



August 10th, 2017

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 16th August 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 Consideration and Adoption

3.0 Minutes of Planning Development Committee Meeting held on Wednesday 19 July 2017. (Copy to follow).

For Discussion/Decision

4.0 To consider draft refusal reasons for planning application LA07/2017/0172/F - Lindsay's Hill, Newry. (Attached).

 *Lindsays Hill refusal reasons for committee agreement.pdf*

Page 1

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

 *Addendum list - 16-08-2017.pdf*

Page 2

Development Management - Planning Applications for determination

6.0 LA07/2017/0318/F - Telefonica UK Ltd - Proposed 15m telecommunications mast to carry 3No. antennae and 2 No. radio dishes, 3No. equipment cabinets and associated works including site compound. (Additional supporting info received) - On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road Castlewellan. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Hayley Dallas, Ross Planning, in support of the application on the basis that Ross Planning support the recommendation made by the Council and have requested speaking rights if required to rebut any comments made by objectors or answer any questions from the Committee.

 *LA07-2017-0318-F - Telefonica UK Limited.pdf*

Page 3

7.0 LA07/2015/0054/F - Murlough Farm Eggs - proposed poultry

laying shed for up to 16,000 birds and 3m dia feeder bin - 355m SE of No. 23 Keel Point, Dundrum. (Case Officer report attached).

Rec: REFUSAL

- Councillor W Clarke has asked that this application be removed from the addendum list for full presentation at a future Planning Committee Meeting.

[LA07-2015-0054-F Murlough Egg Farm.pdf](#)

Page 9

8.0 LA07/2016/0583/F - Felix McEvoy - change of use from outbuilding to holiday chalet with associated alterations and extension - 60m SE of 36 Derryneill Road, Ballyward, Castlewellan. (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).**

[LA07-2016-0583-F Felix McEvoy.pdf](#)

Page 19

[Item 8 - submission of support \(Felix McEvoy\).pdf](#)

Page 27

9.0 LA07/2016/0865/F - Mr & Mrs Dean Brown - proposed farm dwelling and domestic garage on lands 60m SE of 34 Wood Road, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Glyn Mitchell, agent and Dean Brown, applicant, in support of the application.

[LA07-2016-0865-F Mr and Mr Dean Brown.pdf](#)

Page 29

10.0 LA07/2016/1264/F - Mr & Mrs Richard Forsythe - erection of dwelling and domestic garage - located between No. 119 and 123 Harbour Road, Kilkeel. (Case Officer report attached).

Rec: REFUSAL

- Councillor Hanna has requested that this application be removed from the addendum list for full presentatin at the September Planning Committee Meeting.

[LA07-2016-1264-F Mr and Mrs Richard Forsythe.pdf](#)

Page 36

11.0 LA07/2016/1306/LBC - Mr & Mrs P McDowell - alterations to existing dwelling - 25 Ballybannon Road, Ballylough, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2016-1306-LBC - Mr and Mrs P McDowell.pdf* *Page 42*

📄 *Item 11 - submission of support (Mr & Mrs P McDowell).pdf* *Page 46*

12.0 LA07/2016/1372/F - Mr & Mrs P McDowell - alterations to existing dwelling to create additional bedroom and living accommodation - 25 Ballybannon Road, Ballylough, Castlewellan. (Case Officer report attached).

Rec: REFUSAL

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

📄 *LA07-2016-1372-F Mr and Mrs P McDowell.pdf* *Page 47*

13.0 LA07/2016/1331/0 - Joanna Magee - two detached dwellings and garages - lands adjoining and between 57 and 61 Churchtown Road, Downpatrick. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Colin McAuley, agent, and Joanna Magee, applicant, in support of the application. **(Submissions attached).**

📄 *LA07-2016-1331-0 Joanna Magee.pdf* *Page 51*

📄 *Item 13 - submission of support (Joanna Magee 1).pdf* *Page 57*

📄 *Item 13 - additional submission of support (J Magee).pdf* *Page 59*

14.0 LA07/2016/1430/0 - Damian Fitzsimons - proposed site for dwelling and garage - 90m NW of 44 Tyrella 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)**.

[LA07-2016-1430-O Mr Damian Fitzsimons.pdf](#)

Page 61

[Item 14 - submission of support \(Damian Fitzsimons\).pdf](#)

Page 67

15.0 LA07/2017/0075/0 - D Brannigan - replacement dwelling - 31 Mearne Road, Downpatrick. (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Gerry Tumelty, agent, in support of the application should the application be debated by Committee, If no debate is necessary the agent will not need to speak.

[LA07-2017-0075-O - D Brannigan.pdf](#)

Page 72

16.0 LA07/2017/0296/0 - Mark Galloway - proposed dwelling and garage on a farm - 80m west of No. 3 Ballytristan 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)**.

[LA07-2017-0296-O - Mr Mark Galloway.pdf](#)

Page 77

[Item 16 - submission of support \(Mark Galloway\).pdf](#)

Page 86

17.0 LA07/2017/0431/0 - Mr & Mrs Peter Byrne - demolition of outbuilding and construction of a dwelling and garage - Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

[LA07-2017-0431-O - Mr and Mrs Peter Byrne.pdf](#)

Page 90

18.0 LA07/2017/0498/LBC - Mr & Mrs Peter Byrne - demolition of outbuilding and construction of a dwelling and garage -

**Ashley House, 85 Bryansford Road, Tollymore, Newcastle.
(Case Officer report attached).**

Rec: REFUSAL

- Addendum list

[LA07-2017-0498-LBS - Mr and Mrs Peter Byrne.pdf](#)

Page 100

**19.0 LA07/2017/0228/F - Mr and Mrs Tate - dwelling and garage -
lands immediately north of 37 Dromore Road, Ballynahinch.
(Case Officer report attached).**

Rec: REFUSAL

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

[LA07-2017-0228-F - Mr and Mrs Tate.pdf](#)

Page 109

[Item 19 - submission of support \(Mr & Mrs Tate\).pdf](#)

Page 114

**20.0 LA07/2017/0287/0 - Mr & Mrs D McMullan - single dwelling and
garage - lands contained between 4 and 6 Sawmills Raod,
Drumee, Bryansford, Newcastle. (Case Officer report
attached).**

Rec: REFUSAL

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

[LA07-2017-0287-O - Mr and Mrs D McMullan.pdf](#)

Page 116

[Item 20 - submission of support \(Mr & Mrs D McMullan\).pdf](#)

Page 122

**21.0 LA07/2017/0420/F - Mr & Mrs Gerard and Bernadette Curran -
replacement dwelling and garage - 50m NE of 90 Strangford
Road, Chapletown. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Sean Kennedy, Kennedy Design, in support of the application. **(Submission attached).**

[LA07-2017-0420-O Gerard and Bernadette Curran.pdf](#)

Page 131

22.0 LA07/2017/0424/F - A Martin - sun-room extension to side of dwelling, small extension to front of dwelling and provision of dormer windows to study over detached garage - No. 117 Lisburn Road, Saintfield. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from David Donaldson on behalf of an objector. **(Submission attached).**
- A request for speaking rights has been received from Gary Thompson, agent and Mr Martin, applicant, in support of the application. **(Submission attached).**

Item 21 - submission of support (A Martin).pdf Page 153

Item 22 - submission of objection (A Martin).pdf Page 161

Item 22 - submission of support (A Martin).pdf Page 164

23.0 LA07/2017/0541/F - Chris Canning - conversion of 2 No. buildings for residential use - land adjacent to 161 Clay Road, Killyleagh. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Andy Stephens, Agent, in support of the application. **(Submission attached).**

LA07-2017-0541-F - Chris Canning.pdf Page 188

Item 23 - submission of support (Chris Canning).pdf Page 197

24.0 LA07/2017/0630/F - Alan Marshall - proposed 3 No. pair of semi detached dwellings and 1 detached dwelling with garage - land to rear and NE of 45 and 29 Chestnut Meadows, Riverside Road, Ballynahinch. (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).**

LA07-2017-0630-F - Alan Marshall.pdf Page 201

Item 24 - submission of support (Alan Marshall).pdf Page 211

25.0 LA07/2015/0545/F - Mr P Smith - site for farm dwelling and garage - 40m south west of 23a Castlewellan Road, Hilltown. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2015-0545-F - Mr P Smith.pdf](#) *Page 216*

[Item 25 - submission of support \(P Smith\).pdf](#) *Page 225*

26.0 LA07/2016/0423/F - Thomas Gollogly - proposed replacement dwelling and garage - 40m SE of 18 Lough Road, Mullaghbawn. (Case Officer report attached).

Rec: REFUSAL

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

[LA07-2016-0423-F - Thomas Gollogly.pdf](#) *Page 243*

[Item 26 - submission of support \(Thomas Gollogly\).pdf](#) *Page 250*

27.0 LA07/2016/1103/F - Ronan Morgan - erection of two replacement dwellings with detached garages, in substitution for replacement dwellings approved under planning application P/2011/0537/F - rear of nos. 10 and 10a Finnard Road, Rathfriland. (Case Officer report attached).

Rec: REFUSAL

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


[LA07-2016-1103-F Ronan Morgan.pdf](#) *Page 267*

[Item 27 - submission of support \(Ronan Morgan\).pdf](#) *Page 272*


28.0 LA07/2016/1647/F - DBM Contracts - erection of two dwellings and retention of retaining walls - 20m east of 6 Daisy Hill, Carnagat, Newry. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2016-1647-F - DBM Contracts.pdf*

Page 285

 *Item 28 - submission of support (DBM Contracts).pdf*

Page 295


29.0 LA07/2017/0038/0 - Errol Flynn - site for dwelling and detached garage - immediately south of 91b Maphoner Road, Mullaghbawn, Newry. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2017-0038-O - Errol Flynn.pdf*

Page 314


 *Item 29 - submission of support (Errol Flynn).pdf*

Page 319


30.0 LA07/2017/0582/0 - Roisin Hanlon - site for dwelling and garage - lands adjacent and south west of 30 Ballymoyer Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

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

 *LA07-2017-0582-O - Roisin Hanlon.pdf*

Page 335

 *Item 30 - submission of support (Roisin Hanlon).pdf*


Page 339

31.0 LA07/2017/0621/F - Patrick Treanor - site for dwelling and garage - 80m west of 10a Newtown Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

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

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


 *LA07-2017-0621-O Patrick Treanor.pdf*

Page 356

32.0 LA07/2016/0226/F - Mark Devlin - Erection of residential development comprising of 19 dwellings - Lands adjacent and south east of Nos 16 & 19 Lisbeg Park Lismore Dundalk Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road Crossmaglen). (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Conor Hughes, agent, in support of the application on the basis that they intend to endorse the planning officer's recommendation to approve the proposal and explain how they consider the relevant policy tests to be met in full including the extent of their engagement with the NIHE on the requirement for social housing. As required they will also respond to comments from any third party objectors registered to speak and will also deal with any Member queries.

 *LA07-2016-0226-F Mr Mark Devlin.pdf*

Page 361

33.0 LA2016/0227/F - Mark Devlin - Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - Lands adjacent and south east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Conor Hughes, agent, in support of the application on the basis that they intend to endorse the planning officer's recommendation to approve the proposal and explain how they consider the relevant policy tests to be met in full including the extent of their engagement with the NIHE on the requirement for social housing. As required they will also respond to comments from any third party objectors registered to speak and will also deal with any Member queries.

 *LA07-2016-0227-F Mr Mark Devlin.pdf*


Page 373

34.0 LA07/2016/0228/F - Mark Devlin - Erection of residential development, comprising 2no dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) - Lands adjacent

and south east of Nos 16 and 19 Lisbeg Park Lismore Dundalk Crossmaglen (and adjacent and west/south of 63 Dundalk Road). (Case Officer report attached).

Rec: APPROVAL

- A request for speaking rights has been received from Conor Hughes, agent, in support of the application on the basis that they intend to endorse the planning officer's recommendation to approve the proposal and explain how they consider the relevant policy tests to be met in full including the extent of their engagement with the NIHE on the requirement for social housing. As required they will also respond to comments from any third party objectors registered to speak and will also deal with any Member queries.


 *LA07-2016-0228-F Mr Mark Devlin.pdf*

Page 385

35.0 LA07/2016/0527/F - Joan Henderson - change of house type from previously approved application P/2010/1299/F - 200m SE of 21 Levellyreagh Road, Rostrevor. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

 *LA07-2016-0527-F - Joan Henderson.pdf*

Page 397

36.0 LA07/2016/0748/0 - Andrew Henry and Jemma Clarke - erection of dwelling and detached garage - 150m north of 81 Dundalk Road, Newtownhamilton. (Case Officer report attached).

Rec: REFUSAL

- A request for speaking rights has been received from Neil Cornett, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor D Taylor, in support of the information provided by the agent.

 *LA07-2016-0748-O Andrew Henry and Jemma Clarke.pdf*

Page 404

 *Item 36 - submission of support (Henry & Clarke).pdf*

Page 411

37.0 LA07/2016/1483/F - Michael McConville - Proposed free range poultry shed with 2no feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying

**eggs) - Land approx. 100m NW of 16 Carrickrovaddy Road
Jerrettspass Newry. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from Philip Marshall, agent, in support of the application. **(Submission attached).**
- A request for speaking rights has been received from DEA Councillor D Taylor, in support of the information provided by the agent.

📄 *LA07-2016-1483-F Mr Micahel McConville.pdf* *Page 412*

📄 *Item 37 - Submission of support LA07-2016-1483-F (McConville).pdf* *Page 419*

**38.0 LA07/2017/0049/F - Mr & Mrs McGivern - proposed garage with
home office and gym - Ingleside, 5 Windsor Avenue, Newry.
(Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2017-0049-F - Mr and Mrs McGivern.pdf* *Page 440*

📄 *Item 38 - submission of support (Mr & Mrs McGivern).pdf* *Page 445*

**39.0 LA07/2017/0375/0 - Declan Kearney - farm dwelling and garage
- 30m west of 34 Station Road, Adavoyle, Killeavy, Newry.
(Case Officer report attached).**

Rec: REFUSAL

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

📄 *LA07-2017-0375-O Mr Declan Kearney.pdf* *Page 456*

📄 *Item 39 - submission of support (Declan Kearney).pdf* *Page 460*

**40.0 LA07/2017/0644/F - Mr C McKeown - erection of dwelling
(change of house type, amended site access and garage from
that previously approved under planning application
P/2006/0809/RM (amended description) - 70m NE of 23
Lissaraw Road, Camlough. (Case Officer report attached).**

Rec: REFUSAL

- A request for speaking rights has been received from John Harkness, architect, in support of the application. **(Submission attached).**

📎 *LA07-2017-0644-F - Mr C McKeown.pdf*

Page 465

📎 *Item 40 - submission of support (Mr C McKeown).pdf*

Page 468

41.0 LA07/2017/0952/0 - Sean Og Hoey - erection of in-fill dwelling and detached garage - between 20 and 22 Molly Road, Foughillotra, Jonesborough. (Case Officer report attached).

Rec: REFUSAL

- Addendum list

📎 *LA07-2017-0952-O Sean Og Hoey.pdf*

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For Noting

42.0 July 2017 Planning Committee Performance Report. (Attached).

📎 *JULY 2017 Planning Committee Performance Report.pdf*

Page 472

43.0 Record of Meetings between Planning Officers and public representatives April to July 2017. (Attached).

📎 *19 July 2017 Committee Report - Public Representatives.pdf*

Page 476

44.0 July 2017 Appeals and Decisions. (Attached).

📎 *Current Appeals.pdf*

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Invitees

Cllr Terry Andrews	terry.andrews@nmandd.org
Cllr Naomi Bailie	naomi.bailie@nmandd.org
Cllr Patrick Brown	patrick.brown@nmandd.org
Cllr Robert Burgess	robert.burgess@nmandd.org
Cllr Stephen Burns	stephen.burns@nmandd.org
Cllr Pete Byrne	pete.byrne@nmandd.org
Cllr Michael Carr	michael.carr@nmandd.org
Cllr charlie casey	charlie.casey@nmandd.org
Cllr William Clarke	william.clarke@nmandd.org
Cllr Garth Craig	garth.craig@nmandd.org
Cllr Dermot Curran	dermot.curran@nmandd.org
Ms Alice Curran	alice.curran@nmandd.org
Cllr Laura Devlin	laura.devlin@nmandd.org
Ms Louise Dillon	louise.dillon@nmandd.org
Cllr Sean Doran	sean.doran@nmandd.org
Cllr Cadogan Enright	cadogan.enright@nmandd.org
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Cllr Glyn Hanna	glyn.hanna@nmandd.org
Mr Liam Hannaway	liam.hannaway@nmandd.org
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Cllr Harry Harvey	harry.harvey@nmandd.org
Cllr Terry Hearty	terry.hearty@nmandd.org
Cllr David Hyland	david.hyland@nmandd.org
Cllr Liz Kimmins	liz.kimmins@nmandd.org
Cllr Mickey Larkin	micky.larkin@nmandd.org
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Cllr Pol O'Gribin	pol.ogribin@nmandd.org
Cllr Brian Quinn	brian.quinn@nmandd.org
Cllr Henry Reilly	henry.reilly@nmandd.org
Cllr Michael Ruane	michael.ruane@nmandd.org

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



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0172/F

Date Received: 3rd February 2017

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

Location: Lindsay's Hill Approx. 60 Metres South East of 53-55 North Street, Newry, BT34 1DD

Background:

This application was presented to Planning Committee on 19th July 2017 with a recommendation for approval. Following speakers for the developer and those objecting to the application, the Committee voted to refuse the application based on the impact on the historic environment at Lindsay's Hill. Officers were instructed to draft appropriate refusal reasons for agreement at the next Committee meeting. The following are suggested for consideration by members:

Refusal Reasons:

1. The proposal is contrary to policy DES2 of the Planning Strategy for Rural Northern Ireland in that the proposed access road from St. Clare's Avenue would, if permitted, harm the townscape and historic character of the area by reason of its adverse impact on Lindsay's Hill pedestrian walkway and its surroundings.
2. The proposal is contrary to Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Newry Conservation Area and the proposed bridge would, if permitted, detract from its character and appearance and would interrupt important views into the conservation area from Lindsay's Hill.
3. The proposal would, if permitted, result in an increase in traffic to and from the site causing harm to the residential amenity of the residents in St. Clare's Avenue by reason of noise.

