be notified.
7. Electricity cables cross over part of site.
8. Environmental impact and damage to existing sewer pipes.
9. Devalue adjacent property.
10. Traffic impact on the entrance.
11. Concerns with building over a septic tank.
12. Tarmac may cause damage to fence of No. 20.

Consideration and Assessment:

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections to the proposal with regard to the Area Plan.

Consideration has been given to the LLPA TPO. The proposed site is not considered to adversely impact the views of Deerpark LLPA and meets the policy criteria of CVN 3. The proposal will not have a detrimental impact on the nearby TPO's that exist at Deerpark.

PPS21 – Sustainable Development in the Countryside

Policy CTY1 restricts new development in the countryside, but makes an exception for an infill site to accommodate up to 2 dwellings if in accordance with policy CTY8. The policy requires the proposed development to be within an otherwise substantial and continuously built up frontage. No.18, the building immediately N.E. of No.18 and No. 20 all represent 3 buildings along a common frontage.

However, the policy also states the gap should be small enough to only hold a maximum of 2 houses while remaining respectful to the existing development pattern in terms of size, scale, siting and plot size. The gap between buildings measures approximately 157m. 3 buildings could be accommodated in this gap with a generous plot size of approximately 52m which is well beyond the plot sizes of the row of dwellings to the East of the site. Whilst No.18 occupies a substantially larger and irregular plot size, out of keeping with the existing development pattern – the average plot size is still 57m even when No.18 is considered.

The proposal therefore does not meet the exception listed in CTY 8 as the gap is large enough to comfortably accommodate more than 2 dwellings and the plot size is significantly larger than the average for the area. This is instead contrary to CTY 8 in that it represents an extension of ribbon development along Newry Road.

Additionally there are no over-riding reasons why this dwelling essential at this location. As a result the application fails to meet the policy criteria for CTY1 and CTY8.

The proposed siting is consistent with the policy requirements of CTY13 however with regard to CTY 14 it would add to a ribbon of development and result in suburban style build-up when viewed with the existing and approved building, particularly to the East of the site. The proposal is contrary to policy CTY14.

Sewage arrangements are minimal at Outline however a condition could be added to ensure Consent to Discharge is obtained before work commences. The proposal is in general compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards

Transport NI has no objections to the proposal with regard to the above policies.

Council response to objections.

1. Ownership issues and easements are civil issues between the associated parties and not a material consideration for this application.
2. A septic tank and soakaway would be included in the full plans but is not a requirement for Outline permission.
3. There is no requirement for a pre application discussion for a single dwelling.
4. There is no foul sewage details at Outline stage.
5. There is no requirement for the owners name to be on the application form in terms of applying. With regard to ownership certificates, the onus is on the applicant to fill this in correctly. In any case permission does not confer title.
6. No. 20a was notified on 10.07.2017
7. Electricity cables crossing a site is not justification for refusal. If necessary cables can be moved.
8. A consent to discharge would be required from the Environment Agency prior to the commencement of development.
9. The de-valuation of property is not a material consideration.
10. Transport NI has no objections to the traffic impact on the proposed entrance of the site.
11. Building over a septic tank is not an issue for this application. If approval was granted on land holding a septic tank then the onus is on the developer to seek an alternative building solution if a septic tank was hindering development.
12. Damage to property through building work will be a civil issue between both parties.

Recommendation: Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Newry Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.

Case Officer:**Authorised Officer:**

Application Ref: LA07/2017/0823/O
Applicant Name: Mr Adrian McParland
Proposal: Proposed erection of dwellin in infill site
Site Location: Adjacent and 30m South-west of no.20 Newry Road Belleek Armagh

The site represents an opportunity to erect a dwelling which will easily integrate into this sensitive landscape.

The roadside boundary which is defined by a timber railed fence and will not require the removal of any substantial level of vegetation to facilitate visibility splays.

Policy CTY 8 from PPS21- Sustainable Development in the Countryside entitled 'Ribbon Development' states that planning permission will be refused for a dwelling that creates or adds to a ribbon of development. Paragraph 5.32 states that ribbon development is detrimental to the character, appearance and amenity of the countryside. While it is not defined in policy, Paragraph 5.33 sets out what ribbon development can consist of. Notwithstanding that this form of development has been consistently opposed, policy goes on to state that an exception will be permitted for the development of a gap site. The amplification text at paragraph 5.34 is clear that the gap is between houses or other buildings and that an exception will be permitted, even where the gap provides relief and a visual break in the developed appearance of the locality that helps maintain rural character, providing four specific elements are met. Namely, the gap site must be within an otherwise substantial and continuously built up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met.

The Case officer has already confirmed that there is a substantial and continuously built up frontage present with at least 3 buildings and the proposed site all sharing a common frontage to the Newry Road. The main issue at hand relates to the size of the existing gap and adjacent plots sizes.

I have attached images of the existing plot sizes relating to this application site.



- Building A = 130.04m
- Building B = 98.10m
- Building C = 31.30m

- Building D = 30.41m
- Building E = 32.86m
- Building F = 40.21m
- Total = 362.92m

- Therefore existing average plot size = 60.49m

- Proposed infill site = 67.28m

The site is therefore only able to accommodate a maximum of 2 dwellings based on the existing plot size analysis. The existing gap from building to building is 151.54m as identified below.



The case officer in his report fails to acknowledge the scale of plot B and seeks to determine the plot size analysis on the existing dwellings within the ribbon only. This results in an incorrect and indeed unfair representation of plot sizes.

For the site to be capable of accommodating 3 dwellings the gap between developments would need to be 181.47m, which is almost 30m larger than the existing gap. A development of this nature would not respect the existing development pattern along this section of the road frontage.

Realistically the remainder of the gap between buildings, which includes the area within Plot B, will never be developed due to the narrow nature of the site and due to the fact that the lands are bounded by an existing LLPA. These lands also contain the entirety of the only access to Plot B and it is therefore felt that the only undeveloped part of this ribbon is confined to the lands within the application site of 67m

It is felt that the existing character of the area has already been changed due to the existing development in the locality and this proposal represents an opportunity to consolidate an existing ribbon of development along Newry Road.



It is therefore contended that this proposal meets all of the relevant criteria for infill dwellings in the rural area and the committee is therefore requested to overturn this decision.

ITEM NO	11			
APPLIC NO	LA07/2016/1632/O	Outline	DATE VALID	07/12/2016
COUNCIL OPINION	REFUSAL			
APPLICANT	Jason Fegan 9 Forestbrook Avenue Rostrevor BT34 3BX	AGENT		
LOCATION	Lands 45m north west of No. 12 Upper Knockbarragh Road Warrenpoint BT34 3DL			
PROPOSAL	Proposed Farm Dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:

the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm

verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm

2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

the building would, if permitted create a ribbon of development 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:

LA07/2016/1632/O

Date Received:

07/12/2016

Proposal:

Proposed farm dwelling

Location:

Lands 45m North West of No.12 Upper Knockbarragh Road, Warrenpoint, BT34 3DL

Site Characteristics & Area Characteristics:

The site is located approximately 3.1 miles from Warrenpoint in rural uplands overlooking Carlingford Lough to the South and which is surrounded by mountain land to the east and west, which form part of Mourne Area of Outstanding Natural Beauty (AONB.) In the immediate vicinity, there are a number of dwellings in the immediate vicinity, including No.12, a modest bungalow to the south and No.14 a contemporary two storey dwelling further north.

The site itself comprises a roadside field used for agriculture which slopes upwards gradually to the north and which is delineated by mature indigenous hedgerow on all four boundaries, which is further supported by mature trees along the road side and northern boundaries. There is an existing field gate access directly off Upper Knockbarragh Road close to the laneway of No.12. In addition, there is an existing electricity pole towards the centre area of the field.

Site History:

Application reference	Proposed Development	Status
P/1992/0850	Site for retirement dwelling	application withdrawn
Additional history on the farm holding:		
P/2006/1717/F (field 2)	29 Upper Knockbarragh Road - extension to rear of dwelling	Permission granted 12/01/2007
P/1999/1116/F (field 2)	29 Upper Knockbarragh Road - erection of replacement dwelling	Permission granted 11/01/2000

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP2015)
- PPS2 'Natural Heritage'
- PPS 3 'Access, Movement and Parking'
- PPS 21 'Sustainable Development in the Countryside'
- 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside
- 'Dwellings in the Mournes' A Design Guide

Consultations:

<u>TNI:</u>	No objections, subject to conditions (13/01/2017)
<u>Environmental Health:</u>	No objections in principle. This department recommends that the proposed dwelling is situated a minimum of 75m from farm buildings. (04/01/2017)
<u>NI Water:</u>	No objections, standard informatives. (03/01/2017)
<u>DAERA :</u>	Farm Business ID 623035 has been in existence for more than 6 years and has not claimed subsidies in the past year (17/01/2017)

Objections & Representations

- 1 Neighbouring property notified (No.12 Upper Knockbarragh Road) 29/12/2016 (statutory expiry date 12/01/2017)
- Advertised in 3 local press publications (statutory publication end 20/01/2017)
- 0 objections / representations received

Consideration and Assessment:

The site is located out with settlement development limits as identified by the Banbridge / Newry and Mourne Area Plan 2015. It is also within the designated Mourne AONB. This proposal seeks outline permission for a dwelling on a farm. As there is no specific policy within BNMAP relative to this site and given there is no significant change to the policy requirements for dwellings on farms following the publication of the SPPS and it is arguably less prescriptive, 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.

Principle of Development

The proposed farm dwelling is made against farm business ID 623035. DAERA note in their consultation response dated 17/01/2017 that the applicant is not a formal member of this farm business. The associated P1C form notes that the applicant is the land owner of the field and it has been signed by both the applicant and the respective farm business owner, as required. PPS21 Policy CTY1 states that a

number of developments are acceptable in principle in the countryside, which includes farm dwellings if they are in accordance with Policy CTY10. There are three criteria to be met:

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years:

DAERA in their consultation response dated 17/01/2017 confirm that the respective farm business has been in existence for more than 6 years but has not claimed subsidies in the past year, the initial test for 'activity.' Evidence was received on 12/04/2017 to demonstrate that the farm business is currently active, including the following:

- Correspondence from DAERA veterinary testing department dated 06/10/2016, 05/09/2016, 14/10/2016, 03/09/2015;
- Correspondence from DAERA Agri-food inspection branch dated 2014;
- Invoices from the British Limousin Cattle Society Ltd dated 19/10/2016, 08/12/2016, 16/03/2010;
- Farm Quality Assurance Certification dated August 2009;
- DAERA Herd list details 01/09/2009, NFSCo CIC membership invoice dated 31/03/2017.

Following receipt of this information, I am satisfied that farm business ID 623035 is currently active and criterion (a) is met.

Criterion (b) seeks to confirm that 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:

The planning history as listed above demonstrates that the above criterion is met.

Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm:

The established group of farm buildings in this case include No. 29 Upper Knockbarragh Road (adjacent / west of field 2) and an existing agricultural shed located on the opposite side of Upper Knockbarragh Road on field 1 of the farm maps. (There are no previous planning records for this shed, however spatial imagery demonstrates that this building was present in December 2008. The farm business owner should be advised to apply for a Certificate of Lawfulness to ascertain the legal status of this building.) The subject site is located approximately 965m South East of this building group along Upper Knockbarragh Road. There are no buildings associated with farm business ID 623035 on this site with which to group a future dwelling. Whilst a dwelling could visually link with buildings associated with No.12 Upper Knockbarragh Road, Policy CTY10 does not permit grouping with buildings linked to a third party farm holding.

The applicant was made aware of the above concerns early on and advised that this policy criterion can be met through an alternative site on the farm holding and was

directed to fields 1 or 2 by way of guidance. The applicant explained that land ownership issues prevent this as a feasible solution as fields 1,2,4 and 7 are taken in conacre and are not currently in the ownership of either the applicant or the farm business owner. CTY10 c) makes provision for alternative sites on the farm where there are no other sites available at another group of farm buildings and where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group to prevent this possibility. No information to this effect has been submitted to justify this alternative site in these circumstances, the issue here is land ownership for which CTY10 makes no provision for and is not a material planning consideration.

The applicant was made aware of this and given the opportunity to withdraw this application and come in with an alternative siting. The applicant sought advice from an agent at this stage of the application who has agreed to assess the current application with the information available. As this is the case, the current application fails to meet criteria c) of CTY10.

Where the proposal meets all of the criteria of CTY10, it must also meet the requirements of CTY13, CTY14 and CTY16. For the purposes of completion and a full assessment, these are assessed below.

Design, Integration and Rural Character

The site benefits from mature screening along its northern boundary which at present provides a high degree of screening when travelling south along Upper Knockbarragh Road. When travelling North, the existing road side boundary provides a degree of screening also. A single storey dwelling could potentially be integrated into this site (and PPS3 Policy NH6 met through a sensitive design) however it would not be visually linked or sited to cluster with an established building group on the farm holding, which is contrary to policy CTY13 criterion (c.) In addition, this development as proposed would create a ribbon of development with the existing buildings No.10, No.12, which is contrary to policy CTY14 (criterion d.) and should continue to be refused.

Access, Movement and Parking

Construction of a new access onto Upper Knockbarragh Road is proposed to service the dwelling. Transport NI has no objections in principle to the proposal, subject to conditions. In terms of PPS3, there are no concerns with the proposal. Policy CTY10 criterion c) requires access to be obtained from an existing lane where practicable. There is no access existing at this location therefore the access details would need to be assessed further against policies CTY13 and CTY14 at Reserved Matters stage.

Sewerage / Service Provision

The proposal includes disposal of foul sewage via a septic tank and soak away. This could be achieved within the sites red line boundary and is subject to obtaining consent from NIEA Water Management Unit. NI Water has no objections to the proposal. Given the existing dwellings along this road frontage, it is envisaged a dwelling could connect to the existing services, subject to consent. Policy CTY16 is not offended by the proposal.

Recommendation: Refusal

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:
 - The proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
 - health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
 - verifiable plans exist to expand the farm business at the existing building group to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.



GRAY DESIGN LIMITED

Architecture Interior Design Project Management

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Planning Office
Newry Mourne & Down Council
O Hagan House
Monaghan Row
Newry

Proposed farm Dwelling

4th September 2017

Ref. FB1003
Your Ref. LA07/2016/1632/O

Dear Sir / Madam,

We understand that the above application is to be presented with the opinion to refuse.

Upon reading the case officers report it confirms that the application meets two of the three criteria of CTY10 and only fails to meet criteria c

"the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm."

We would request that the Planning Service afford us speaking rights at the meeting on the 11th of October 2017 and provide the following additional information in support of our application;

Regarding the history of this farm – the application site and the farm were own by the applicants grandfather (Mr Barney Fegan from Knockdaragh) who handed this down to the applicants father who then in turn handed down the land to his son Jason Fegan (applicant) however when the land was handed down the farm business (with no land) was handed down to another grandson Mr Malachy McCourt. It was the intention that Mr McCourt would farm the lands until a time where Mr Fegan was in a position to construct a dwelling on the family lands. (Mr McCourt has signed the PIC form for the site entitlement across to the applicant Mr Fegan)

Mr Malachy McCourt, lives in Rostrevor at 33 Greenpark Road and does not own any of the lands on the farm holding and only farms these lands. Fields 1, 2, 4 & 7 on the farm maps are taken on con-acre and therefore no development is possible on these fields.

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I have been involved in many similar applications where no farm buildings exist on the farm and alternative sites on the farm holdings have been approved where *appropriate integration* was found. In this application the case officer highlights the following on page 4 in the report:

“The site benefits from mature screening along its northern boundary which at present provides a high degree of screening when travelling south along upper Knockbarragh Road. When travelling North, the existing road site boundary provides a degree of screening also. A single storey dwelling could potentially be integrated into this site”

There are no objections from Road Service or any of the other consultees.

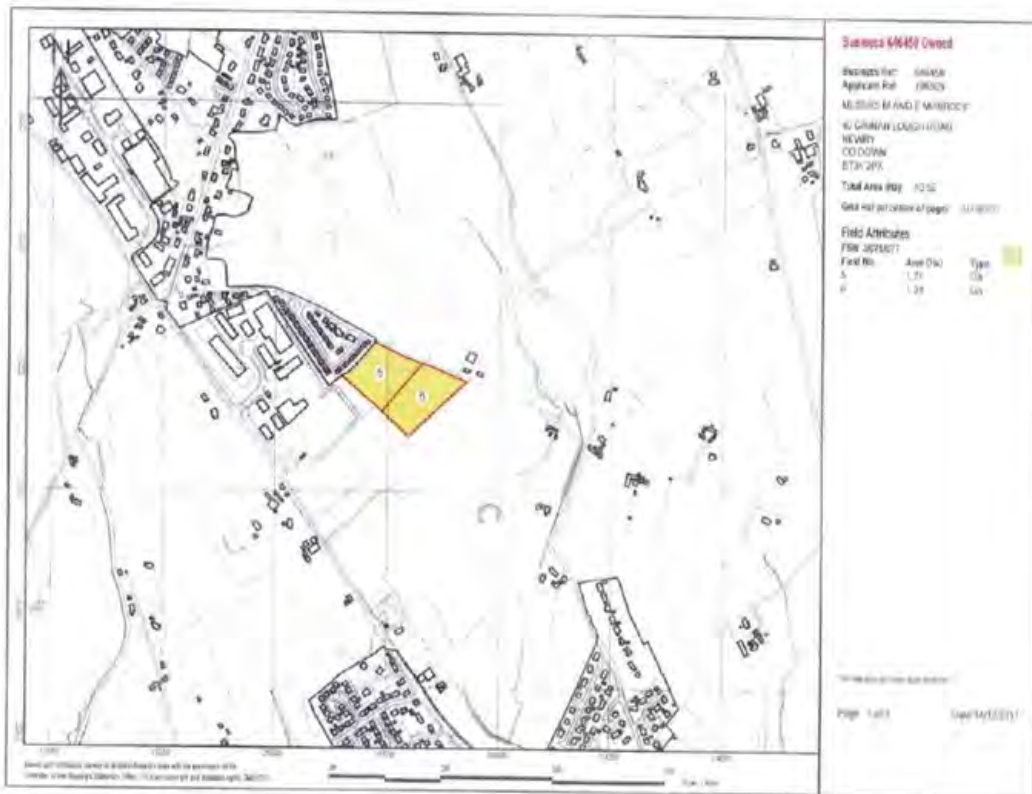
We would also note a farm dwelling 2 fields away was refused on similar ground (not visually linked) deferred and then passed. (P/2014/0461) I was not the agent on this application



I highlighted below two other applications where there was no farm buildings available on the lands to visually link, which have been passed as I have been able to integrate the dwelling and visually link to neighbouring buildings. All passed under CTY10.

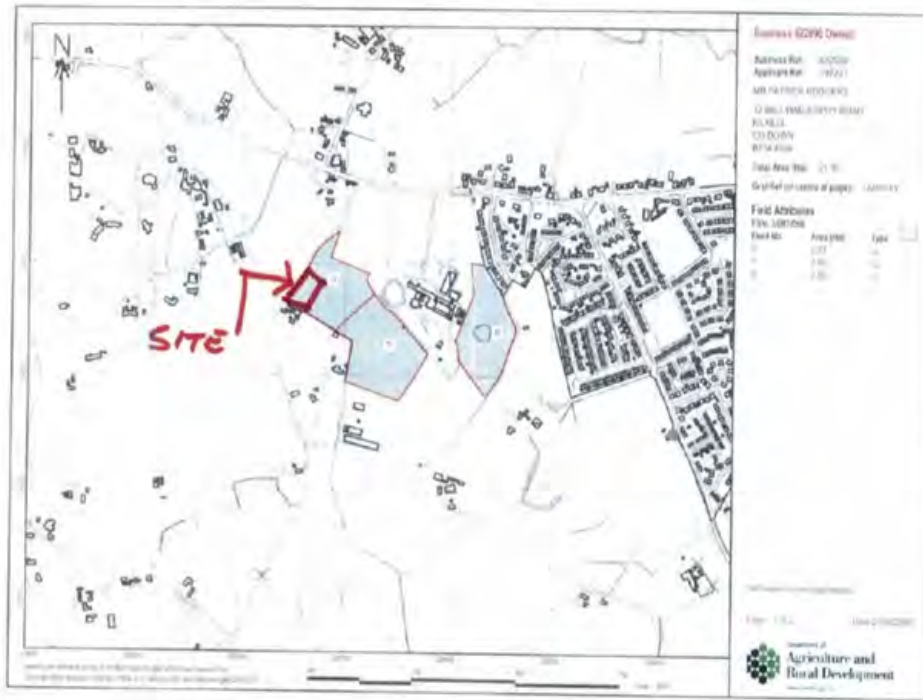
P/2011/0264/F

Erection of farm dwelling – see below two fields on the farm – where I was successful getting a dwelling passed in the North East corner of field nr 6 visually linked to **buildings on the adjacent side of the road**.



P/2009/0574

Erection of farm dwelling – see below a number of fields – where I was successful getting a dwelling passed in the South West corner of a field visually linked to neighbouring farm buildings.



Conclusion

As this application has only being refused on one item (not visually linked) we would hope that that council would review these similar applications and agree that consistency is required when dealing with similar farm applications under CTY10 - where alternative site can be found which in the case officer own words "**dwelling could potentially be integrated into this site**"

We would hope that this application may be passed to allow Mr Fegan to return to the area where his family has been from for generation to bring up his family.

Yours Faithfully



Colin Dalton

For and on behalf of GRAY DESIGN LTD

ITEM NO	12			
APPLIC NO	LA07/2017/0180/F	Full	DATE VALID	03/02/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Derek & Rachel Elmore		AGENT	Bernard Dinsmore Chartered Architect 24A Duke Street Warrenpoint BT34 3JY
LOCATION	Directly opposite and East of Nos 1 and 1a Alexander Drive Warrenpoint			
PROPOSAL	Proposed 1 No detached dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	6	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- The proposal is contrary to Policy QD 1 (Criteria a & c) of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7 : Safeguarding the Character of Established Residential Areas, Planning Control Principle 1 of Planning Policy Statement 12 (PPS12) : Housing in Settlements, and Policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland in that it would result in overdevelopment of the site and will not create a quality and sustainable residential environment.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0180

Date Received: 03 February 2017

Proposal: 1 detached dwelling

Location: The site is located on Alexander Drive, off the Springfield Road and within the settlement limits of Warrenpoint.

Site Characteristics & Area Characteristics:

The site is located to the east of Alexander Drive (a cul de sac) and is generally flat. It contains a flat roofed single storey garage building with concrete to the front as well as a yard area which is fenced/walled off from the street. The yard is overgrown and currently appears to be used for the storage of vehicles. The site adjoins an area of open space to the south of Alexander Drive and a two storey residential property, 16 Springfield Road, to the north. To the east the site backs onto outbuildings/a garden area to the rear of 18 Springfield Road and Slieve Foy Place. The area is generally residential, and made up of two storey detached and semi-detached dwellings.

Site History:

P/2005/1648/F, Site for storey and a half townhouse, Permission refused
Refusal reasons:

- The proposal is contrary Policies SP2 and DES2 of Department's Planning Strategy for Rural Northern Ireland in that the proposed development would, if permitted, result in over development of the site, which is too restricted to permit the erection of a dwelling of reasonable design and dimensions and with adequate amenity space.
- The proposal is contrary to Policy QD1 of Planning Policy Statement 7 - Quality Residential Developments in that the proposed development would, if permitted, result in over-development of the site which would have an adverse impact on the residential amenity of 16 Springfield Drive due to overlooking, overshadowing and loss of light.

- The proposal is contrary to Policy AMP2 of Planning Policy Statement 3 - Access, Movement & Parking in that the development would, if permitted, prejudice the safety and convenience of road users since provision cannot be made clear of the highway for the parking and turning of vehicles which would be attracted to the premises.

P/2007/0623/O, Site for dwelling, Permission refused

Refusal reasons:

- The proposed development is contrary to criteria H of Policy QD 1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that this proposal, if permitted would be adversely affected through overlooking and consequent loss of privacy.
- The proposed development is contrary to policy QD1 of PPS 7 in that it would, if permitted, result in over development of the site, which is too restricted in depth to permit the erection of a dwelling of reasonable design and dimensions and with adequate amenity space.

P/2008/0528/O, Site for dwelling, detached garage and off street parking, permission granted, 05 September 2008 – this approval included the current application site which would be used for parking and a detached garage under the approved scheme.