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 16 August 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 7 - LA07/2015/0054/F** - Murlough Farm Eggs - proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin - 355m SE of No. 23 Keel Point, Dundrum. **REFUSAL** ****Councillor W Clarke has requested that this application be removed from the addendum list for full presentation at a future Planning Committee Meeting****
- **Item 10 - LA07/2016/1264/F** - Mr & Mrs Richard Forsythe - erection of dwelling and domestic garage - located between No. 119 and 123 Harbour Road, Kilkeel. **REFUSAL** ****Councillor G Hanna has requested that this application be removed from the addendum list for full presentation at the September Planning Committee Meeting****
- **Item 17 - LA07/2017/0431/0** - Mr & Mrs Peter Byrne - demolition of outbuilding and construction of a dwelling and garage - Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle. **REFUSAL**
- **Item 18 - LA07/2017/0498/LBC** - Mr & Mrs Peter Byrne - demolition of outbuilding and construction of a dwelling and garage - Ashley House, 85 Bryansford Road, Tollymore, Newcastle. **REFUSAL**
- **Item 35 - LA07/2016/0527/F** - Joan Henderson - change of house type from previously approved application P/2010/1299/F - 200m SE of 21 Levellyreagh Road, Rostrevor. **REFUSAL**
- **Item 41 - LA07/2017/0952/0** - Sean Og Hoey - erection of in-fill dwelling and detached garage - between 20 and 22 Molly Road, Foughillotra, Jonesborough. **REFUSAL**

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

ITEM NO	25		
APPLIC NO	LA07/2017/0318/F	Full	DATE VALID 2/24/17
COUNCIL OPINION	APPROVAL		
APPLICANT	Telefonica UK Limited 260 Bath Road SL1 4DX	AGENT	Taylor Patterson C/O Ross Lane Cookstown BT0 8RJ 02886764800
LOCATION	On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road Castlewellan BT31 9DP		
PROPOSAL	Proposed 15m telecommunications mast to carry 3No. antennae and 2 No. radio dishes, 3No. equipment cabinets and associated works including site compound. (Additional supporting info received)		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	46	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/20170318/F

Date Received: March 2017.

Proposal: Full planning permission is sought for the installation of a 15m telecommunications mast to carry 3 antennae and 2 radio dishes, 3 equipment cabinets and associated works including site compound, on lands within William Kirkwood & Sons Timber Yard, 5-9 Newcastle Road, Castlewellan.

Applicant: Telefonica UK Ltd

Location:

The site is centrally located within the village of Castlewellan, outside the boundary of the Conservation Area, on land regarded as white-land as identified in the Ards and Down Area Plan 2015.

This area of Castlewellan includes a mix of uses including commercial, retail and residential, while it is also noted there are listed buildings in the vicinity of the site.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a small rectangular shaped plot within the grounds of Kirkwood and Sons Timber Yard. This portion of lands is located to the side of the existing buildings within these grounds and is immediately adjacent to the boundary with the Food Processing Factory (TS Foods), whereby this portion of the boundary comprises a wall which is some 3m high.

Site History:

A history search has been carried out for the site and surrounds whereby it is noted there have been several previous approvals in the within and adjacent to the site, although no relevant history was observed relating to the application site. It is noted there have been a number of approvals for extensions to the adjoining Food Processing Factory.

Objections & Representations

Some 46 representations in opposition to the proposal have been received to date (20-06-17) from owner/occupiers of properties along Upper Square, Lower Square,

Circular Road, Newcastle Road, St Malachys Avenue, Dundrinne Rise, Main Street (both residential and businesses), Castlewellan GAC, Cllr Devlin, Colin McGrath MLA, TS Foods including a number of employees who live in Downpatrick, Castlewellan, Lisburn, Strangford, Killyleagh, Guinness, Annsborough, Newcastle and Bryansford, whereby the main issues raised include:

- serious concerns regarding health issues cause by such masts,
- this 15m high mast will tower over Main Street and is not in the best interests of the town which includes a Conservation Area,
- it will be very damaging to the local environment,
- it would have a detrimental impact on the local visual amenity,
- siting a mast immediately beside a densely populated area such as TS Foods which employs 90 staff should be avoided,
- the development of a mast may in future inhibit or endanger the future development and employment of TS Foods,
- the need for a mast is queried as the Castlewellan area is serviced by a mast which is located approx 2 mile from the centre of the town,
- a bond should be put in place to ensure the removal of the mast and equipment after its end use.

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

Having account the extent of the red line and current practice neighbour notification was initially undertaken with a number of properties along Circular Road, Newcastle Road, Main Street (TS Foods), in March 2017, while the case was also advertised in the local press in March 2017.

Following receipt of additional supporting information including panoramic photographs a further round of neighbour notification was undertaken in April 2017.

Consultations:

Having account the nature of this proposal, constraints of the site and area, and issues raised in the representations received, consultation was undertaken with Historic Environment Division (HED) and Environmental Health as part of this application.

Environmental Health offer no objections subject to compliance with ICNIRP guidelines.

HED initially expressed concerns regarding the proposal however following receipt of supporting information, panoramic photographs and photomontages (existing and proposed) are now content with the proposal and have advised the proposal will not pose any greater demonstrable harm to the setting of any listed buildings.

It is noted the listed buildings in the vicinity of the site include the former Presbyterian Church along Newcastle Road, former Northern Bank building on Lower Square, Ulster Bank building on Upper Square, and the 2 storey terrace of 11-29 Lower Square.

In light of the above it is considered the consultees offer no objections to this proposal, while it is not considered necessary to seek any further comments or request any further information to fully assess and determine this application.

Policy- RDS, Ards & Down Plan 2015, SPPS, PPS2, PPS6, PPS10, and supplementary guidance including DCAN14 and Castlewellan Conservation Area guide.

Consideration and Assessment:

This full application seeks permission for a 15m telecommunications mast to carry 3 antennae and 2 radio dishes, and 3 equipment cabinets.

Policy TEL 1 of PPS10 states that proposals [for telecommunications] will need to demonstrate, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

It must be demonstrated that:

- (a) The sharing of an existing mast or other structure has been identified and is no feasible
- (b) The new mast represents a better environmental solution than other options.

The content of the SPPS is also noted.

As part of this application a P1 form, site location plan, site plan, elevations, Declaration of Conformity with ICNIRP Public Exposure Guidelines, additional supporting/supplementary information, panoramic photographs and photomontages have been submitted.

This application has been submitted for and on behalf of CTIL and Telefonica UK Ltd. The supplementary information advises this mast will be grey in colour and the 15m height has been selected due to the surrounding buildings (clutter) that can cause interference to the signal, and the mast is the optimum height for the antennae to ensure the best possible coverage is provided.

The first option to improve network coverage in any area is to seek an upgrade to an existing mast, however in this case there was no existing mast nearby, so an upgrade opportunity does not exist.

A total of 8 sites were investigated as possible locations for a new mast however the remaining 7 sites were rejected due to various constraints. A map and reasons why the remaining sites were not chosen is attached to the file.

In addition, the site chosen was deemed the most suitable due to the limited impact it would have on the surrounding area, and that this village does not benefit from suitable network coverage, whereby the objective is to improve coverage for customers of O2 and Vodafone in terms of their current 2G and 3G coverage and add the new faster and more efficient 4G technology.

An ICNIRP certificate has been provided to demonstrate how the proposal complies with guidelines for public exposure to electromagnetic fields. Environmental Health

have been consulted and raised no objections to the proposal subject to compliance with ICNIRP guidelines.

As stated above the site selected for this mast is located within the grounds of Kirkwood Timber Yard, and is immediately adjacent to the boundary with TS Food factory.

This site is centrally located in the village of Castlewellan whereby the surrounding area is built up, however it is reasonable to assume a 15m high mast will be visible from the surrounding area, although views will be obscured from certain view points by the existing built form, including the 2 storey terraces and varying heights along Upper Square, Main Street, Lower Square, Newcastle Road and Circular Road. While the site is located in a timber yard, and adjoins the boundary with a food factory (TS Foods), it is also located in close proximity to the grounds of Castlewellan GAC, and a number of businesses and residential properties, church hall and is also approx 150m from the Community group building.

As stated above the site is located outside the boundary of the Conservation Area of Castlewellan, and is in an AONB, while there are also several Listed Buildings in the vicinity of the site.

Following the submission of additional information including photomontages Historic Environment Division now offer no objections advising the mast will not pose any greater demonstrable harm to the setting of any listed building.

While it is noted the site is located outside the boundary of Castlewellan Conservation Area, it is close to it, and has the potential to impact on its setting. (It is noted the policy contained within PPS6 only specifically deals with new development which is located in a Conservation Area).

The extent of the Conservation Area extends through the middle of the village from Blue Row to Lower Square and also takes in Castle Avenue and the area around the entrance to Castlewellan Forest Park and a stretch of Newcastle Road.

As stated above the site for this mast is located in an existing timber yard behind Main Street, and which includes several structures and associated equipment at present, and is also adjacent to the grounds of TS Foods which also includes several sizeable buildings.

Having account the existing built form of this village and size of existing buildings in the middle of this village and also existing street furniture including tall street lighting columns, it is considered this 15m high mast and associated equipment will have limited impact on the setting of the Conservation Area of Castlewellan.

While it is acknowledged the mast will be visible from the surrounding area, it is considered the visual impact will be restricted due to the existing built form, and will not result in any unacceptable visual impact.

While it is noted there is significant opposition to this proposal from local residents, having account the information submitted, on balance it must be considered the development as proposed complies with the requirements of the area plan and applicable policy test, and will not result in any unacceptable impact or harm the amenity of any existing residents/properties or character of the area and associated zonings/listings.

As such it is concluded there are no grounds to sustain a refusal, thus Approval is recommended.

Recommendation: Approval

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

Council Newry, Mourne and Down

Date 8/16/17

ITEM NO	1			
APPLIC NO	LA07/2015/0054/F	Full	DATE VALID	2/19/15
COUNCIL OPINION	REFUSAL			
APPLICANT	Murlough Farm Eggs 23 Keel Point Dundrum BT33 0NQ		AGENT	John Kirkpatrick Architect Fox Hollows 20 Ballyknockan Road Saintfield BT24 7HJ 02890812806

LOCATION 355m SE of No 23 Keel Point Dundrum BT33 0NQ

PROPOSAL Proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin.

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 Strategic Planning Policy Statement 2015 (SPPS) and Policies NH1 and 3 of Policy Statement 2: Natural Heritage, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.
- 2 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding a Nutrient Management Plan has been submitted to enable the Authority to make an informed decision on the proposal.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and CTY12 of PPS21 in that insufficient information, by way of an odour assessment, has been submitted to enable the Authority to make an informed decision on the impacts of the proposal on neighbouring residential amenity.



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2015/0054/F

Date Received: 19.02.2015

Proposal: The application is for full planning permission for a proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin.

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site location plan



Site Characteristics & Area Characteristics:

The application site is located at Keel Point and is accessed via an existing laneway leading to a number of poultry sheds.

Site History:

TPO/1994/0014 Murlough Keel Point, Dundrum Tpo Confirmed 08.03.1995

R/2013/0423/F Adjacent To 23 Keel Point, Dundrum, Proposed New Dwelling & Garage Permission Granted 04.02.2015

R/2012/0395/O Adj To 23 Keel Point Road, Dundrum, Newcastle, Proposed Farm Dwelling And Garage Permission Granted 27.06.2013

R/2011/0252/F Approximately 300m South East 23 Keel Point, Dundrum, Proposed Alterations And Extension To Existing Chicken House Permission Granted 07.11.2011

R/2010/0893/F Murlough Farm Keel Point Dundrum Bt33 0nq. Proposed Change Of Use From An Existing Barn To A Dwelling House To Include Proposed Extensions (Additional Information) (Amended Plans) Permission Granted 19.04.2013

R/2009/0111/F 23 Keel Point, Dundrum, Proposed Second Dwelling On Existing Farm. Application Withdrawn 06.10.2010

R/2006/0051CA Land To The Rear Of 25 Keel Point, Dundrum Change Of Use Enforcement Case Closed

R/2005/1128/F 23 Keel Point, Dundrum, Newcastle. Change Of Use From Farm Buildings To Bio-Fuel Production. Permission Granted 05.02.2007

R/2005/1109 Murlough Farm, Dundrum, Co Down. Change Of Use From An Agricultural Building To A Bio Diesel Plant. Pre Application Enquiry - Non Committal

R/2005/0816/O Site Adjacent To No 23 Keel Point, Dundrum. Proposed Farm Retirement Dwelling. Permission Refused 07.07.2006

R/2005/0196CA Lands Approx 50m Southeast Of 25 Keel Point, Murlough Lower, Dundrum, Down, The Unauthorised Use Of Land For The Siting Of A Mobile Home Enforcement Case Clo2s3e.0d3.2012

R/2003/0124CA Site To The West Of 25 Keel Point, Dundrum. Unpermitted Building Enforcement Case Closed

R/2003/0123CA To The Rear Of Murlough Farm, 25 Keel Point, Adjacent To Dundrum Nature Reserve, Dundrum, Downpatrick Operational Devt Enforcement Case Closed

R/1993/0201 Murlough Farm Murlough Dundrum Alterations To Dwelling And New Conservatory Permission Granted

R/1991/0274 Adj To 21 Keel Point Dundrum Farm Residence With Guest Accommodation Permission Refused

R/1989/0904 Address Unknown. No O.S. Address Point Falls Within This Polygon Historical Application

R/1985/0450 Site 2 Murlough Farm, Dundrum, Newcastle. Farm Dwelling Permission Granted

R/1985/0449 Site No 3 Murlough Farm Dundrum Newcastle. Farm Dwelling Permission Granted

Pla2/6/014/94 Land At Murlough, Keel Point, Dundrum TPO Confirmed 24.05.1995

Planning Policies & Material Considerations:

The application site is located outside the settlements in the open countryside and within the AONB as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with :-

- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 21 Sustainable Development in the Countryside;
- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Consultations:

- NI water – statutory
- Transport NI – No objections
- NIEA Water Management – require Nutrient management plan
- NIEA – Natural Heritage Division – additional info requiring habitats reg impact of ASSIs
- Historic Environment Division – No objections
- DAERA – No objections
- Environmental Health – site specific odour assessment required
- SES - additional info requiring habitats reg impact of ASSIs

Objections & Representations

In line with statutory requirements two neighbours have been notified on 29.04.2015 and again with amended plans on 24.03.2016. One letter of objection was received by the neighbour at 25 Keel Point, The application was advertised in the Mourne Observer 29.04.2015.

Consideration and Assessment:

The SPPS states in relation to Agriculture and Forestry development provision should be made for development on an active and established (for a minimum 6 years) agricultural holding or forestry enterprise where the proposal is necessary for the efficient operation of the holding or enterprise. New buildings must be sited beside existing farm or forestry buildings on the holding or enterprise. An alternative site away from existing buildings will only being acceptable in exceptional circumstances. Policy CTY 1 of PPS 21 identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is an agricultural shed in accordance with Policy CTY12.

The site is located within the AONB as designated within the Ards and Down Area Plan 2015.

Environmental Impact Assessment

The application falls within Schedule 2 1c - The carrying out of development to provide for intensive livestock installations (unless included in Schedule 1). It is considered that the impact of the proposal can be fully assessed via the normal planning and consultative process and subject to meeting the relevant policies, that any necessary mitigating measures can be agreed during the assessment of the application to ensure that there are no adverse impacts on the environment and local population. The likely environmental effects are not considered so significant to warrant an Environmental Statement.

PPS 21 – Sustainable development in the Countryside

With regard to non-residential development, CTY 1 states that planning permission will be granted in the countryside in nine instances, one of which is agricultural development in accordance with PPS 21 policy CTY 12. The latter indicates that planning permission will be granted for development on an active and established agricultural holding where it is demonstrated that it complies with stated criteria. Paragraph 5.56 of PPS 21 advises that "for the purposes of this policy (i.e. CTY 12) the determining criteria for an active and established business will be that set out under policy CTY 10". Criterion (a) of CTY 10 refers to a farm business being currently active and having been established for at least 6 years. The amplification text states that an applicant will be required to provide a DARD business ID number along with other evidence to prove active farming. CTY 12 refers to development on an active and established holding. The Justification and Amplification section states that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY10.

Policy CTY10 advises that

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

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

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

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

Details of this farm business accompany this application including form P1C which has details of the farm business number and maps to accompany the farm business. DARD (Now DAERA) has confirmed that the business is active and has been

established for at least 6 years. Therefore the applicant has an active and established farm business.

b) It is appropriate to the location in terms of character and scale.

The proposal is for a proposed poultry shed to house up to 16,000 birds along with a feeder bin. The proposal involves the removal of an existing shed which currently houses 6,000 birds with a new shed which measures 16m wide x 86m long in the footprint of the previous shed. Another existing shed is also being removed. The egg store measures 7m height (eaves 3.8m), with the rest of the building measuring 6m in height (eaves 2.8m). The finishes include corrugated iron roof painted green, with the walls to be finished with cedar timber siding painted green. This type of building would be typical of the rural area and is to be built on the footprint of an existing chicken shed, albeit much larger in scale, built adjacent to the existing farm buildings. The materials and finishes are sympathetic to the rural area. The prevalence of these types of poultry sheds in the rural is becoming more and more widespread, and it would not be unusual to find this type of building in the rural area. However, a full assessment of the location cannot be undertaken given that the issues with this site specific location in terms of amenity are not resolved (see objection letter and Environmental Health assessment further in report).

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

The views of the site would be limited Keel Point, and Murlough beach.

The proposal will have a greater visual impact on the landscape. However, given the low profile nature of the building, it is considered that the form of, and finishes to, the building are not out of keeping or incongruous in the rural area, this combined with its set back from the road and the fact that these types of buildings are now typical in the rural area. A landscaping condition requiring full planting could therefore need to be used in this case.

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

The application site is within 7.5 km of Murlough SAC/ASSI, Lecale Fens SAC/Corbally ASSI, Eastern Mourne SAC/ASSI, Ballybannan ASSI, Ballykilbeg SAC/ASSI, Tyrella and Minerstown ASSI and Castlewellan Lake ASSI (hereafter referred to as designated sites) which are of international and national importance and are protected by Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (Northern Ireland) Order 2002.

Natural Environment Division and Shared Environmental Services have been consulted regarding the proposal. NED objects to the proposal as it likely to have an adverse impact on the conservation objectives of the designated sites. PPS 2 is therefore considered.

Potential impacts - Nitrogen deposition resulting from ammonia emissions from the proposed facility has the potential to alter the vegetation community structure of the designated sites. The agent submitted a Nitrates Plan. However, based on the SCAIL results, the predicted ammonia concentration on Murlough SAC/ASSI was predicted as 96% (SAC) and 76% (ASSI) of the Critical Level. The predicted ammonia concentration on Lecale Fens SAC was predicted as 48% (SAC) and 45% (ASSI) of the Critical Level. Based on these levels NIEA recommends that planning permission is refused as the applicant has demonstrated that the emissions from the proposal will be in breach of the current permitted Process Contribution of 10%. NED therefore objects to this proposal as it currently stands. The applicant should note that SCAIL is a conservative modelling tool and may wish to consider conducting detailed Air Dispersion Modelling. This should assess the potential impact from all existing and proposed poultry units, storage and landspreading of all poultry litter from the entire farm operation i.e. all livestock and their associated housing and grazing regimes; storage of slurry/litter/manure, and landspreading of said material. If any abatement measures will be utilised on the farm these should also be incorporated in any detailed modelling submitted. However, provision of detailed Air Dispersion Modelling will not guarantee recommendation for approval.

Thus as the proposal stands it is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH1 and 3, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.

The application was also considered by NIEA - water management unit who require further information by way of a full nutrient management plan in order to make a full assessment.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The nearest residential property is approx. 120m away a letter of objection has been received from the residents at 25 Keel Point the letter details:

Health issues, Pests, Smell, TPO along boundary of laneway and Access constructed without approval

A further email was sent by the objector, detailing that they think it is unfair to site the building closer to their property when in another planning application the applicant stated that it would be unhealthy to live close to the chicken sheds. They have stated that the application should be approved, but it should be sited further away from their home and sited 20/30m to SE on the site of the second existing shed.

Environmental Health were consulted as part of the processing of the application. They responded by stating that due to the close proximity to a residential property there are concerns that this property may be adversely impacted due to odour from the proposed poultry house. The agent responded by stating that by moving the

proposed shed this would serve very little if any benefits in terms of odour prevention. He states that there are currently 3 existing sheds within the 150m radius (one of which was approved under R/2011/0252/F). Moving the shed closer to the SE outside the 150m radius would result in a greater negative effect on wildlife and habitat given that it will be closer to an existing hedge. In addition there would be more digging required to provide a level building platform.

Therefore a site specific odour assessment with mitigation measures to protect amenity would be required in order to address the concerns of Environmental Health. This has not been submitted to date.

PPS 6 – Planning Archaeology and the Built Heritage

The former World War II airfield of RAF Murlough is located in close proximity to this proposed development. This airfield is listed in the Defence Heritage Project database (DHP) and is protected by Policy BH2 of PPS 6. Historic Environment Division: Historic Monuments (HED: HM) have received additional information from the developer (a desktop survey of the application site highlighting its military history and surviving associated features, and accompanied by current and historic photographs of the application site) and are satisfied there will be no impact upon the defence heritage site.

HED: HM has therefore assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Recommendation:

Taking into account all material considerations including the objection and the consultee responses and having considered all relevant planning policy the application is contrary to policy for the reasons stated below.

Refusal:

1. The proposal is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Policies NH1 and 3 of Policy Statement 2: Natural Heritage, in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of the designated sites.
2. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding a Nutrient Management Plan has been submitted to enable the Authority to make an informed decision on the proposal.

3. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) in that insufficient information regarding an odour assessment has been submitted to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

ITEM NO	8		
APPLIC NO	LA07/2016/0583/F	Full	DATE VALID 4/28/16
COUNCIL OPINION	REFUSAL		
APPLICANT	Felix McEvoy 31 Derryneill Road Ballyward Castlewellan BT31 9TZ		AGENT Martin Bailie 44 Bavan Road Mayobridge Newry BT34 2HS 30851910

LOCATION 60M South-East of 36 Derryneill Road
Ballyward
Castlewellan.

PROPOSAL Change of use from outbuilding to holiday chalet with associated alterations and extension.

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

- 1 The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building and all necessary services (car parking/turning) cannot be provided without adverse impact on the character of the locality.





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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0583/F

Date Received: 15th April 2016

Proposal: Change of use from outbuilding to holiday chalet with associated alterations and extension

Location: 60m South East of no 36 Derryneill Road, Ballyward, Castlewellan.



Site Characteristics & Area Characteristics:

The site in question is located off the Derryneill Road, the site consists of two road side buildings which are traditional in style, constructed from stone and have been white washed with a tin roof and wooden openings. The site is a sloping site and has extremely high views from the site. The remainder of the site is currently agricultural lands. Immediately to the rear of the building is a post and wire fence separating the building from the field.

The area is a rural area not located within any settlement development limits as defined in the Banbridge, Newry and Mourne Plan 2015. The site is also within the Mourne Area of Outstanding Natural Beauty. The area is of high scenic value and is generally agricultural in nature with scattered dwellings throughout.

Site History:

Q/2005/0260/O – 100m SW of 36 Derrynell Road – site for dwelling – 26-06-2006 – refused

Q/2006/1003/F – 60m SE of 36 Derrynell Road – change of out building to holiday chalet with associated alterations and extension – 19-09-2008 – Granted.

Planning Policies & Material Considerations:

The application is considered against Banbridge, Newry and Mourne Area Plan 2015, PPS 2 Natural Heritage, PPS 16 Tourism, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water – no objections

Transport NI – no objections

Objections & Representations

2 neighbours were notified about the application on 17th May 2016 which expired 31st May 2016. The application was advertised 18th May 2016 which expired 1st June 2016. No letters of objection were received however a letter of support was received from Patrick Clarke on the basis that the design is acceptable and tourism is a high priority for Newry, Mourne and Down Council.

Consideration and Assessment:

The application is initially assessed under PPS 21 Sustainable Development in the Countryside, CTY 1 is considered and of the non-residential development proposals can be considered under:

- The re use of an existing building in accordance with CTY 4
- Tourism development in accordance with the TOU Policies of PSRNI of which is now dealt with by PPS 16 Tourism.

Question 4 of the P1 form states that the present use of the land is a farm building with approval for change of use to holiday chalet and works commenced on site. During the site inspection it became apparent that works did not appear to have started on site and on this basis the agent was asked to demonstrate how he felt the application met with policy as the site inspection indicated that works had not commenced.

A response was received 15th August 2016 making the following points:

- Applicant received planning permission in 2008 and when on to carry out enabling works such as creating the site access and splays. The southern part of the site was cleared however the applicant believed the outcrop of rock to be a potential problem.
- Building control was lodged in February 2016

- Applicant realised that the amount of work was unfeasible to remove the stone and therefore withdrew the building control application.

No further evidence for the commencement of works has been submitted in relation to the application.

The agent went on to say that he did not agree that there had been a shift in planning policy and if anything policy has moved to supporting more such applications.

The agent also states that the issue of commencement is open to interpretation however the applicant can provide documentation to confirm this if deemed necessary however the e-mail sent to the agent had requested that commencement is demonstrated, this has not been done. The splays were a pre commencement condition. There has been no information submitted to confirm when the works were carried out however the fencing and re soiling appear to be recent as appears in the pictures taken during the site inspection in June 2016. The Dry stone wall and hedge has not been put in place. The minimal works on site do not demonstrate commencement therefore this application cannot be considered as a change in design to a previous application and must be considered afresh.

In terms of PPS 21 CTY 4 the conversion and re use of existing buildings is considered.

Policy requires that the building is of a permanent construction; the building presented is of a permanent construction and is small in size and scale. The building is a quaint and attractive building as it stands but would not be considered to be locally important. Policy would require that the reuse or conversion of the building would maintain or enhance the form of the building and architectural features. While the architectural features are limited the form of the building and its presentation is attractive however the proposed works are of such a size and scale that the initial character and appearance is altered however from the roadside the façade does not alter dramatically.

The reuse would not affect the amenity of nearby residents; a dwelling sits across the road from the site in question however it is not considered that there would be any demonstrable overlooking or overshadowing as a result of the application.

The nature and scale of the proposed unit as a tourist let would, in principle, be considered acceptable and appropriate to the locality if all other aspects of CTY 4 are achieved however it is clear that the application fails to meet with all aspects of CTY 4.

The access is located to the top of the site on higher lands than the site and ancillary works could be more sympathetic to the surrounding environment with less of an overall impact. Access to the public road will not prejudice road safety, Transport NI has responded with no objections. Consideration is given to the previous approval on the site.

Strategic Planning Policy Statement for Northern Ireland (SPPS) states that the conversion and re use of existing buildings for a non-residential use would be

acceptable where the building is a suitable locally important building of special character or interest, this would not be the case with this building, while it has a quaintness about the building the building is not locally important or of special character or interest and there is no requirement to secure its retention or upkeep.

Consideration is also given to CTY 13 Integration and Design of Buildings in the Countryside.

The building would be considered, through the extension, to offer a greater impact on the locality however given the general context of the area and the back drop provided it is not considered that building would be prominent feature in the landscape.

The site at present offers roadside development, with no back lands being used, the land to the rear is agricultural however in including this in the conversion three new boundaries are required, the site lacks long established boundaries however there has been a planting scheme submitted that can overcome the integration issues. It is noted that in order for the roadside building to be utilised some form of ancillary works would have to accompany the site to address the issues of roadside development, again the schemes ancillary works have similarities with what was previously considered acceptable on the site and whilst policy principles have changed integration issues would remain largely unchanged.

Ancillary works can integrate into the surroundings however it is noted that there is a considerable drop in level from the parking provision with a level of 147.36 to the building which sits at 141.85, these levels are not consistent with the previous planning approval.

The design of the building could be improved upon as it leaves a large, mainly blank gable fronting onto the road and does not offer an attractive view of the dwelling with no sense of frontage however the general size and scale of the building would be considered acceptable in general terms with the frontage onto the road not significantly greater than the existing frontage.

The building is in existence and the building and extensions can blend with the land form to provide a back drop, the building is located on the slope of a hill which it uses for a natural backdrop.

The application may also be considered against PPS 16 Tourism.

TSM 5 Self Catering Accommodation in the Countryside is considered

The application does not meet any of the circumstances set out in TSM 5 that would allow for self-catering accommodation or tourist accommodation to be considered acceptable. The application does not meet with any aspect of TSM 5 and does not meet any requirements of PPS 16.

As the application is within the Mourne AONB consideration is given to NH 6 Areas of Outstanding Natural Beauty of PPS 2 Natural Heritage.

The application is largely in keeping with the character of the area, it is noted that the new extensions are to be constructed in block and the whole property is to be cement render painted, therefore the stone feature of the building would be lost however the overall scheme of works is not out of character with the surrounding area also located within the same AONB.

Having considered all aspects of relevant planning policy the application is not considered to meet with relevant planning policy and is therefore not acceptable.

Recommendation:

Refusal

Refusal Reasons

- The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and SPPS 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 Policy CTY 4 of Planning Policy Statement 21, sustainable Development in the Countryside and SPPS in that the building is not a suitable locally important building of special character or interest and therefore not eligible for conversion.
- The proposal is contrary to Policy TSM 5 of Planning Policy Statement 16, Tourism in that the unit is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park and the application does not relate to a cluster of 3 or more new units provided close to an existing tourist amenity that is or will be a significant visitor attraction in its own right, nor does the proposal include the restoration of an existing clachan or close.

Case officer:

Authorised by:

Date:



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/0583/F

Date Received: 15th April 2016

Proposal: Change of use from outbuilding to holiday chalet with associated alterations and extension

Location: 60m South East of no 36 Derryneill Road, Ballyward, Castlewellan.

Addendum to consider additional information submitted.

Consideration:

The application was discussed 15th November 2016 and agreed as a refusal, a letter issued to the agent that day advising of the opinion of refusal and also that the application would appear at Committee.

The agent submitted an additional written statement dated 18th November that has been given consideration and in light of further discussions the agent was advised that the scheme was not acceptable in its current form and that amendments and additional information were required to include the following:

- A structural survey from a suitably qualified professional to determine if the building is capable of being converted.
- A reduction of the overall scheme as the extensions are not in keeping with the current form and detailing of the existing structure
- The parking provision and garden area is also considered excessive and should be removed from the overall proposal, parking provision should be simple and adjacent to the existing building, the red line of the site was to be reduced accordingly.

It was however agreed at internal group meetings that the building, as it stands and the character demonstrated does meet with the provisions of SPPS in that the building could be considered locally important and suitable for conversion to a modest tourist let.

The agent submitted an amended scheme dated 16th March 2017 that did not address the concerns raised, the amended drawings removed an external patio area and altered the position of patio doors and also reduced the size of a back hall that made no impact on the overall visual impact of the scheme. The scale, massing and overall design of the structure remained the same and the extensive parking area and garden on lands above the dwelling remained unaltered.

A structural survey was submitted by the agent that concluded that the building is structurally stable and suitable for renovation and conversion for living purposes.

Having considered the submissions from the agent it is not considered that the remaining concerns have been overcome and the proposal would have a negative impact on the character of the building as it stands and through the extensions and alterations the quint qualities and characteristics that would warrant the structure eligible for conversion would be lost.

The proposal would also have a negative impact visually within the area as the necessary services, in particular turning and parking provisions would have an adverse impact on the character of the locality.

The application is recommended for refusal for the reasons outlined below:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the SPPS and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new extensions are not sympathetic to the scale, massing, architectural style and finishes of the existing building and all necessary services (car parking/turning) cannot be provided without adverse impact on the character of the locality.

Case officer:

Authorised by:

Date:

Job No 1569

4th August 2016

To Newry, Mourne and Down Planning

**PROPOSED CHANGE OF USE FROM OUTBUILDING TO HOLIDAY
CHALET WITH ASSOCIATED EXTENSION AND ALTERATIONS ON SITE
60M SOUTH EAST OF NO 36 DERRYNEILL ROAD, BALLYWARD FOR
MR FELIX MCEVOY.**

STATEMENT

A Planning Application was lodged for a similar proposal on this site on 15 November 2006 and this was subsequently approved on 18 September 2008 with a 5 year time limit for the development to be begun. Initial enabling works were carried out by the applicant in the form of creating the site access, visibility splays and clearing part of the southern part of the site. At this point the applicant realised that there was a potential problem due to a rock outcrop that was uncovered in the vicinity of the proposed chalet. Due to economic reasons the applicant could not continue with the project at that time but he had a genuine belief that works had commenced on site.

In February 2016 the applicant decided to continue with work on site and lodged a Building Control application for the approved proposal in February 2016.

At this stage further exploratory work was carried out on site and it was realised that the amount of work, disruption and potential environmental implications resulting from the removal of the granite outcrop would make the project unfeasible. On that basis the Building Control application was withdrawn in April 2017.

A detailed topographical survey of the site was then undertaken to allow the extent of the exposed rock to be plotted. Based on this new information it was agreed to redesign the chalet and lodge a new Planning Application. This application was lodged on 15 April 2016.

The time limit of the previous Planning Approval had expired on 18 September 2013 but as previously stated the applicant had a genuine belief that he had commenced work on site and subsequently a genuine expectation of attaining approval for the application herewith due to the principal of Planning being established, the enabling works being carried out and the overwhelming need for such accommodation in the new Newry, Mourne & Down Council area.

Planning expressed concerns about the new application.

I now wish to refer to the Addendum to the original consideration of the application by Planning. It is acknowledged that the building is acceptable for conversion under SPPS but there are still concerns.

As for the additional information submitted to address these concerns their interpretation of this information is not correct. The original chalet applied for extended to a gross external area of 115m² and the amended drawings were reduced to 104.5m² (a reduction of 10.5m² or 113sqft) and not merely reducing the rear hall as stated. The area of the chalet could in theory be reduced slightly more but any major reduction would mean the accommodation would not be a high standard 2 bed unit for attaining a high Tourism NI Grading. We have been trying to arrange a meeting with the Case Officer to discuss this but to date this has been unsuccessful.

As for the parking area it is referred to as "extensive" and it would have "an adverse impact on the character of the locality".

The parking area is flat, it will not be visible from the public road except at the access and it is to be finished in Mourne granite chippings as opposed to tarmac. The proposed area is only big enough for 2 cars to park, turn and exit the site and is smaller in area than the car park previously approved on this site. I am unsure what else can be done and in my opinion it is not "extensive" and will not have an "adverse impact on the character of the locality".

I would ask the Committee to look positively on the application before them and as stressed before the applicant is willing to meet Planning to discuss further reductions in the scale of the chalet but any reductions could only be minimal in order for the chalet to be viable modern tourist accommodation.

ITEM NO	10				
APPLIC NO	LA07/2016/0865/F	Full	DATE VALID	6/21/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr and Mr Dean Brown 34 Wood Road Castlewellan	AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA		
LOCATION	60m SE of No. 34 Wood Road Castlewellan County Down BT31 9LR				
PROPOSAL	Proposed farm dwelling and domestic garage				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	1		0	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 insufficient information has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of six years, or that the farm business is currently active and has been established for at least six years
- 2 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: LA07/2016/0865/F

Date Received: June 2016

Proposal:

Full permission is sought for a farm dwelling and garage on lands 60m SE of no.34 Wood Road, Castlewellan.

Applicant: Mr Brown

Location:

This site is located in the countryside between Clonvaraghan and Castlewellan, in an AONB and Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015. It is noted there is also a Scheduled site/monument in the vicinity of the site. This area is pre-dominantly rural in character, comprising a minor rural road whereby the lands undulate. There are also several dwellings/holdings in the vicinity of the site, while the site is also located adjacent to a forest.

Site Characteristics & Area Characteristics:

The site outlined in red comprises a portion of a field, adjacent to the dwelling and farm buildings of no.34 Wood Road. It is noted the application site and this existing holding are low lying below road level, whereby the field comprising the application is bounded and enclosed by a mix of the gable of a farm building, post and wire fencing, natural stone wall and planting.

The existing dwelling, farm buildings and field comprising the application site are all accessed via one entrance which slopes downhill from the road. The farm dwelling is 2 storey, while the holding also includes several farm buildings.

Site history

A history search has been carried out for the site and surrounds including land registry maps provided, whereby no relevant history was observed.

Representations

An email in support of the application has been received from Cllr P Clarke.

No other representations have been received to date (19-06-17).

Having account the extent of the red line no neighbour notification has been carried out as part of this application, however the application was advertised in the local press in July 2016.

Consultations-

Having account the nature of this proposal and location and constraints of the site, consultations have been carried out with Transport NI, NI Water, NIEA, Shared Environmental Services and DARD, who offer no objections in principle. DARD comments will be outlined below.

Policy- RDS, Ards and Down Area Plan 2015, SPPS, PPS2, PPS3, PPS11, 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.

With regards to individual dwelling houses, planning permission will be granted in the following cases:

- A dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10;

The proposal appears to fall within the last criteria- a dwelling on a farm, and therefore Policy CTY10 applies.

Based on the information submitted, this proposal seeks Full permission for a farm dwelling.

As part of this application a P1, P1C form (No farm maps have been provided), land registry maps, supporting information including invoices, design and access statement, site location plan, site plan and detailed plans have been submitted.

Assessment

The P1C form states that the owner of the farm is Mr Samuel Brown whos current residence is listed as no.34 Wood Road, (the applicants are Mr and Mrs Dean Wood whos current residence is also listed as 34 Wood Road), the farm business was established in 1970, a single farm payment is not claimed for, and they have a DARD Agricultural Business Number (630033), and that the date of allocation was 2005.