Planning Policies & Material Considerations:

The Banbridge Newry and Mourne Area Plan 2015

The Strategic Planning Policy Statement (SPSS) for Northern Ireland

PPS2 – Natural Heritage

Planning Policy Statement (PPS) 3 – Access, Movement and Parking

Planning Policy Statement (PPS) 12 – Housing in Settlements

Planning Policy Statement (PPS) 7 – Quality Residential Environments

Planning Policy Statement (PPS) 7 (Addendum) - Safeguarding the Character of Established Residential Areas

DCAN 15 - Vehicular Access Standards

DCAN 8 – Housing in Existing Residential Areas

Creating Places: Achieving quality in residential environments

Living Places Urban Stewardship and Design Guide for Northern Ireland

Planning Strategy for Rural Northern Ireland (DES2 and SP18)

Consultations:

Loughs Agency – no objections

Transport NI – no objections

NI Water – no objections

DAERA/NIEA, Water Management Unit – no objections

Objections & Representations

Nine neighbour notification letters were issued on 6 March 2017.

The application was advertised in local papers on 22 February 2017.

5 letters of objection and one representation have been received in relation to the proposal.

The issues raised are summarised below.

23 Sleive Foy Place

No objection to the proposal but notes there is a retaining wall between the two properties which should not be damaged.

An objection letter was received from the residents of 2,4,3,5 and 6 Alexander Drive using a shared template. The points raised are:

Road safety – narrow single lane road, 2x3 bed dwellings currently under construction, further development unacceptable, blind corner onto Springfield Road – additional vehicles will increase risk of accident

Parking – current parking issues affecting access e.g. for bin lorries, emergency vehicles and use of footpaths (risking safety). Example provided of a resident who could not access lift to hospital as car couldn't gain access to driveway. Service vehicles unable to gain access affecting standard of living.

Out of character – scale and use out of character with surroundings/surrounding houses and compared to size of buildings currently on site, overdevelopment, inappropriate for size of the plot, inadequate vehicle access and turning space, oppressive impact on outlook and privacy of existing dwellings, cramped appearance

In addition, to the objections raised in the template letter submitted, the residents of 2,4,3,5 and 6 Alexander Drive also raised additional points of objection. Any objections not already mentioned above are summarised below:

- Too large, will block light for other properties, too close to the road making passing impossible, site suitable for single storey/current use
- Residents of no. 3 note their driveway is constantly used for turning which detrimentally impacts the driveway
- Sufficient parking should be provided, two stories impinges on light and privacy of Alexander Drive.

Consideration and Assessment:

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. The site is located within the settlement limit for Warrenpoint (WB01) and within the Mourne AONB, as set out in BNMAP. There are no specific policies in the plan that are relevant to the determination of the application so the application will be considered under the operational policies of the SPPS, PPS12 and PPS 7, the Rural Planning Strategy for Northern Ireland and related guidance. Access, parking and road safety are considered under PPS 3 and DCAN 15. The impact on the AONB will be assessed under PPS 2.

The proposal is for a two storey dwelling. It is considered that the proposal constitutes overdevelopment of the site and is therefore contrary to planning guidance.

The proposal is out of keeping with the character of the area. Other dwellings in the area are predominantly detached or semi-detached. A detached dwelling is proposed on the site. However, as a result of the restricted size of the site, the proposed dwelling is smaller than other dwellings in the area and with less provision for outdoor space. Although the garden space (approximately 42m²) meets the minimum criteria in Creating Places of 40m², this is much more restricted than other gardens along Alexander Drive. For example, two dwellings were recently approved under planning reference P/2013/0781/F. When the side gardens are included (as these could be enclosed and made private), both dwellings have around 67 square metres of amenity space which is close to the Creating Places average requirement of 70 square metres. The amenity space provided as part of this proposal falls far short of this and the ratio of built form to garden is not reflective of the surrounding area.

The restricted size of the site has also affected the overall design of the proposal, for example, the front elevation contains two small bathroom windows and the proposed dwelling is within 1 metre of the boundary to the rear (east of the site). The overall appearance of the dwelling will appear out of keeping with others in the street which has more generous outside space and more regular symmetrical window patterns. Due to its massing and appearance, the proposed dwelling would generally appear too big for this restricted site.

I am satisfied that the house has been designed so that an unacceptable degree of overlooking is unlikely to occur. Given the orientation of the site some loss of light and overshadowing may occur to 16 Springfield Road, but given the separation distances I am satisfied that an unacceptable degree of overshadowing or loss of light would not occur.

BNMAP

The site is located within the development limit of Warrenpoint. The Housing Growth Indicators in the plan make provision for additional housing development on unzoned 'windfall sites' such as this however, other operational planning policies such as PPS 12, 7, 7(addendum) and the PSRNI must also be taken into account. The site is also within the Moumes and Slieve Croob Area of Outstanding Natural Beauty. Therefore the application will be assessed against PPS2.

SPSS and PPS 12

The SPSS promotes good design and place making in new developments. PPS 12 sets out the following planning control principles which are considered further below:

- increased housing density without town cramming;
- good design;
- sustainable forms of development; and
- balanced communities.

The proposal is therefore contrary to Planning Control Principle 1 of PPS 12 which advises that:

"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

PSRNI Policies DES2 & SP18

The proposal is contrary to Policy SP 18 Design in Towns and Villages in that the scheme has not achieved a high standard of siting and design and the proposal does not relate satisfactorily to its townscape setting.

The proposal is contrary to Policy DES 2 Townscape as it would not make a positive contribution to townscape and is not sensitive to the character of the area surrounding the site in terms of design and scale.

PPS 7

The proposal is contrary to policy QD1 of PPS 7, in that it would constitute town cramming and would result in unacceptable damage to local character, environmental quality and residential amenity and fails to meet the following criteria of QD1:

- (a) the development does not respect the surrounding context and is not appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
- (b) adequate provision is not made for public and private open space and landscaped areas as an integral part of the development.

PPS 7 addendum

The area is considered to be an Established Residential Area as defined in the addendum to PPS 7. Therefore policy LC 1 of the addendum applies. The proposal fails to meet the following criteria of LC1:

- (a) the proposed density is significantly higher than that found in the established residential area;
- (b) the pattern of development is not in keeping with the overall character and environmental quality of the established residential area; and

PPS3 — Access, Movement & Parking & DCAN15 - Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. The proposed dwelling will have direct access onto Alexander Drive with two in-curtilage parking spaces. Transport NI have assessed the access proposal and have no objections, subject to conditions.

PPS2 - Natural Heritage

Policy NH6 applies to development within Areas of Outstanding Natural Beauty. It is considered that the proposal would not impact on the overall character of the AONB.

Objections

- As discussed above, I agree with objectors comments that the proposal is not in keeping with the character of the area and is overdevelopment of the site.
- The impact on residential amenity has been assessed above and I do not consider that there would be any unacceptable loss of residential amenity as a result of this proposal.
- Objectors also raised issues in relation to access and parking however Transport NI have assessed the access and parking provision and found that it meets policy requirements.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD 1 (Criteria a & c) of Planning Policy Statement 7 (PPS 7) : Quality Residential Environments, Policy LC1 (Criteria a & b) of the Addendum to PPS7 : Safeguarding the Character of Established Residential Areas, Planning Control Principle 1 of Planning Policy Statement 12 (PPS12) : Housing in Settlements, and Policies SP2 and DES2 of the Planning Strategy for Rural Northern Ireland in that it would result in overdevelopment of the site and will not create a quality and sustainable residential environment.

Case officer:

Authorised officer:

**STATEMENT IN SUPPORT OF PLANNING APPLICATION
FOR A DETACHED DWELLING**

LOCATION: DIRECTLY OPPOSITE AND EAST OF NOS 1 AND 1A
ALEXANDER DRIVE,
WARRENPOINT

APPLICANT: RACHEL AND DEREK ELMORE

REFERENCE: LA07/2017/0180/F

BD 1st November 2017

Site Characteristics and Area Characteristics

When cleared this would be a flat rectangular site with road frontage to Alexander Drive. The surrounding area has a range of house types, single and two storey, detached and semi-detached, small and large. It is an urban site within the development limit of Warrenpoint. It is also a 'windfall site' with no specific zoning.

Description of proposal

The proposed two-story dwelling would be finished in roughcast render, painted white, with flat black concrete tiles with white PVC windows. Finish and architectural detailing would match the pair of semi-detached houses directly opposite the site approved in March 2014 under the same policies that this application is now being tested. There would be two in curtilage parking spaces. The rear garden would be defined by 1.8m high close boarded fence.

Consultation Responses

There are no objections from Statutory Consultees.

Consideration and Assessment

Neighbour objections to the proposal are mainly in relation to road safety, parking and character. Transport NI have assessed the proposal and have no objections. Planning Services acknowledge that the development would not result in loss of amenity, and that the dwelling has been designed to avoid overlooking, and an unacceptable level of overshadowing or loss of light.

The crux of the recommendation to refuse is whether or not the application is in character with the area and constitutes overdevelopment or cramming.

The fact that the dwelling is two storey is somewhat irrelevant, given the pair of semis opposite. Also, the ridge height of 7.50m above finished floor level is lower than these and no. 2 Alexander Avenue. Finishes and architectural detailing match its' neighbours. The foot print of the dwelling, though small, is in keeping with houses in the area Great Georges St. North, Springfield Road and Slieve Foy Place. The total garden space excluding frontage and driveway is 55m² and not as stated by Planning Services. I respectfully disagree that the ratio of amenity space is not reflective of the surrounding area. It should also be noted that the applicants own the open amenity space to the south side of the site which measures 130m².

In conclusion this is an application on behalf of a young Warrenpoint couple with a young family who wish to develop an urban site consisting of a garage in disrepair and a yard that has become an unsightly dumping ground. The applicants respectfully request that the Planning Committee visit the site and view it in the context of this statement, the Planners Professional Report and the Professional Report and Decision Notice for Planning Reference P/2013/0781/F prior to the Planning Committee meeting of 8th November 2017.

Finally, if the principle of development can be established the applicants are willing to work with Planning Services in arriving at a design that is acceptable to both parties.

Yours sincerely



BERNARD DINSMORE
Chartered Architect

ITEM NO	33		
APPLIC NO	LA07/2017/1168/F	Full	DATE VALID 04/08/2017
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr Thomas McDonald 26 Edenappa Road Jonesborough BT35 8HU	AGENT	Bernard Dinsmore RIBA 24a Duke Street Warrenpoint BT34 3JY
LOCATION	200m North of 11 Carewamean Road Carrickbroad Dromintee Newry Co Armagh		
PROPOSAL	Change of house type to that approved under P/2004/0123/O and P/2006/2102/RM		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 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 for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1168/F

Date Received: 04 Aug 2017

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

Location: 200m North of 11 Carewamean Road Carrickbroad Dromintee Newry Co Armagh

Site Characteristics & Area Characteristics:

The site includes a roadside agricultural field on the elevated location of Carewamean Road. Site splays were notable at the site and a rock outcrop is located immediately East of the site. The area is rural in character with development pressure still relatively low. The area is AONB.

Site History:

P/2004/0123/O

Site for dwelling

Approval: 06.08.2004

P/2006/2102/RM

Erection of dwelling

Approval: 10.09.2007

P/2000/0978/O

Site for dwelling

Approval: 24.08.2000

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 2

Planning Policy Statement 3 / DCAN 15

Building on Tradition

Consultations:

Transport NI – No objections subject to attached conditions.

NI Water – generic response.

Objections & Representations

No neighbours notified

Application Advertised on 23 Aug 2017

No objections or representations received.

Consideration and Assessment:

The site is located within the rural countryside / AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no specific objections in relation to the Area Plan.

The site lies within the Rural Area/AONB as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no objections with regard to the Area Plan.

Principle of Development

The Outline application was approved on 06.08.2004 with the standard time conditions attached and the Reserved Matters application was approved on 10.09.2007, also with the standard time condition attached. The greater time frame applies and therefore the proposed scheme should have commenced before 10.09.2009 which includes adhering to all conditions as instructed prior to commencement of development, then commencing development in accordance with the approved plans to secure the permission and keep the permission live.

Whilst the pre-commencement condition has been adhered to in full there has been no work of construction (which is the definition of commencement in Section 63 of the Planning Act 2011) evident on the site. The agent confirmed this in a telephone call on 2nd October 2017.

Given the previous permission has expired the proposal is assessed as a new dwelling under CTY1 of PPS21. The proposal does not meet any of the exceptions listed under CTY1 and as there are no over-riding reasons why this particular development is essential and could not be located in a settlement, the proposal is contrary to policy CTY 1.

The proposal is not considered to offend policies CTY8, CTY13, or CTY14.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safe guards the policy requirements of policy CTY 16.

Transport NI has no objections in relation to PPS3 subject to the standard conditions and informatives.

As the proposal lies within the Ring of Gullion AONB, PPS 2 Natural Heritage policy NH6 is applicable. The siting of the proposed dwelling is not considered sympathetic to the character of the AONB as there is no justification for the dwelling.

Recommendation: 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 the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the siting of the proposed dwelling is unsympathetic to the special character of the Area of Outstanding Natural Beauty of the particular locality.

Case Officer:**Authorised Officer:**

STATEMENT IN SUPPORT OF

PROPOSAL: CHANGE OF HOUSETYPE TO THAT APPROVED UNDER
P/2004/0123/O and P/2006/2102/RM

ADDRESS: 200m North of 11 Carewamean Road
Carrickbroad
Dromintee
Newry
Co. Armagh

APPLICANT: MR. THOMAS Mc DONALD

REF: LA07/2017/1168/F

BD 1st November 2017

Principle of Development

- Outline Planning Permission was granted 6th August 2004
- Reserved Matters Permission was granted 10th September 2007
- Development Commenced prior to September 2009
- Planning Services have confirmed that the access and visibility splays were in place in accordance with Planning Permission, prior to 10th September 2009
- It has been confirmed by telephone that no foundations were constructed.

The issue is whether, or not the existing planning permission is preserved. The applicant is of the firm opinion that it is.

The applicant was advised by Planning Services in 2009 that the construction of an access and visibility splays, provided it was in accordance with the approved plans, would be sufficient as a material start to the development.

This advice, which prevailed at the time, is also evidenced by:

1. Generic letter from the Divisional Planning Manager dated 26th September 2008 (attached), and
2. Specific letter in relation to Planning Application ref: P/2007/1090/F (also attached).

The applicant duly formed the access and visibility splays in accordance with this advice and with the approved plan (and as confirmed in the Planning Officer's Professional Report). He was therefore satisfied that he had preserved his planning permission by making a material start.

Summary

I confirm that I will be speaking in support of this applicant.

I also confirm that the applicant Mr. McDonald will attend to confirm advice given to him prior to formation of site access.

It is clear that development was commenced and planning permission preserved prior to expiry date in accordance with formal advice from DOE Planning Services.



Date: 20 March 2009
 Our Ref: P/2007/1090/1 (JCM 20078)
 Being dealt with by: Julie Brown

Divisional Planning Office

Westborough House
 Central Way
 Gillingham
 BT25 1AU

Mr D Mallon
 3 Aynalogue Road
 Newry
 BT35 8QY

Dear Mr Mallon

Location: Adjacent to No 4 Low Road, Aynalogue, Newry

Proposal: Erection of dwelling and garage in compliance with conditions on approval P/2002/1210/0

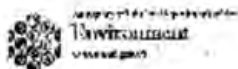
I refer to your correspondence dated 10 February 2009 regarding the above planning application.

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

Yours sincerely

J Brown

for Divisional Planning Manager



Tel: (028) 2634 1144 Fax: (028) 2632 0004
 Email: divisional.planning.office@nir.gov.uk
 Web: www.planning.nir.gov.uk



Your Ref:

Our Ref: FOI 19415

Being dealt with by:

Date: 26 September 2008

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



Divisional Planning Office

Marlborough House
 Central Way
 Craigavon
 BT64 1AD

Dear Mr Bailie

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

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

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

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

I hope this is helpful.

Yours sincerely

IAN McALLISTER
 For Divisional Planning Manager



An Agency within the Department of the
Environment
 www.doe.gov.uk

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



INVESTOR IN PEOPLE

ITEM NO	15			
APPLIC NO	LA07/2017/0563/O	Outline	DATE VALID	13/04/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr John Morgan 9 Tamary Road Ballyvally Mayobridge BT34 2RT		AGENT	CD Consulting 75 Creagh Road Tempo BT94 3FZ
LOCATION	Land 20m North of 24 Ballyvally Mayobridge BT34 2RT			
PROPOSAL	2 dwellings with detached garages to rear			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a valid infill opportunity as the gap could accommodate three dwellings based on the existing plot sizes and the proposal would, if permitted, result in the addition of ribbon development along Ballyvally Road.
- 3 The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, and the proposed buildings rely primarily on the use of new landscaping for integration, and therefore would not visually integrate into the surrounding landscape.
- 4 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings, would add to a ribbon of development and the impact of ancillary works would damage rural character and would therefore further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/0563/O

Date Received:

13/04/2017

Proposal:

Two no. dwellings with associated detached garages to the rear

Location:

Lands 20m north of 24 Ballyvally Road, Mayobridge, Co. Down, BT34 2RT

Site Characteristics & Area Characteristics:

The site is located approximately 0.5miles South East of Mayobridge in a rural area which is undesignated and which has come under threat from single houses, some of which are suburban in character and range from bungalow to two storey in design. The site forms part of a larger field, with the road side area contained within the red line boundary. The site is slightly sloping upwards in a southern direction, with the wider field area rising steeply from the centre area towards the rear boundary. The site is bound by low lying hedgerow along the roadside and southern boundaries, with the southern boundary, with timber ranch fencing demarking the northern boundary. There is no eastern boundary currently, with the site amalgamated into the wider field area. There is an existing small river course approximately 7m from the northern corner of the site, which is separated by the laneway access to No.18 Ballyvally Road.

Site and relevant surrounding history:

Site:			
P/2008/1323/F	Overhead single phase line on wooden poles (06/06231),	permission 09/12/2008	granted
No.20 Ballyvally Road:			
P/2008/0073/F	Change of house type	permission 23/07/2008	granted
P/2005/2515/RM	Erection of dwelling and detached garage	permission 14/03/2007	granted
P/2002/1781/O	Site for dwelling and detached garage	permission 17/12/2002	granted
No.18 Ballyvally Road:			

P/2006/2184/F	Erection of Replacement Dwelling and detached domestic Garage	permission 13/05/2008	granted
No's 24, 24A, 24B Ballyvally Road:			
P/1981/0081	Erection of dwelling	permission 08/03/1983	granted
P/1986/0717	Extension / improvements to dwelling	permission	granted 11/09/ 1986
P/1997/0665	Change of use from dwelling to self-catering holiday Cottage	permission 03/09/1997	granted
P/1996/0090	Conversion of stores to Dwelling	Permission 31/07/1996	granted

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge / Newry and Mourne Local Area Plan 2015 (BNMAP)
- PPS3 'Access, Movement and Parking'
- PPS6 'Planning, Archaeology and the Built Environment'
- PPS15 'Planning and Flood Risk'
- PPS 21 'Sustainable Development in the Countryside'

Consultations:

Transport NI:

No objections, subject to conditions (27/09/17)

DfI Rivers Agency:

Policies FLD1, FLD2 and FLD3 apply to this proposal – conditions attached (23/08/17)

DfC Historic Environment Division: Historic Monuments:

On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS6 archaeology requirements. (16/08/17)

NI Water:

No objections, standard informatives attached (11/09/17)

Objections & Representations

- 5 Neighbouring properties notified 14/08/2017 (No's 20, 22, 24,24A Ballyvally Road.) No.18 was notified following site inspection 05/09/2016 (statutory expiry period 19/09/2017)
- Advertised in 3 press publications (Statutory publication period expired 12/06/2017)
- 0 objections or representations 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 subject site is located in a rural area with no additional designations, as identified by the BNMAP 2015. In addition, there is a designated Rath located approximately 275m NW of the site. HED: HM has concluded there would not be any detrimental impact to this Rath as a result of this proposal assessed against the archaeology requirements of PPS6. A primary material consideration in this assessment is PPS21, the determining policy for development in the countryside. The SPPS and PPS21 allow for the development of a small gap site in an otherwise substantial and continuously built up frontage, provided it meets the policy criteria of Policy CTY8.

To be classed as an exception under policy CTY8, the development must comprise a small gap site in an otherwise substantially and continuously built up frontage (i.e. 3 or more buildings along a road frontage without accompanying development to the rear) and respect the existing pattern of development along the frontage in terms of size, scale, siting and plot sizes.

The subject site is considered in its current scenario: To the north west of the site, No. 20 qualifies as one building with road frontage; there is then a private laneway which provides access to No.18 (and adjacent river), followed by the subject site. To the south east of the site, there is an adjacent private laneway access to farm buildings, followed by No's 24B and 24 (which share the same access) and 24A which all qualify as buildings with road frontage. In this context, No's 22, 24 & 24B therefore qualify as 3 buildings along the road frontage without accompanying development to the rear.

CTY8 stipulates that the 'gap' should also be sufficient to only accommodate up to a maximum of two houses and respect the existing development pattern along this frontage in terms of size, scale, siting and plot sizes. For clarification, the 'gap' is considered as the gap between buildings (in this context No.20 and No.24B Ballyvally Road) in line with the interpretation of the Planning Appeals Commission in their recent appeal reference 2016/A0066.

- Siting - As this is an outline proposal, details of siting will be assessed at a later stage. A siting condition will be placed on this decision to ensure any development is in keeping with the existing building line.
- Size and scale - The site currently sits between an existing storey and a half dwelling to the north west (No.20) and two bungalow dwellings to the south east (No.24B, 24). No 24A is two storey in character and not visible from the road side. To ensure any dwelling on this site would be in keeping with the existing

character, single storey would only be acceptable provided the additional policy tests are met.

- Plot Size - The overall plot depth is comparable with that of No's 20, 24B and 24. The average plot width along the existing frontage is approximately 40m, with Plot widths varying from 58m to 28m (including No's 24B and 24 which sit within a shared plot.) In this existing settlement pattern, the gap which is approximately 121m is considered to be big enough to accommodate 3 dwellings. This existing pattern of development is not considered to merit a substantial and continuously built up frontage, with the existing gap providing a visual break in the developed appearance of this locality which helps to maintain the rural character which is under threat.



Above: view from Ballyvally Road looking north

The site does not therefore meet the merits of an exception as a *small gap site* (my emphasis) against the criteria of policy CTY8 and development on this site would further add to the existing ribbon along Ballyvally Road.

Policy CTY13 considers the integration and design of buildings in the countryside. Whilst the site benefits from mature trees along the adjacent laneway to the South between No.24B, the low lying roadside hedge and timber ranch fencing provide little screening to the site when travelling south along Ballyvally Road, with the site relatively exposed to public view. This hedgerow will also require to be removed to

provide the required visibility splays (2.4m x full frontage setback.) Development on this site would primarily rely on new landscaping to provide a suitable degree of integration, with the site lacking long established natural and mature boundaries.



Above: View looking south taken from access lane to No.18 Ballyvally Road across the site.

Policy CTY14 considers whether new development would cause a detrimental change to or further erode the rural character of the area. The proposed development fails to meet the tests of policy CTY8 as a gap site. In this context, the development would further erode the character of this area by adding to the ribbon of development already present.

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

The proposal involves the construction of a new access onto Ballyvally Road. This is acceptable to Transport NI and in line with the policy requirements of PPS3, subject to conditions, in the interests of road safety.

Recommendation: Refusal

Summary of recommendation:

- Site does not qualify as a small gap site / exception to Policy CTY8 as it is large enough to accommodate three dwellings;
- Site lacks mature natural boundaries to provide a suitable degree of integration.
- Site provides an important visual break in a rural area already under threat from ribbon development. The development would further erode the character of this area by extending this ribbon.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement;
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not a valid infill opportunity as the gap could accommodate three dwellings based on the existing plot sizes and the proposal would, if permitted, result in the addition of ribbon development along Ballyvally Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that 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 buildings rely primarily on the use of new landscaping for integration; and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings; the buildings would, if permitted add to a ribbon of development; the impact of ancillary works would damage rural character; and would therefore further erode the rural character of the countryside.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

Planning Committee Statement

Ref: LA07/2017/0563/O

PROPOSAL: 2 dwellings with detached garages to rear

LOCATION: Land 20m North of 24 Ballyvally Mayobridge BT34 2RT

Planning Committee Meeting - Newry, Mourne, and Down Council 08/11/2017

FAO: Committee Members

Statement of case from CD Consulting (Agent) – 26/10/2017

The aforementioned proposal relates to the infilling of a small gap site within an otherwise substantial and built up frontage. Under the policy direction contained within CTY 1 of PPS 21 there are certain development proposals which in principle are considered to be acceptable in countryside, one of these is the development of a small gap site within an otherwise substantial and built up frontage in accordance with Policy CTY 8.

Policy CTY 8 requires four specific elements to be met: the gap site must be within an otherwise substantial and continuously built-up frontage; the gap site must be small; the existing development pattern along the frontage must be respected; and other planning and environmental requirements must be met. For clarity CTY 8 outlines that Planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses.