DARD were consulted with this information, who have confirmed the farm business id identified has been in existence for more than 6years, although a single farm payment is not claimed.

Based on the information submitted with this application it is considered this application seeks planning permission under policy CTY10 of PPS21 on the grounds of a stud farm.

Policy CTY10 of PPS21 does include provision for a dwelling for equine businesses, which are afforded the same benefits as an established and active farm. Having account the requirements of Policy CTY10 of PPS21, it is considered insufficient information/evidence has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of 6 years.

Following internal discussion of the case a letter was issued to the agent on 13th Oct 2016 advising of the above position, and that the application is likely to be recommended for Refusal in its present form, and afforded an opportunity to submit further supporting information.

Further supporting information was received in Nov 2016 including a covering letter, reference to a web-site, bank information, invoices/receipts, and herd record. A further letter was issued to the agent in Jan 2017 seeking clarity regarding the information previously submitted, while also referring to the policy CTY10 of PPS21 and what level of info is required to comply with policy requirements. Some further information was then received in Feb 2017 following which the Planning Authority issued a letter in March advising the application remains to be considered unacceptable as insufficient/incomplete information/evidence has been submitted to demonstrate compliance with policy for the required 6 year period.

Following telephone discussion with the applicants in April a meeting request was made by Colin McGrath MLA to discuss the case.

An office meeting was facilitated with the applicants and MLA (took place on 9th May) whereby the Planning Authority reiterated its position that further evidence was required to satisfy the requirements of policy.

The agent then submitted a passport for 1 additional horse and letter from Mick Devlin Farriery who has advised he has been providing blacksmith services to Samuel Brown, at Wood Road Stud Farm for the past 25 years, and that these services have included the shoeing and hoof care of stallions and mares owned by Samuel Brown, and that he regularly attends the farm, at least twice a month providing these services for the past 6 years in question.

A summary of the information submitted from Oct 2016 to May 2017 includes:

- Limited information regarding horses by the name of Cyrano, Greenan Fort, Harriet, but no completed records for the last 6 years,
- Letter from British Horse Society confirming membership for 2016-2017 only,
- Irish field directory confirming there's a stud at Wood Road,
- letter from single farm payment dated 2005,
- accounts for 2009-2014,
- 2 undated newspaper clippings referring to horses at S D Brown, Wood Road, including Bally Cove, Friesian Cob, Cyrano Bay, Cheyenne Clover, Rne-Shore)
- Correspondence from Northern Bank confirming overdraft facility,
- intermittent invoices from F S Heron (Animal Feeds) from 2010, 2015, 2016 (8 in total)
- 1 invoice from Joseph Walls (Animal feed) 2016,
- 1 invoice from Frazer animal feeds 2011,
- satellite sowing services invoices for 2010-2016 (1 for each year)
- herd record for bovine animals- no names provided
- cattle identification form for 2012, 2013, 2016 (total of 8 cattle moved for these records)
- farm week advertisement invoices for 2009-2016,
- completed Records of Service for King of Mourne and Indian Red for 2010-2016,
- 4 page document providing list of names that Mr Brown has and still owns, but with no details for the last 6 years
- letter from Mick Devlin farriery,

The additional supporting information submitted from Oct 2016 to May 2017 has been considered and while it is acknowledged there has been some level of activity at this address, and there is a registered stud at this location, it is considered there is no active and established business as per the requirements of the policy.

With regards to the equine business element, the justification and amplification of Policy CTY10 of PPS21 outlines the information that should be supplied to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years, including a statement of rateable history for the business, appropriate insurances, and horse passports, and any other relevant information.

As outlined above the agent has been afforded opportunity to provide further information and evidence in support of the case, however it is considered insufficient evidence including rates and insurances as suggested by policy, have not been provided demonstrating the activity of this site.

Completed records of service for the last 6 years have only been supplied for 2 horses, while the remaining information/evidence is incomplete. The onus is on the applicant to provide the relevant information, however despite a number of opportunities being afforded, it is considered the level of information/evidence provided does not meet the requirements of policy.

The level of farming activity for the last 6 years has also been considered as part of this application, whereby it is again considered insufficient information/evidence has been submitted demonstrating how the farm business has been active and established for the required 6 year period.

The case cannot continue to be held indefinitely, and in light of the above, it is considered the application should proceed on the basis of the information submitted to date, and as such is hereby recommended for refusal due to insufficient information/evidence being received and being contrary to policy CTY10 of PPS21.

A history search was carried out for the site and surrounding lands outlined in blue which corresponds with the land registry maps provided, whereby no relevant history was observed regards lands owned/controlled by the applicant.

With regards to the siting, it is noted the siting indicated is located in a low lying field set back from the road at a lower level, and is immediately adjacent to the existing farm buildings.

As such it is considered the proposal complies with Point C of Policy CTY10, however as outlined above, fails Point A.

It is also noted this proposed dwelling will be served via the existing entrance serving no.34.

As stated above the site indicated is low level and is below road level, thus no concerns are expressed regarding undue prominence. The field comprising the application site is also bounded by a mix of a wall, post and wire fencing and planting, which is to be supplemented, thus no concerns are expressed regarding integration. Accordingly it is considered the proposal complies with policies CTY13 and 14 of PPS21.

The dwelling proposed will largely be single storey, although the lower portion is split level, whereby no concerns are expressed regarding the design, materials and finishes. A detached split level garage is also proposed.

It is also considered this dwelling is sited a sufficient distance from any other existing/approved dwelling to prevent any unacceptable impact.

It is noted a septic tank will serve this dwelling whereby it is considered the applicant owns/controls sufficient lands to accommodate this tank and associated soak-aways. In addition it is considered sufficient provision has been made for parking, turning and amenity space within the site.

However as outlined above the principle of a farm dwelling has not been accepted in this instance thus Refusal is recommended.

Recommendation: Refusal

Reasons:

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

- **The proposal is contrary to 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 insufficient information has been submitted demonstrating a level of involvement commensurate with commercial activity over the requisite period of six years, or that the farm business is currently active and has been established for at least six years**

ITEM NO	12			
APPLIC NO	LA07/2016/1264/F	Full	DATE VALID	9/22/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Richard Forsythe 3 Beachside Harbour Road Kilkeel BT34 4GE		AGENT	Glyn Mitchell Architectural Design 139 Ballinran Road Kilkeel BT34 4JB NA

LOCATION Between No 119 and 123 Harbour Road
Kilkeel

PROPOSAL Erection of Dwelling and Domestic Garage (amended plans)

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

- 1 The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light and overshadowing.
- 2 The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.
- 3 The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2016/1264/F

Date Received:

22.09.2016

Proposal:

Erection of Dwelling and Domestic Garage

Location:

The application site is located between No 119 and 123 Harbour Road, Kilkeel.

Site Characteristics & Area Characteristics:

The application site (Image 1) is a derelict site located between two existing dwellings 119 and 123 Harbour Road, Kilkeel. It sits opposite Kilkeel Primary School in primarily a residential area which leads to Kilkeel Harbour. The site is long and narrow with steeply falling lands to the rear (outside the application site). The site is enclosed by a 1 metre high block wall with timber and post and wire fencing in places along the eastern boundary. Access is available from Harbour Road via an existing gate. There is backland development to the rear of 123 Harbour Road (east of the application site) which runs alongside the eastern boundary of the application site.



Image 1 Application Site

Site History:

No relevant site history.

Planning Policies & Material Considerations:

This application will be assessed against the following planning policies:

- Regional Development Strategy 2035.
- Banbridge, Newry and Mourne Area Plan 2015.
- The Strategic Planning Policy Statement for Northern Ireland (SPPS).
- PPS 2 – Natural Heritage.
- PPS 3 – Access, Movement and Parking.
- PPS 6 Planning, Archaeology and Built Heritage
- PPS 7 – Quality Residential Environments.
- The Addendum to PPS 7 – Safeguarding the Character of Established Residential Environments
- Creating Places
- DCAN 8 – Housing in Existing Urban Areas
- DCAN 15 Vehicular Access Standards

Consultations:

Transport NI – No objection subject to conditions

NIEA Historic Environment Division - Content

NI Water – Generic response received

Objections & Representations

Eleven neighbour notifications were issued. The application was advertised in the local press on 12 October 2016 and re-advertised on 2 August 2017 due to amendments received. Two letters of support were received from the occupiers of 119 Harbour Road, Kilkeel and 123 Harbour Road, Kilkeel.

Consideration and Assessment:**Banbridge, Newry and Mourne Area Plan 2015**

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is designated within the settlement limit of Kilkeel, the Mournes AONB and an Area of Archaeological Potential.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

As there is no significant change to the policy requirements for the residential development following publication of the SPPS, the retained planning policy is PPS7 Residential Environments. This policy will be given consideration in determining the proposal in accordance with paragraph 1.12 of the SPPS.

PPS 7 Quality Residential Environments Policy QD1

Policy QD1 sets out nine criteria (a – i) which proposals for residential development must conform to criteria:

- a) The proposal is located in an existing residential area which consists of a mixture of two storey and single storey detached dwellings. Plot sizes vary from rectangular shaped at the western part of Harbour Road and long and narrow plots to the eastern side. Some long and narrow plots along the eastern section of Harbour Road contain backland development, which in the most part is generally commercial. The application site is a

long and narrow plot which sits adjacent to two existing dwellings (119 and 123 Harbour Road) which also have long narrow plots. There is backland development to the rear of 123 Harbour Road, which consists of a residential dwelling. The existing layout of dwellings on long narrow plots generally is linear or L shaped buildings. The layout of the proposed dwelling fails to follow the shape of the existing context. The proposed dwelling runs tight to the boundaries of the application site to the east and west adjoining the curtilage of the existing dwellings, which causes issues. The proposal also fails to respect the existing building line established along Harbour Road which in my opinion adversely affects the character of the area. The scale and massing of the proposed dwelling also fails to respect the existing context. For the reasons outlined Criteria A has not been met.

- b) There are no features of archaeological / built heritage within the application site that would be affected as a result of the proposed development. NIEA Historic Environment Division are content with the proposed development. Criteria B is met.
- c) Given the nature of the development public open space is not a requirement. There is adequate space within the application site to accommodate the private open space provision as per Creating Places para 5.19. Criteria C is met.
- d) The provision of local neighbourhood facilities is not applicable to this application given the scale of development.
- e) Given the scale of the development, a movement pattern is not required.
- f) The proposed development site is large enough to provide off-street parking, which is adequate. Transport NI have objection to the proposal subject to conditions. Criteria F is met.
- g) The overall design of the proposed dwelling fails to respect the existing character of the surrounding area and the proposed dwelling would, if permitted, lead to an undesirable change in the character of the existing area. Criteria G is not met.
- h) The design and layout of the proposed dwelling will create an unacceptable adverse impact on existing properties in terms of overlooking / loss of privacy, overshadowing and dominance. The proposed side elevations contains windows at ground floor and first level which are likely to cause problems of overlooking and loss of privacy in the rear gardens of existing properties. This issue is exacerbated due to the minimal separation distance of 1 metre between the application site and the common boundary of existing properties. The proposed dwelling would result in an unacceptable direct view into the most private garden areas of the adjacent properties. The proposed dwelling contains long side elevations which would result in an adverse impact of overshadowing to the adjacent properties 119 and 123 Harbour Road. This issue is exacerbated further due to the lack of separation distance between the proposed dwelling and existing dwellings. In addition the amenity area of 123a Harbour Road would also be adversely affected by overshadowing. The proposed dwelling is likely to impinge on the immediate outlook from neighbouring properties and could result in a hemmed in effect due to the presence of large blank walls along the side elevations. 119

Harbour Road and 123a Harbour are likely to experience increased dominance as these properties are single storey and the proposed dwelling which is two storeys is likely to appear more prominent when viewed from these dwellings. For the reasons outlined Criteria H has not been met.

- i) I am content that the proposal will not give rise to crime or antisocial behaviour and it should promote personal safety in the same regard as the existing dwellings. Criteria I is met.

In summary the proposal fails to meet Policy QD 1 Criteria A, G and H.

Addendum to PPS 7 Safeguarding the Character of Established Residential Area Policy LC 1

The proposal fails to meet Policy LC 1 Criteria B in that the proposed development fails to respect the existing pattern of development, overall character and environmental quality of the established residential area.

PPS 2 – Natural Heritage Policy NH 6

Policy NH 6 states that planning permission for a new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. The proposed development fails to respect the local architectural styles and patterns of the surrounding area and it is not sympathetic to the character of the Mourne AONB.

PPS 3 Access, Movement and Parking

Transport NI has no objection to the proposal subject to conditions.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: 'Quality Residential Environments' in that it has not been demonstrated through the submitted plans that the development would create a quality and sustainable residential environment. The proposed development fails to meet the requirements of QD1 in that it has not been shown:
 - (a) that the development respects the surrounding context and is appropriate to the character of the site in terms of layout, scale, massing and appearance of buildings;
 - (g) that the design and layout of the development draws upon the best local traditions of form, materials and detailing;
 - (h) that the design and layout will not cause/create unacceptable adverse impacts on existing or proposed properties in terms of overlooking, loss of light and overshadowing.
2. The proposal is contrary to Planning Policy Statement 7, Policy LC 1 in that the development fails to meet criteria (b) of the policy:
 - (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area.

- 3. The proposal is contrary to paragraph 6.187 of the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies in a designated Area of Outstanding Natural Beauty and the development is of an inappropriate design for the locality and is out of keeping with local architectural styles and patterns and the special character of the Mourne AONB.

Case Officer Signature:
Date: 1 August 2017
Authorised Officer Signature:
Date:

ITEM NO	13				
APPLIC NO	LA07/2016/1306/LBC	Listed Buildi	DATE VALID	10/3/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr & Mrs P McDowell 9 Whitefort Road Castlewellan BT31 9SW	AGENT	Ian Burtney 18 Ardilea Road Clough Downpatrick BT30 8SL 07928648030		
LOCATION	25 Ballybannan Road Ballylough Castlewellan BT31 9ER				
PROPOSAL	Alterations to existing dwelling				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses
			0	0 0 0	0

- The proposal is contrary to the SPPS and Policy BH8 of PPS 6, Planning, Archaeology and the Built Heritage in that the essential character of the building has not been retained and the proposal has an adverse impact on the listed building.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1306/LBC

Date Received: 3rd October 2016

Proposal: Alterations to existing dwelling.

Location: 25 Ballybannon Road.



Site Characteristics & Area Characteristics:

The site in question is a 2 storey building, with a large rear flat return wall with the appearance of an enclosed court yard. The building is finished in grey stone work with yellow brick quoin and window detail, there is also a slate roof and wooden sliding sash windows. The northern boundary of the site is relatively open with the southern boundary having evergreen planting which provides a screen when travelling north.

The building in question is a grade B1 listed building, water works structures.

The area is a rural area located within the Mourne Area of Outstanding Natural Beauty and in a Countryside Policy Area. There is a mix of dwellings in the locality; the site itself is located adjacent to no 27 Ballybannon Road with a shared boundary.

Site History:

LA07/2016/1372/F – 25 Ballybannon Road, Ballylough, Castlewellan – alterations to existing dwelling – application pending.

R/1988/1000 – adjacent to 25 Ballybannon Road, Castlewellan – replacement dwelling – granted.

Planning Policies & Material Considerations:

This application is considered against Ards and Down Area Plan 2015 and PPS 6, Planning Archaeology and the Built Heritage and SPPS.

Consultations:

Historic Environment Division was consulted on the application and responded initially stating that the works were not considered acceptable and the application was contrary to policy BH 8 (Extensions or Alteration of a Listed Building) of PPS 6. HED acknowledges the significance of the substantially intact example of a Water Attendant's House and considers that the punctuation into the rear courtyard wall is not acceptable nor in keeping with the character of the building.

The agent was afforded the ability to take HED comments into consideration and submitted amended drawings however the response dated 30th January 17 shows HED was not content with the amendments, further amendments were submitted by the agent and a letter in relation to fairness of HED recommendations however HED were still of the opinion that the application was contrary to policy.

It is noted that the agent was asked to submit amended LB1 forms and amended PHD forms as through the amended submission the proposal description was not accurate as it did not include the extension to the rear that was proposed following consultation. The agent was asked on two occasions for the amendments however only the LB1 form was submitted. As the application for full planning has not been formally amended the applications cannot be re advertised and as such amendments cannot be fully considered, therefore a determination will be made based on the original drawings submitted however it is noted all schemes submitted to date have been found to be unacceptable.

Objections & Representations

The application was advertised in the local press on 19th October 2016 which expired 2nd November 2016. There have been no representations received in relation to the application.

Consideration and Assessment:

The application is considered against BH8, extension or alteration of a listed building.

As demonstrated by the HED response it is not considered that the essential character of the building has been retained and with the introduction of glazing on the court yard wall the features of special interest in the building will not remain intact and unimpaired.

The proposed windows to the west elevation are noted as timber sliding sash windows. The remainder of the large glazed openings do not give any detail as to what finish they are however it is noted that HED request that existing PVC windows within the court yard would be replaced with more traditional materials. It has not been demonstrated that the works proposed makes use of traditional and sympathetic building materials which would be in keeping with those found in the building.

The architectural detail in terms of the large glazed sections are not in keeping with the smaller openings found on the building and do not respect the sequence of openings nor the existing solid to void ration displayed.

Recommendation:

Refusal.

Refusal Reasons:

- The proposal is contrary to BH8 of PPS 6, Planning, Archaeology and the Built Heritage in that the essential character of the building has not been retained and the proposal has an adverse impact on the listed building.

Case officer:

Authorised by:

Date:

Fwd: LA/07/2016/1306/LBC: 25 Ballybannon Road

I wish to request speaking rights for Mr Conor Hughes of Turley in relation to this application.

We wish to raise the following issues:

- Disagreement with the case officer's recommendation on grounds of impact on the existing listed building

Kind regards,
Ian Burtney
Agent

ITEM NO	15				
APPLIC NO	LA07/2016/1372/F	Full	DATE VALID	10/3/16	
COUNCIL OPINION	REFUSAL				
APPLICANT	Mr and Mrs P McDowell 9 Whitefort Road Castlewellan BT31 9JW	AGENT	Ian Burtney 18 Ardilea Road Clough Downpatrick BT30 8SL 07298648030		
LOCATION	25 Ballybannon Road Ballylough Castlewellan BT31 9ER				
PROPOSAL	Alterations to existing dwelling to create additional bedroom and living accommodation				
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions	
	0	0	0	0	
			Addresses	Signatures	Addresses Signatures
			0	0	0

- 1 The proposal is contrary to SPSS and Policy EXT 1 from Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the extension would, if permitted would not be sympathetic with the built form and appearance of the existing property.
- 2 The proposal is contrary to BH8 of PPS 6, Planning, Archaeology and the Built Heritage in that the essential character of the building has not been retained and the proposal has an adverse impact on the listed building.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1372/F

Date Received: 3rd October 2016

Proposal: Alterations to existing dwelling to create additional bedroom and living room.

Location: 25 Ballybannon Road, Ballylough, Castlewellan.



Site Characteristics & Area Characteristics:

The site in question is a 2 storey building, with a large rear flat return wall with the appearance of an enclosed court yard. The building is finished in grey stone work with yellow brick quoin and window detail, there is also a slate roof and wooden sliding sash windows. The northern boundary of the site is relatively open with the southern boundary having evergreen planting which provides a screen when travelling north.

The building in question is a grade B1 listed building, water works structures.

The area is a rural area located within the Mourne Area of Outstanding Natural Beauty and in a Countryside Policy Area. There is a mix of dwellings in the area, the site itself is located adjacent to no 27 Ballybannon Road with a shared boundary.

Site History:

LA07/2016/1306/LBC – 25 Ballybannon Road, Ballylough, Castlewellan – alterations to existing dwelling – application pending.

R/1988/1000 – adjacent to 25 Ballybannon Road, Castlewellan – replacement dwelling – granted.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 along with Addendum to PPS 7 Residential Extensions and Alterations and PPS 6 Planning, Archaeology and The Built Heritage and SPPS.

Consultations:

HED was consulted on this application initially, though the majority of correspondence in relation HED has been carried out through the Listed Building application. – HED do not find the proposal acceptable.

Objections & Representations

The application was advertised in the local press on 2nd November 2016 which expired 16th November 2016. Neighbours were notified 19th October 2016 which expired 2nd November 2016. To date there have been no objections received.

Consideration and Assessment:

The application was initially submitted to include alterations to existing dwelling however the proposal was altered to include an extension on advice received from HED. The applicant/agent was asked to formally submit an amended PHD form correcting the proposal description however this was never received and as the application has not therefore been advertised or neighbour notes carried out in relation to the amended drawings the application must proceed based on the original drawings. It is noted that all submissions have been found to be unacceptable by Historic Environment Division.

Addendum to PPS 7 Residential Extensions and Alterations EXT 1 is considered.

The proposal consists of several alterations including the introduction of windows in the rear courtyard wall which also includes large elements of glazing to the rear sections of the courtyard. As this property is listed HED comments are of importance in assessing the impacts on the building and it is considered that the proposed works, with the introduction of glazing on the walls of the rear court yard is not in keeping with the built form of the existing building. HED notes that the building is a historically significant as a substantially intact example of a Water Attendant's House built between 1900 and 1919 by the Belfast Water Commissioners to service Belfast's first water supply from the Mourne Mountains. The rear walls of the build are considered to be significant feature of the character of the dwelling and therefore holes should not be punctuated into it to provide glazed openings.

The proposed changes are all single storey in height and given the separation distance and the boundary treatments between the existing dwelling and adjacent

dwelling no 27 Ballybannon Road it is not thought there will be any demonstrable overlooking onto the adjacent property.

As the alterations of the initial plan do not include physical extensions it is not considered there will be any overshadowing as a result of the works. The proposed decking to the rear of the site is not likely to cause any demonstrable harm, due to location.

The proposal will not cause any loss of existing trees and therefore the proposed works will not impact negatively on the environmental quality of the area.

Sufficient space remains within the curtilage of the dwelling for the manoeuvring of cars.

It is noted that there is an associated Listed Building Consent application being processed in tandem with this application, consideration is still given to the implications in relation to PPS 6 as a result of this full application and it is noted that the proposal is found to be contrary to BH 8 Extension or Alteration of a listed building, HED has commented on the suitability of the proposal and finds that the essential character of the building has not been retained thus having a negative impact on the character of the listed building as it exists.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to SPPS and Policy EXT 1 from Addendum to Planning Policy Statement 7 Residential Extensions and Alterations in that the extension would, if permitted would not be sympathetic with the built form and appearance of the existing property.
- The proposal is contrary to BH8 of PPS 6, Planning, Archaeology and the Built Heritage in that the essential character of the building has not been retained and the proposal has an adverse impact on the listed building.

Case officer:

Authorised by:

Date:

ITEM NO	14			
APPLIC NO	LA07/2016/1331/O	Outline	DATE VALID	10/6/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Ms Joanna Magee 8 Wicket Lane Saintfield BT24 7FJ		AGENT	
LOCATION	Lands adjoining and between 57 and 61 Churchtown Road Downpatrick			NA
PROPOSAL	Two detached dwellings and garages			
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 SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a small site sufficient to only accommodate two dwellings and the proposal would, if permitted, result in the addition of ribbon development along Churchtown Road.
- 3 The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2016/1331/O

Date Received: 6th October 2016

Proposal: Two detached dwellings and garages (infill Development)

Location: Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick.



Site Characteristics & Area Characteristics:

The site in question is part of an agricultural field, which is a flat site with an access running adjacent to the northern boundary; this access serves 2 dwelling houses which sit behind the site in question. The site is relatively flat and there is a strong planted boundary to the southern side of the site. The western boundary is not defined and remaining boundaries are defined with a post and wire fence.

The area is a rural area not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty. The area is a rural area with various single dwellings of differing styles located on surrounding sites.

Site History:

R/2001/1244/RM – 140m W of 57 Churchtown Road, Downpatrick – Dwelling – granted – 26-11-2001

R/2007/0559/F – 59A Churchtown Road, Downpatrick – proposed garage for boat and vintage tractors – Granted – 8-11-2007

R/2003/0528/RM – 160m W of 57 Churchtown Road, Downpatrick – new dwelling – granted – 08-08-2003

R/2004/0246/F – 57 Churchtown Road, Downpatrick –proposed double garage and store to rear of building – granted – 20-04-2004

R/2002/0160/O – 160m W of 57 Churchtown Road, Ballylenagh, Downpatrick – dwelling – granted – 11-09-2002

R/1993/1087 – Adjacent to 57 Churchtown Road – dwelling house - refused – 23-05-1994

R/1986/0771 – Adjacent to 57 Churchtown Road – dwelling and stables – refused – 15-12-1986

Planning Policies & Material Considerations:

The application is considered against the Ards and Down Area Plan 2015 and also policies PPS 2, Natural Heritage, PPS 3 Access, Movement and Parking and PPS 21 Sustainable Development in the Countryside and SPPS along with relevant design guidance.

Consultations:

Transport NI – initially responded advising that Transport NI were in discussions with the applicant and were awaiting amended drawings. Transport NI was re consulted upon receipt of the amended plan and has responded with no objections and have provided conditions if deemed an approval.

NI Water has no objections to the proposal

NIEA Drainage and Water – has no comment to make on the application and referred to standing advice.

Objections & Representations

The application was advertised in the local press 19th October 2016 which expired 2nd November 2016. Neighbour notification was issued 12th October 2016 which expired 26th October 2016. To date there have been no representations received in relation to the application.

Consideration and Assessment:

The application is considered against CTY 8 Ribbon Development. This policy advises that permission will be granted for a small gap site, sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage which respects the existing settlement pattern.

There are two dwellings, no 59 Churchtown Road and 59A Churchtown Road which are set back from the site in question and are accessed off an existing lane, these two dwellings do not contribute to the substantially built up frontage and are discounted.

Property no 61 Churchtown Road has a frontage of 25m

Property no 57 Churchtown Road has a frontage of 21m

Property no 55 Churchtown Road has a frontage of 37m

The site included within the red line offers a frontage of 52m and the adjacent lands which appear associated with No 61 Churchtown Road but not within the approved curtilage has a frontage of 51m. The gap from building to building is 106m.

The policy indicates that 3 or more buildings are required along a road frontage and there are three buildings in this instance. Policy states that a gap site sufficient to accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage would be considered acceptable. As the above measurements demonstrate the gap between buildings would have the ability to accommodate more than 2 dwellings in the context of the frontages and plot sizes demonstrated. Adjacent to the site in question is a private access lane serving two properties to the rear of the site, it is noted that this access will remain and the general access arrangement at the road and including the lane and associated grass section there is an opening of 14m, this cannot be altered with as the access would be situated as such to provide a sight splay and would provide a visual break albeit not to the degree of a public road.

A supporting document was submitted 25th May 2017 which put forward the argument that the gap could not accommodate 3 no dwellings as the plot sizes would not be respective of what exists on site at present. it was also claimed that not including unlawful buildings in the consideration of the gap was a flawed interpretation of the policy.



The site in question can accommodate two dwellings, there is the width available to accommodate two dwellings and offer plot sizes that respect the plot sizes of 55 and 57 Churchtown Road. No 61 Churchtown Road clearly sits on a smaller plot than the remainder of the dwellings in the area. It is noted that the curtilage of the dwelling appears to be sprawling into the adjacent paddock however the paddock does not appear to have been the historically associated with the curtilage of the dwelling therefore the plot size frontage of 25m is considered. On this basis there would be the possibility of consideration of a 3rd dwelling on these lands provided all other aspects of policy were adhered to. There is also the necessity for a gap to remain to allow for the access which serves dwellings to the rear of the site in question nos, 59 and 59A as previously described.

The supporting information submitted by acting agent in May 17 does not give a realistic presentation of the considered plot sizes. It is also noted not all the buildings shown associated with 61 have the benefit of planning permission and when considering the gap, building to building, the gap is of such a size as to allow for the possibility for more than 2 dwellings and therefore the policy requirement has not been met. It is also noted that the size of the plot serving no 61 is small in length and depth and a similar plot size could be accommodated on the lands adjacent despite this differing from the size of plots of 57 and 55 Churchtown Road. There is a mix of development existing within the immediate area.

As this gap has not been considered acceptable it must also be considered that the proposed development would add to ribbon development in the area due to close proximity to no 55 and no 57 Churchtown Road.

The site would be able to accommodate development within the remits of CTY 13 Integration and Design of Buildings in the Countryside.

The proposed development would cause a detrimental change to and further erode the character of the rural area in that it adds to a ribbon of development existing along Churchtown Road and therefore is contrary to CTY 14 Rural Character.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a small gap sufficient to only accommodate two dwellings and the proposal would, if permitted, result in the addition of ribbon development along Churchtown Road.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development.

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

SUPPORTING STATEMENT IN RESPECT OF ITEM 14

LA07/2016/1331/O – Two detached dwellings & garages

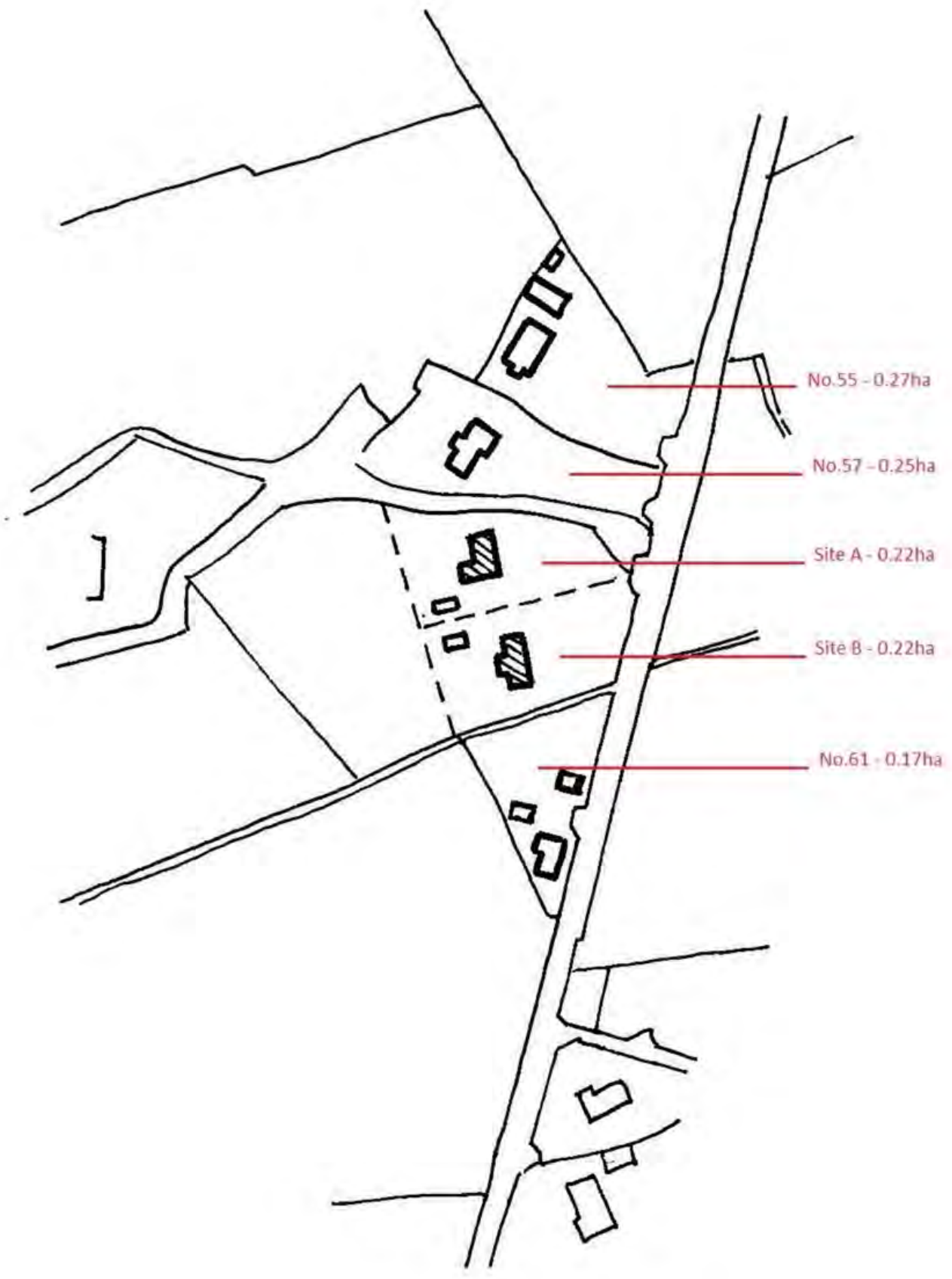
Lands between 57 & 61 Churchtown Road, Downpatrick

- The introduction of PPS21 brought about changes to the previously outdated rural infill policy as part of a drive to **create sustainable development opportunities in the countryside** in a manner which also protects the countryside from unnecessary or inappropriate development.
- Accordingly, Policy CTY 8 now permits a maximum of two infill houses within an otherwise substantial and continuously built up frontage **provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
- The submitted concept plan identifies that the scale of **the plot sizes for the proposed infill sites are almost identical to the plot sizes of No's 55 & 57 to the north**, and only slightly larger than that of No61 to the south.
- The planning officer has suggested that the gap site is too large to accommodate only two houses. It would not be possible to squeeze a third dwelling adjacent to No61 as this would result in the sub-division of that plot into two small plots of just 0.085 and would therefore **not respect the existing development pattern along the frontage**, as required by Policy CTY 8.
- Development of the site with two dwellings as proposed is **entirely in keeping with the plot sizes of the adjoining properties** and **respects the pattern of development along the road frontage in terms of plot depth, width, and the siting of the proposed dwellings** in accordance with the requirements of the infill policy.
- Application LA05/2015/0256/O was granted approval by Lisburn & Castlereagh City Council for two infill dwellings with a gap between buildings that measured almost 190m **(the gap in this instance is only 110m between buildings – ignoring the existing stable building)** therefore it must be compliant with planning policy.
- To simply use the calculation of the width between buildings to establish if it is large enough to accommodate more than the permissible two dwellings is a flawed interpretation of the policy, **as it completely disregards any assessment of the existing development pattern, the position of existing mature boundaries, siting of buildings and existing plot sizes.** This is an important aspect of the policy, as CTY 8 states that development is only acceptable where the existing development pattern is respected.

CONCEPT LAYOUT PLAN (NTS)

2No infill dwellings with detached garages

Between 57 & 61 Churchtown Road, Downpatrick



Following consideration of the above application:

ITEM NO 13

LA07/2016/1331/O

Lands adjoining and between 57 and 61 Churchtown Road Downpatrick. Two detached dwellings and garages.

Recommendation: Refusal Reasons.

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a small site sufficient to only accommodate two dwellings and the proposal would, if permitted, result in the addition of ribbon development along Churchtown Road.

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted add to a ribbon of development.

I would be grateful to request speaking rights for the above application.

Thank you to the chairman and elected members for the opportunity to present my case for two detached infill dwellings and garages as proposed. Following the death of my father 4 years ago I was instructed by solicitors to gain planning for a development opportunity. The submission for two dwellings is subject to CTY 8 infill dwelling policy consideration. The reasons for refusal as referred to in the meeting agenda highlight that the proposal is contrary to CTY8 which is largely open to interpretation. I would like to point out that no neighbours have objected and no consultees have any objection.

On balance the principle of development should be approved as the site does not create or add to a ribbon of development. Policy states that permission will be granted for a small gap site, sufficient only to accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage which respects the existing settlement pattern. Each application should be considered on its merits and the fact that the Laneway increases the gap which serves two buildings to the rear should be taken into account. The boundary hedge with no 61 shall be retained and therefore should not cause demonstrable harm to any adjacent residents. I would argue that the curtilage of the no 61 runs to the boundary with the field and is used for essential enjoyment of his property. The plot sizes of 55 and 57 are largely in keeping with the plot sizes proposed and I would ask that this be taken into account during your assessment.

Other examples of similar infills are

LA07/2017/0270/O 2 infill

LA07/2016/0651/O 2 infill

LA07/2015/1139/O 2 infill

LA07/2015/0498/O.

Thank you for taking the time to listen to the information presented.

Kind Regards,

Joanna Magee Applicant

ITEM NO	16			
APPLIC NO	LA07/2016/1430/O	Outline	DATE VALID	10/26/16
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Damian Fitzsimons 42A Tyrella Road Downpatrick BT30 8DF		AGENT	
LOCATION	90m NW of No. 44 Tyrella Road Downpatrick			NA
PROPOSAL	Proposed site for dwelling and 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 Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2 The proposal is contrary to Strategic Planning Policy Statement (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 in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.