The planning department has conceded that the application site sits within an otherwise substantial and built up frontage. The key issues in the determination of this application therefore rest with the size of the gap and whether or not it can be categorised as small, the ability of the proposal to respect the existing development pattern, and other environmental/planning considerations.

The planning department has highlighted (case officer report) that the 'gap' between the buildings, i.e the application site, is big enough to accommodate 3 dwellings. This is a conclusion that we strongly disagree with. If one looks at the site on a map it is clear that the application site is at its maximum 80m wide. The red line boundary of the application site covers the breadth of the field within which the site sits. So if the application site sits between the boundary of No. 20 and the boundary of No. 24B Ballyvally Road, it has to be referred to as the 'gap' and one which has a maximum width of 80m. On this basis then surely the application fits perfectly in line with the average plot size. Ultimately the site is only 80m wide, the planning department have conceded that the average plot size is 40m, with the plot to the north measuring 57m, therefore it cannot be argued that the site can accommodate any more than two dwellings. 40m for each plot equals 80m. This site is a really good example of where infill policy should be used to enable development in the countryside in line with CTY 8 of PPS 21.

The planning department in calculating the size of the gap has decided to measure the distance between the buildings and has clearly failed to consider the fact that the calculation includes hedgerows, laneways, a river and the garden area for each of the dwellings on either side of the gap – please note that these are features around each of the dwellings and do not present what could be described as a visual break.

In adopting this approach to measurement the case officer refers to a recent appeal where this approach was used. In reviewing the appeal in question it is quite clear that a different set of circumstances apply. The site restrictions, distances involved and unique circumstances of that case are very different to the case before the committee in this instance. Each site exhibits its own unique challenges and therefore should be looked at on its own merits and on a case by case basis.

Notwithstanding that above, if we look at this from the same perspective as the planning department this gap is measured at 120m wide (Dwelling at No. 20 to Dwelling at 24B). The plot to the north of the application site has a plot size of 57m, if these two dwellings were approved they couldn't have a plot size of 57m because the size of the site would not allow it, they would have a plot size of 40m. In this instance however there would be 120m between the two buildings (the gap) along this ribbon and as such 120m divided by 2 equals 60m. This is extremely close to the 57m of the plot to the north. Again on this basis we feel that the recommendation made by the planning department is unreasonable – the plot size of the proposed dwellings will be a maximum of 40m each (given the overall size of the site) and even if the gap was measured at 120m the plot size for each would only be 60m which is marginally above that of No.20 and certainly not a big enough gap to accommodate any more than two dwellings.

Regardless of how the proposal is viewed and measured the site can only accommodate a maximum of two dwellings. The site is measured at 80m wide and the average plot size along this continuous and built up frontage is 40m. For the reasons documented above the site is in keeping with the surrounding development pattern.

The planning department in coming to their recommendation have concluded that the proposal is contrary to Policy CTY 13 and 14 of PPS 21. Policies CTY 13 and 14 deal with integration and rural character respectively. The essence of the policy in terms of fitting into an existing ribbon determines the ability of the site to integrate into the existing landscape. As the planning department feel that the site does not represent an infill opportunity they must also adopt the approach that the site would not integrate effectively. Consequently, they must also argue that the application site is to the detriment of the rural character of the area, again on the basis that it is not integrated and as such is a prominent feature. As set out above we contest that the application does represent an infill opportunity and as such is integrated into the existing ribbon of development. On this basis we feel that the proposal will integrate successfully and will not have a significant detrimental impact on the rural character of this area.

In conclusion members are advised that the proposal represents a good example of a double infill in line with the prevailing policy for same. The gap between the buildings along this otherwise substantial and built up frontage is capable of only accommodating 2 dwellings (the site is only 80m wide) and as such the proposal is a small gap site which respects the development pattern of this area. This is only an outline application and details surrounding design, access, and landscaping are matters reserved. For the reasons documented above the application is in keeping with the spirit of PPS 21 and complies with policies CTY 8, 13 and 14 therein. By virtue of doing this the proposal complies with CTY 1 and the SPPS.

ITEM NO	17			
APPLIC NO	LA07/2017/0687/F	Full	DATE VALID	09/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Steven & Diane Campbell 17 The Brambles Kilkeel BT34 4FH		AGENT	Emma Speers Architects 33 Dunnaval Road Kilkeel BT34 4JT
LOCATION	30m North of 94 Greencastle Road Kilkeel BT34 4DE			
PROPOSAL	Infill site for new dwelling and garage in existing cluster (amended plans)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.
- 4 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would , if permitted create or add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0687/O

Date Received: 22.05.2017

Proposal: Infill site for new dwelling and garage in existing cluster.

Location: 30m north of 94 Greencastle Road, Kilkeel, BT34 4DE

Site Characteristics & Area Characteristics:

The application site is located off the Greencastle Road, Kilkeel. This area is rural in character with a number of outbuildings and rural dwellings. The site is located 30m north of 94 Greencastle Road. The application site as outlined in red can be accessed via a private laneway of Greencastle Road. The site is of rectangular shape with a mobile home located along the northern boundary of the site. The topography of the land sees the site slope downwards from eastern to western boundaries.

The boundaries are defined by a stone wall ranging from 2-3m in high along the northern, southern and eastern boundaries with 2½m high hedgerow along the western boundary. The application site is located outside any settlement development limits as designated within the Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

P/2013/0071/O

Site for a Replacement Dwelling and Domestic Garage
Permission Refused- 19.04.2013

P/1998/1106

Site for dwelling

Permission Refused- 15.12.2013

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

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

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

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

Consultations:

Transport NI- Has requested for additional information and have yet to make a decision on this application.

Environmental Heath- The proposed site is located with 75m of working farm buildings which are not associated with the applicant if this planning application.

NI Water- Has no objections to the proposal

Objections & Representations

5 Neighbours was notified on 25.05.2017 and 14.07.2017 and the application was advertised on 15.05.2017 and 17.07.2017. No objections or representations received.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be

made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no. 94 Greencastle Road (and the two outbuildings associated) no.92 Greencastle Road, no.90 Greencastle Road and no.90a Greencastle Road. Officers consider the proposed development complies with criteria 1 of CTY2a

The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no. 94 Greencastle Road (and the two outbuildings associated) no.92 Greencastle Road, no.90 Greencastle Road and no.90a Greencastle Road. Officers consider from the different viewpoints along Greencastle Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. The area does have an associated focal point or is located at a cross-roads therefore proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The boundaries of the site are well enclosed and could offer a suitable degree of enclosure to allow a dwelling to integrate into the landscape. The proposal is bounded on the eastern side by no.92 Greencastle Road, with the southern side bounded with no. 94 Greencastle Road. Therefore the proposal meets the fourth criteria.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Officers consider that due to its siting the proposed development would be absorbed into the existing cluster and it would meet the fifth criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. No.92 Greencastle Road is considerably elevated above the application site. The proposal has taken into consideration any potential impact on no.92 Greencastle Road with roof lights proposed along the eastern elevation.

Regarding no.94 Greencastle Road, the proposed development would be located on similar level. However the proposed dwelling would have a separation distance of approximately 27m from dwelling to dwelling with existing and proposed garage between the dwellings. Officers consider that the existing 2m high stone would provide sufficient screenage and would prevent any overlooking. The proposed development has been carefully oriented to not adversely impact the amenities of both neighbouring dwellings. However the proposal fails to meet all six criteria test of CTY2a and CTY1.

CTY8- Ribbon Development

The agent has provided additional information to support the principle of development against CTY8 of PPS 21, which states planning permission will be refused for a building which creates or adds to a ribbon of development:

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site is positioned to the rear of no.94 Greencastle Road. Officers do not consider the application to have a frontage on to Greencastle Road. Whilst the site is large enough only to accommodate one dwelling comfortably it does not sit between buildings as there are no properties immediately north of application and sharing the same frontage and therefore does not constitute a gap site within an otherwise substantial and continuously built up frontage.

The application site has a frontage to an existing lane west of the site, however it fails to meet the criteria of a built up frontage. The mobile home located along the northern boundary of the site is not a permanent structure and is therefore cannot be considered. The agent has made reference to a dwelling currently under construction to the north of no.92. However upon site visit there was no evidence of any substantial works commenced this cannot be considered as part of the built up frontage and therefore the proposal fails to meet the policy test of CTY 8 and CTY 1.

Design and Integration

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

In the opinion of Officers the proposal would not appear unduly prominent in the landscape and it is well enclosed along its boundaries by existing mature hedgerow

and stone wall allow a building to integrate into the landscape. The application site could suitably accommodate a dwelling without primarily relying on new landscaping for integration.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, for the aforementioned reasons within CTY2a and CTY8, any dwelling would in the opinion of Officers would significantly alter or harm the rural character of the area.

Environmental Health

Environmental Health has stated that the proposed site is located with 75m of working farm buildings which are not associated with the applicant of this planning application. The applicant should be requested to consider relocation of the proposed dwelling to achieve a minimum separation distance of 75 metres from the farm buildings, where possible.

Impact on road safety and parking

The application proposes to use the access of the Greencastle Road. Transport NI has raised concerns regarding rear of sightlines and footway to be widened to accommodate proposed sightline. The applicant has submitted plans but failed to submit sufficient plans to address the concerns raised by Transport NI with further amendments needed. However upon assessing this application it has been determined that there is no principle for a dwelling.

Conclusion

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads.

3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site in an otherwise substantial and continuously built up frontage.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted create or add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

Proposed infill site for new dwelling and garage
in existing cluster at site 30m north of
94 Greencastle Road, Kilkeel
For Mr & Mrs Steven Campbell

Additional information to
Support the principle of development
(LA07/2017/0687/F)

August 2017

Prepared by:

Emma Speers
ARCHITECTS
Conservation - Architecture - Design

33 Dunnaval Road, Kilkeel, Co Down BT34 4JT

info@es-architects.co.uk

Tel: 028 4176 4881

*suggest that this application would be afforded greater consideration if this application was resubmitted when this building is completed later in the year. **

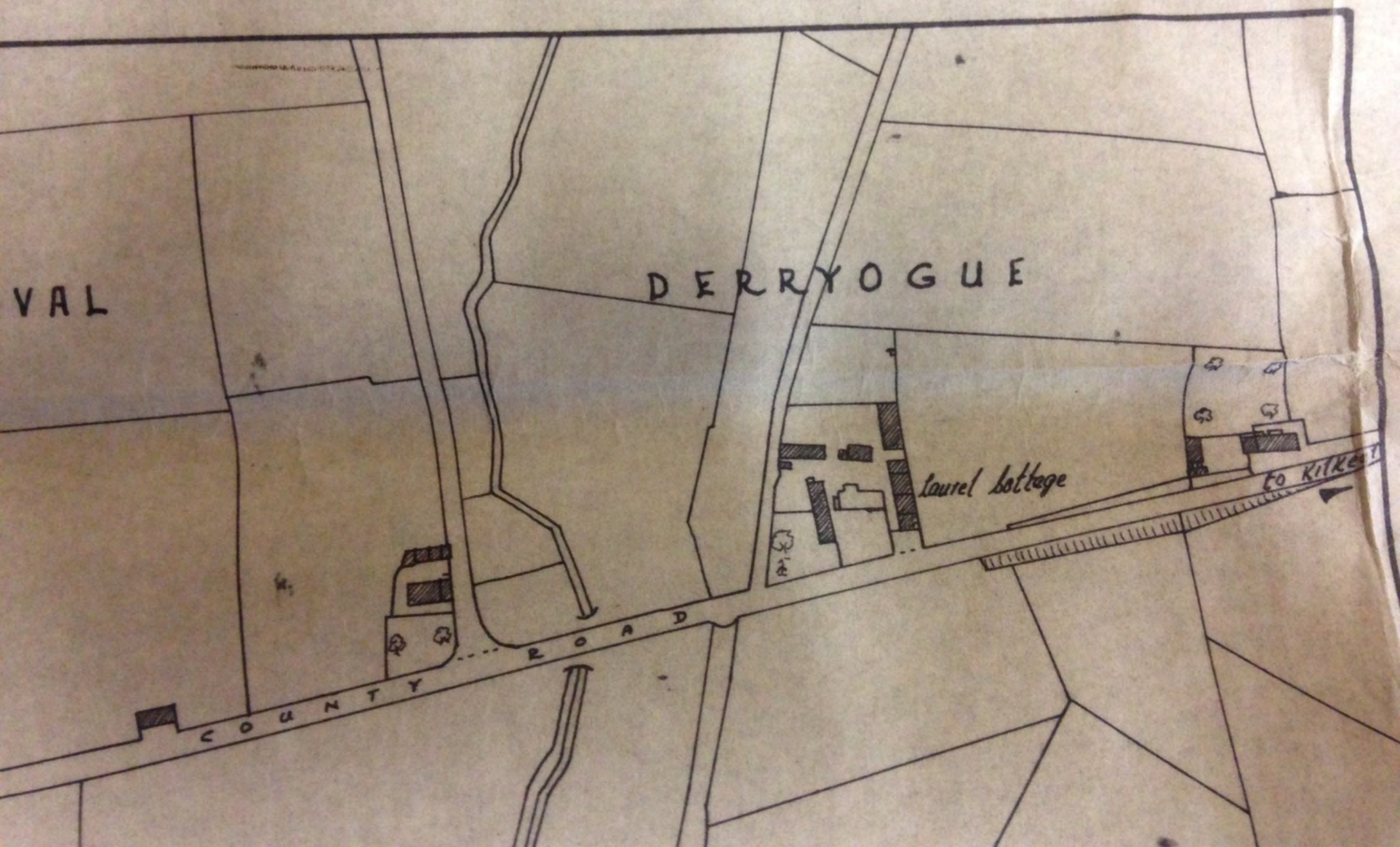
4. This cluster of dwellings is unique in that only two houses face directly to the Greencastle Road, all of the houses in the cluster are orientated that they maximise on views outwards from the site, and past adjacent buildings, maximising on privacy of neighbouring properties and avoiding any adverse impact on the amenities of neighbouring properties.
5. The proposed site compliments the existing cluster of housing in that it too provides views away from the cluster of housing and does not overlook other houses. The proposed development does not adversely impact on the amenities of neighbouring residents.
6. In terms of frontage from the existing lane, the proposed entrance has been altered, with access now provided from the Greencastle Road, this allows the proposed development site to retain the full extent of existing vegetation to its west boundary, allowing the property to be partially hidden, similar to No.92 and 94. Access from the Greencastle Road also restricts any potential issues in terms of road safety access at the existing lane.
7. The proposed development site and the orientation of the proposed dwelling allows the new dwelling to sit directly west of No. 94 and the house under construction without having a adversely impacting on the amenities of either. As such, views from the west towards the site both from the existing lane and the Dunnaval Road are largely unaltered; the proposed dwelling is not sterilising back-land in this location. The proposed development does not add to ribbon development but instead is using a small gap site within an existing cluster of housing.
8. The proposed development in its design and siting is not detrimental to the character, appearance and amenity of the countryside. In its siting it reinforces the design principles put forward in the design of other houses in this existing cluster.
9. This proposed gap site also does not provide relief or a visual break in development, as the other houses are seen from behind when viewed from the west, and as such is not detrimental to the rural character.
10. The proposal has taken full account of the existing pattern of development and has produced a design solution which integrates the new building into the proposed site.

Policy CTY 2a - New Dwellings in Existing Clusters

11. The cluster of housing including the proposed development will appear as a visual entity in the local landscape.
12. The proposed site currently provides a suitable degree of enclosure and is bounded on at least two sides, the east and south, with other development in the cluster.
13. Development of the site can be absorbed into the existing cluster through rounding of and consolidation and does not significantly alter its existing character, or visually intrude into the open countryside.
14. The development does not adversely impact on residential amenity.















ITEM NO	20			
APPLIC NO	LA07/2017/0791/F	Full	DATE VALID	23/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	MC Developments Ltd 56 Slatequarry Road Cullyhanna Newry BT35 0PW		AGENT	Blackgate Developments Ltd 17 Ummercam Road Silverbridge Newry BT35 9PB

LOCATION Land at and to the rear of No. 12 & No. 14 Jonesborough Village
Edenappa
Jonesborough
Newry
Co. Down
N. Ireland
BT35 8HR

PROPOSAL Private Housing Development consisting of the demolition of No. 12 Church Hill, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works. (Amended entrance)

REPRESENTATIONS	OBJ Letters		SUP Letters		OBJ Petitions		SUP Petitions	
	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures	Addresses	Signatures
0	4	0	0	0	0	0	0	0

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted:
 - harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Jonesborough Village;
 - disrupt the built form along the street-scene;
 - result in a dominance of hard-surfacing;
 - adversely impact on views along the street as a result of the suburban form of the re-development scheme proposed in the back-lands; and
 - harm the living conditions of the residents at 8-18 Jonesborough Village by reason of adverse impact to amenity brought about by this tandem and piecemeal development as well as the introduction of pedestrian and vehicular traffic to the rear of existing dwellings.
2. The overall proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS7: Policy QD1 (Criteria a, c, g, h and i), PPS7 (Addendum) Policy LC1, PPS12: PCP1 and 2 of PPS12 in that:
 - it will result in adverse visual impact causing fragmentation of an unbroken linear road frontage;
 - is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development;
 - is dominant and uncharacteristic to the existing settlement pattern;
 - it is an overdevelopment of the site due to its restrictive size and is unable to provide sufficient private open space or separation distances to avoid impact to amenity; and
 - it will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking.

- 3 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development is not sympathetic to the character and appearance of the AONB.
- 4 4. The proposal is contrary to SPPS paragraph 4.11 in that development would if permitted harm the living conditions of residents at Jonesborough Village due to the level of activity associated with the development by reason of noise and general nuisance.
- 5 The proposal is contrary to PPS 3 in that it would if permitted prejudice the safety of pedestrian movement along Jonesborough Village'



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0791/F

Date Received: 23.05.17

Proposal: Private Housing Development consisting of the demolition of No. 12 Jonesborough Village, Jonesborough and the erection of 5 No. dwellings (1 detached & 4 semi-detached), road improvement works, landscaping and associated site works.

Location: Land at and to the rear of No. 12 & No. 14 Jonesborough Village Edenappa, Jonesborough, Newry

Site Characteristics & Area Characteristics:

Site is located on vacant land located to the rear of an existing terrace within the settlement of Jonesborough.

Site History:

LA07/2016/1512/F - Proposed gable wall alterations, internal alterations and additional floor space extension to rear and first floor and construction of new roof with integrated dormer windows. No 14 Jonesborough Village, Church Hill. Granted (Adjacent and SW)

P/2008/0094/F - Proposed construction of housing development and associated site work. To the rear of No 24 Jonesborough Village. Granted (SE of site)

P/2005/0651/F - Extension and alterations to existing dwelling. 14 Jonesborough Village, Co. Armagh. Granted (Adjacent and SW)

P/1994/0281 - Erection of dwelling. Rear of No. 20 Jonesborough Village, Newry. Granted

P/1983/0951 – Extension and improvement to dwelling. 12 Jonesborough Village, Newry

Planning Policies & Material Considerations:

Banbridge Near and Mourne Area Plan 2015: Site is within the development limits of Jonesborough on unzoned land

SPPS and PPS2

Site includes the demolition of a building along the main arterial route through the village resulting in the loss of part of the linear street frontage of the village which is of importance to the character and appearance of the locality.

PPS3, DCAN 15 and Parking Standards – Whilst parking is sufficiently accommodated within the scheme, the access to the development will compromise the safety of pedestrian users within the vicinity

PPS6: HED Buildings and Monument have raised no major objections to proposals

SPPS, PSRNI, PPS7: QD1, PPS 7 (Addendum) PPS8 and PPS12 (PCP1, 2), Creating Places and DCAN 8

Site Context/ Characteristics:

The existing pattern of development is characterised by an existing roadside terrace fronting onto a main arterial route through the village. Proposals will involve the demolition of an existing mid-terrace dwelling to facilitate a new road access to serve the housing development. Proposals fail to respect the existing context and will create a 'gaping' hole in an unbroken linear street frontage, exposing the gables of properties Nos. 10 and 14 which will create an unattractive vista on approach in either direction. Proposals will create fragmentation and piecemeal development resulting in back land development which is uncharacteristic to the existing pattern of development at this specific location and in turn will allow access to other undeveloped back land sites. (See appeal 2009/A0039)

Layout:

The creation of a new road access to serve the proposed housing development will 'punch' through the existing undisturbed street frontage to provide a continuous road access which will create an unattractive vista along the street scape, which will not only have a detrimental visual impact but the access will sit higher than existing roadside dwellings at its highest point. The introduction of a road access to serve 5 dwellings to the rear of existing properties will result in introduce activity by both vehicles and pedestrians to the rear of these properties that previously didn't exist with particular adverse impact upon the amenity of No. 10 (road immediately abuts the boundary).

Proposed dwellings at plots 1 - 3 have habitual rooms that overlook onto land to the SW and NE. No. 4 of the development has habitual rooms which will face onto the rear gardens of proposed dwellings 1 - 3. Due to the restricted nature of the site the proposed development has insufficient distance to its respective boundaries and will inevitably cause an adverse impact upon the residential amenity of existing residents as well as future occupiers of the development. Paragraph 7.16 of 'Creating Places' requires a minimum distance of around 10 metres between the rear of new houses and the common boundary and a separation distance greater than 20 metres

between dwellings to minimise overlooking. Proposals have a separation distance ranging from 4m -16m within the scheme which are well below the requirements set out in Creating Places.

Archaeology and Built Heritage

HED Buildings and Monuments have raised no major concerns

Public/ Private Open Space/ Landscaping/ Hard Standing

Private open space in the form of rear gardens has been allocated to each of the dwellings however the majority of garden sizes are less than the recommended parameters of garden space provision of Creating Places (para 5.19). The sizes of gardens do not allow future opportunity for expansion within the plot to facilitate for example a domestic store, garage or extension to the property.

Furthermore the arrangement of gardens are within close proximity to the boundary of existing properties which will result in direct overlooking and loss of privacy to both future and existing occupiers.

The development is dominated by hard standing, roadway with in-curtilage parking which gives a very 'hardened' aspect which will have a detrimental visual impact particularly when viewed from the main thoroughfare and when entering the development.

Local Neighbourhood Facilities

The site is located within the development limits of Jonesborough within walking distance of local neighbourhood facilities

Movement/ Parking

Although the layout does not contribute to the quality of the residential development it nevertheless incorporates linkage to the existing footpath encouraging sustainable patterns of movement. Sufficient parking has been provided to accommodate development. The access crossing over the existing footway will nevertheless compromise the safety of pedestrian users within the vicinity

Form, Materials and Detailing:

Whilst it is acknowledged the external finishes to be used are sympathetic to its location the scale and form of proposed dwellings are not reflective of the existing built form immediately adjacent (Nos. 8 -20) resulting in new buildings towering over the existing as well as the proposed dwelling (LA07/2016/1512/F) this is particularly evident on approach from the NE

Privacy/ Impact to Amenity

The residential development includes the creation of a new access which will introduce and generate activity due to vehicular and pedestrian activity to the rear of these properties which will create adverse impact to the amenity of existing residents

due to noise, general nuisance and disturbance. The location of dwellings and areas of private open space are also poorly set out and will result in adverse impact upon the amenity of future occupants as well as existing neighbours.

Security from Crime

Whilst habitual rooms are located to front and rear of proposed dwellings allowing some informal surveillance within the scheme, however the close proximity to neighbouring lands and turning head area exposes the development. Therefore the overall layout and design of dwellings do not necessarily enhance security from crime at this location and exposes the entire development to unsecure and unsafe living conditions.

Density

The number of units on the application site is comparable to other development within the settlement. Despite this the increase of density at this location will nevertheless have a detrimental impact upon the established street scape having an adverse impact upon the local character, amenity and will erode the visual appearance of the locality to its detriment. The scale, form and layout does not respect that of adjacent housing and does not safeguard the privacy of existing/future residents.

PCP3: Sustainable Forms of Development

Site is located within the defined limits of the settlement of Jonesborough where a promotion of development is encouraged within these areas.

HS4: House Types and Sizes

Different house types are provided within the scheme in line with HS4 of PPS12

Land Use

Land use is in keeping with surrounding uses

LC1: Protecting Local Character, Environmental Quality and Residential Amenity

Proposals are not for the redevelopment of existing buildings or the infilling of a vacant site nor has all of the criteria set out in QD1 of PPS 7 been met. The pattern of development is out of keeping at this particular location which is characterised by a linear unbroken street frontage

In consideration of the above proposals fail to meet the Strategic Planning Policy Statement as well as PPS7: Policy QD1 criteria a, c, g, h and i of QD1, LC1 of PPS7 (Addendum), DES 2 of the PSRNI and PPS12: PCP1 and 2

Consultations:

Transport NI – **Have expressed concerns**

Environmental Health (07.06.17) – Within 75m of a working farm which are not associated with the applicant

HED:

Buildings - On the basis of the revised information an argument against the proposal could not be sustained under Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and SPPS 6.12, however HED would conditions on any approval.