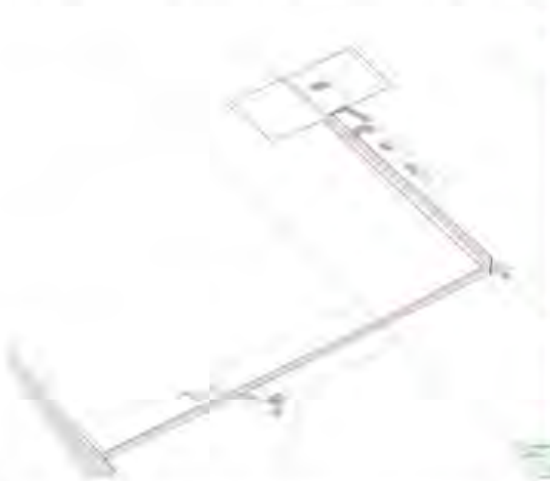
Application Reference: LA07/2016/1430/O

Date Received: 26.10.2016

Proposal: Proposed site for dwelling and garage

Location: 90m NW of No.44 Tyrella Road, Downpatrick

Site Characteristics & Area Characteristics:



The site is located along a private land off Tyrella Road, Downpatrick. It is therefore located within the rural area as designated in the Ards and Down Area Plan 2015. The site is comprised of a 0.4hectare portion of land, which contains sections cut out of larger agricultural fields along with the access lane serving them and a farm yard containing a barn and shed.

To the western side of the lane, the land is primarily used for grazing, with post and wire fencing and native species hedgerow defining the boundary along the laneway. The remaining boundaries of this part of the site are currently undefined. To the north-eastern side of the lane, the land contains a small yard area, a large roll top barn which is visible on approach from the access lane and the public road a more traditional farm out-buildings. This yard is gated to the rear and defined with post and wire fence, allowing access to the field beyond, a part of which forms part of the site, this section of the site is undefined except for that to the north, which has a post and wire fence with native species hedgerow.

To the south-west of the site, there lies two monuments DOW044:008 (Rath) and DOW044:032 (Souterrain). While to the north there is windmill stump visible in the landscape.



The site is elevated above the public road. It is visible on approach from the south along Tyrella Road, particularly from No 50 Tyrella Road to just beyond the lane accessing the site.

The surrounding land is typically undulating with excellent views of the surrounding countryside from the site.

Site History:

There is no previous history on the site. However, it is noted that No 44 has been replaced under planning reference number R/2004/2054/F and the applicants dwelling was approved under R/2001/0650/F.

Planning Policies & Material Considerations:

In assessment of the proposal regard shall be given to RDS 2035, Ards and Down Area Plan 2015, Strategic Planning Policy Statement (SPPS), Planning Policy Statement 3, 21 and supplementary guidance.

Consultations:

In assessment of the proposal, a number of consultations were carried as follows

Statutory	Transport NI	No objections
Statutory	DAERA	No objections
Statutory	NIEA	No objections
Statutory	Historic Environment Division	No objections
Non- Statutory	Northern Ireland Water	No objections

Objections & Representations

The following neighbours were notified of the proposal on 10.11.16

40, 42, 42a, 42b and 44 Tyrella Road, Downpatrick

The proposal was advertised in the local press initially on 09.11.16.

No objections have been received regarding the proposal.

Consideration and Assessment:

Planning Policy Statement 21 (PPS21) 'Sustainable Development in the Countryside' provides the relevant planning policy context for the proposed development. Policy CTY 1 thereof indicates that there are types of development acceptable in principle in the countryside. One of these is the development of a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where criteria A-C are met. In assessment of criteria A, it is noted that the farm maps (dated 05.02.05) relate to some 7 fields comprising around 13.28 hectares and the applicant ref 115970. It is noted that the applicant on this farm map is listed as Gerald Fitzsimons of 44 Tyrella Road, Downpatrick and that a business ID number is not present on the map. However, the P1C form details the DARD Business ID number as 652063. DAERA were consulted and confirmed that the farm business No. 652063 has been in existence for more than 6 years, however, they have stated that the business has not claimed Single Farm Payment (SFP) or any other listed payment in the past year. The applicant was therefore requested to provide additional information, to demonstrate to the Council that farming has occurred under the business number for 6 years prior to the submission of the application. The following information has been submitted

- July 2010 - Receipt from Castle Veterinary Group
- August 2010 - Receipt from Castle Veterinary Group
- October 2010 – receipt from Castle Veterinary Group
- August 2011 – Receipt from Castle Veterinary Group
- June 2011 – Movement Document
- November 2011 – Receipt from Kirkwoods timber merchant
- July 2012 – Movement Document
- October 2013 – Movement
- August 2014 – receipt from Rathfriland Farms Co-op Society
- October 2014 – Movement Document
- April 2015 – Receipt from Castle Veterinary Group
- May 2015 – Movement Document
- Sheep Flock or Goat Herd register from 2012-2015
- September 2015 – copy of inspection summary report
- October 2015 – Movement Document
- April 2016 – Receipt from Spence Engineering (this receipt is made out to Eamon McKeating)
- April 2016 – Receipt from Castle Veterinary Group
- July 2016 - Receipt from Castle Veterinary Group
- August 2016 – Castle Veterinary Group
- August 2016 – Movement Document

- August 2016 – receipt from Downpatrick Co-op
- September 2016 – Movement Document
- September 2016 – Receipt from Downpatrick Co-op
- October 2016 – Movement Document
- October 2016 – receipt from Walls Ltd
- December 2016 - receipt from Walls Ltd

In assessment of this information, it is considered that the veterinary receipts, movement documents and receipts from the various Co-ops and retailers (all of which are addressed to Mr Eddie Fitzsimons), demonstrate that Mr Fitzsimons has a herd number, moves cattle and takes animals to the vet, it does not tie the animals listed to this farm business and indeed there is no evidence that the farm business relates to the land shown on the farm map.

It is noted, however, that the following documents relate directly to the business ID

- Sheep Flock or Goat Herd Register dated 2012 - 2015
- Primary Production (Hygiene) Inspection Summary Report dated 04.09.15.

Following an office meeting on 14.03.17 additional information was submitted by the applicant to demonstrate active farming. The following was received

- Copies of tax return receipt from HMRC 2011-2016 which details business as farming
- Water Bill from NIW November 2015 - April 2016
- Signed and dated letter from Castle Veterinary Group stating that Eddie Fitzsimons has been buying medicine for sheep since 2011
- Confirmation from DARD on 30.20.08 of Herd Number
- Confirmation from DARD on 09.03.09 of Farm Business Number
- Receipts from Rathfriland Farmers Co-op recording sale of sheep on 05.05.09, 21.07.09, 15.12.09, 11.08.09, 19.01.10, 10.08.12, 17.08.12
- Receipt from Christies Direct 22.07.09
- Receipts from Saintfield Livestock mart for the purchase of sheep on 12.08.11, 02.09.11
- Receipts from Downpatrick Co-op recording sale of sheep on 13.08.16, 24.09.16,
- Movement documents dated 24.08.11, 03.10.11, 21.10.14, 24.09.16, 13.08.16, 29.10.16
- Receipts from Joseph Walls dated 30.09.16, 28.10.16, 15.12.16
- A current flock list issues by DAERA showing 39 sheep within flock.
- Copy of letter from Down Insurance relating to Agricultural Vehicles insurance for 2012-2013.

In summary of the above, I find that the farm business established in 2009 with DARD is registered to Mr Gerard Fitzsimons of 44 Tyrella Road. All evidence submitted in support of the active farming requirement relates to Mr Eddie Fitzsimons of 42a Tyrella Road. The farm holding comprises 13.28ha of which 2 no fields (4.28ha) are currently being actively farmed by the applicant. The remainder of the lands are rented out to another farmer as confirmed by DEARA.

It is considered therefore that the business is not active and established as the majority of land within it is farmed by another farmer. The proposal, therefore fails the first policy test.

In consideration of criteria B, there do not appear to have been any development opportunities sold off from the farm since 2008.

In terms of criteria C, a dwelling would be visually linked and sited to cluster with established buildings adjacent

Recommendation:

Based on the above assessment, it is considered that the proposal does not comply with current policy, in that it has not been demonstrated that the business ID 652063 has been actively farming for 6 years prior to the submission of the application.

Refusal Reasons/ Conditions:

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

The proposal is contrary to Strategic Planning Policy Statement (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 in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Signed

Date

Signed

Date

Planning Committee Schedule of 16th August 2017

Planning reference: **LA07/2016/1430/O**

Proposal: **Proposed site for dwelling and garage.**

Applicant: **Mr Damian Fitzsimons**

Location **90m North West of 44 Tyrella Road, Downpatrick.**

Recommendation: **Refusal**

Reasons

1

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

2

The proposal is contrary to Strategic Planning Policy Statement (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 in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Site Description

The site is located along a laneway off Tyrella Road, Downpatrick and by virtue of its location is within the rural area as designated in the Ards and Down Area Plan 2015.

The site is comprised of a portion of land measuring some 0.4 hectare in size, which is cut out of larger agricultural fields along with the access lane which serving existing dwellings and farm yard containing a barn and farm sheds.

To the south-west of the site, there lies two monuments DOW044:008 and DOW044:032 . While to the north of the farm yard and out buildings stands a windmill stump which forms part of the landscape.

Planning Policies & Considerations

SPPS

PPS 21

PPS3

Ards & Down Area Plan 2015

DCAN 15

Consultations and Representations

The following consultations were carried out

Transport NI

DAERA

NIEA

Historic Environment Division

NI Water

No objections were received from any of the consultees and following notifications of the relevant neighbours and advertisement in the local press no objections to the proposal were received either

Assessment of reasons for Refusal

The application site is submitted under policy CTY10 and as such it is considered necessary to be located in the Countryside and by this virtue it is compliant with Policy CTY1 of PPS 21 and the chosen site is located along the existing laneway and is located in a portion of existing farmland and yard and as such the first reason for refusal is flawed as the proposal is for a dwelling on a farm and thus can be located in this rural location and does not have to be within settlement limits.

The criteria of Policy CTY 10 is clearly met in that the farm business is active and while SFP is not presently claimed, no dwellings or development opportunities have been sold off from the farm holding, the landowner is the

applicants father and while The Planning Department refer to the name of Gerald Fitzsimons in relation to the registered business this is infect the grandfather of the applicant and father of the landowner.

The land owner has not been provided with up to date farm boundary maps owing to the fact that he does not claim SFP under the designated scheme. To that avail when submitting maps showing the land associated with the farm business the applicant submitted the older maps which carry the name of his grandfather Gerald.

The applicant has provided extensive evidence that the business is operational including letters from the then **Dept of Agricultural and Rural Development** dated 9/3/2009 addressed to Mr Eddie Fitzsimons which clarifies that he has the required farm business in his name.

Listed below is evidence of the farm activity associated with this business which involves details of flock movement etc.

- July 2010 - Receipt from Castle Veterinary Group
- August 2010 - Receipt from Castle Veterinary Group
- October 2010 – receipt from Castle Veterinary Group
- August 2011 – Receipt from Castle Veterinary Group
- June 2011 – Movement Document
- November 2011 – Receipt from Kirkwoods timber merchant
- July 2012 – Movement Document
- October 2013 – Movement Document
- August 2014 – receipt from Rathfriland Farms Co-op Society
- October 2014 – Movement Document
- April 2015 – Receipt from Castle Veterinary Group
- May 2015 – Movement Document
- Sheep Flock or Goat Herd register from 2012-2015
- September 2015 – copy of inspection summary report
- October 2015 – Movement Document
- April 2016 – Receipt from Castle Veterinary Group
- July 2016 - Receipt from Castle Veterinary Group
- August 2016 – Castle Veterinary Group
- August 2016 – Movement Document
- August 2016 – receipt from Downpatrick Co-op
- September 2016 – Movement Document
- September 2016 – Receipt from Downpatrick Co-op
- October 2016 – Movement Document

- October 2016 – receipt from Walls Ltd
- December 2016 - receipt from Walls Ltd
-

Following an office meeting with planning officials' even more sustainable information was supplied to the planning Department as listed below.

- Copies of tax return receipt from HMRC 2011-2016 which details business as farming
- Water Bill from NIW November 2015 - April 2016
- Signed and dated letter from Castle Veterinary Group stating that Eddie Fitzsimons has been buying medicine for sheep since 2011
- Confirmation from DARD on 30.20.08 of Herd Number
- Confirmation from DARD on 09.03.09 of Farm Business Number
- Receipts from Rathfriland Farmers Co-op recording sale of sheep on 05.05.09, 21.07.09, 15.12.09, 11.08.09, 19.01.10, 10.08.12, 17.08.12
- Receipt from Christies Direct 22.07.09
- Receipts from Saintfield Livestock mart for the purchase of sheep on 12.08.11, 02.09.11
- Receipts from Downpatrick Co-op recording sale of sheep on 13.08.16, 24.09.16,
- Movement documents dated 24.08.11, 03.10.11, 21.10.14, 24.09.16, 13.08.16, 29.10.16
- Receipts from Joseph Walls dated 30.09.16, 28.10.16, 15.12.16
- A current flock list issues by DAERA showing 39 sheep within flock.
- Copy of letter from Down Insurance relating to Agricultural Vehicles insurance for 2012-2013.

Together with Flock register dated 2012- 2015 and Primary Production Report dated 04/9/2015 these all relate to the farmed land.

Overview

The main issues of concern in relation to a dwelling on the farm under Policy CTY10 are met by this proposal.

The business is active and while SFP is not claimed evidence of the existence of an active farm business has been supplied thus satisfying criterion (a).

No development opportunities have been sold of the holding Criterion (b).

The building clusters with a group of buildings on the farm being located adjacent to existing farm buildings less than 40m from the proposed site and thus is compliant with criterion (c).

Access to the proposed site will be via the existing laneway and access point in compliance with the positive comments of Transport NI engineer and no objections were received from any of the formal consultees including DAERA.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling on this active farm.

ITEM NO	21			
APPLIC NO	LA07/2017/0075/O	Outline	DATE VALID	1/18/17
COUNCIL OPINION	APPROVAL			
APPLICANT	D Brannigan 60 Annacloy Road Annacloy Downpatrick BT30 9QA		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822
LOCATION	31 Mearne Road Saul Downpatrick			
PROPOSAL	Replacement dwelling			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	0	0	0	0
	Addresses	Signatures	Addresses	Signatures
	0	0	0	0



Comhairle Ceantair
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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0075/O

Date Received: 17th January 2017

Proposal: Replacement Dwelling

Location: 31 Mearne Road, Downpatrick

Site Characteristics & Area Characteristics:



The site is located along the minor Mearne Road, Downpatrick. It is comprised of a 0.1 hectare portion of land, which contains an existing derelict dwelling. The dwelling immediately abuts the road frontage and is overgrown and in poor condition. The external walls of the dwelling are intact, the roof is also intact, however, many of the tiles have been lost. The internal arrangement of the dwelling is visible, with evidence of internal doors and rooms, it is noted however, that the first floor has collapsed.

To the rear of the site there is a steep bank which is grassed, with overgrown vegetation.

Mearne Road is a narrow road, which appears to be heavily trafficked. The surrounding landscape is typically undulating with mature roadside vegetation.

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:

Previous history on the site includes

R/2009/0363/O – Replacement Dwelling – Granted 25.02.2010

R/2013/0031/O – Replacement Dwelling – 02.10.2013

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 08.02.17.

30 Mearne Road was neighbour notified of the proposal on 26.01.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), NIEA and Historic Environment Division, the response will be discussed below.

Objections & Representations

No objections or representations 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 and it is noted that the site has been previously approved for a replacement dwelling, the last approval R/2013/0031/O is still extant.

In addition to the initial test, proposals for replacement dwellings will only be permitted where they meet an additional 5 criterion. It is considered that given the small nature of the site, any replacement dwelling would be within the existing curtilage; any new dwelling will be conditioned so as not to create a significantly greater visual impact than that which exists and the dwelling will be conditioned to

have a high quality design appropriate to its rural setting. It is considered that all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality and that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal therefore complies in full with CTY 3 of PPS 21.

The site is in close proximity to Saul Abbey an early medieval ecclesiastical site scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995, Policy BH 1 of PPS 6 refers in this case. Historic Monuments Division: Historic Monuments (HED: HM) have considered the proposal and are content in principle.

The site is in close proximity to Grade B+ St Patricks Memorial Church of Ireland, Grade B1 Mortuary House at St Patricks C of I and Grade B1 Ruined gable at St Patricks C of I. These buildings are of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Historic Environment Division : Historic Buildings (HED:HB) have considered the impact of the proposal on the above buildings and are unable to determine whether the proposal would have an adverse impact on the setting of St Patricks Church as the information submitted is insufficiently detailed and there is no massing study provided.

In consideration of this consultation response, it has been concluded that given the history of previous approvals on the site and the presence of an extant approval (R/2013/0031/O), these comments from HED should be set aside.

NIEA have commented with regard to drainage and water to which there are no objections in principle.

NIEA have commented with regard to Natural Heritage advising they have concerns with the proposal due to insufficient information relating to the assessment of badgers and bats at the site. It is considered appropriate given the history of approval on the site and the presence of an extant approval (as detailed above) that these comments from NED should also be set aside.

Transport NI have no objections to the proposal and NIW have provided a statutory response with informatives attached.

In conclusion therefore, the proposal is considered to be acceptable in principle. However, it will be conditioned so that a suitably designed dwelling will be approved that respects the small nature of the site, its rural context and the historic environment within which it sits.

Recommendation: Approval

Conditions: Standard conditions relating to time, demolition, access, landscaping, levels.

Non Standard Conditions

1. The dwelling hereby permitted shall have a local vernacular house design in accordance with the Departments Guidance document 'Building on Tradition'.

- 2. Roof tiles / slates shall be blue/black or dark grey in colour and shall be flat and non-profiled
- 3. The curtilage of the dwelling shall be as indicated in red on the approved drawing.
- 4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no fence or wall or other means of enclosure shall be erected at the proposed access onto the public road without prior approval in writing of the Planning Authority.
- 5. Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015, or any Order revoking and re-enacting that Order, no windows/dormers/extensions shall erected at the approved dwelling without prior approval in writing of the Planning Authority.

Signed

Date

Signed

Date

ITEM NO	24			
APPLIC NO	LA07/2017/0296/O	Outline	DATE VALID	2/24/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr Mark Galloway 3 Ballytrustan Road Downpatrick BT30 7AQ		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822

LOCATION 80m West of no3 Ballytrustan Road
Downpatrick

PROPOSAL Proposed dwelling and garage on a farm

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

- 1 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
- 2 The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the site would add to a ribbon of development along Ballytrustan Road and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on Badgers and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0296/O

Date Received: 27.02.2017

Proposal: The application is for outline planning permission

Location: The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.



Site location plan



Site Characteristics & Area Characteristics





The application site is accessed via an existing laneway (still described as Ballytrustan Road) which serves a number of other properties. The site is a rectangular shaped plot, part of which contains an area of woodland. The site area could be described as having trees which are immature and juvenile with a mix of woodland, hedgerows and pastoral land within the red line boundary. The land falls steeply from the plot towards the dwelling at No 11 Ballytrustan Road.