Monuments - Content

NIW (11.04.16) – Public, foul and surface water sewer with 20m and available capacity at WWTW

Objections & Representations

12 neighbours notified

Advertised June and July 2017 (Amended address)

2 Objections (10 Church Hill Jonesborough and 18 Jonesborough Village)

- Impact to structural integrity, gable of No. 10 will be exposed
- Radius/curvature of new entrance is significantly intrusive and changes/reduces the layout directly outside front door
- No details of finished rear boundary/ height or extent of vegetation planting
- Unable to ascertain if the development included alteration to No. 14
- Impact to linear village. No mention of No. 14 in proposals
- Impact of vehicular activity to nos. 10 and 16

Consideration of Objections

- Impact to structural integrity is outside the remit of the planning authority
- The radius / curvature of the new entrance appears to be on a public footway which will require consent from Transport NI. The objector has not present evidence that this land is within their ownership/ control
- Boundary details although not provided could be made conditional of a decision notice
- Proposals do not involve alteration of No. 14 within this current scheme and was subject to a separate application which has not yet been implemented (LA07/2016/1512/F) this has been queried with the agent and amended plans sought
- There will be adverse impact to the linear village, this has been considered within the report above

- The impact of vehicular and pedestrian activity to neighbours have been considered

Consideration and Assessment:

The overall proposals fail to meet the Strategic Planning Policy Statement, PPS7: Policy QD1 criteria a, c, g, h and i of QD1, PPS7 (Addendum) Policy LC1, PPS2, PPS12: PCP1 and 2 of PPS12 and DES 2 of the PSRNI in that development will result in adverse visual impact causing fragmentation of an unbroken linear road frontage, is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development. Proposals are an overdevelopment of the site due to its restrictive size is unable to provide sufficient private open space or separation distances to avoid impact to amenity, proposals will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking. For these reasons and reason set out in the report above the application is contrary to policy and it is recommended to refuse the application.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and DES 2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that the development would, if permitted:

- harm the townscape character of the area by failing to respect the existing linear pattern of development along the frontage of Jonesborough Village;
- disrupt the built form along the street-scene;
- result in a dominance of hard-surfacing;
- adversely impact on views along the street as a result of the suburban form of the re-development scheme proposed in the back-lands; and
- harm the living conditions of the residents at 8-18 Jonesborough Village by reason of adverse impact to amenity brought about by this tandem and piecemeal development as well as the introduction of pedestrian and vehicular traffic to the rear of existing dwellings.

2. The overall proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS7: Policy QD1 (Criteria a, c, g, h and i), PPS7 (Addendum) Policy LC1, PPS12: PCP1 and 2 of PPS12 in that:

- it will result in adverse visual impact causing fragmentation of an unbroken linear road frontage;
- is a piecemeal development which will provide access to other undeveloped back land sites setting an unacceptable precedent for future development;

- is dominant and uncharacteristic to the existing settlement pattern;
- it is an overdevelopment of the site due to its restrictive size and is unable to provide sufficient private open space or separation distances to avoid impact to amenity; and
- it will also introduce vehicular and pedestrian traffic to the rear of existing dwellings which will have direct impact due to noise, general disturbance, overlooking.

3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy NH 6 of the Planning Policy Statement 2, Planning and Nature Conservation in that the site lies within an Area of Outstanding Natural Beauty and the development is not sympathetic to the character and appearance of the AONB.

4. The proposal is contrary to SPPS paragraph 4.11 in that development would if permitted harm the living conditions of residents at Jonesborough Village due to the level of activity associated with the development by reason of noise and general nuisance.

5. The proposal is contrary to PPS3 in that it would if permitted prejudice the safety of pedestrian movement along Jonesborough Village

Case Officer

Authorised Officer

Photographs







ITEM NO	21			
APPLIC NO	LA07/2017/0798/F	Full	DATE VALID	26/03/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Phelim Burns 11 Cregganbane Road Crossmaglen BT35 9DU		AGENT	Gary McArdle 26 Newry Road Forkhill BT35 9RN
LOCATION	185m North East of 6A Cregganbane Road Cregganbane Glebe Crossmaglen BT35 9DU			
PROPOSAL	Proposed Agricultural Storage Shed			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding; it would have an adverse impact on the natural heritage and would result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of odour, noise and flies. The proposal is also contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal is not sited beside existing farm buildings.
- 2 The Strategic Planning Policy Statement for Northern Ireland and policy NH3 of Planning Policy Statement 2: Natural Heritage, in that there is insufficient information to confirm the proposal is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of nearby ASSIs.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0798/F

Date Received: 26.03.2017

Proposal: Full permission for a proposed Agricultural Storage Shed

Location: 185m North East of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen

Site Characteristics & Area Characteristics:

The site which is set back from the public road and accessed by a private laneway is broadly rectangular in shape and includes an agricultural field that contains a cattle crush. A redundant dwelling is notable on the adjacent field.

Site History:

N/A

Planning Policies & Material Considerations:

The Strategic Planning Policy Statement for Northern Ireland
Banbridge Newry and Mourne Area Plan 2015
Planning Policy Statement 21
Planning Policy Statement 3
Planning Policy Statement 2

Consultations:

Statutory	Transport NI - Downpatrick Office	No objections
Advice and Guidance	Env Health Newry Mourne And Down District Council	Recommend separation distance of 75m from nearest non associated dwelling.
Statutory	NIEA	Further information required
Non Statutory	NI Water	No objections, standard response.

Objections & Representations

3 neighbours notified on 08.06.2017 and 16.06.2017 and the application was advertised on 14.06.2017. No objections or representations received.

Consideration and Assessment:

The site is located within the rural area as depicted in the Area Plan. There are no specific objections to the proposal with regard to the Area Plan.

Planning Policy Statement 21 – Policy CTY 12.

The DEARA consultation response has confirmed the agricultural has been established for 6 years and is currently active.

- (a) The agent has stated the development is necessary for the efficient use of the farm business to provide housing of plant, equipment, feedstock and the keeping of livestock. However evidence has not been submitted to show this building is necessary for the efficient use of the holding or where currently livestock and machinery etc is housed. This information was not requested due to the principle of a shed at this site being unacceptable to the Council.
- (b) In terms of character and scale, the proposal is not considered to offend this policy.
- (c) The proposal is considered to visually integrate in the landscape.
- (d) Further information is required so that Natural Environment Division can undertake SCAIL modelling. In the absence of this information NED has advised the proposal is contrary to PPS2: Natural Heritage and Habitats. Drainage and Water section also require further information to make a fully informed response. This information was not requested due to the principle of a shed at this site being unacceptable to the Council.
- (e) Environmental Health has advised a separation distance of at least 75m from dwellings not involved with the agricultural holding. Dwelling Nos 6 and 8 both fall within that distance. The issue is the keeping of livestock at this shed and a condition to restrict the use of livestock is considered unreasonable and unenforceable for an 'agricultural shed'. With this in mind the proposal is considered to have a detrimental impact on the amenity of adjacent neighbours due to odour, noise and flies.

The proposal is therefore contrary to parts (a), (d) and (e) of policy CTY 12.

The agent has stated there are no other farm buildings on the holding capable of the function applied for. Whilst the design and materials are considered acceptable the proposal is not sited beside existing farm buildings. Only a crush and redundant dwelling is notable at the site – no other farm buildings.

The proposal is not considered to offend policies CTY8, CTY13 or CTY14.

Planning Policy Statement 2: Natural Heritage.

As the application is within 7.5km of 5 ASSI's policy NH 3 is applicable. In the absence of the information necessary to carry out SCAIL modelling the proposal is contrary to policy NH3 of PPS2.

Planning Policy Statement 3

Transport NI has confirmed it has no objection to the proposal with regards PPS3.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that it is necessary for the efficient use of the active and established agricultural holding; it would have an adverse impact on the natural heritage and would result in a detrimental impact on the amenity of residential dwellings outside the holding or enterprise by reason of odour, noise and flies. The proposal is also contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal is not sited beside existing farm buildings.

2. The Strategic Planning Policy Statement for Northern Ireland and policy NH3 of Planning Policy Statement 2: Natural Heritage, in that there is insufficient information to confirm the proposal is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of nearby ASSIs.

Case Officer:**Authorised Officer:**

Gary McArdle
26 Newry Road
Forkhill
Newry
BT35 9RN

1/11/2017

WRITTEN SUBMISSION FOR PLANNING COMMITTEE MEETING

Planning Ref: LA07/2017/0798/F

Location: 185m North East of 6A Cregganbane Road, Cregganbane, Glebe, Crossmaglen, BT35 9DU,

Proposal: Proposed Agricultural Storage Shed

I refer to the above application and the planning authorities original decision to refuse

On behalf of the applicant I request that the application be deferred until the local planning office has all the relevant information necessary to make an informed decision.

I offer the following submission.

The planning report would indicate that the proposed development does not contravene policies CTY 8, CTY 13 or CTY14 of PPS21 Therefore we are primarily concerned with CTY12 for the purposes of this statement. The comments below are made in reference to the planning report.

Firstly there is no evidence on file of the farm planning maps pages 1,2 & 4 that was requested as further information by the planning authority and submitted ,however it was not uploaded to the planning file despite a telephone call by myself in which it was confirmed by the planning authority that the information was received.

I would argue that the planning decision has been made without all the information being present. The report states that the proposal is contrary to parts (a) , (d) and (e). However the planning authority has not requested further information in relation to part (a), that they needed further evidence that the development is necessary for the efficient use of the farm business and part (d) ,the undertaking of scail modelling. They state in both cases that the information was not requested due to the principle of a shed at this site being unacceptable

It is therefore argued that contravening parts (a) and (d) are result of the planners decision to refuse under part (e) (which we will address in later paragraphs) and that this information can be readily and easily obtained

In the case of demonstrating efficient use of the farm business we had tried to outline in our Design Statement that to make efficient use of farm land that this site was chosen due to location of adjacent cattle crush and building as per the site layout. The proposed site is also accessed via an existing lane way thereby more efficient use of the land. Even from a layman's point of view it is evident and it is also easily argued or demonstrated that it is necessary for the efficient use of the farm for an agricultural shed to be required for the keeping of plant & machinery, food stocks etc on a farm. The above farm maps submitted as part of a further information request referred to in paragraph 1) above and associated letter showed and confirmed that there were no other buildings on the farm holding.

It is argued by the applicant that the decision to refuse this permission for an agricultural shed will result in an inefficient use of the farm business and sustainability of the countryside, a direct opposite to the objectives of planning policy. The applicant at present is currently renting sheds of an adjacent landowner, however he has been informed that this current arrangement will not be acceptable in the coming months and that the applicant will have to make other arrangements, hence this application.

With regard to paragraph (d) the provision of a Scail Model demonstrating the effect of the proposal could have been easily submitted. The Scail Modelling software is easily accessible on line. It is a screening tool and is as its acronym suggests it is a 'Simple Calculation of Atmospheric Impact Limits from Agricultural Sources'. Furthermore it is argued that there would be no detrimental effect from the proposed shed due to the proposed uses within the shed and the adjacent open cattle crush.

There are a number of points to consider with reference to paragraph (e) of the report.

Firstly Environmental Health has not advised the planning authority in any correspondence on file that there be 'a separation distance of at least 75m from dwellings not involved with the agricultural holding'. The consultees report simply states that the proposal is within 75m. The planners report also states in its consultee's summary that 'a recommended separation distance of 75m...'. This suggests a premise rather than a policy is being used that a building within 75m will not be acceptable. However the '75m' distance between proposed agricultural sheds and dwellings not involved in the application arises under exempted development rules. That is to say that if the proposed shed was 75m from No 6 & No 8 there would be no requirement for this application.

Secondly the planner has addressed the issue of the keeping of livestock. However, the design statement refers in the last paragraph the proposed shed is to be used for the storage of plant, equipment and feedstock. We have stated that it will be used in conjunction with the crush from time to time but will not be used for the permanent keeping of livestock. It can be noted from proposed site layout that this proposed shed is located directly adjacent to an existing crush and our original proposal was to use the shed as a thoroughfare thru the shed for the livestock to exit the crush 'ie in conjunction with the crush'. It was considered that this would be a better more efficient use of the land but note given the planners consideration that we can remove a section of the rear ditch and let the live stock exit the crush and re-enter

the adjacent paddocks via the laneway adjacent to No 6 & No 8 (ie a more detrimental impact of the amenities of the adjacent neighbours

Thirdly the planner has stipulated that it is 'unenforceable' to have a condition to restrict the use of live stock. However we do not see the need to have any such condition (however in the interests of proper planning we are happy to accept such a condition). We have not shown any slats, bays, slurry tanks etc on the drawings. If granted (as per current drawings) we will not have any permission to construct the same and therefore will be in breach of planning if undertaken or misused. Any environmental impacts, nuisances etc experienced by the third parties can be reported to Environmental Health and then enforced. Similarly the keeping of livestock in unsuitable enclosures will be monitored and enforced by DARD

Fourthly we have not been able or requested to ascertain if any detrimental impact or indeed positive impact will result from this application. There is already an open cattle crush in use beside the proposed building. This proposed building will act as a screen to odours and noise of the current operations. It is argued that there will be less movement on the laneway serving the adjacent dwelling and houses as feedstock can be stored in bulk and machinery left in the proposed building and therefore the decision has been made in the absence of all the relevant information.

The planning report refers to ' the agent stating that there are no other farm buildings on the holding capable of the function applied for'. It is argued that not only did I convey this in my response to the further information but also demonstrated it by way of farms maps. The planning report states that the proposal is not sited beside existing farm buildings. It is argued that the proposal is situated beside the only buildings on the farm holding (the crush and dwelling house). It is argued that there is no other buildings present on the farm

In summary we would argue

That the proposed development be deferred until all the necessary information required to make an informed planning decision is submitted.

It is not confirmed on the planning file if the further information submitted has been considered by the planning authority

The planning authority have not requested this information as they object to the proposal 'in principle'. However the criteria which they object to the proposal ie paragraph (e) of the report is inaccurate and a misinterpretation of the current planning policy on exemption.

EHS consultation report has not advised the planning authority that there has to be a set distance between the proposal and adjoining buildings. In fact they have stated that they 'would not object to the use of the shed for agricultural storage to include the storage of plant, equipment and feedstuff' . This is the proposed use of the shed.

The planning report also states that that the proposal is not site beside existing farm

buildings. Whilst there is no specific definition of farm buildings in CTY12 , crushes are considered to be farm buildings /structures under planning exemption legislation. It is also evident that this crush is situated beside a building located on the farm , that is considered by DARD to be part of the farm on their farm maps. Therefore it is argued that the proposal is situated beside existing farm buildings , these buildings/structures being the only building/structures on the land holding

Prepared By



Gary McArdle

ITEM NO	22						
APPLIC NO	LA07/2017/0808/F		Full	DATE VALID	25/05/2017		
COUNCIL OPINION	REFUSAL						
APPLICANT	EDB Construction 2A Seavers Road Newry BT35 8NA			AGENT			
LOCATION	Lands between The Sacred Heart Grammar School and Newry High School Ashgrove Avenue Newry.						
PROPOSAL	Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing.						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	

- 1 The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0808/F

Date Received: 30th May 2017

Proposal: Removal of Condition 2 on planning approval P/2011/1067/F

Location: The site is identified as Lands between The Sacred Heart Grammar School and Newry high School Ashgrove Avenue, Newry.

Site History:

Planning Permission was granted on the application site under planning ref P/2011/1067/F for the "Erection of residential development (comprising 2 No. Detached dwellings, 28 No. semi-detached dwellings, 9 No. terraced dwellings (in 3 blocks) and 8 No. apartments (in 4 blocks) – 47 No. units in total, to include 16 NO. social housing units)". Condition No. 2 of this planning approval states:

"Of the 47 No. units hereby permitted, a minimum of 16 No. residential units shall be provided for social rented housing and shall only be managed and maintained by a housing association which is registered and regulated by the Department of Social Development as a social housing provider. Prior to the commencement of the development, the developer shall inform the Department in writing which residential units will be provided was social rented housing."

Reason: To meet an identified social rented housing need in this area.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015

Consultations:

NI Housing Executive – the reason states:

As 31 March 2016, we identified a projected housing need to 2020 of 698 social housing for Newry city. We fully support the need for this scheme to help address unmet social housing need in this area.

Response dated - 25th July 2017

Objections & Representations

There were 15 neighbour notifications issued for this proposal. The application was advertised in the local press on 15th June 2017. There were no representations received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Page 69-75 sets out the strategic approach for the provision of housing in settlements.

Page 73 of the SPPS sets out how Local development Plan will facilitate a reasonable mix of housing.

Housing Needs Assessment / housing Market analysis (HNA/HMA) -provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing⁴¹, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.

Affordable Housing *- The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

**Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.*

It is clear from the provisions of the SPPS that housing allocations are based in a wide range of information, market analysis and input from numerous stakeholders. In relation to the Social Housing the NIHE will have significant input onto the final figures agreed for the number of units required over a plan period.

Banbridge / Newry and Mourne area Pan 2015

The proposed application site is identified in the Banbridge/ Newry and Mourne Area Plan as providing 16 No. social housing units and as a committed site under designation NY50. In relation to social housing in Newry the plan states that key site requirements to meet social housing need have been attached to the following sites – NY50 East of Newry High School, Ashgrove Avenue (16 No. dwellings).

Zoning NY50 has three key site requirements. The first relates to the provision of 16 No. dwellings be provided for social housing.

The applicant has provided a letter detailing that following negotiation with Apex housing association, at a time of budgetary constraints it is not financially possible that they can provide any social housing on this site at this time. Further, as the Department of Social Development set allowances for social housing developments, all other housing associations are competing on a level playing field and therefore no other association would be able to secure or offer any more funding than Apex at this time.

The NIHE have clearly programmed the 16 units agreed to be built at East of Newry High School Ashgrove Avenue in the future requirement for Newry. The consultation response supports this view.

Contrary to BNMAP – Zoning NY 50 which requires a minimum of 16 units for social housing.

NIHE strongly objects to the removal of the condition

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.

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

ITEM NO	24			
APPLIC NO	LA07/2017/0868/F	Full	DATE VALID	30/05/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Daniel King Ivy Lodge 117 Concession Road Crossmaglen BT35 9JE		AGENT	Lakeview Design Ltd 30 Carrickcloghan Road Camlough BT35 7HG
LOCATION	40m NW of 117 Concession Road Crossmaglen			
PROPOSAL	Replacement dwelling for remains of existing structure located in an agricultural yard.			
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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that
 - there is no structure that exhibits the essential characteristics of a dwelling;
 - the building has been designed and used for agricultural purposes; and
 - the access to the public road will prejudice road safety and significantly inconvenience the flow of traffic.

- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking in that the proposal involves the intensification of an access onto a protected route and it is not considered an exception to the policy.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0868/F

Date Received: 3rd May 2017

Proposal: replacement dwelling for remains of existing structure located in an agricultural yard.

Location: Concession Road

The site is located the rear of no. 117 an existing dwelling. Within the yard in of the building that is to be replaced, there are two large relatively new sheds. The building highlighted to be replaced is a large two storey building. The window openings have been blocked up with the side gable facing into the yard having been removed. To the opposite gable there is an external stone staircase. The original roof has been removed with the side elevation raised with concrete block to provide a monopitch sheeted tin roof. East of the building and just beyond the application site lies a single storey building of stone construction with a natural slate roof.

The site is located within the countryside as defined in the Banbridge, Newry and Mourne Area Plan 2015.

Site History:

n/a to the building to be replaced- LA07/2016/0727/F- dwelling on a farm-approved west of the application site.

Objections & Representations

No. of neighbours notified=7

No representations received= 0

Advertise expiry= 6th July 2017

Consultations

TransportNI- no objections sub to conditions

NIW- statutory

EH- no objections

Consideration and Assessment:

The proposal is for a replacement dwelling within a countryside area therefore will be assessed Policy CTY 3 of PPS 21.

Upon site inspection the building is sited within an existing yard. From the detail characteristics of the site above the building to be replaced does not in my opinion exhibit the essential characteristics of a dwelling. The building is two storey in height and of a stone construction. The building had 2 doorway openings on the elevation facing into the yard, one of which has been blocked up. Internally the first floor has been removed and the window openings on both the front and rear elevations have been blocked up. The external staircase to the gable would suggest the previous use was as a barn. The policy clearly states buildings designed and used for agricultural purposes, such as sheds or stores are not eligible for replacement under the policy. The gable end facing into the yard has been altered to create a larger two storey opening. The building is currently used as a general store.

The building to be replaced given its current appearance does not exhibit the essential characteristics of a dwelling.

The proposal is for an off site replacement. The applicant has not demonstrated reasoning for an off site replacement in line with CTY 3.

The proposed replacement dwelling in terms of design is considered acceptable and appropriate for the site and its locality. The overall size of the new dwelling would not have a visual impact significantly greater than the existing building.

The applicants choice of site for an off site replacement is considered more prominent than the site of building to be replaced. However, the siting set back from the public road with the backdrop of buildings and natural screening accompanied by the roadside vegetation will ensure that the proposal is not a prominent feature in the landscape. The proposal will utilise the existing topography with the dwelling to be placed within a small dip in the landscape.

The proposal uses the existing landform and natural features of the land to aid integration of the dwelling.

The proposal is for a replacement dwelling and therefore will not be visually linked or sited to cluster with an established group of buildings on a farm.

The proposal sited in front of existing buildings when viewed from the Concession Road will not result in a build-up of development. The proposal respects the traditional pattern of settlement exhibited in the area and does not create or add to ribbon of development. The dwelling and associated works will not cause a detrimental change to, or further erode the rural character of the surrounding area.

Although, TransportNI are content with the access arrangements, this is only on the basis that the proposal is for a genuine replacement as the access in onto a protected route.

As the proposal is not considered to comply with the criteria of the CTY 3 the proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy AMP 3 of Planning Policy Statement 3 Access, Movement and Parking. The proposal will involve the intensification of an access onto a protected route and it is not considered an exception to the policy.

Recommendation:

Refusal

.....

.....

RE: LA07/2017/0868/F - Daniel King. Item 36

To summarise the content of our request for speaking rights, the client is providing me with information which they believe will prove that the structure was indeed a dwelling house. It would appear from the planning report that the premise of the refusal is around the failure of this structure to exhibit the characteristics of a dwelling. I also note that the siting of the house, integration, visual impact and design all appeared to be satisfactory so this is basically an outline of the request.

ITEM NO	28			
APPLIC NO	LA07/2017/0964/O	Outline	DATE VALID	16/06/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Mrs Olga Fitzpatrick 19 Moygannon Road Moygannon Warrenpoint BT34 3EA		AGENT	
LOCATION	Adjacent to and rear of No. 19 Moygannon Road Moygannon Warrenpoint BT34 3EA			
PROPOSAL	Proposed new dwelling (under policy CTY 2a)			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	1	0	0	0
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads and would have an adverse impact on residential amenity.
- 3 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would result in a suburban style build-up of development when viewed with existing and approved buildings.
- 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 with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 15.



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

Application Reference: LA07/2017/0964/O

Date Received: 26.07.2017

Proposal: Proposed new dwelling (Policy CTY 2a) within an existing cluster of dwellings.

Location: Adjacent to and rear of no.19 Moygannon Road, Warrenpoint, BT34 3EA.

Site Characteristics & Area Characteristics:

The application site is located off the Moygannon Road, Warrenpoint. This area is rural in character with a number of outbuildings and rural dwellings. The site is located adjacent and too the rear of 19 Moygannon Road. The application site as outlined in red can be accessed via a private laneway. The site is of rectangular shape and currently forms part of the private garden of no.19 Moygannon Road. The topography of the land is fairly level however mature hedgerow is located towards the eastern elevation from which there is a steep increase upwards towards the eastern boundary.

Mature hedgerow is located along the northern and southern boundaries, with a 1 ½m high wooden fence along the eastern boundary. The western boundary opens on 19 Moygannon Road. The application site is located outside any settlement development limits as designated within then Banbridge, Newry and Mourne Area Plan 2015.



Application site

Site History:

No relevant site history.

Planning Policies & Material Considerations:

Regional Development Strategy

Banbridge/Newry & Mourne Area Plan 2015

Strategic Planning Policy Statement of Northern Ireland

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

AMP 2- Access to Public Roads

AMP 3- Access to Protected Routes

AMP 7 Car Parking and Servicing Arrangements

PPS 6- Planning Archaeology and Built Heritage

PPS 21- Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY2a – New Dwellings in Existing Clusters;

CTY 8- Ribbon Development

CTY13- Integration and Design of Buildings in the Countryside;

CTY14- Rural Character

CTY16 – Development Relying on Non-Mains Sewage

Supplementary Planning Guidance:

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

Consultations:

Transport NI- Have recommended that 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 with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Rivers Agency- Has no objections to the proposal

Historic Environment Division (HED) - Has no objections to the proposal.

NI Water- Has no objections to the proposal

Objections & Representations

4 Neighbours was notified on 09.08.2017 and was advertised on 26.06.2017. One letter of objection was received from no.17 Moygannon Road.

Principle of Development

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), in so far as material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The proposed site is in the open countryside as designated by the Development Plan and therefore the application falls to be considered under PPS21 and paragraph 6.73 of the SPPS. Policy CTY 1 of PPS21 identifies a range of types of development which in principle are considered to be acceptable in the countryside. One of these is a dwelling within an existing cluster of buildings in accordance with Policy CTY2a. Policy CTY2a indicates that planning permission will be granted for a dwelling at an existing cluster of development subject to six criteria being met. Most of the criteria are replicated in the SPPS.

The first criterion requires the cluster of development to lie outside of a farm and to consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structure) of which at least three are dwellings. Officers consider that the cluster consists of four dwellings no.19 Moygannon Road, no.21 Moygannon Road (and the three Outbuildings associated), no.19a Moygannon Road (and the two Outbuildings associated) and no.17 Moygannon Road (and the three Outbuildings associated). Officers consider the proposed development complies with criteria 1 of CTY2a.

The second criterion requires that the cluster appears as a visual entity in the local landscape. Officers consider that the cluster consists of four dwellings no.19 Moygannon Road, no.21 Moygannon Road (and the three Outbuildings associated), no.19a Moygannon Road (and the two Outbuildings associated) and no.17 Moygannon Road (and the three Outbuildings associated). Officers consider from the different viewpoints along Moygannon Road the cluster appears as a visual entity in the local landscape, thus meeting the second criteria.

The third criterion requires a new dwelling to cluster with a focal point, such as a social/ community building/facility, or is a cross-roads. The area does not have an associated focal point or is located at a cross-roads therefore proposal does not meet the definition and is not considered acceptable in principle against this policy test.

The fourth criterion requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The boundaries of the site are well enclosed and could offer a suitable degree of enclosure to allow a dwelling to integrate into the landscape. The proposal is bounded on the western side by no.19 Moygannon Road, with the southern side bounded with no. 94 Moygannon Road. A private laneway separates between the application site and no.19a Moygannon Road along the eastern side and no, 21 Moygannon Road along the northern side of the elevation. Therefore the proposal meets the fourth criteria.

The fifth criterion is that the development of the site can be absorbed into the existing cluster through rounding off and consolidation. Officers consider that due to its siting the proposed development would be absorbed into the existing cluster and it would meet the fifth criterion.

The sixth criterion requires that the development would not adversely impact on residential amenity. The particulars of the design and layout of the site are not

determined until the Reserved Matters stage. Therefore the impact cannot be determined until then. However the applicant has submitted a concept plan showing the size, scale and location of proposed dwelling. Officers consider that any proposed development would have an impact on the adjoining properties most notably no.19 Moygannon Road in terms of loss of sunlight or overshadowing. In addition officers consider that any proposed dwelling would result in loss of amenity. The proposal therefore does not comply with this policy test.

In summary the proposal fails to meet all six criteria indicated in Policy CTY 2a as outlined above. For this reason the principle of development is considered unacceptable.

Design and Integration

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

In the opinion of Officers the proposal would not appear unduly prominent in the landscape and it is well enclosed along its boundaries by existing mature hedgerow and stone wall allow a building to integrate into the landscape. The application site could suitably accommodate a dwelling without primarily relying on new landscaping for integration.

Impact on Rural Character

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. In this case, officers consider that any proposed dwelling would result in a suburban style build-up of development when viewed with existing and approved buildings.

Impact on road safety and parking

The application proposes to use the access via a private laneway of the Moygannon Road. Transport NI have recommended that 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 with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Objection Letter

The owner/occupier of no.17 Moygannon Road has objected to the proposed development. The person has raised concerns regarding the principle of 'cluster of houses', health and safety with traffic and design of the dwelling. Officers have

assessed the application against the relevant policy and have determined that the application is contrary to Policy CTY2a of Planning Policy Statement 21 and contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2. The particulars of the design and layout of the site are not determined until the Reserved Matters stage. The applicant has submitted plans of design and layout however this is for information only and cannot be considered. Officers consider that the material planning objection letter received have been fully considered.

Conclusion

Refusal

Refusal Reasons

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads and would have an adverse impact on residential amenity.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted would result in a suburban style build-up of development when viewed with existing and approved buildings.
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 with width/visibility of the existing access renders it unacceptable for intensification of use and is not in accordance with the standards contained in the Departments Development Control Advice Note 1.

Case Officer Signature	
Date	
Appointed Officer Signature	
Date	

ITEM NO	30			
APPLIC NO	LA07/2017/1115/F	Full	DATE VALID	24/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Gerard & Tracey Winters 35 Archdale Bessbrook Newry BT35 7NN		AGENT	AMC Loss Assessors & Surveyors Upper Faughart Dundalk Co. Louth

LOCATION 33 Tyrone's Ditches Road Poyntzpass

PROPOSAL Proposed replacement dwelling (Change of house type to previously approved application LA07/2016/1400/F).

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

- 1 The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.
- 2 The proposal is contrary to The Strategic Planning Policy for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0808/F

Date Received: 30th May 2017

Proposal: Removal of Condition 2 on planning approval P/2011/1067/F

Location: The site is identified as Lands between The Sacred Heart Grammar School and Newry high School Ashgrove Avenue, Newry.

Site History:

Planning Permission was granted on the application site under planning ref P/2011/1067/F for the "Erection of residential development (comprising 2 No. Detached dwellings, 28 No. semi-detached dwellings, 9 No. terraced dwellings (in 3 blocks) and 8 No. apartments (in 4 blocks) – 47 No. units in total, to include 16 NO. social housing units)". Condition No. 2 of this planning approval states:

"Of the 47 No. units hereby permitted, a minimum of 16 No. residential units shall be provided for social rented housing and shall only be managed and maintained by a housing association which is registered and regulated by the Department of Social Development as a social housing provider. Prior to the commencement of the development, the developer shall inform the Department in writing which residential units will be provided was social rented housing."

Reason: To meet an identified social rented housing need in this area.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015

Consultations:

NI Housing Executive – the reason states:

As 31 March 2016, we identified a projected housing need to 2020 of 698 social housing for Newry city. We fully support the need for this scheme to help address unmet social housing need in this area.

Response dated - 25th July 2017

Objections & Representations

There were 15 neighbour notifications issued for this proposal. The application was advertised in the local press on 15th June 2017. There were no representations received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Page 69-75 sets out the strategic approach for the provision of housing in settlements.

Page 73 of the SPPS sets out how Local development Plans will facilitate a reasonable mix of housing.

Housing Needs Assessment / housing Market analysis (HNA/HMA) -provides an evidence base that must be taken into consideration in the allocation, through the development plan, of land required to facilitate the right mix of housing tenures including open market and special housing needs such as affordable housing⁴¹, social housing, supported housing and travellers accommodation. The HNA will influence how LDPs facilitate a reasonable mix and balance of housing tenures and types. The Northern Ireland Housing Executive, or the relevant housing authority, will carry out the HNA/HMA.

Affordable Housing *- The HNA/HMA undertaken by the Northern Ireland Housing Executive, or the relevant housing authority, will identify the range of specific housing needs, including social/affordable housing requirements. The development plan process will be the primary vehicle to facilitate any identified need by zoning land or by indicating, through key site requirements, where a proportion of a site may be required for social/affordable housing. This will not preclude other sites coming forward through the development management process.

**Draft PPS 22 'Affordable Housing' was published for public consultation in June 2014 at the same time as DSD's draft 'Developer Contributions for Affordable Housing' policy. DSD are currently taking forward research which both Ministers will consider before finalising any future policy on Affordable Housing.*

It is clear from the provisions of the SPPS that housing allocations are based in a wide range of information, market analysis and input from numerous stakeholders. In relation to the Social Housing the NIHE will have significant input onto the final figures agreed for the number of units required over a plan period.

Banbridge / Newry and Mourne area Plan 2015

The proposed application site is identified in the Banbridge/ Newry and Mourne Area Plan as providing 16 No. social housing units and as a committed site under designation NY50. In relation to social housing in Newry the plan states that key site requirements to meet social housing need have been attached to the following sites – NY50 East of Newry High School, Ashgrove Avenue (16 No. dwellings).

Zoning NY50 has three key site requirements. The first relates to the provision of 16 No. dwellings be provided for social housing.

The applicant has provided a letter detailing that following negotiation with Apex housing association, at a time of budgetary constraints it is not financially possible that they can provide any social housing on this site at this time. Further, as the Department of Social Development set allowances for social housing developments, all other housing associations are competing on a level playing field and therefore no other association would be able to secure or offer any more funding than Apex at this time.

The NIHE have clearly programmed the 16 units agreed to be built at East of Newry High School Ashgrove Avenue in the future requirement for Newry. The consultation response supports this view.

Contrary to BNMAP – Zoning NY 50 which requires a minimum of 16 units for social housing.

NIHE strongly objects to the removal of the condition

Recommendation:

Refusal

Refusal Reasons/ Conditions:

1. The proposal is contrary to the Strategic Planning policy Statement for Northern Ireland (SPPS) and designated zoning NY50 of the Banbridge / Newry and Mourne Area Plan 2015 in that the key site requirement states that a minimum of 16 dwellings shall be provided for social housing.

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	31			
APPLIC NO	LA07/2017/1138/F	Full	DATE VALID	27/07/2017
COUNCIL OPINION	REFUSAL			
APPLICANT	Bernard Morgan 73 Newtown Road Killeen Newry BT35 7PP		AGENT	Collins and Collins 2 Marcus Street Newry BT34 1AZ
LOCATION	Adjacent to and immediately South East of No.1 Newtown Court Newtown Road Cloghogue Newry Co Down BT35 8GX			
PROPOSAL	Erection of Agriculture Buildings			

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
- 2 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - it is not necessary for the efficient use of the active and established agricultural holding;
 - the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;
 and the applicant has not provided sufficient information to confirm that
 - there are no suitable existing buildings on the holding or enterprise that can be used;
 - the proposal is sited beside existing farm buildings;
 - it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.
- 3 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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 and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/1138/F

Date Received: 19.07.17

Proposal: Erection of Agriculture Buildings

Location: Adjacent to and immediately South East of No.1 Newtown Court
Newtown Road, Cloghogue, Newry

Site Characteristics & Area Characteristics:

Site comprises the western portion of a much larger agricultural field situated at the end of a cul-de-sac accessed via a private lane from Newtown Road. By way of Area Plan definition the site itself is located in the open countryside to the south of Newry City and is also within an Area of Outstanding Beauty as designated within the Banbridge/ Newry & Mourne Area Plan 2015.

Site History:

P/2013/0290/F – Dwelling on a farm. Land 40m SE of 20 Newtown Roads. PAC Refused. Dismissed by the PAC

Planning Policies & Material Considerations:

Banbridge/ Newry and Mourne Area Plan 2015:

PPS3, DCAN 15 and Parking Standards - Transport NI have raised no objection in comments dated 30.08.17

SPPS, PPS21 (CTY 1, CTY12 and CTY13)

DAERA in their consultation response dated 07.08.17 confirm that the farm business has been in existence for over 6 years and single farm payments have been claimed which is an indicator of an active and established farm holding.

The agent in correspondence has set out that the shed is needed for the expansion of the farm business and will be used for storage purposes for animal welfare, animal

feed and farm machinery. The principle farm holding is at No.73 Newtown Road where there are a number of existing agricultural buildings and where such items are currently being stored. The farm business map date stamped 19.07.17 (DAERA marked date 14.02.11 – Page 2 of 2) shows land which is owned and claimed by the applicant, apart from existing buildings there is sufficient room within the existing complex in which to expand. There is no convincing argument put forward by the applicant/agent for the need to relocate elsewhere nor has it been adequately demonstrated that the development is necessary for the efficient use of the agricultural holding.

The application site comprises the western portion of a much larger roadside agricultural field which is critically viewed from the adjacent A1. It is proposed to locate the agricultural building midway along the southern boundary of the site and this proposed siting is within the most open and exposed portion of the field lacking natural vegetative boundaries, backdrop or any other means in which to screen or provide enclosure thus development will appear prominent in the local landscape and will require significant landscaping in order to adequately integrate.

There is no impact to natural or built heritage. The character and scale is typical of agriculturally designed buildings appropriate to its rural location.

Environmental Health have raised no concern with regard to impact to amenity provided the building is used for storage and farm machinery as specified by the agent.

There are already existing buildings at the principle farm holding at No.73 Newtown Road which are currently being used for the storage of farm machinery, silage etc. Whilst the applicant has stated that the shed is required as part of expansion plans there has been no verifiable plans presented to show this or any credible evidence of any expansion within the business to necessitate the need for additional farm buildings outside of the principle farm holding. Given the scale of such proposals, there is no reason why it could not be located at the principle farm holding approximately one mile away or that existing buildings at the holding could be utilised nor has it been adequately demonstrated that there are no existing renovation, alteration or redevelopment opportunities within the holding to facilitate proposals.

It must also be noted that the proposal is not sited beside existing farm or forestry buildings. There are two containers on the site which cannot be considered to be permanent buildings or to be of an agricultural nature. On the proposed plan, the containers are described as existing agricultural buildings, however it is not accepted that these constitutes buildings and they are not permanent or attached to the ground. Therefore they cannot constitute as lawful buildings to site the proposal with. Additionally, it should also be noted that this matter has already been assessed by the Planning Appeals Commission (PAC) in May 2016 when a farm dwelling was refused for the applicant on the same site. The PAC Commissioner stated that "whilst the appellant acknowledges that the two containers on the appeal site are not technically buildings, no evidence was presented to confirm that they are immune from enforcement and I agree with the LPA that they do not constitute lawful buildings with which to group a farm dwelling."

The proposed building is located away from the existing farm buildings with no exceptional or justifiable reasons given that proposals are essential for the efficient functioning of the business or there are demonstrable health and safety reasons to locate elsewhere. Proposals fail to fully meet the requirements of planning policy.

Consultations:

Transport NI (14.08.17) - No objections

Environmental Health (01.08.17) In close proximity to residential dwellings. Should the shed be used for storage and farm machinery the department would not object

DAERA (07.08.17) - No objection

Objections & Representations

16 Neighbour notifications

No objections received

Advertised August 2017

Consideration and Assessment:

Proposals fail the requirements of planning policy, there is no overriding reason why proposals are necessary for the reasons set out above.

Recommendation:

Refusal

Refusal Reasons:

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- it is not necessary for the efficient use of the active and established agricultural holding;

- the development, if permitted, would not visually integrate into the local landscape without the provision of additional landscaping;

and the applicant has not provided sufficient information to confirm that

- there are no suitable existing buildings on the holding or enterprise that can be used;
- the proposal is sited beside existing farm buildings;
- it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings or that the alternative site away is essential for the efficient functioning of the business.

The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (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 and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- the proposed building relies primarily on the use of new landscaping for integration;
- the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

Photographs



Farm Land at Low Road with buildings



Existing buildings at No.73 Newtown Rd



Existing buildings at No.73 Newtown Rd



Existing buildings at No.73 Newtown Rd



No. 73 Newtown Road

ITEM NO	36						
APPLIC NO	LA07/2017/1442/F	Full	DATE VALID	25/09/2017			
COUNCIL OPINION	APPROVAL						
APPLICANT	Newry, Mourne and Down District Council Council Offices		AGENT	Estates Department (NMDDC) Council Offices			
Haughey House	Greenbank Industrial Estate Newry BT34 2QU			Haughey House Greenbank Industrial Estate Newry BT34 2QU			
LOCATION	Warrenpoint Bowling Green Clonallon Park Warrenpoint Co. Down BT34 3RP						
PROPOSAL	Proposed extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding						
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions		SUP Petitions		
	0	0	0		0		
			Addresses	Signatures	Addresses	Signatures	
			0	0	0	0	



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**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2017/1442/F

Date Received:

25/09/2017

Proposal:

Extension and upgrades to existing bowling pavilion to include new changing rooms and new external cladding

Location:

Warrenpoint Bowling Green, Clonallon Park, Warrenpoint, Co.Down, BT34 3RP

Site Characteristics & Area Characteristics:

The site forms part of Clonallon Public Park which is located within the settlement limits of Warrenpoint, approximately 0.5miles north east of the Town Centre. This area comprises a mix of residential and community uses, with St. Dallan's Primary School and the Church of Mary Queen of Peace located opposite Clonallon Park, which is surrounded by established residential developments to the East. The area for consideration includes the existing Bowling Pavilion, which is elevated in the South Eastern area of Clonallon Park and located close to the rear boundary between Berkeley Grove housing development to the East.

Relevant site history:

P/2005/0657/F: Erection of Changing Facility (Clonallon Bowling Green), permission granted 21/06/2005

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015
- PPS2 'Natural Heritage'
- PPS8 'Open Space, Sport and Outdoor Recreation'
- Technical Supplement 5 'Open Space, Sport and Outdoor Recreation' BNMAP2015

Consultations:

NI Water - Standard informatives (17/10/2017)

Objections & Representations

- 12 Neighbouring properties notified 05/10/2017 (statutory expiry 19/10/2017)
- Application advertised in 3 press publications (statutory publication expiry 26/10/2017)
- 0 objections or responses have been received to date (24/10/2017.)

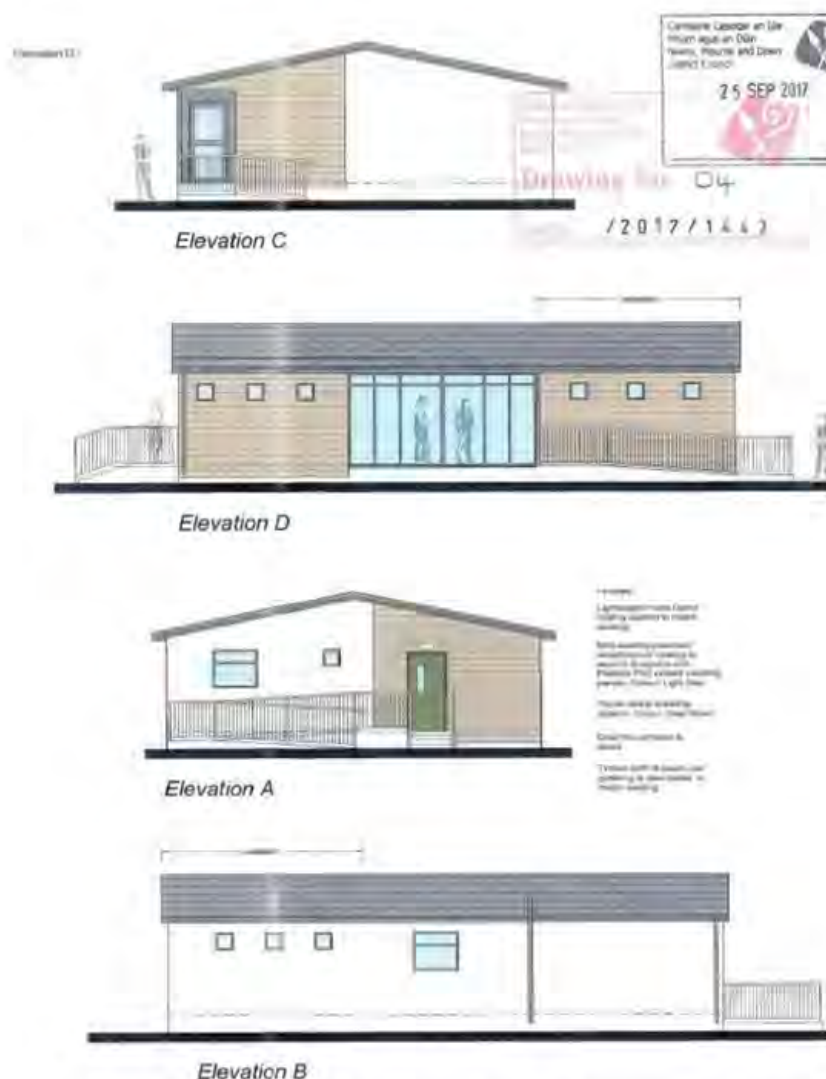
Consideration and Assessment:

This application seeks full planning permission for the extension and upgrade of the existing bowling pavilion, to include new changing rooms and the addition of external cladding.

Section 45 of the Planning Act (NI) 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 subject site is located within the settlement limits of Warrenpoint / Burren (WB01), Mourne AONB (AONB2) and forms part of a designated Major Area of Open Space (Clonallon Park WBEOS01) as identified by the BNMAP 2015. Since there is no significant change to the policy requirements for sporting facilities following the publication of the SPPS, the retained policy of PPS8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, in line with the Open Space, Sport and Outdoor Recreation Technical Supplement.

The existing building comprises a low pitched roof block measuring 9.6m in width by 14.2m with additional access to the front and rear including an accessible ramp and railings along the front (western) elevation. The building height is 4.15m from ground level.

In brief, the proposal seeks to extend the primary building block by 0.9m to the south and 9.7m to the east to provide two new changing rooms, a smaller multi-purpose room and accessible ramp to the rear. In terms of siting, a separation distance of 16m would remain to the existing eastern boundary fence, the closest boundary to any neighbouring properties. Externally, it is proposed to strip the existing plywood / weather-proof coating and replace it with grey brown Tegral Cedral cladding over the southern elevation which fronts onto the green and partially over the front (western) and rear (eastern) elevations. In terms of openings, the southern elevation is to incorporate a section of full length glazing overlooking the Bowling Green, with the addition of six small openings to either side of this panel at upper level. New window openings and replacement doors are proposed as shown:



As per the BNMAP2015, Policy OS1 will apply to all areas of existing open space. This proposal will not result in a loss of existing open space or land zoned for its provision within Clonallon Park. PPS8 outlines the criteria to be met for proposals linked to sporting facilities. Given the scale and extent of the above extension, there would be no detrimental impact to neighbouring amenity. The proposal would result in planning gain through the provision of a fully accessible community building. There would be no impact upon surrounding features of importance, including the Church of Mary Queen of Peace given the separation distance and siting patterns. The design and materials proposed are sympathetic with the surrounding environment. There are no proposed changes to the existing use of the facility and no expected increase in traffic as a result of the modest extension and upgrades.

Recommendation: Approval

Summary recommendation:

Proposal is supported by the SPPS in principle and is in keeping with the requirements of PPS8. No impact on neighbouring amenity expected or the setting of surrounding features of importance. No objections or representations received.

Condition:

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

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

Case Officer Signature:

Date:

Appointed Officer Signature:

Date:

ITEM NO	38		
APPLIC NO	P/2014/0186/F	Full	DATE VALID 21/02/2014
COUNCIL OPINION	REFUSAL		
APPLICANT	Gibson (Banbridge) Ltd 1 Kilmacrew Road Banbridge BT32 4ES	AGENT	
LOCATION	400 metres east of 24 Carnbane Way Newry in the townland of Carnbane		
PROPOSAL	Infilling of field with approximately 25,000m3 of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off.		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions
	0	0	0
			SUP Petitions
			0
			Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.
- 2 The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2 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 splays of 2.4 metres by 100 metres cannot be provided to an adequate standard contained in Development Control Advice Note 15.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: P/2014/0186/F

Date Received: February 24th 2014

Proposal: Infilling of field with approximately 25,000m³ of clay, stones, topsoil, crushed concrete and bricks to overcome regular flooding by providing levels to progress water run off.

Location: 400 metres east of 24 Carnbane Way Newry in the townland of Carnbane

Site Characteristics & Area Characteristics:

Site consists of a grazing field located on the northern side of Craigmores Way, the field slopes sharply down from the north east towards the south west, it is accessed from Carnbane Way by a private laneway which continues on towards the north west and serves a private dwelling, the site is only visible from Carnbane Way from a short stretch to the south west and only the upper part is visible. The field is bounded by mature hedges with some mature trees, however the hedges are quite low and there are clear views of the site from along the laneway. There is no planning history on the site itself.

The site is located just outside of the development limit of Newry, to the west of the site is a veterinary pharmaceuticals factory. The fields to the north and south of the site have been approved for infilling to overcome flooding under applications P/2012/0518 and P/2012/0440 respectively.

Application seeks FPP for the infilling of the field with approximately 25,000 cubic metres of clay, topsoil, crushed concrete and bricks to overcome flooding by providing levels to progress water runoff, the proposal also includes the installation of drainage pipes to channel water into an existing drainage point into the Newry River which lies to the east.

The application was subjected to a determination under Regulation 10(1) of the Planning (EIA) Regulations (NI) 2012 on April 9th 2014 following its receipt. The determination was that the application did not need to be accompanied by an environmental statement.