Site History:

R/1978/0066 Ballytrustan Road, Downpatrick, Conversion Of Existing Disused Farm Buildings To Dwellings Permission Refused

R/1982/0589 Ballytrustan Road, Downpatrick Bungalow Permission Refused

R/1979/0572 Ballytrustan Road, Downpatrick Bungalow Permission Granted

R/1979/0251 Ballytrustan Road, Ballymurray 2 No Dwellings 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 – Statutory

Transport NI – No objections subject to conditions

NIEA Water management –

NIEA –NED – Biodiversity checklist submitted, however, NED require a more thorough survey of the site to establish whether there is a badger sett at this location.

Objections & Representations

In line with statutory requirements four neighbours have been notified on 02.03.2017. No representations have been received in relation to the application. The application was advertised in the Mourne Observer and the Down Recorder on 15.03.2017.

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland 'Planning and Sustainable Development' (SPPS) which came into effect in September 2015 is material to all decisions on individual planning applications and appeals.

Other than an update in the definition of what constitutes "*agricultural activity*" there is no conflict or change in policy direction between its provisions and those of Planning Policy Statement 21: '*Sustainable Development in the Countryside*' (PPS 21) regarding dwellings on farms. The SPPS is therefore most recent expression of policy and until a new plan strategy for the Council area has been adopted, thus the policies contained in PPS 21 are material to the assessment of this application.

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. Planning permission will be granted for an individual dwelling house in the countryside in the following cases which are listed, a dwelling on a farm in accordance with policy CTY 10 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, CTY 16 will also be considered.

Policy CTY 10 - Dwellings on farms

Planning permission will be granted for a dwelling on a farm where all of the criteria can be met. As part of this application a P1, P1C form and farm maps and site location plan have been submitted.

Criterion (a) of Policy CTY10 requires that the farm business is currently active and that it has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification to Policy CTY10 states that new houses on farms will not be acceptable unless the existing farming business is both established and active. It goes on to state that the applicant will therefore be required to provide the farm's (DARD (now known as DAERA) business ID number along with other evidence to prove active farming over the required period.

Department of Agriculture, Environment and Rural Affairs (DAERA) have been consulted regarding the proposal and the applicant (who is not a formal member of

the business) has had a business ID number for more than 6 years and has claimed single farm payment or similar within the last 6 years.

Part (b) requires 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. Having undertaken a history search of the land owned on the submitted DARD farm maps I am satisfied that there does not appear to be any evidence of selling off any dwellings or development opportunities on the land after 25 November 2008 under policy CTY10.

Criterion (c) of CTY 10 requires 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. It goes on to say that "exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s)". The existing buildings in association with the farm are indicated as being to the rear (east) of No 7, which are accessed via No 7 (No 7 and the associated sheds are not indicated as the registered owner of the farm business).

Notwithstanding this since the buildings are approx. 100m away from the site with 4 other dwellings located on both sides of the laneway in between the farm buildings and the site, then the application would neither be visually linked or sited to cluster with these farm buildings. Following discussions with the agent, the plan was amended to show other farm buildings which are located to the south and west of No 5. This building which is attached to No 5 is also not the registered owner of the farm, the policy states that the new building should be visually linked or sited to cluster with an established group *of buildings on the farm*. This would not be the case therefore the proposal is contrary to part (c).

Policy CTY8- Ribbon Development and associated policies CTY13-16.

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Ribbon development is detrimental to the character, appearance and amenity of the countryside. For the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Building sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked. 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. In terms of the

proposal, No 7 fronts directly onto the laneway as does No 6, a dwelling within the red line would therefore add to a ribbon of development as there would be 3 dwellings with a common frontage to the laneway. The proposal would not meet the exceptions test and thus this would be contrary to policy CTY 8.

Design and Scale

Policy CTY 13 - Integration and Design of buildings in the Countryside

There are no buildings to cluster the dwelling with as per CTY 10, however, notwithstanding this, a dwelling on the site would be integrated into the landscape given its set back off the road, down an existing access, and limited views from the roadside at No 11 (good roadside boundary). The existing trees along the access would form a backdrop for any dwelling positioned to the NE portion of the site, in order to limit the amount of trees that would require to be removed in order to accommodate the dwelling. No reasons for refusal are offered in terms of CTY 13.

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, or that it creates or adds to a ribbon of development. In this case a dwelling on the site would be contrary to CTY 8 and would therefore add to a ribbon of development along Ballytrustan Road. A new building sited will therefore have a detrimental impact to the rural character of the area.

Policy CTY 16 - Sewerage

The proposal could be served by a septic tank and soakaway system within the red line.

Access, Movement and Parking

Transport NI have offered no objections to this proposal providing the access is provided in line with the RS1 form at reserved matters stage. The proposed dwelling is using the existing access onto Ballytrustan Road.

Impact on Residential Amenity

The dwelling is considered to be sited a sufficient distance from the adjacent dwellings at No 9 and No 5 to prevent any unacceptable impacts.

Planning Policy Statement 2; Natural Heritage

The site of the planning application is located within an area of sensitivity as it is situated within a wooded area with mature and young trees and hedgerow present. Trees and hedgerows are known to provide foraging, resting, navigation and breeding opportunities for a range of species such as badgers, wild birds and bats. NIEA Natural Heritage Division were consulted as part of the process and had requested a biodiversity checklist to be completed, this was completed and an ecology report was submitted along with this. NIEA – NED still have concerns

with the limitations of the walkover; and that the presence of a badger sett could have been missed. NED have requested that a more thorough survey of the site must be undertaken to establish whether there is a badger sett at this location.

Since the principle of development has not been accepted on the site, no further information has been requested regarding this aspect of the proposal.

**Recommendation:
Refusal**

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.
2. The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the site would add to a ribbon of development along Ballytrustan Road and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on Badgers and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

Case Officer Signature

Date

Appointed Officer Signature

Date

Planning Committee Schedule of 16th August 2017

Planning reference: **LA07/2017/0296/O**

Proposal: **Proposed dwelling and garage on a farm.**

Applicant: **Mr Mark Galloway**

Location **80m west of No3 Ballytristan Road**

Recommendation: **Refusal**

Reasons

1

The proposal is contrary to the Strategic Planning Policy for Northern Ireland (SPPS) and to Policies CTY1 and CTY10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that 1 The proposal is contrary to the Strategic Planning Policy Statement for it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm.

2

The proposal is contrary to the Strategic Planning Policy Statement 2015 (SPPS) and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that a dwelling on the site would add to a ribbon of development along Ballytristan Road and there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

3

The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on Badgers and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

Site Description

The site is situated at Ballytristan Road, Downpatrick Co Down. The site is on farmland under the control of the applicant's family. The new dwelling will be located on farm land close to the farm complex as no opportunity exists on other lands around the farm complex and the proposed site will avail of an existing laneway which services the farm yard and existing buildings.

The site is a rectangular shaped plot and is located within an area of woodland which has been planted by the landowner; this planting is semi mature and consists of spruce.

The existing laneway has mature hedges and stone ditches with traditional field gates leading to the farm land

Planning Policies & Considerations

SPPS

PPS 21

PPS3

Ards & Down Area Plan 2015

DCAN 15

Assessment of reason for Refusal

1

The application site is submitted under policy CTY10 and as such it is considered necessary to be located in the Countryside and by this virtue it is compliant with Policy CTY1 of PPS 21 and the chosen site is located along the existing laneway and is located in a portion of planted woodland adjacent to three existing dwellings (No 3,5,9) which are integral parts of the overall complex which has two other dwellings (No 7 & 11) all located within the same secluded area.

The criteria of Policy CTY 10 is clearly met in that the farm business is active and SFP is claimed, no dwellings or development opportunities have been sold off from the farm holding, the landowner is helping a member of the family to get a dwelling which the holding is entitled to and every attempt has been made to cluster with the existing buildings which are dispersed around the existing dwellings which are all family owned.

The proposed site affords the opportunity to cluster with the existing development on the site which comprises a mix of dwelling and associated outbuildings

It is for these reasons that the current application is in fact compliant with Policy CTY1, CTY10 and CTY13.

2

The argument has to be made that the chosen site is the only available to the applicants as it will be given by the landowner who is entitled to a dwelling on this active farm and its location adjacent to the existing farm buildings west and south of No 5 means that it is compliant with the policy of clustering with existing buildings on the holding.

It must be refuted that this site leads to the extension of ribboning along the existing laneway rather it must be stated that the chosen site is compliant with Policy CTY10 and in no way will this location lead to ribboning.

Any alternative site would mean that the new dwelling would be located in the area of the active farmyard and would require a new entrance laneway which would have to be located off the Ballyhornan Road and would by virtue not comply with use of the existing laneway aspect of the policy.

3

The argument that insufficient information has been submitted in relation to a biodiversity checklist is totally incorrect as detailed survey was undertaken and a report compiled and presented by a very competent professional **Richard Ayre of Ayre Environmental Consulting.**

While it is noted that NED may require a more thorough survey in relation to badgers **NO** such request for further information has been received and should this request be forthcoming in future the applicant is happy to have it compiled.

Overview

The main issues of concern in relation to a dwelling on the farm under Policy CTY10 are met by this proposal.

The business is active and SFP are made criterion (a).

No development opportunities have been sold off the holding Criterion (b).

The building clusters with a group of buildings on the farm being located adjacent to two existing farm buildings less than 30m from the proposed site and thus is compliant with criterion (c) and while alternative locations have been looked at but it is felt that the chosen site best satisfies the requirements of the policy.

Access to the proposed site will be via the existing laneway and access point in compliance with the positive comments of Transport NI engineer and no objections were received from any of the formal consultees.

Conclusion

We would respectfully ask the Planning Committee to overturn this recommendation and grant Planning Permission for the dwelling on the only land available that complies with the spirit of the policy.

ITEM NO	29			
APPLIC NO	LA07/2017/0431/O	Outline	DATE VALID	3/21/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs Peter Byrne Ashley House 85 Bryansford Road Newcastle BT33 0LE	AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822	
LOCATION	Ashleigh House 85 Bryansford Road Tollymore Newcastle BT33 0LE			
PROPOSAL	Demolition of outbuilding and construction of a dwelling and garage			
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 SPPS and Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, have an adverse affect on Ashleigh House, a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.
- 2 The proposal is contrary to the Ards and Down Area Plan 2015, Zoning NE21, in that the purpose of this zoning is to protect the setting of the Listed Ashleigh House, the current proposal will undermine the intent of this zoning.



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

Application Reference: LA07/2017/0431/O

Date Received: 21.03.2017

Proposal: Demolition of outbuilding and construction of a dwelling and garage

Location: Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle.



Site located within Ashleigh Housing development.





Site Characteristics & Area Characteristics

Site History:

Listed Building application: LA07/2017/0498/LBC

Current app under consideration

LA07/2017/0442/F

Maghera Development Limited

Ashleigh, Bryansford Road, Newcastle

Proposed 4no semi detached private dwellings in lieu of 6no apartments and reconfigure turning bay, previously approved under R/2006/0390/F

PENDING

R/2002/1575/F

Mr Peter Byrne

Ashleigh House, 85 Bryansford Road, Tollymore

Conservation and extension of a listed building

GRANTED 6.2.2003

R/2002/1549/LB

Mr Peter Byrne

Conservation and extension of an existing dwelling.

Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle

Consent 08.02.2003

R/2000/0537/O

M Kinkaid & F Wadsworth

Residential development with conversion of existing buildings to apartments with alteration

85 Bryansford Road, Newcastle

Planning Policies & Material Considerations:

Regional Development Strategy,
Ards and Down Area Plan 2015,
Strategic Planning Policy Statement for Northern Ireland,
PPS6 Planning Archaeology and the Built Heritage,
PPS3 Access, Movement and Parking,
PPS7 Quality Residential Environments,
PPS12 Housing in Settlements

Planning guides such as Creating Places, Living Spaces, DCAN 15 Vehicular Access Standards will also be considered.

Consultations:

NI Water Ltd

Standard response received detailing information for the applicant.

Transport NI

No objection

NIEA Water Management Unit

No objection

NMD Environmental Health

No objection

Historic Buildings Unit

HB considers that the proposals fail to satisfy Policy BH8 (Extension or Alteration of a Listed Building) of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage and Paragraph 6.13 of Strategic Planning Policy Statement (NI) as they have an adverse impact on the Listed Building.

Historic Monuments have no objection.

Objections & Representations

The site was advertised in Mourne Observer 05.04.2017

A total of 19 Neighbours were notified. No reps were received.

Consideration and Assessment:

The site is within the settlement limits of Newcastle. It is adjacent to a listed building, No.85 Ashleigh House. The application is for demolition of outbuildings and erection of a new dwelling to the rear of Ashleigh House, 85 Bryansford Road Newcastle.



Ashleigh House is a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Ashleigh is a late Regency Gentleman’s Residency built around 1840 which still retains its original outbuildings. The Listing includes the outbuildings which are protected as Curtilage Structures of the Main Dwelling.



Relationship of the Listed Ashleigh House and its associated outbuildings



Outbuildings proposed for demolition



Proximity of outbuildings to Ashleigh house

Consideration of this application is concerned with firstly, the acceptability of demolition of the listed outbuildings and its associated impact on the setting of the Listed Ashleigh House, the impact on the zoned amenity space under NE21 and lastly the acceptability of the new build dwelling and garage.



The proposal falls to be assessed under the SPPS and PPS6

The SPPS states in paragraph 6.13

Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the on-going viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

PPS6 BH8 Paragraph 6.11 of Policy BH8

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

(a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;

(b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and

(c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

HB consider that the demolition of these protected Outbuildings constitutes unnecessary damage to the Historic Structure as the original outbuildings are a key component and an intrinsic part of the Character of this Historic Property and they should be retained.

The proposal in that it proposes the demolition of the outbuildings has an unacceptable impact on the listed House. The proposal fails the above policies.

The site is also zoned NE21 in the Ards and Down Area Plan 2015 for Proposed Amenity, Open Space and Recreation. The function of the zoning of this 0.69ha of land around Ashleigh House is to protect the setting of this listed building and to provide an area of local amenity space.

The function of this zoning would be undermined by this proposal in that it would affect the setting of the Listed Ashleigh House.

Whilst this is an outline application, there is no reason in principle why a dwelling and garage could not be accommodated on the site in terms of PPS7.

Recommendation:

Refusal

Refusal Reasons

- 1. The proposal is contrary to the SPPS and Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and**

the Built Heritage in that the development would, if permitted, have an adverse effect on Ashleigh House, a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.

- 2. The proposal is contrary to the Ards and Down Area Plan 2015, Zoning NE21, in that the purpose of this zoning is to protect the setting of the Listed Ashleigh House, the current proposal will undermine the intent of this zoning.**



Case Officer

DATE

Appointed Officer

DATE

ITEM NO	30			
APPLIC NO	LA07/2017/0498/LBC	Listed Buildi	DATE VALID	3/30/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Peter Byrne Ashley House 85 Bryansford Road Tollymore Newcastle BT33 0LE		AGENT	Tumelty Planning Services 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT 07768057822
LOCATION	Ashley House 85 Bryansford Road Tollymore Newcastle BT33 0LE			
PROPOSAL	Demolition of outbuilding and construction of a dwelling and garage			
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 the SPPS and Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, have an adverse affect on Ashleigh House, a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0498/LBC

Date Received: 16.03.2017

Proposal: Demolition of outbuilding and construction of a dwelling and garage

Location: Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle.



Site located centrally within Ashleigh Housing development.



Site Characteristics & Area Characteristics

Site History:

Associated Application LA07/2017/0431/O
Demolition of outbuilding and construction of a dwelling and garage
Ashleigh House 85 Bryansford Road Tollymore

Adjacent to Site

LA07/2017/0442/F
Maghera Development Limited
Ashleigh, Bryansford Road, Newcastle
Proposed 4no semi detached private dwellings in lieu of 6no apartments and reconfigure turning bay, previously approved under R/2006/0390/F
PENDING

R/2002/1575/F
Mr Peter Byrne
Ashleigh House, 85 Bryansford Road, Tollymore
Conservation and extension of a listed building
GRANTED 6.2.2003

R/2002/1549/LB
Mr Peter Byrne
Conservation and extension of an existing dwelling.
Ashleigh House, 85 Bryansford Road, Tollymore, Newcastle
Consent 08.02.2003

R/2000/0537/O
M Kinkaid & F Wadsworth
Residential development with conversion of existing buildings to apartments with alteration 85 Bryansford Road, Newcastle

Planning Policies & Material Considerations:

Ards and Down Area Plan 2015,
Strategic Planning Policy Statement for Northern Ireland,
PPS6 Planning Archaeology and the Built Heritage,

Consultations:

Historic Buildings Unit

HB considers that the proposals fail to satisfy Policy BH8 (Extension or Alteration of a Listed Building) of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage and Paragraph 6.13 of Strategic Planning Policy Statement (NI) as they have an adverse impact on the Listed Building.

Historic Monuments have no objection.

Objections & Representations

The site was advertised in Mourne Observer 05.04.2017
A total of 19 Neighbours were notified. No reps were received.

Consideration and Assessment:

The site is within the settlement limits of Newcastle. It is adjacent to a listed building, No.85 Ashleigh House. The application is for demolition of outbuildings and erection of a new dwelling to the rear of Ashleigh House, 85 Bryansford Road Newcastle.



Ashleigh House is a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. Ashleigh is a late Regency Gentleman's Residency built around 1840 which still retains its original outbuildings. The Listing includes the outbuildings which are protected as Curtilage Structures of the Main Dwelling.



Relationship of the Listed Ashleigh House and its associated outbuildings



Outbuildings proposed for demolition



Proximity of outbuildings to Ashleigh house

Consideration of this application is concerned with the acceptability of demolition of the listed outbuildings and its associated impact on the setting of the Listed Ashleigh House





The proposal falls to be assessed under the SPPS and PPS6

The SPPS states in paragraph 6.13

Development involving a change of use and / or works of extension / alteration may be permitted, particularly where this will secure the on-going viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired. Applicants should justify their proposals, and show why alteration or demolition of a listed building is desirable or necessary.

PPS6 BH8 Paragraph 6.11 of Policy BH8

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

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

HB consider that the demolition of these protected Outbuildings constitutes unnecessary damage to the Historic Structure as the original outbuildings are a key component and an intrinsic part of the Character of this Historic Property and they should be retained.

The proposal in that it proposes the demolition of the outbuildings has an unacceptable impact on the listed House. The proposal fails the above policies.