Site History:

There is no history on the site itself

Planning Policies & Material Considerations:

Strategic Planning Policy Statement
 Banbridge/Newry and Mourne Area Plan 2015
 PPS 3 Access, Movement and Parking
 PPS 11 Planning and Waste Management
 PPS 21 Sustainable Development in the Countryside

Consultations:

NIEA Natural Heritage Advises that the area is comprised of improved grassland with hawthorn hedgerows and ash trees on the boundaries, no evidence of protected species was found and the site is considered to be of low nature conservation value. Recommends that all tree and boundary vegetation should be retained and protected during the works.

NIEA Land and Resource Management Requests clarification of the material to be deposited to ensure it is inert as well as a Hydrological Risk Assessment and details on the management of surface water run off. Additional information has addressed this issue as NIEA's response of September 7th 2015 confirms.

Roads Service Recommends refusal on the grounds of intensification of an access on to a protected route. An amended plan was submitted but Roads Service's response of January 12th 2015 stated that their objections still applied. While there are exceptions for the creation or intensification of accesses onto protected routes set out in the Addendum to PPS 3, none of them appear to apply in this instance and the proposal does not comply with the exception outlined in the SPPS.

Objections & Representations

No representations have been received in relation to this application.

Consideration and Assessment:**Strategic Planning Policy Statement**

The SPPS provides strategic guidance for the preparation of new Local Development Plans by Councils, in relation to waste management the policy largely restates the provisions of the retained policy.

Banbridge/Newry and Mourne Area Plan 2015.

The site is outside of the development limits of Newry as shown in the Banbridge/Newry and Mourne Area Plan 2015, it is shown as being within a Local Landscape Policy Area designated NY 118, the relevant section from the plan statement reads;

Designation NY 118

Local Landscape Policy Area
 Cloughanramer Road

A LLPA is designated as identified on Map No. 3/02a Newry.

Those features or combination of features that contribute to the environmental quality, integrity or character of these areas are listed below:

- * Moore Lodge, a locally important building set on a rising landform and prominent in the local landscape;
- * Archaeological sites and monuments, their views and settings;
- * Area of nature conservation interest including hedgerows, specimen trees and scrubland

Moore Lodge is located to the north west of the site, the main views of it are from Carnbane Way and from Cloghanrahmer Road, there are no views of the application site and Moore Lodge together from a public viewpoint.

Planning Policy Statement 11 Planning and Waste Management

Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

- * the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;
- * the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;
- * the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;
- * the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;
- * the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;
- * adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;
- * wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;
- * the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.
- * the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;
- * the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;
- * the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

* In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

It will be necessary for the the applicant to demonstrate that the infilling constitutes the BPOE option for dwelling with the waste material in question.

PPS 3 Access, Movement and Parking, Clarification of Policy AMP 3 Access to Protected Routes

The site accesses on to the A22, a protected route, the relevant section of AMP 3 reads;

"Other Dual Carriageways, Ring Roads, Through-Passes and By-Passes All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance."

The proposal is contrary to this policy and doesn't meet the exception outlined in the SPPS as it would involve the intensification of an access during the infilling, however this may only be for a short period while the infilling is carried out.

Recommendation:

The proposal is acceptable from a planning viewpoint in relation to impacts on biodiversity or drainage, the proposal is contrary to the protected routes policy and the visibility splays are inadequate.

Therefore refusal is recommended.

Refusal Reasons:

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that it would, if permitted, result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2 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 splays of 2.4 metres by 100 metres cannot be provided to an adequate standard contained in Development Control Advice Note 15.

Case Officer

Authorised Officer

Record of meetings between Planning Officers and Public Representatives 2017-2018

428

DATE OF MEETING	PLANNING OFFICER'S NAME/S	PUBLIC REPRESENTATIVE'S NAME
3/4/17	A McKay	M Ritchie MP
4/4/2017	A McAlarney	Cllr Walker
20/4/17	P Rooney	M Ritchie MP
27/4/17	A McAlarney	C McGrath MLA
27/04/17	A McAlarney M Keane	Cllr W Clarke
09/05/2017	A McAlarney	C McGrath MLA
11/5/17	A McKay	M Ritchie MP
1/6/17	A McAlarney	C McGrath MLA
2/6/17	G Kerr	Cllr J Tinnelly
20/06/17	A McAlarney	Cllr Walker
04/08/2017	A McAlarney	Colin McGrath
04/08/2017	G Kerr	Cllr David Taylor
15/08/2017	P Rooney G Kerr	Justin McNulty MLA
25/08/2017	G Kerr	Cllr J Tinnelly
06/09/2017	A McAlarney	Cllr Curran
12/09/2017	A McAlarney	Cllr Devlin
15/09/2017	A McAlarney	Colin McGrath
21/09/2017	G Kerr	Cllr David Taylor
05/10/2017	A McAlarney	Colin McGrath (Office staff Carmel OBoyle attending)
05/10/2017	A McAlarney	Sean Doran
6/10/17	A Hay	Cllr Walker + Jim Shannon MP
06/10/2017	A McAlarney	Cllr Walker Jim Shannon
06/10/2017	G Kerr P Rooney	Cllr David Taylor
09/10/2017	G Kerr	Cllr Brian Quinn
20/10/2017	G Kerr O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey

Record of meetings between Planning Officers and Public Representatives 2017-2018

429

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20/10/2017	G Kerr O'Toole	Cllr David Taylor
23/10/2017	G Kerr	Cllr J Tinnelly
24/10/2017	A McKay G Kerr	Cllr J Tinnelly
27/10/2017	P Rooney	Cllr Brian Quinn
31/10/2017	A McAlarney	Cllr Harry Harvey

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2016/A0148
Planning Ref:	LA07/2015/0877/	DEA	The Mournes
APPELLANT LOCATION	Mr Diarmid Sloan 10 Tullybrannigan Brae Newcastle		
PROPOSAL	BT33 0DG Roof space conversion, replacement roof and 2 storey extension		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps** **Date Appeal Lodged** 01/11/2016

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2016/A0166
Planning Ref:	LA07/2015/1244/	DEA	Crotlieve
APPELLANT LOCATION	Barney Mackin 19.3m North-East Of No27B Derrycraw Road Derrycraw		
PROPOSAL	Newry Erection of farm dwelling and garage		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 30/11/2016

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

431

ITEM NO	3		
Planning Ref:	LA07/2016/1041/	PAC Ref:	2016/A0172
APPELLANT	Joseph O'Hare	DEA	Crotlieve
LOCATION	Lands North Of And Adjacent To 53 Mayo Road Mayobridge		
PROPOSAL	Newry Dwelling and domestic garage on gap/infill site (amended address)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	05/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2016/0381/	PAC Ref:	2016/A0185
APPELLANT	Mr Matt Burns	DEA	Crotlieve
LOCATION	Opposite No. 107 Kilbroney Road Rostrevor		
PROPOSAL	Proposed farm retirement dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	15/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

432

ITEM NO	5	PAC Ref:	2016/A0192
Planning Ref:	LA07/2016/0802/	DEA	Crotlieve
APPELLANT LOCATION	Darren O'Hagan 60m NE Of 11a New Line Road Hilltown		
PROPOSAL	^{New} Site for dwelling and detached garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	30/12/2016
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2016/A0211
Planning Ref:	LA07/2016/0826/	DEA	Slieve Gullion
APPELLANT LOCATION	Kevin Donaghy Lands To The West And Rear Of Nos 22 And 24 Ballynabee Road Maghernahely		
PROPOSAL	^{Reshrook} Proposed erection of detached dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	02/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

433

ITEM NO	7		
Planning Ref:	LA07/2016/0365/	PAC Ref:	2016/A0224
APPELLANT	Mr And Mrs McCluskey	DEA	Rowallane
LOCATION	Lands Between 1 Brae Road And 212 Belfast Road Ballynahinch		
PROPOSAL	2no proposed dwelling houses		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2016/0477/	PAC Ref:	2016/A0226
APPELLANT	Mr Caolan Quirn	DEA	Slieve Gullion
LOCATION	50m South-east Of No 106 Carrickgallogly Road Carrickgallogly		
PROPOSAL	Belleek Erection of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/02/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

434

ITEM NO	9	PAC Ref:	2016//E0005
Planning Ref:	P/2015/0147/LDP	DEA	Newry
APPELLANT	Mr Gabriel McEvoy		
LOCATION	14m South West Of No 255 Dublin Road Killeen		
PROPOSAL	Newry Erection of agricultural building and associated hardstanding area, including removal of existing stone wall to provide access from existing agricultural yard.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2016-E0045
Planning Ref:	LA07/2015/0166/	DEA	The Mournes
APPELLANT	Mr Ronald Sloan		
LOCATION	29 Leitrim Road Kilkeel		
PROPOSAL	A Certificate of Lawfulness confirming that the construction of the works undertaken were lawful under planning reference P/2009/0663/F and P/ 2009/1484/F, and therefore constitute a material start to the dwelling approved under reference P/2009/0663/F.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/01/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

435

ITEM NO	11		
Planning Ref:	LA07/2016/1212/	PAC Ref:	2017/0061
APPELLANT	Thomas Grant	DEA	Crotlieve
LOCATION	Adjacent & Immediately South Of 20 Ryan Road Mayobridge		
PROPOSAL	Newry Replacement dwelling on farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	06/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12		
Planning Ref:	LA07/2015/0492/	PAC Ref:	2017/A0002
APPELLANT	Mr B Ward	DEA	Newry
LOCATION	Adjacent To And South Of No. 40 Lower Newtown Road Meigh BT35 8UT		
PROPOSAL	Proposed change of house type with alternative access to the Public road brought about by the construction of a new fly over to dual carriageway to original replacement Dwelling Approval on now commenced site.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/04/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

436

ITEM NO	13		
Planning Ref:	LA07/2015/0946/	PAC Ref:	2017/A0028
APPELLANT	Mark Rice	DEA	Newry
LOCATION	Lands Adjacent And North Of No.46 Lower Foughill Road Jonesborough Armagh.		
PROPOSAL	Proposed retention and extension of existing prefabricated structure to create farm dwelling. (amended description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	10/05/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2016/1323/	PAC Ref:	2017/A0044
APPELLANT	Cathal Sloan	DEA	The Mournes
LOCATION	14 Sandy Brae Attical Kilkeel		
PROPOSAL	Partial conversion of existing domestic garage to provide ancillary residential accommodation.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	08/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

437

ITEM NO	15	PAC Ref:	2017/A0047
Planning Ref:	LA07/2017/0199/	DEA	Downpatrick
APPELLANT	Paul Burke		
LOCATION	12 Marshallstown Ballynoe Road Downpatrick		
PROPOSAL	Retention of portion of existing domestic store as replacement for substandard aged domestic stores		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	08/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2017/A0058
Planning Ref:	P/2015/0067/O	DEA	Slieve Gullion
APPELLANT	Mrs M McKnight		
LOCATION	40m South Of 4 Molly Road Lower Jonesborough		
PROPOSAL	Dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	21/06/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

438

ITEM NO	17	PAC Ref:	2017/A0071/F
Planning Ref:	LA07/2017/0077/	DEA	Crotlieve
APPELLANT	Gary O'Hare		
LOCATION	Lands Between No. 20B And No. 22 Derrycraw Road Newry		
PROPOSAL	RT34 1RG Construction of 2 No. new detached 1 1/2 storey infill dwellings with detached double garages, associated site works and new access to public road.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	24/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18	PAC Ref:	2017/A0075
Planning Ref:	LA07/2015/0805/	DEA	Crotlieve
APPELLANT	Mr Peter Kelly		
LOCATION	140 Metres North Of 22 Newry Road Hilltown		
PROPOSAL	RT34 5TG Retention of dwelling with associated granny flat building, garden shed/ store and ancillary site works as built. (Amended scheme to that approved under P/2012/0052/F)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	26/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

439

ITEM NO	19		
Planning Ref:	LA07/2015/1381/	PAC Ref:	2017-A0076
APPELLANT	Mr And Mrs E Kerr	DEA	Slieve Croob
LOCATION	154a Downpatrick Road Teconnaught Ballvnahinch		
PROPOSAL	Conversion and extension of existing stone building to form dwelling plus detached garage and associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	27/07/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2015/0714/	PAC Ref:	2017-A0082
APPELLANT	Mr And Mrs Byrne	DEA	Downpatrick
LOCATION	180m North West Of Existing Farm Buildings Adjoining 28 Ballyclander Road Downpatrick		
PROPOSAL	Proposed farm dwelling and garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

440

ITEM NO	21	PAC Ref:	2017/A0090
Planning Ref:	LA07/2017/0766/	DEA	The Mourmes
APPELLANT LOCATION	Kelbourne Property Ltd 87e Bryansford Road Newcastle		
PROPOSAL	RT33 OF Dwelling and associated parking and landscaping		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure		Date Appeal Lodged	17/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2017/A0094
Planning Ref:	LA07/2017/0624/	DEA	Crotlieve
APPELLANT LOCATION	Mary Rooney 80A Kilbroney Road Rostrevor		
PROPOSAL	RT34 3R1 Single storey side and rear extension		

APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Written Reps	Date Appeal Lodged	25/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

441

ITEM NO	23		
Planning Ref:	LA07/2017/0615/	PAC Ref:	2017/A0096
APPELLANT	Mr Raymond Rice	DEA	Newry
LOCATION	Lands Immediately North Of No. 36 Flagstaff Road Newry		
PROPOSAL	Infill Site for 2 No. Dwellings		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	29/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	24		
Planning Ref:	LA07/2017/0556/	PAC Ref:	2017/A0097
APPELLANT	Francis McGeown	DEA	Crotlieve
LOCATION	350m West Of Saval GFC Social Club Fronting Rathfriland Road Newry		
PROPOSAL	Retention of dwelling partly constructed in substitution of previously approved dwelling Ref: Planning No P/2006/0763/F Appeal Ref 2010/A0289		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	30/08/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

442

ITEM NO 25
Planning Ref: LA07/2017/0033/ **PAC Ref:** 2017/A0099
APPELLANT Mr John Tumelty **DEA** Slieve Croob
LOCATION Between 18 And 20 Commons Road
 And 24 Commons Road
PROPOSAL Rallykinlar
 Application for outline planning permission for the erection of a single dwelling and garage

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 04/09/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

ITEM NO 26
Planning Ref: LA07/2017/0172/ **PAC Ref:** 2017/A0114
APPELLANT SCS **DEA** Newry
LOCATION Lindsay's Hill Approx 60 Metres South East Of 53-55 North Street
 Newry BT34 1DD
PROPOSAL Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

APPEAL TYPE DC- Refusal of Planning Permission
Appeal Procedure **Date Appeal Lodged** 25/09/2017
Date of Hearing
Date Statement of Case Due for Hearing
Date Statement of Case Due - Written Representation
Date of Site Visit

Current Appeals

443

ITEM NO	27	PAC Ref:	2017/A0119
Planning Ref:	LA07/2015/1270/	DEA	Newry
APPELLANT LOCATION	Michael Teggart C/O Agent Approximately 70 Metres East Of 51 Ayalogue Road Newry		
PROPOSAL	Erection of dwelling with detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	28/09/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	28	PAC Ref:	2017/A0129
Planning Ref:	LA07/2016/1219/	DEA	Downpatrick
APPELLANT LOCATION	Mr Alan Montgomery Approx 60m North Of 21 Downpatrick Road Killough Downpatrick		
PROPOSAL	Erection of agricultural building		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	02/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

444

ITEM NO	29		
Planning Ref:	LA07/2015/0545/	PAC Ref:	2017/A0133
APPELLANT	Mr P Smith	DEA	Crotlieve
LOCATION	40 Metres South West Of 23a Castlewellan Road Hilltown		
PROPOSAL	Erection of dwelling and detached garage on a farm		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	04/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	30		
Planning Ref:	LA07/2016/1537/	PAC Ref:	2017/A0141
APPELLANT	P & T Miskelly	DEA	Rowallane
LOCATION	Site Adjacent To 35 Darragh Road Darragh Cross Downpatrick		
PROPOSAL	Erection of 2no detached houses and associated works		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	11/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	31	PAC Ref:	2017/E0027
Planning Ref:	LA07/2017/0053/	DEA	Crotlieve
APPELLANT	Joan Henderson		
LOCATION	200m South East Of 21 Levallyreagh Road Rostrevor		
PROPOSAL	Newrv This application has been submitted to demonstrate that the planning approval P/2010/1299/F has been lawfully implemented		
APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	13/10/2017
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decision

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Appeal Reference:	2017/E0005
Appeal by:	Gabriel McEvoy
Appeal against:	The refusal of a Certificate of Lawfulness for Proposed Use or Development
Proposed Development:	Erection of agricultural building
Location:	14m SW of 255 Dublin Road, Newry
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0147/LDP
Procedure:	Informal Hearing on 13 th September 2017
Decision by:	Commissioner A Speirs, dated 17 th October 2017

Decision

1. The appeal is allowed and a certificate of lawfulness is granted.

Claim for Costs

2. A claim for costs was made by the council against the appellant. A counter claim was contained within the appellant's response. The claims are the subject of separate decisions.

Reasons

3. The application for a lawful development certificate for a proposed agricultural shed was made to DOE Planning Service on 23rd February 2015, in accordance with Article 83B of the Planning (Northern Ireland) Order 1991 (The Planning Order). The provisions of the Planning Order in respect of certificates of lawfulness for proposed development were replicated by Section 170 of the Planning Act (Northern Ireland) 2011 (The Planning Act), which came into operation on 1st April 2015. I shall therefore determine this appeal in accordance with the relevant provisions of the 2011 Act.
4. Section 170 of The Planning Act 2011 makes provision for the issue of a certificate of lawfulness of proposed use or development (CLOPUD). Section 170 (2) states that "if, on an application under this section, the council is provided with information satisfying it that the use or operations described in the application would be lawful if instituted or begun at the time of the application, it must issue a

certificate to that effect; and in any other case it shall refuse the application. 170 (3) states that " A certificate under this section must - (a) specify the land to which it relates; (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 23(3)(e), identifying it by reference to that class); (c) give the reasons for determining the use or operations to be lawful; and (d) specify the date of the application for the certificate".

5. At the time the CLOPUD application was submitted, the The Planning (General Development) (Amendment No.2) Order (Northern Ireland) 2013 (the GDO) was the relevant legislation in respect of determining permitted development rights. The Schedule to the Order lists development that can be undertaken without the need to seek planning consent from the planning authority. Part 6 of the Schedule deals with Agricultural Buildings and Operations and Class A states that the carrying out on agricultural land comprised in an agricultural unit of works for the erection, extension or alteration of a building reasonably necessary for the purposes of agriculture within that unit is permitted development unless:-
 - a) the development is on agricultural land less than 0.5 hectares in area;
 - b) it consists of or includes the erection, extension or alteration of a dwelling;
 - c) a building, structure or works not designed for the purposes of agriculture is provided on the land;
 - d) the building or structure to be erected is the first agricultural building on the unit;
 - e) the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings;
 - f) the nearest part of any building or structure so erected or extended is less than 75 metres from a dwellinghouse (other than a dwellinghouse of any person engaged in agricultural operations on that unit);
 - g) the ground area to be covered by—
 - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or any building as extended or altered; exceeds 500 square metres, calculated as described in paragraph A.2(b);
 - h) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome exceeds 3 metres, or 12 metres in any other case;
 - i) any part of the development is within 24 metres from the nearest part of a special road, or within 24 metres of the middle of a trunk or a first or second-class road or 9 metres from the middle of other classes of road.

6. The Council initially argued that the proposal did not comply with (d), (e), and (f) of the abovementioned criteria. It was submitted in the statement of case that:- there were no existing farm buildings on the unit; the appellant's address was unclear and the buildings at No.255 Dublin Road are not associated with the farm unit; it had not been demonstrated that there is an active and established farm at the appeal site; and the proposed building would be within 75m of a dwelling of a person not engaged in agriculture on the farm holding. It was further submitted

that, given the foregoing, the proposal would also fail when assessed against the provisions of Part 6 Class A of the Schedule to the GDO.

7. Part 6, Class A of the Schedule to the GDO does not require proof of the existence of an active and established farm business; it merely refers to development on agricultural land comprised in an agricultural unit. An applicant for a CLOPUD for an agricultural building does not need to provide a farm business number or demonstrate that Single Farm Payments have been sought/received. At the hearing the Council's representative acknowledged this. The Department of Agriculture, Environment and Rural Affairs (DAERA) farm maps provided by the appellant when he applied for the LDC show the farm holding and it is clear that the proposed building would be located within field 1. At the site, I observed that field 1 is agricultural land. The proposal thus meets the general requirement of Class A, being sited on agricultural land in an agricultural unit.
8. The Council's case has rested on an assumption that No.255 Dublin Road was not occupied by the appellant. It is readily apparent that there has been confusion over his address. The DAERA farm maps list his address at No.356 Dublin Road, Newry and the appellant's planning agent advised that this address had erroneously been used on some application forms when the CLOPUD application was originally submitted. However, the mistake was recognised and later correspondence/forms all referred to the correct address of No.255 Dublin Road. At the hearing, the appellant's representative produced documentation produced by DAERA showing the appellant's farm business details citing both addresses and the appellant's agent stated that the erroneous address had emanated from the DAERA system.
9. At the hearing the appellant's agent submitted a letter from the 'National Fallen Stock Company' to the appellant at No.255 Dublin Road and dated May 2007. At the site, the appellant produced further documentation, demonstrating his occupation of the dwelling for several years. On the basis of the information provided, the Council's representative indicated her satisfaction that Mr McEvoy did, indeed, live at No.255, on his agricultural holding.
10. Part of the large outbuilding adjacent to No.255 contains a cow shed. There is also a detached building on the site, which is used for the storage of agricultural implements and materials. It is clear that the proposal would not be the first agricultural building on the holding. The Council did not dispute the distances shown on the appellant's drawings between the proposed building and dwellings outside the holding, all of which are more than 75m away. The proposed building is less than 75m from the group of principal farm buildings on the appellant's holding. The Council's representative at the hearing offered no explanation as to what was meant by the comment in its evidence of "the boundary fence" lying within 8m of a road.
11. The appellant had a stroke in 2015 and his mobility remains impaired. He has a herd of cattle, which was previously overwintered at his brother's holding; however, he can no longer drive to that location and needs a building close to his

home to accommodate his animals. The existing farm buildings are unsuitable for housing the appellant's stock. I judge that the proposed building is reasonably necessary for the purposes of agriculture on his unit. It would be development permitted under Part 6 Class A of the Schedule to the GDO. Part 6 Class C is irrelevant, as the proposal does not involve access to a public road. I find that the Council's decision to refuse to issue a CLOPUD was not well founded. The appeal therefore succeeds.

This decision is based on drawing No. PL-01 stamped received by the Planning Authority on 27th February 2015.

COMMISSIONER ANDY SPEIRS

PLANNING ACT (NORTHERN IRELAND) 2011: SECTION 170

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

The Planning Appeals Commission hereby certifies that on 23rd February 2015 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown on drawing PL-01 dated 26-2-2015, and stamped received by Planning Service on 27th February 2015, would have been lawful within the meaning of section 170 of the Planning Act 2011, for the following reason:-

The operations would have been development permitted by Part 6 of the Schedule to the The Planning (General Development) (Amendment No.2) Order (Northern Ireland) 2013

Signed

COMMISSIONER ANDY SPEIRS

17th October 2017

FIRST SCHEDULE

Erection of agricultural shed as shown on drawing PL-01 dated 26-2-2015 and stamped received by Planning Service on 27th February 2015.

SECOND SCHEDULE

Approximately 14m Southwest of No.255 Dublin Road, Newry

Notes:

(1) This certificate is issued solely for the purpose of section 170 of the Planning Act 2011.

(2) It certifies that the development described in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and, thus, would not have been liable to enforcement action under the Planning (NI) Order 1991.

(3) This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plans. Any development which is materially different from that described or which relates to other land may render the owner and occupier liable to enforcement action.

(4) The effect of the certificate is also qualified by the proviso in section 170(4) of the Planning Act (Northern Ireland) 2011, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

List of Documents

Planning Authority:- Doc A - Statement of Case with Appendices

Appellant:-
Doc B - Statement of Case with Appendices
Doc C - Information provided at site visit
Doc D - Letter from NFSCo
Doc E - DAERA records



Appeal Decision

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Appeal Reference:	2016/A0214
Appeal by:	PR Jennings
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling on a Farm
Location:	15m North of No.39 Listooder Road, Crossgar
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2015/0647/O
Procedure:	Written representations and Commissioner's site visit on 13 th September 2017
Decision by:	Commissioner A Speirs, dated 2 nd October 2017

Decision

1. The appeal is dismissed.

Preliminary point

2. The third party objector's rebuttal comments were received by the PAC on 5th May 2017. Annex A of the submission referred to a section of land transferred from the Ulster Transport Authority to Henry O. Rea in February 1956 and a plan was attached to show said land. It was alleged that the appeal site included a small portion of the aforementioned land. Section 42(6) of the Planning Act (Northern Ireland) 2011 states that "If any person - (a) issues a certificate which purports to comply with the requirements of this section and which contains a statement which that person knows to be false or misleading in a material particular; or (b) recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular; that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale".
3. The Commission wrote to the appellant's agent on 30th May 2017 seeking clarification on the matter. The correspondence pointed out that if land outside the appellant's ownership or control had been included within the appeal site, an amended Section 42 certificate required to be forwarded to the PAC and the requisite notice served upon any affected parties. As an alternative, it was suggested that an amended drawing could be submitted, with the red line, identifying the appeal site, drawn to reflect the appellant's actual interest in the land.
4. On 5th June 2017 the Commission received copies of an amended plan, showing the area referred to by the objector excluded from the appeal site. No prejudice to

any party arises as a result of this change and I propose to determine the appeal on the basis of the aforementioned plan.

Reasons

5. The main issues in this appeal are:- whether the proposal is acceptable, in principle, in the countryside; the effect of the proposal on visual amenity in the rural area; and whether the proposal would be at risk from flooding.
6. Section 45 (1) of the 2011 Planning Act requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the rural area as identified in the Ards and Down Area Plan 2015 (ADAP). The plan contains no designation or zoning directly affecting the appeal site and the plan defers to regional planning policy and guidance in respect of applications for residential development in the countryside.
7. Other planning policy context for the proposal is provided by the Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015. The SPPS makes it clear that the provisions of, inter alia, Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) and PPS 15 Revised: Planning and Flood Risk (PPS15) will continue to apply until such time as a new development plan is in place for the Newry, Mourne and Down area.
8. Policy CTY 1 of PPS 21 lists types of development which are considered to be acceptable in principle in the countryside. These include a dwelling on a farm in accordance with Policy CTY 10. Policy CTY 1 indicates that developments other than those listed will be permitted where there are overriding reasons why they are essential and could not be located in a settlement. Policy CTY10 indicates that planning permission will be granted for a dwelling house on a farm where various criteria are met. The listed criteria are as follows: -

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

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

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group(s).

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

9. The Council's evidence states that it is satisfied, in respect of criterion (a) of CTY10, that the site is part of an active and established farm business that has existed for 6 or more years. I note that this is verified in the DARD consultation response of 12th January 2016. No evidence has been presented by the objector to demonstrate that this criterion is not met.
10. The objector argued that the appellant has provided no evidence that the farm has a requirement for an additional dwelling to accommodate those involved in the farm business. It was also submitted that there is no relevance to the policy criteria if a proposed dwelling is not to be of assistance to the running of an active farm. Paragraph 5.37 of PPS21 refers to dwellings for those engaged in the farm business and *other rural dwellers* (my emphasis) and nowhere in the policy is there any indication that need must be proven.
11. Paragraph 5.40 of PPS21 states that planning permission will not be granted for a dwelling under policy CTY10 where a development opportunity has been sold from the farm. It goes on to clarify that "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 the family". The evidence before me is that the appellant occupies the dwelling at No.39 Listooder Road, which was approved as a retirement dwelling for Mrs Patricia Jennings on 8th November 2005. Policy CTY10 applies in respect of sites disposed of from the holding, with the provision only applying from 25 November 2008 onwards. The Council's evidence indicates satisfaction that no dwellings or development opportunities have been sold off or transferred from the farm holding since that date and the farm maps submitted with the application appear to support this. There is no convincing evidence to demonstrate that No.39 is no longer part of the farm holding. I am satisfied that criterion (b) of policy CTY10 is met.
12. In respect of the 'ten year rule', referred to by the objector, I note that CTY10 states that "planning permission granted under this policy will only be forthcoming once every 10 years". This is a discrete part of the policy, unrelated to criterion (b). CTY21 was published in June 2010. The full application, R/2008/1017/F, was granted on 25th March 2009. There is no evidence to suggest that permission has been granted for any dwellings on the holding under Policy CTY10 and the objector's point is not sustained.
13. Paragraph 5.41 of PPS21 indicates that, in order to help minimise impact on the character and appearance of the landscape, dwellings "should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them". Paragraph 5.42 explains that "where an alternative site is proposed under criterion (c), which is removed from existing buildings on the farm, the applicant will be required to submit appropriate and demonstrable evidence from a competent and independent authority such as the Health and Safety Executive or Environmental Health Department of the local Council to justify the siting. Evidence relating to the future expansion of the farm business may include valid

planning permissions, building control approvals or contractual obligations to supply farm produce”.

14. The use of the term “where practicable” in policy CTY10 indicates that there is no absolute requirement for a new dwelling on a farm to take access from an existing lane; failure to do so is not, in itself, a reason to reject a proposal. No.39 Listooder Road is a large detached dwelling with integral garages. There is a shipping container to the rear of the dwelling; the container is not a building. The dwelling cannot be described as an established group of buildings and I note that the original farm dwelling and farm buildings on the holding are located at 79 Cahard Road, some distance from the appeal site. Policy CTY10 allows, in exceptional cases, for consideration to 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* (my emphasis) where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. The appellant has argued that it is not feasible to seek consent for a site adjacent to 79 Cahard Road as it is served by a laneway over which the appellant has no control and which does not meet the required visibility standards at the point of access to the public road. It is submitted that control over the land required to provide the necessary visibility standard does not exist and there is therefore a safety reason for approving a site remote from the main group of farm buildings. I do not accept this argument since the issue is not one of safety, but rather one of land ownership that may, or may not, be resolved with the relevant land owner(s).
15. Policy CTY10 does not confer an absolute entitlement to the approval of a dwelling on a farm. The policy is permissively worded but makes it clear that approval will be conditional upon certain criteria being met. The appellant referred to lands within the holding that have road frontage and I acknowledge that the Council, in a letter to the appellant’s agent in December 2016, indicated that a site thereon would be unlikely to be approved. However, the same letter also states (in respect of the lands around 79 Cahard Road) “this address includes several farm buildings and the lands associated with the farm include lands that could accommodate a farm dwelling that would be sited to cluster with the established group of buildings on the holding”. Whilst there may be objections from Transport NI to the use of the existing access for an additional dwelling on the lane, this could be addressed by improving the visibility standards.
16. I agree with the Council’s submission that the information supplied by the appellant under the title ‘Report on the Health and Safety Responsibilities in connection with location of Domestic dwellings on Farms’ is not specific to the appellant’s farm and the author of the report actually states “I would not propose to comment on the specific merits of the planning application”. I concur with the Council that the information merely highlights the dangers associated with living or working on a farm when health and safety is overlooked. This would apply to all farms and does not represent demonstrable health and safety reasons to justify the siting of a dwelling on the appeal site. I was not presented with any evidence that there are verifiable plans to expand the farm business at No.79 and I find that the appeal proposal does not meet criterion (c) of CTY10. As it fails in this regard, the proposal also fails in respect of policy CTY1 and I judge that the Council’s first reason for refusal is sustained.

17. Policy FLD 1 of PPS15 is entitled 'Development in Fluvial (River) and Coastal Flood Plains'. The policy indicates that Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. The Council's third reason for refusal referred to the appellant's failure to submit a flood risk assessment. The latter was provided in evidence in this appeal and it is demonstrated that the upper part of the host field lies outside the 1 in 100 year fluvial flood plain. The Council's comments indicate that a condition could be applied to ensure that any dwelling was constructed on the more elevated part of the site. Given the circumstances, the Council's third reason for refusal is not sustained.
18. Policy CTY13 of PPS21 is entitled 'Integration and Design of Buildings in the Countryside'. The policy explains 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. It goes on to provide a list of situations where a new building would be unacceptable and this includes, inter alia, where (c), it relies primarily on the use of new landscaping for integration; or (g) in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. The Council's objection regarding CTY13 is that the proposal represents the scenario detailed in (g). The objector further argued that the appellant has sought to rely upon vegetation for landscaping that is outside his control and ownership.
19. As I have found that the proposal fails in respect of criterion (c) of policy CTY10, in that the dwelling would not be visually linked or sited to cluster with an established group of buildings on the farm, it follows that it also conflicts with policy CTY13 (g). Due to the need to locate a dwelling on the elevated part of the site, in order to avoid the 1 in 100 year flood plain, the proposal would be clearly visible when seen from viewpoints along Listooder Road where the vegetation along the roadside is sparse or absent. Although the vegetation to the east of the site is largely outwith the appellant's control, there is no reason to suspect that it would be removed by the landowner and it does provide a backdrop relative to Listooder Road. However, new vegetation would be required to the north of any dwelling to provide an acceptable level of enclosure and integration. This would take time to mature, and I judge that the Council was justified in stating in its reason for refusal that the proposal would rely on new landscaping for integration. I find that the second reason for refusal, based on policy CTY13, has been sustained.
20. I have found that the proposal conflicts with PPS21 policies CTY1, CTY10, and CTY13. The first and second reasons for refusal have been sustained and the appeal must therefore fail.

This decision is based on the Site Location Plan 1536/03a at scale 1:2500, received by the PAC on 5th June 2017.

COMMISSIONER A SPEIRS

List of Documents

- Planning Authority:-
 - Doc A – Statement of Case
 - Doc B – Rebuttal Comments

- Appellant:-
 - Doc C – Statement of Case
 - Doc D – Rebuttal Comments

- Third Parties:-
 - Doc E – Statement of Case
 - Doc F – Rebuttal Comments





Appeal Decision

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Appeal Reference:	2017/A0030
Appeal by:	Mr and Mrs Oliver Reavey
Appeal against:	The refusal of full planning permission
Proposed Development:	Retention of dwelling as constructed previously approved under planning reference P/2015/0186/RM
Location:	85 Newtown Road, Camlough
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0557/F
Procedure:	Hearing on 13 th September 2017
Decision by:	Commissioner Diane O'Neill, dated 2 nd October 2017

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issue in this appeal is the impact of the development on the visual amenity of the countryside.
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Banbridge/Newry and Mourne Area Plan 2015 (BNMAP) is the local development plan for the area where the appeal site is located. The site is located outside any settlement development limit within BNMAP and is within the countryside. The BNMAP has no material policies for dealing with dwellings in the countryside.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) which provides the relevant policy context for the appeal proposal.
5. Due to the appellants personal and domestic circumstances planning permission was granted for a dwelling and garage on the appeal site under the provisions of Policy CTY 6 (P/2014/0581/O and P/2015/0186/RM). Condition 5 of the outline planning permission stated that the ridge height of the dwelling should be less than 5.5m above the finished floor level in order to ensure that it would not be prominent in the landscape. In order for the dwelling to be of a similar character

to those in the surrounding area, condition 6 required that the floor area of the dwelling be no more than 150 sq m measured internally. Following the receipt of an amended proposal the associated Reserved Matters planning permission (P/2015/0186/RM) was approved on 27th October 2015. The appellants however did not construct what was approved. The planning authority consider that the built development does not meet criterion (e) of Policy CTY 13 within PPS 21 as they are of the view that the design of the dwelling is inappropriate for the site and its locality. Specifically they object to the increased ridge height of the constructed dwelling which is approximately 6.3m above finished floor level. The planning authority also objected to the increased height of the front projection which at approximately 5.8m is approximately 1.8m higher than the one approved. The front projection is now used to accommodate the staircase to the first floor accommodation. Whilst the front projection has not yet been rendered, it is proposed to finish it in stone.

6. The appeal property is located to the west of and at the end of a row of four single storey traditional roadside dwellings (75, 79, 81 and 83 Newtown Road) and to the south-east of two detached two-storey dwellings (Nos.3 and 5 Kesh Road). The planning authority identified the critical view of the development to be when travelling easterly along the Newtown Road from before the Kesh Road junction and, less significantly, when travelling in a westerly direction along the Newtown Road. Given the undulating and winding nature of the Newtown Road views of the appeal property are short lived. Given the fast speed at which traffic generally travels along Newtown Road, the traveller is also concentrating on negotiating this busy road. Due to the limited viewpoints and the raised ground level of the neighbouring properties, it is not readily apparent that the appeal property is significantly higher than the adjacent dwellings or unduly prominent in the landscape. It is also acknowledged that the projection facilitates access to the first floor accommodation that is now needed for the appellants expanded family. Whilst Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside recommends the avoidance of the use of two storey projecting bay windows, porches and apses, given its location at the end of the row of dwellings and the limited views of the property, the front projection of the appeal property does not appear noticeably out of keeping with the character of the locality. It is also noted that the projection is less than 2m higher than that approved. Whilst it is appreciated that the design of the dwelling could have been amended so that the staircase to the first floor accommodation was positioned centrally within the property, it is of little visual consequence that the front projection is used to facilitate the staircase as opposed to the computer area as originally approved. It is also acknowledged that planning permission was granted for a 6.4m high stone porch area on a 6.7m high dwelling a very short distance away (0.4 miles) on Sturgan Road (P/2012/0455/F). Whilst this projection acts as a porch and is on a more minor through road, it has a similar visual impact to the appeal property. Although it was argued that the principle for the Sturgan Road dwelling was established prior to the publication of the Building on Tradition Design Guide, the detailed design was approved following its publication. The planning authority has therefore failed to sustain its reason for refusal in relation to Policy CTY 13 and as a result the appeal succeeds.
7. As planning permission was previously granted due to the appellants personal circumstances and allowing for the time that the property has already been occupied, it is appropriate to condition that the dwelling continue to be occupied for

a further period of three years by Mrs Denise Rigley and any partner and dependants residing with her. In the interests of road safety it is necessary to condition that the existing access arrangements, as shown on Drawing No.11229 dated September 2017, are retained. At the hearing the appellant suggested that roof cladding could be used to lessen the impact of the front projection. However as I have found the projection to be acceptable and given that the planning authority had previously permitted that it and the sunroom be finished in stone, I do not consider this amendment to be necessary. In addition to the planting that has already occurred on site, at the hearing the appellants submitted an amended landscaping plan; this would aid the integration of the development into the landscape. Given the presence of the new north-western curtilage hedgerow and the distance between the dwelling and the north-western application site boundary, there is no need to condition that this field boundary also be landscaped.

Conditions

- (1) The dwelling shall continue to be occupied for a period of 3 years by Mrs Denise Rigley and any partner and dependants residing with her.
- (2) The access and visibility splays shown on Drawing No.11229 dated September 2017 shall be permanently retained.
- (3) The landscaping plan as shown on Drawing No.11229 dated September 2017 shall be carried out during the first planting season after the date of this decision. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

This decision is based on the following drawings:-

Drawing 01 (except for 1:500 proposed site layout plan): 1:100 elevations and floor plans and 1:200 detail of access opening dated received by Newry, Mourne and Down District Council on 26th April 2016

Drawing 02 1:2500 site location map dated received by Newry, Mourne and Down District Council on 11th May 2016

Drawing No.11229 1:500 site landscape plan dated September 2017 and received at the hearing

COMMISSIONER DIANE O'NEILL

2017/A0030

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List of Appearances

Planning Authority (Newry, Mourne and Down District Council) :- Mr Gareth Murtagh

Appellants:-

Mr John Collins (Collins and Collins,
agent)

Mrs Denise Rigley (daughter of appellant
who resides in the appeal property)

Mr Oliver Reavey

List of Documents

Planning Authority (Newry, Mourne and Down District Council):-Statement of Case PA 1

Appellants (Collins and Collins, agent):-

Statement of Case A1

Amended landscaping plan and images
of proposed finishes submitted at the
hearing



Appeal Decision

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Appeal Reference:	2017/A0027
Appeal by:	Mr Noel Ritchie
Appeal against:	The refusal of planning permission
Proposed Development:	Retention of timber-frame domestic dwelling on site of storage shed
Location:	To the rear of 102 Drumsnade Road, Drumaness, BT34 8NJ
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2016/0736/F
Procedure:	Written representations and accompanied site visit on 20 th September 2017
Decision by:	Commissioner T A Rue, dated 4 th October 2017

Decision

1. The appeal is allowed and planning permission is granted, subject to the condition set out below.

Preliminary Matters

2. There is a dispute between the appellant and some of his siblings about the terms of their late father's will. That dispute is beyond the scope of this appeal.
3. Section 42 of the Planning Act (Northern Ireland) 2011 required the appellant when submitting the application and again when lodging the appeal to furnish a certificate concerning the ownership of the site. On both occasions he certified that he was in actual possession of every part of the site. The accuracy of the certificates has been questioned. The purpose of Section 42 is to ensure that people with an interest in land are informed when an application or appeal relating to that land is made so that they have an opportunity to make representations. In this instance, the other people who claim to be joint owners of land within the site all made representations about the application and the appeal and have not been prejudiced by any inaccuracy in the certificates.

Reasons for the Decision

4. The main issues in this appeal are:-
 - whether the timber-frame dwelling is acceptable in the countryside;
 - whether it poses a pollution risk; and
 - its impacts on visual amenity, residential amenity, flooding, wildlife and road safety.

5. The Planning Act (Northern Ireland) 2015 requires the Commission, in dealing with the appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 operates as the local development plan for the area where the appeal site is located. The site lies in the countryside outside any settlement identified in the plan. It is also in a designated Green Belt but, due to changes to regional planning policy, that designation is no longer relevant. The plan contains no provisions specific to the appeal proposal.
6. Policy CTY 1 of Planning Policy Statement 21 (PPS 21) identifies types of development which are in principle acceptable in the countryside. The second paragraph of the policy states that other types of development will be permitted only where there are overriding reasons why that development is essential and could not be located in a settlement.
7. The parties identified two of the types of development listed in Policy CTY 1 as potentially relevant in this appeal – a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a, and a dwelling based on special personal and domestic circumstances in accordance with Policy CTY 6.
8. There is a confusing overlap between the Council's first and second reasons for refusal. Failure to demonstrate overriding reasons why a development is essential is not required by policy where it is shown that the development falls into one of the categories that is acceptable in principle in the countryside. Failure to comply with Policy CTY 6 is not fatal if the development is shown to fall into one of the other categories of acceptable development or if it is shown that there are overriding reasons why it is essential. The single issue posed by the first and second refusal reasons is whether the timber-frame dwelling is acceptable in the countryside. Logically, both refusal reasons must either stand or fall together.
9. Policy CTY 2a of PPS 21 states that planning permission will be granted for a dwelling at an existing cluster of development provided various criteria are met. As this is a retrospective planning application, the key question that must be decided is not whether the timber-frame dwelling forms part of a cluster but whether prior to the erection of that dwelling, there was already a cluster in place.
10. The appeal proposal offends against Policy CTY 2a in the following ways:-
 - Excluding ancillary buildings such as garages and outbuildings, there was only one building in the vicinity of the appeal site before the timber-frame dwelling was erected, namely the dwelling at 102 Drumsnade Road. The policy requirement is for four buildings, at least three of which must be dwellings.
 - The pre-existing dwelling is not associated with a focal point such as a social or community building or facility and is not located at a crossroads.
 - The timber-frame dwelling is not bounded on at least two sides by other built development (again excluding ancillary buildings).
11. As the timber-frame dwelling was not erected within or at an existing cluster of development, Policy CTY 2a does not support the appellant's case.

12. Policy CTY 6 of PPS 21 states that planning permission will be granted for a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site-specific reasons related to his personal or domestic circumstances and provided two criteria are met:-
- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the circumstances and that genuine hardship would be caused if planning permission were refused; and
 - (b) there are no alternative solutions, such as an extension or annex attached to the existing dwelling or the use of a temporary mobile home for a limited period to deal with immediate short-term circumstances.
13. Paragraph 5.29 of PPS 21, in the amplification text of Policy CTY 6, states that applicants will be expected to provide sufficient information to allow a proper assessment of each specific case. Such information should include:-
- a statement detailing the special personal or domestic circumstances supported if appropriate by medical evidence;
 - details of the level of care required in relation to any medical condition, again supported by the appropriate health professional, together with the identity of the main carer and his or her current address and occupation;
 - an explanation of why care can only be provided at the specific location and how genuine hardship would be caused if permission were refused; and
 - details of what alternatives to a new dwelling have been considered and why such alternatives are not considered practical to meet the site-specific need.
14. The appellant and his wife have a long history of medical problems. His employment was terminated as a result of his deteriorating medical condition. He invested in buy-to-let properties but lost them all following the property crash. His savings ran out and his house in Drumaness was repossessed due to mortgage arrears. His father, who lived at 102 Drumsnade Road, became seriously ill and the appellant wished to attend to his needs. He found a company that could provide turn-key portable accommodation. He demolished a shed to the rear of his father's house and replaced it with the timber-frame dwelling, which he then occupied. His father passed away in September 2015.
15. The foregoing evidence explains how the timber-frame dwelling came to be on the appeal site. The continuing need for it to be there must be assessed having regard to current circumstances.
16. The appellant provided medical evidence, dating from 2007 and 2013, which indicates that his wife has longstanding permanent problems in both hip joints and arthritis in her spine. She has attended a pain clinic, has required medication and injections and has been under considerable stress due to her own ill health and that of her husband. In 2017, she was awarded an employment and support allowance by the Social Security Agency.
17. The appellant submitted a letter from a consultant surgeon, dated May 2013, about his own medical condition. This states that he had a pilonidal sinus which had been operated on three times but severe pain had persisted. The appellant subsequently underwent extensive lower back surgery for a fractured spine, with the insertion of titanium rods and screws. In 2017, he was awarded disability living

allowance with a higher rate care component indefinitely, and a higher rate mobility component indefinitely. For the past nine years he has been on a cocktail of prescription drugs which have significant side effects.

18. The appellant has not detailed the level of care he and his wife need. There is no evidence of a care package. There is no live-in carer. Three of the bedrooms in the timber-frame dwelling are occupied by the appellant and his wife, son and daughter. The fourth bedroom is not currently in use. The appellant receives care from his sister Catherine Ritchie (also known as Kathleen) and from his sister in law Mairéad Walsh, both of whom live about 3 miles away in Drumaness. Ms Walsh calls in after leaving her children to school and spends most of the day with the appellant and his wife until she returns to collect the children. She helps the appellant's wife with household chores and shopping.
19. In her letters of support, Kathleen Ritchie described herself as the primary carer, having cared for the appellant for the last five years. She said she attends him four or more days a week, helping him in and out of bed, washing and making meals. She takes him for follow-up treatment such as physiotherapy and for visits to the pain clinic, and collects and sorts his medication. She works part time in a care home in Ballynahinch. When she is working, the appellant is able to call a neighbour who lives 200 yards away and would assist in an emergency.
20. Policy CTY 6 of PPS 21 requires consideration of alternative solutions. The appellant is in substantial debt. A privately rented property suitable to his needs may be beyond his reach, despite his being in receipt of housing benefit. It cannot be assumed that other family members, even those who have supported his appeal, would allow him to use or extend properties in which they have ownership. Inspection confirmed that the timber-frame dwelling is transportable. However, full planning permission would be required to erect it somewhere else and such permission might not be granted. In all the circumstances, the social housing sector appears to be the most promising option.
21. In August 2014, the Housing Executive accepted that the appellant was eligible for housing assistance. He and his wife were then included on the waiting list in the Ballynahinch and Drumaness areas. In September 2014 he was offered, and presumably declined, the tenancy of a two-bedroom flat in Ballynahinch. By letter dated November 2016, the Housing Executive confirmed that he had completed a housing application but said it was highly unlikely he could be re-housed to a four-bedroom bungalow in the Ballynahinch area in the foreseeable future.
22. There is no reason to suppose that if the appellant dropped his requirement for four bedrooms, the Housing Executive would not be able to offer him suitable accommodation somewhere in the mid-Down area, within reasonable travelling distance of Drumaness where people who provide him with support live. That would unfortunately mean that instead of living in his own accommodation, he would become dependent on the State to provide for his family's housing needs.
23. There is no doubt that the appellant and his wife have serious medical problems which have caused them a great deal of suffering. However, he has failed to demonstrate that the timber-frame dwelling is a necessary response to the medical circumstances and that their long-term needs can be met only on the appeal site.

- His evidence does not establish a compelling and site-specific need for a dwelling in the countryside within the precise terms of Policy CTY 6.
24. As the appeal proposal does not comply with either Policy CTY 2a or Policy CTY 6 of PPS 21 and no other policies have been adduced in its favour, it must be concluded that the proposal does not fall within the range of types of development which are acceptable in principle in the countryside under Policy CTY 1. The question that then arises under that policy is whether there are overriding reasons why the development is essential. The human factor is capable of being a relevant, and in exceptional or rare instances an overriding, consideration in land-use planning irrespective of whether it is addressed by specific policies.
 25. The circumstances of the appellant's family, including their emotional and psychological wellbeing, must be considered in a wider context than that provided by Policy CTY 6. If the appeal fails, the family will face losing their home for a second time. That would be especially difficult for the appellant's teenage daughter. The evidence is that she was deeply affected by the loss of the Drumaness house, by the deterioration of her parents' physical health and her mother's depression, and by the death of her grandfather. It is not disputed that she has anxiety attacks and has had to have counselling. It is impossible to ignore the risk that having to move home again might have a further adverse effect on her mental stability. When account is taken of the interlocking medical and financial problems the whole family already faces, it must be concluded that uprooting them from their current home at this particular time would cause genuine hardship.
 26. It is of course true that the threat to the family home is due to a failure to comply with planning procedures. The fair and consistent application of planning policy is essential to the credibility of the planning system. Unauthorised development should not be encouraged. However, the exceptionally difficult combination of circumstances which the family currently faces must be also recognised and care taken to avoid adopting an unduly punitive approach.
 27. Having regard to the mobile nature of the dwelling, a grant of permission personal to the appellant and his family for a temporary period of three years to deal with the immediate short-term circumstances would strike a fair and reasonable balance between the competing policy and personal factors in this appeal. The Council could review the continuing need for the timber-frame dwelling at the end of that period in the light of the circumstances then prevailing. Subject to those restrictions, the development is acceptable in the countryside under the overriding reasons clause in the second paragraph of Policy CTY 1. Taken together, the Council's interrelated first and second reasons for refusal are not sustained.
 28. Policy CTY 16 of PPS 21 states that planning permission will be granted for development relying on non-mains sewerage only where the applicant can demonstrate that this will not create or add to a pollution problem. The policy requires applicants for planning permission to submit information about how it is proposed to treat effluent, to allow an assessment to be made at that stage in the development process. Paragraph 5.95 of PPS 21 states that planning permission will be refused where the physical arrangements proposed for on-site sewage treatment are unsatisfactory or where consent to discharge under the Water (Northern Ireland) Order 1999 is unlikely to be forthcoming due to pollution risks.

29. When submitting his planning application to the Council, the appellant stated that foul sewage would be disposed of by septic tank. Inspection confirmed that effluent from the timber-frame dwelling is piped to a green storage container at the rear of Number 102. It then passes into the septic tank which serves that dwelling.
30. The Water Management Unit of the Department of Agriculture, Environment and Rural Affairs (WMU) has no objection in principle to the timber-frame dwelling but believes it has potential to have an adverse effect on the surface water environment. The crux of its concern is that it has no record of consent to discharge being granted in respect of either the timber-frame dwelling or Number 102. Its concern is essentially administrative. It is an offence under the Water Order to make any discharge into a waterway or underground stratum without consent. Doing so can lead to imprisonment or a heavy fine. WMU therefore has the ability to ensure that any infringement of the legislation is rectified.
31. The physical arrangements for on-site sewage treatment at the appeal site are there to be seen and can be assessed by the relevant authorities at any time. While WMU say it is not guaranteed that consent would be granted, it has not said that the arrangements are unsatisfactory or that consent to discharge is unlikely to be forthcoming due to pollution risks. The third reason for refusal is not sustained.
32. Objectors raised several other matters at application stage. The appeal site is well screened from public views. As one passes along the road the timber-frame dwelling can be glimpsed in short right-angle views. The dwelling is reasonably integrated into the landscape. It is not prominent and has a backdrop of rising land. Its design is acceptable in this rural context. The dwelling is elevated above the rear of Number 102 but due to distance and intervening vegetation there is no unacceptable overlooking. No evidence has been provided to substantiate concerns about overshadowing, flooding or impact on wildlife. Existing sightlines at the vehicular access appear to be adequate. None of these matters is of such significance as to warrant the withholding of temporary planning permission.

Condition

The timber-frame dwelling shall be occupied only by the appellant, Mr Noel Ritchie, and his wife and dependents; and only for a limited period expiring on 3rd October 2020. Within four weeks of the end of that period, or of the date when they cease to occupy the dwelling, whichever shall first occur, the timber-frame dwelling and all associated structures, works, materials and equipment shall be removed.

Drawings

This decision is based on the site location map at 1:1250 scale, the site plan at 1:500 scale, the floor plan and the two elevational drawings submitted on 6th June 2016.

COMMISSIONER TREVOR RUE

List of Appearances

Planning Authority:-	Ms A McAlarney, Planning Officer
Appellant:-	Mr J Kirkpatrick, Architect and Planning Consultant Mr N Ritchie, appellant Mrs A Ritchie, appellant's wife Ms C Ritchie, appellant's sister Mr M Ritchie, appellant's son Ms G Cullen, appellant's sister in law Ms M Walsh, appellant's sister in law Ms B Singh Ms T Convey
Third Parties:-	Mr S Ritchie, 102 Drumsnade Road Mr T Ritchie

List of Documents

Planning Authority:-	LPA 1 Statement of case with four appendices
Appellant:-	APP 1 Written submission with copy of Ms Walsh's letter APP 2 Ms Walsh's letter of support dated 13 th July 2017 APP 3 Comments on statement of case, with attachments APP 4 Ms Walsh's response to objectors' statements
Third Parties:-	OBJ 1 Statement of case from Mr S Ritchie, Mr G Ritchie, Ms E Ritchie and Mr T Ritchie OBJ 2 Representations by Ms A Ritchie, with letters from and to Scullion & Green, Solicitors OBJ 3 Comments on appellant's evidence by Mr S Ritchie, Mr G Ritchie and Ms E Ritchie, with annex OBJ 4 Comments on appellant's evidence by Ms A Ritchie and Mr T Ritchie, with annex



Appeal Decision

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Appeal Reference:	2017/A0045
Appeal by:	Mr G Sharvin
Appeal against:	The refusal of outline planning permission
Proposed Development:	One and half storey bungalow and detached garage
Location:	10m west of No.89 Killard Road, Ballyhornan
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2016/0762/O
Procedure:	Written representations and accompanied site visit on 18 th October 2017
Decision by:	Commissioner Diane O'Neill, dated 30 th October 2017

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:
 - the impact on the future provision of industrial land
 - the compatibility with an existing economic development
 - the impact of a neighbouring wind turbine
 - the residential amenity of an existing dwelling
3. The Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan 2015 is the local development plan for the area where the appeal site is located. The plan identifies the site as being within Industrial Policy Area 1 (IPA 1) within the defined development limit of the small settlement of Ballyhornan. It is also located within the Strangford and Lecale AONB. This AONB designation is identified for information purposes only and no objection was raised in relation to it.
4. The Ards and Down Area Plan has a number of policies which relate to the appeal proposal; Policy SETT 2, Proposal BHN 02 and zoning IPA 1 are the basis for the first reason for refusal. Policy SETT 2 states that Land Use Policy Areas, such as Industrial Policy Area 1 (IPA 1), are identified within the settlement limits of villages and small settlements to indicate areas which are considered particularly suitable for a specific type of development. It advises that planning permission will be granted for alternative types of development in a Land Use Policy Area only where the development proposed would: be subordinate to the preferred use and occupy a small portion of the Land Use Policy Area; exist in close proximity to the preferred use without adverse environmental consequences; not prejudice

- accessibility to the remainder of the Land Use Policy Area; and not prejudice potential in the settlement to meet overall development needs. It is stated that development proposals in Land Use Policy Areas will be subject to requirements of prevailing planning policy. Proposal BHN 02 Industrial Policy Areas, states that IPA 1, which relates to lands north of Killard Road, is one of two industrial policy areas designated in Ballyhornan in accordance with Policy SETT 2. Development of this site is said to be subject to three key design considerations relating to a suitable means of access, adequate system of water supply and sewerage disposal and provision of appropriate boundary treatment. Proposal BHN 2 adds that the IPA provides an opportunity for employment creation in a relatively isolated part of Down District and in an area which has experienced decline in the traditional fishing industry. The use of this area to create employment, possibly in small starter units, is hoped to help to address problems of social need in the general area. It is stated that planning applications within such areas will also be processed in accordance with the requirements of all prevailing regional policy.
5. POLICY PED 7 within Planning Policy Statement 4: Planning and Economic Development (PPS 4) and which, together with the SPPS, is the basis of the second reason for refusal, states that development that would result in the loss of land or buildings zoned for economic development use in a development plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. Para 5.28 adds that it is important that economic development land and buildings which are well-located and suited to such purposes are retained and only exceptionally will the loss of such land and buildings to other uses be considered. Para 5.30 states that planning permission will not be granted for proposals involving the loss of land zoned for economic development use in a development plan to other uses. It is added that any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the development plan process.
 6. The appeal site is located to the west of the appellant's parents bungalow at No.89 Killard Road. There is mature vegetation on the southern and eastern boundaries of the site and post and wire fencing together with new dispersed planting is located on the northern and western site boundaries. Despite the introduction of this new fencing and planting on the western and northern boundaries of the appeal site, it reads as part of a larger agricultural field. Byrne Fish factory is located approximately 60m to the west of the appeal site as is a wind turbine.
 7. The appellant argued that the industrial zoning has lain dormant and unused during the life time of the area plan, which they consider to be outdated, and that it is not envisaged that the area will be utilised for industrial use in the foreseeable future. It was considered that the zoning is not of such importance that it has to be retained for industrial zoning and the elected representative stated that there is no local objection to the proposed development. An argument was also presented by the appellant that the curtilage of No.89 should be as per what was approved and should follow the current and future land ownership boundary once a discrepancy in land registry is rectified, thus including the appeal site. The planning permission for No.89 Killard Road was not provided by the appellant in order to demonstrate the extent of the approved site however irrespective of the extent of the curtilage of No.89, the current proposal is for a new dwelling and garage within the zoning IPA 1 in the current statutory plan. Whilst it may be hoped that the area will be removed as an industrial zoning within the new area

plan as an unsubstantiated claim was made by the appellant that it is surplus to local industrial needs, no such plan is in place and, as stated within Policy PED 7 of PPS 4, the appropriate forum for assessing such a proposition is through the development planning process. Likewise, the argument that the land should not have been zoned for industrial purposes as part of the ADAP should have been raised, if it was not, as part of that process. The appellant argued that the proposed development within the industrial zoning was similar to that permitted for No.77 Killard Road. However, whilst the modest development at No.77 is within the zoned IPA 1 area it was accepted by the parties that it was a single storey rear extension in order to provide ground floor accommodation for a disabled person. I therefore do not consider this case to be comparable to the appeal proposal. Whilst the appeal site is a small portion of a larger zoned area and access could still be achieved to the remainder of the site via Killard Road, the proposed residential use however has the potential to impact the acceptability of future industrial development on the zoned industrial land due to potential noise, smell and other disturbances. As the proposal would not be compatible or ancillary with an industrial use the first and second reasons for refusal are therefore sustained.

8. Policy PED 8 within PPS 4 states that a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused. Paragraph 5.33 states that some proposed developments may be incompatible with economic development enterprises already operating in the vicinity and that new development, such as housing, could prejudice the continued existence of a particular economic development use. Whilst the appellant lives at No.89 Killard Road and is said to have no concerns in relating to the fish processing business which is located approximately 100m to the west of the existing dwelling, given that the proposed residential property would be located to the west of No.89 it would be even closer to the factory. There is also no certainty that only the appellant would continue to reside at the proposed property. I am therefore not persuaded that the new residential property would not jeopardise the existing economic enterprise. The third reason for refusal is therefore sustained.
9. Approximately 67m from the appeal site there is a wind turbine within the grounds of the Byrne Fish factory. Whilst a wind turbine was approved at this location under R/2006/0472/F, it is thought that this turbine was damaged and as a result the current turbine was erected. This turbine was however refused retrospective planning permission (R/2012/0208/F) on 25th November 2014 and is now the subject of enforcement action. Given that this retrospective planning application was submitted on 19th April 2012, the turbine may now have been erected for approximately 5 years and on the balance of probability it is unlikely that it will be removed. However, whilst the turbine may appear to be immune, this is only a matter that can be decided by the Commission should an enforcement appeal be submitted. Any concern that the appellant may have in relation to the planning authority's actions surrounding the enforcement of the adjacent wind turbine is a matter for them to pursue with the planning authority directly. For the purpose of this appeal however the presence of the turbine is a factor to be considered. Given the proximity and position of the appeal site in relation to the turbine, the proposed dwelling may be affected by shadow flicker. Any future residents amenity may also be adversely affected by noise from the turbine and it is noted that Environmental Health consider that such an impact is highly likely. Whilst the appellant may have become accustomed to the noise and any shadow flicker, the

proposed dwelling, irrespective of its design, would be closer to the source of the nuisance than where he currently resides and he may decide at a later date to sell the property. The fourth reason for refusal in relation to the impact of the wind turbine on the residential amenity of the proposed dwelling (Policy QD 1) is therefore sustained.

10. The fifth reason for refusal relates to criterion (h) of Policy QD 1 of PPS 7 in relation to concerns about the amenity of the existing dwelling at No.89 Killard Road. Whilst a drawing was submitted of the proposed elevations of the dwelling and garage, this was clearly marked for illustration purposes only. It could be conditioned that no windows be positioned on the eastern elevation of the proposed dwelling and that the existing 8m high mature vegetation located on the eastern boundary of the appeal site be retained thus overcoming any concern about overlooking into the living room window on the western elevation of No.89. There would also be sufficient space within the appeal site to position the dwelling and garage so that they would not overshadow No.89. The fifth reason for refusal is therefore not sustained.
11. Irrespective of the various arguments that the proposal would: be of a very high quality; mimic house designs of existing properties along road; be in keeping and enhance the quality of the built environment in the area; be surrounded by a variety of mature vegetation which would be maintained as far as possible and enhanced with new planting; have excellent access; and that the siting, landscaping, height and size of the dwelling and its curtilage could be conditioned, these factors do not overcome the sustained reasons for refusal. The appeal must therefore fail.

This decision is based on the following drawings:-

Drawing 01 1:1250 site location map dated June 2016

Drawing 02 1:500 site plan dated June 2016

Drawing 03 1:100 proposed elevations June 2016

COMMISSIONER DIANE O'NEILL

2017/A0045

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List of Appearances

Planning Authority (Newry, Mourne and Down District Council):-	Mrs Claire Cooney
Appellant:-	Mr Gerard Sharvin Mr Eugene Sharvin (father) Mr Gerry Tumelty (Tumelty Planning Services)
Third Party Supporter:-	Colin McGrath MLA

List of Documents

Planning Authority (Newry, Mourne and Down District Council):-	Statement of Case PA1
Appellant (Tumelty Planning Services):-	Statement of Case A1 Rebuttal A2
Third Party Supporter Colin McGrath MLA:-	Statement of Case S1



Appeal Decision

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Appeal Reference:	2017/A0033
Appeal by:	Mr Fintan McMullan
Appeal against:	The refusal of full planning permission
Proposed Development:	Extension to front of dwelling (Retrospective)
Location:	No. 16 Mourne View Avenue, Newcastle
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2017/0092/F
Procedure:	Written representations and accompanied site visit on 27 September 2017
Decision by:	Commissioner Pamela O'Donnell, dated 9 October 2017

Decision

1. The appeal is dismissed.

Reasoning

2. The main issues in this appeal are whether the extension would detract from the appearance and character of the surrounding area and whether it would unduly affect the amenity of neighbouring residents.
3. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires the Commission, in dealing with the appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The Ards and Down Area Plan operates as the statutory development plan for the area where the appeal site is located. The appeal site is located with the developments limits for Newcastle as defined in the Plan but it does not contain any material policies for dealing with the appeal development. Accordingly, it falls to be assessed under regional planning policy as discussed below.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) was introduced in September 2015. The SPPS supports the principle of good design and states that poor designs will be rejected, particularly where a proposal is inappropriate to its context or incompatible with its setting. The SPPS makes it clear that the provisions of, inter alia, the Addendum to Planning Policy Statement 7 'Residential Extensions and Alterations' (the Addendum), will continue to apply until such time as a new development plan is in place.
5. Policy EXT1 of the Addendum states that proposals to extend or alter a residential property should meet four specified criteria. Criteria (a) and (b) are relevant in this case. Criterion (a) requires the scale, massing, design and external appearance of a proposal to be sympathetic with the built form and appearance of the existing

- property and the surrounding area. Criterion (b) requires proposals to not unduly affect the privacy or amenity of neighbouring residents. Policy EXT1 goes on to say that the guidance in Annex A will be taken into account when assessing proposals.
6. Paragraphs A4 and A9 of Annex A to the Addendum relate to matters of context and design. Paragraph A4 states that proposals that are badly sited or designed or that are incompatible with their surroundings can lead to an undesirable change in the character of the existing property and the area in which they are located. Paragraph 9 relates to extensions to the front of a property and indicates that great care is required in such circumstances as the front elevation is often the most visible to public view.
 7. The host building is a two storey semi detached dwelling finished in dash render. It is within a cul-de-sac and is located at its turning head. There is a small front garden area with rear amenity provision also and in-curtilage parking. The other dwellings in the cul-de-sac generally share common form, appearance, materials and layout apart from Nos 18 to 24 as they are within larger plots and are set back and orientated at an angle to the turning head. The proposal seeks approval for a single storey extension to the front of the dwelling. The extension is partially constructed. It is around 3.4m wide and projects approximately 2.2m from the front elevation. It is around 2.8m high from finished floor level. The front elevation of the extension has a large widow opening and the right hand side a smaller window opening. The left hand side of the extension is a solid wall. The proposed finishes are to match those of the existing dwelling.
 8. The appeal development is visible from the general area around the appeal site. Its projection well beyond the front elevation of the dwelling draws the eye towards it and renders it intrusive in the street scene even though No16 is marginally set back relative to Nos 2 through to 12 Mourne View Avenue. The visual impact of the extension is particularly exacerbated when viewed on approach from the north east given its blank wall aspect from this view combined with its overall protrusion. It reads as an obvious addition to the host dwelling even though the proposed finishes would be sympathetic and it dominates the street scene detracting from the appearance and character of the area. The resultant smaller front garden area would also be out of keeping with the pattern of development in the surrounding area. For the reasons given, the first reason for refusal in respect of criterion (a) of Policy EXT1 is sustained. Furthermore, if approved, the appeal development would set an undesirable precedent for comparable extensions on similar dwellings which would be detrimental to the character of the area.
 9. The remaining objection relates to issues of dominance and loss of light on the neighbouring residents of No 14 Mourne View Avenue. While one can appreciate the solid side wall of the extension when viewed from the living room of No14, it does not read as dominant or overbearing from this particular viewpoint given the overall size of the living room window and the wide angled view from it. Given this and its set back from the party boundary, the extension does not unacceptably impinge on the outlook from No 14 and there is no feeling of being 'hemmed in' by the extension. Furthermore, given the orientation and position of No 14 relative to the extension and the path of the sun, I am not persuaded that it would reduce the amount of light entering the living room window to an unreasonable degree. I am reinforced in my finding by the results of the 60 degree test undertaken by the

Council. That illustrates that the extension does not encroach into the zone where loss of light could be problematic. For the reasons given, I am not persuaded that the development unduly affects the amenity of the neighbouring residents to an unacceptable level. Accordingly, the second reason for refusal in respect of criterion (b) of Policy EXT1 is not sustained.

10. The Appellant put forward some examples of existing front extensions to dwellings in the area to support his position. The extension at No 19 Mourne View Avenue does not protrude out as far as the appeal development and it was approved in a different policy context. The extensions at Nos 13 and 15 Mourne View Avenue were approved in the 1980s and they are not directly comparable to the appeal development and its particular context. In respect of the other examples, no details were provided to demonstrate if, and when, they were approved. In any event, having viewed these front extensions, they are not directly comparable to the appeal development and its context. In addition, given the apparent age of the examples provided, it is likely that most, if not all, were approved by the then planning authority, the Department of the Environment. The Council, as a separate planning authority with elected representatives, is not bound by the past decisions of central government. Each case falls to be considered on its own merits within its own context and direct comparables are rare. The examples cited do not justify setting aside the policy objection to the appeal development.
11. The Appellant raised a concern around Council procedures during the processing of the planning application. This is a matter for the parties. The alleged negative impact on the value of No14 as a result of the appeal development was not supported by documentary evidence and this issue would not have warranted the dismissal of the appeal.
12. The first reason for refusal has been sustained and is determining in the appeal. Accordingly, the appeal must fail.

This decision is based on Drawing No A102 Location Map @ 1:1250, Drawing No A103, Site Plan @1:500, Drawing No A104, Existing Floor Plans @ 1:100, Drawing No A105, Existing Elevations @ 1:100, Drawing No A106 Proposed Elevations @ 1: 100 and Drawing No A107, Proposed Floor Plans @ 1:100 stamped refused by the Council on 27 March 2017.

COMMISSIONER PAMELA O'DONNELL

List of Appearances

Planning Authority:-	Ms C Moane (Newry, Mourne & Down District Council)
Appellant(s):-	Mr & Mrs McMullan Mr G Tumelty (Agent)
Third Parties:-	Mr P Heaney (Owner of No 14 Mourne View Avenue)

List of Documents

Planning Authority:-	"A" Statement of Case
Appellant(s):-	"C" Statement of Case "D" Rebuttal
Third Parties:-	"B" Statement of Case



Capacity Building Study Visit - Planning **Date for Your Diary**

The All Island Local Authority Forum, co-funded by DFC NI and DHPLG, is facilitating a Capacity Building Study Visit to Roscommon County Council on

Thursday 23rd November 2017

Objective of the Study Visit:

The main purpose of the study visit will be to explore and discuss key issues such as the following:

- The administrative and political context for effective planning delivery in ROI
- The role of Elected Members in the planning process
- Potential for Conflict of interest in the decision-making process
- Local Area Plans – effective consultation
- Barriers to implementation
- Recent developments

Who Should Attend:

Chief Executives and Senior Planning Staff from Local Authorities across Northern Ireland, together with Elected Members and representatives from DFC & DFI NI.

To register for this capacity building study visit:

Please email your name, organisation and title/position to Carol Dunbar at Co-operation Ireland – cdunbar@cooperationireland.org

Programme Details:

Full programme details are attached.

There is no fee for attending this visit.



An Roinn Tithíochta, Pleanála
agus Rialtais Áitiúil
Department of Housing, Planning
and Local Government



Department for
Communities
www.communities-ni.gov.uk



All-Island Local Authority Forum

Local Government Planning Capacity Building Visit to Roscommon County Council Thursday 23rd November

10am: Tea / Coffee & Registration
Introductions
Eugene Cummins, Chief Executive, Roscommon County Council

10.30 – 11.15: **Planning Context:**

- NDP – RPGs – Core/Retail Strategies
- CDP Process
- Settlement Strategy Implications
- Role of Elected Members in the planning process – from lobbyist to decision-maker
- Conflict of Interest in the Decision-Making Process

Mary Grier, Senior Planner

With a Masters in Regional and Urban Planning from UCD, Mary has been Senior Planner with Roscommon County Council since 2013. As a professional planner for over 20 years, she has worked in both the private and public sector. Having progressed from junior to senior planning positions within the Irish Local Authority system, Mary took up a Senior Planner role with the Cairngorms National Park Authority in Scotland in 2005, where she enjoyed the challenge of balancing environment considerations alongside promoting development of the National Park, until her return to Ireland in 2013.

11.15 – 11.30 **Local Area Plans – why?**

- Consultation – a task or a productive exercise?

Pio Byrnes, Assistant Planner

Having graduated from Queens University Belfast with a MSC. in Town and Country Planning, Pio has worked for Local Authorities in Galway and Roscommon for over 12 years. Pio has been involved in Development Management and Planning Enforcement in both Authorities and has more recently taken up a role in the Forward Planning Unit of Roscommon County Council and has been responsible for the Castlerea and Ballaghaderreen Local Area Plans.

11.30 – 12.00**Barriers to Implementation**

- Judicial review
- An Bord Pleanála
- Part VIII
- Political Resistance
- Local Activists

Tracy Davis, Senior Executive Planner

Tracy qualified as an Urban and Regional Planner in 1997 in South Africa and worked in the private sector in the areas of local area, sub-regional and tourism planning as well as specialising in rural land reform and redistribution. She moved to Ireland to take up a development management position with Roscommon County Council in 2002 and since her appointment as Senior Executive Planner in 2006 has predominantly focused on forward planning initiatives within the County including the production of County and Local Area Plans.

12.00 – 1.00**Recent Developments**

- NPF
- RSES
- Community Planning
- Town & Village Renewal
- Rural Guidelines

Martin Lydon, Director of Planning and Enterprise

Martin has been Acting Director of Services with responsibility for Community, Enterprise and Planning since January 2016. He is responsible for leading on the delivery of the Local Economic Community Plan, the promotion of the Town Team concept and economic development within the county, as well as maximising government investment in Roscommon's towns and villages.

1.00 – 1.30**Q & A****1.30 - 2.00****Lunch**