Recommendation:

Refusal

Refusal Reason

1. **The proposal is contrary to the SPPS and Policy BH8 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the development would, if permitted, have an adverse effect on Ashleigh House, a Grade B1 Listed Building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011.**
-

Case Officer

DATE

Appointed Officer

DATE

ITEM NO	22			
APPLIC NO	LA07/2017/0228/F	Full	DATE VALID	2/14/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr and Mrs Tate 44 Windsor Hill Warringstown BT66 7FZ		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 028 9756 1488
LOCATION	Lands immediately North of 37 Dromore Road Ballynahinch			
PROPOSAL	Proposed dwelling and garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	
	0	0	0	
			Addresses	Signatures
			0	0
			Addresses	Signatures
			0	0

- 1 The proposal, if permitted, would have a detrimental impact on the setting of the adjacent Local Landscape Policy Area 6 (LLPA 6) as designated in the Ards and Down Area Plan 2015.
- 2 The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of PPS 7 in that does not respect the surrounding context.



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**Newry, Mourne
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District Council

Application Reference: LA07/2017/0228/F

Date Received: 14th February 2017

Proposal: Dwelling and Garage

Location: Lands immediately north of No 37 Dromore Road, Ballynahinch

Site Characteristics & Area Characteristics:

The site is located along Dromore Road Ballynahinch, and is comprised of a small portion of land cut out of an field currently used growing of grass for agricultural use. The site is elevated above and positioned to the rear of the adjacent dwelling at No 37 Dromore Road, a single storey dwelling, which is accessed via a small lay-by off Dromore Road. The land within the site slopes upwards in a NE direction and continues further NE beyond the site.



The site is located within the settlement limits of Ballynahinch as defined by the Ards and Down Area Plan 2015. It is noted that the site lies adjacent to LLPA 6 as designated in the plan – LLPA 6 is a localised hill, visually prominent undeveloped drumlin within the town boundary.

The area surrounding the site is predominantly residential in use, with a mix of dwelling types noted. West of the site lies Lough Inch Cemetery.

Site History:

Previous history on this site

- R/1993/0053 – Bungalow – Rear of 37 Dromore Road Ballynahinch – Granted
- R/1989/0624 – Bungalow – Rear of 37 Dromore Road Ballynahinch – Granted
- R/1988/1073 – Bungalow – rear of 37 Dromore Road Ballynahinch – Withdrawn.

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 7 and 12, Creating Places (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 01.03.17

Consultations:

In assessment of the proposal consultations were carried out with Transport NI, Northern Ireland Water (NIW), NIEA – Water Management Unit

No objections have been received

The following neighbours were notified of the proposal on 20.02.17

- 31, 33, 35 and 37 Dromore Road, Ballynahinch

Objections & Representations

No letters of objection or representations have been received.

Consideration and Assessment:

The proposal seeks full permission for the erection of a dwelling and garage. The dwelling is to be single storey with a lower ground section and a detached garage positioned to the front of the dwelling.

The dwelling will have a ridge height of 5.3m above finished floor level, there is to be approximately 1m of under build to some parts of the dwelling. The design of the dwelling is suburban in style as shown below



The dwelling is separated from No 37 by 36m when measured from the front door – a double garage and proposed new planting provides additional screening in the intervening land. The design is considered acceptable, however, the right hand front projection, could benefit from some fenestration, to improve its appearance. There do not appear to be any issues with overlooking or loss of privacy for neighbouring properties.

In assessment of the proposal against the criteria listed in Policy QD1 of PPS 7, it is considered that it would be contrary to Criterion (A) in that it would if permitted have a detrimental impact on the setting of the adjacent LLPA and consequently the proposal does not respect the surrounding context and the landscape feature of the LLPA is not considered to be protected by this proposal. It is noted above that the site has received planning permission in the past for a dwelling at this location, however, these permissions pre-date the adoption of the current Area Plan.

On the basis of the above assessment the application will be recommended for refusal

Reconsideration

Following a recommendation to the planning committee to refuse the above proposal, it was agreed to allow the submission of additional information. An amended layout was received on 7th July 2017, which has removed the garage from the proposal and relocated the dwelling further down the site, closer to the existing dwelling at No 37 Dromore Road as shown below.

In assessment of the revised layout, it is considered that issues regarding the impact of the proposal on the setting of the LLPA and the impact on the surrounding context have not been addressed. The proposal shall be recommended for refusal on the basis of those previously put forward.



Recommendation: REFUSAL

REFUSAL REASONS:

1. The proposal, if permitted, would have a detrimental impact on the setting of the adjacent Local Landscape Policy Area 6 (LLPA 6).
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of PPS 7 in that does not respect the surrounding context.

Signed Date

Signed Date

Proposed Speaking Rights Agenda in respect of Planning Application LA07/2017/0228/F

1.0 Case Officer Report:

Case Officer acknowledges/ states: *“ The site is located within the settlement limits of Ballynahinch as defined by the Ards and Down Area Plan 2015. It is noted that the site lies adjacent to LLPA 6 as designated in the plan -LLPA 6 is a localised hill, visually prominent undeveloped drumlin within the town boundary.*

and

“ The proposed dwelling design is considered acceptable,”.

Concluding

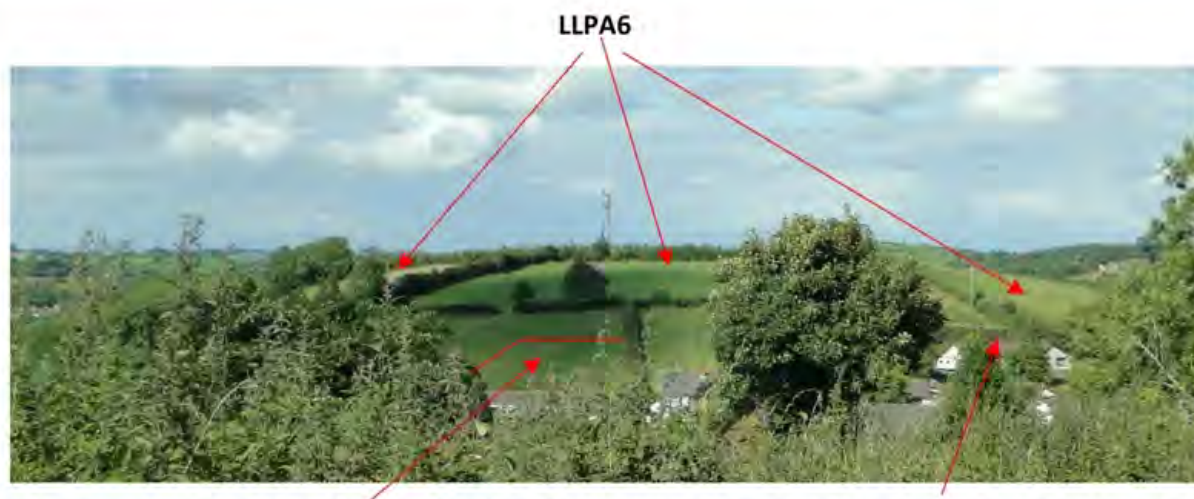
“it is considered that it would be contrary to Criterion (A) in that it would if permitted have a detrimental impact on the setting of the adjacent LLPA and consequently the proposal does not respect the surrounding context and the landscape feature of the LLPA is not considered to be protected by this proposal”.

2.0 This application site is not located within LLPA 6

This LLPA is not a wooded area, rather open farm grass land.

The proposed dwelling ridge height in average is 5. 1 metres below ground level at commencement of the Southern Boundary of the LLP. This proposal will not break the skyline and is circa 45 metres down slope from this Southern Boundary.

Vantage view point on the Grove Road as photo below demonstrates: - The proposal will not have a detrimental impact on the setting of the adjacent LLPA which has already been scared by the allowance of the large Telecommunications mast.



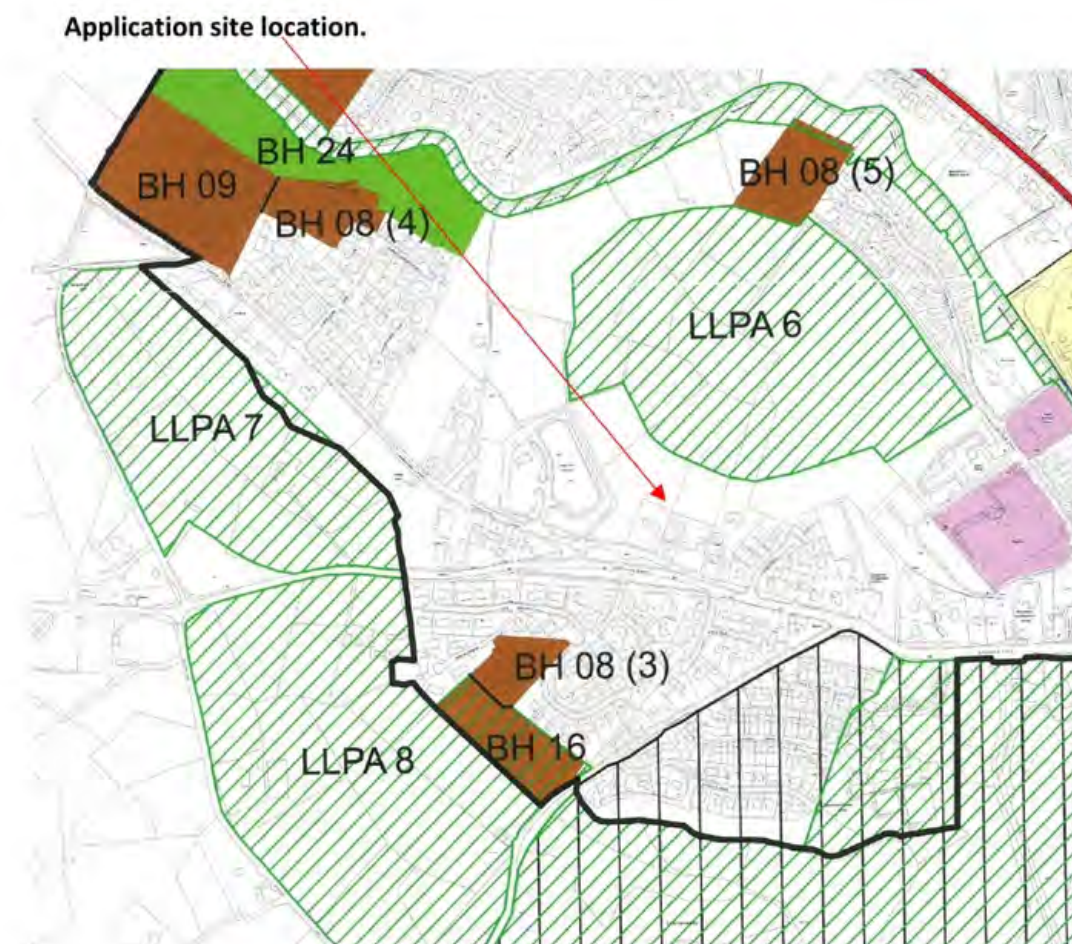
Site & surrounding field not in the LLPA. Development in line existing dwelling 29a Dromore Rd.

The proposed site curtilage will be framed by a traditional native hedgerow species this respecting / maintaining the established hedgerow boundaries and setting of the LLPA.

3.0 It is strongly contested that the Case Officer’s critical vantage photograph as contained within her report as taken at the entrance to the Drumlins estate is misleading as none of the area of LLPA is contained depicted therein thus totally rebutting Planning’s current opinion.

4.0 Adopted Area Plan ambiguity in respect to development within Ballynahinch's LLPA's.

In rather closed proximity to the application site (350 metres SSE) lies designated uniquely a considerable area of land for housing defined **B16** (approved for 25 houses) which is entirely contained within **LLPA 8**. This area B16 has yet to be developed/commenced.



Ards & Down Area Plan 2015 - Part Extract Ballynahinch Map 3/003a

Reproduced under LPS Licence 114 Hawthorne Associates

The Adopted Plan also allowing for housing development **BH08(5)** up to the northern edge of **LLP6**. Suffice to say when the boundary areas for the Ballynahinch LLPA'S were drawn up, abutting existing built up areas appears to have been judged as having no impact on their setting.

5.0 Fairness & Equity is considered worthy of deliberation: -

***Twenty-five houses within LLPA 8 versus one dwelling not within LLPA6. ***

Notwithstanding the recently approved Council cemetery extension which fully abuts LLPA6 and approval R/2011/0648F granted 30 Oct 2014 for 42 housing unit which fully abuts LLPA11

6.0 Conclusion:

It is respectfully held that Council grant approval.

ITEM NO	23			
APPLIC NO	LA07/2017/0287/O	Outline	DATE VALID	2/23/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Mr & Mrs D McMullan 4 Sawmill Road Drumee Newcastle BT31 9GJ		AGENT	Hawthorne Associates 2-3 The Beeches Grove Road Spa Ballynahinch BT24 8RA 02897561488
LOCATION	Lands between 4 & 6 Sawmill Road Newcastle			
PROPOSAL	Single dwelling and 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 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, would not respect the existing development pattern along Sawmill Road in terms of plot size and plot frontage onto the road.
- 3 The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on protected species including Bats, Badgers and Otters and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.



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**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0287/O

Date Received: 23rd February 2017

Proposal: Single dwelling and garage

**Location: Lands contained between 4 and 6 Sawmills Road, Drumee,
Bryansford, Newcastle.**



Site Characteristics & Area Characteristics:

The site in question is located on land that currently serves as a side garden for no 4 Sawmill Road at present. The site slopes from a north eastern direction to a south western direction down to an existing river. There is a stone wall between the site and the road and there are a mix of walls and planting surrounding the remainder of the site with trees to the bottom of the site.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located within the Mourne Area of Outstanding Natural Beauty and also within a Countryside Policy Area. There are dwellings within the surrounding area located on generous plot sizes.

Site History:

R/2012/0223/F – 1 Sawmill Road, Castlewellan – proposed replacement dwelling and garage – granted 28-09-2012

R/2005/0486/F – 156 Newcastle Road (now 6 Sawmill Road) – new garage – granted – 09-05-2005.

R/2003/1491/F – 156 Newcastle Road, Castlewellan (now 6 Sawmill Road)
Proposed replacement dwelling retaining existing garage – granted – 6-02-2004

R/1989/0351 – Adjacent to 154 Newcastle Road, Castlewellan – replacement dwelling – refusal 24-08-1989.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015, PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water – No objections

NIEA - The development would be likely to harm bats and badgers protected by law and insufficient information has been submitted to establish otherwise.

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

Transport NI No objections to the application however have advised a new access will be required and the P1 should be amended to reflect this.

Objections & Representations

The application was advertised 15th March 2017 which expired 29th March 2017, neighbours were notified 9th March 2017 which expired 23rd March 2017, to date there have been no objections.

Consideration and Assessment:

The application is considered against Sustainable Development in the Countryside CTY 8 Ribbon Development.

CTY 8 states that planning permission would be refused for a building which creates or adds to ribbon development.

An exception would be permitted for development of a small gap sufficient to accommodate up to a maximum of two houses within an otherwise substantial and built up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental factors.

The agent submitted a concept map to demonstrate the suitability of the site.

Property no 4 Sawmill has a frontage of 100m and within this setting there is a dwelling and detached garage, albeit in extremely close proximity to the dwelling.

Property no 6 Sawmill Road has a frontage of 191m and the site consists of a dwelling and two out buildings that are partly screened from the road due to a high stone wall running the length of the frontage.

Property no 2 does not face onto Sawmill Road but instead faces onto a private lane and it is the lane that adjoins the Sawmill Road, therefore property no 2 is not included in the consideration as it is not part of the existing frontage as it does not share a common frontage with the remainder of dwellings.

The resulting frontage of property no 4 would be 62m with the frontage of the site in question offering 38m.

Physically there is a separation distance of 74m between buildings and therefore physically there is sufficient room to accommodate an additional dwelling however the site presented would not respect the existing size and scale, siting and plot size of the existing frontage.

Property no 4 and 6 and their associated out buildings are set in substantial plots with gardens surrounding and offer a considerable frontage to the road, specifically in the case of property no 6 which is clearly identified with the stone walled frontage. The size of the proposed plot is not reflective of what exists in the area and would also alter the plot size and siting of the existing dwelling no 4. The proposed dwelling would appear to be in a restricted site when read in comparison with the nature of the surrounding development. The scale and nature of development existing would be difficult to repeat in the proposed plot due to the restricted size of the plot in comparison to existing development along the frontage. It is also noted that the site presented is sloping in nature and the design solution to accommodate a dwelling on this plot is likely to be very different from the style and form presented at present.

While it has been accepted that there is a continuous frontage of 3 or more buildings in a row the application is not considered acceptable in terms of CTY 8 Ribbon Development in that the proposed site does not respect the existing plot sizes nor will the resulting frontage be respective of what exists at present.

The application is also considered against CTY 13 Integration and Design of Buildings in the Countryside and on the basis of an outline application it appears a dwelling of suitable design could be accommodated on the site.

Given the nature of the site with heavy planting and mature trees to the rear of the site and a river corridor passing the rear of the site consideration is given to PPS 2, NH 5 Habitats, Species or Features of Natural Heritage Importance.

Planning permission will only be granted for a development proposal which is not likely to result in an unacceptable adverse impact on specific features including priority habitats, priority species and wetlands including river corridors.

NIEA was consulted on the application and has responded with comments from Natural Heritage and Conservation Areas stating that Natural Environment Division has concerns with the proposal and considers that, in the absence of further information, the proposal would be contrary to the Habitats Regulations and PPS 2. The response recommends that a preliminary ecological appraisal should be completed for the site to assess any potential impact upon any protected or priority species. The site is bounded by a wooded river corridor which may support otters which are a European Protected Species. The site also has the capability to support bats and badgers and in the absence of further information an assessment of the impact cannot be made. As the application has not been accepted in principle it would not be reasonable to put the applicant to the expense of providing the requested information, rather a refusal reason will be addressed to address this information's absence from the outset.



Above is a flood map from Rivers Agency flood maps.

The site itself is not contained within any Rivers Agency designations on this basis and from the evidence found when using flood maps it does not appear necessary to consult with Rivers Agency.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to Strategic Planning Policy Statement 2015 (SPPS) and policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, would not respect the existing development pattern along Sawmill Road in terms of plot size and plot frontage onto the road.
- The application is contrary to Strategic Planning Policy Statement 2015 (SPPS) and Planning Policy Statement 2; Natural Heritage in that the development would be likely to have a significant effect on protected species including Bats, Badgers and Otters and insufficient information has been submitted to enable the Authority to make an informed decision on the proposal.

Case officer:

Authorised by:

Date:

Proposed Speaking Rights Agenda in respect of Planning Application LA/2017/0287/O

1.0 Case Officer Report:

Case Officer acknowledges/ states: *“Physically there is a separation distance of 74m between buildings and therefore physically there is sufficient room to accommodate an additional dwelling”*

Concept documents 2 & 3 further affirm.

Case Officer acknowledges/ states: *“ it has been accepted that there is a continuous frontage of 3 or more buildings in a row “*

2.0 6 Sawmills Road -- A unique material consideration.

The 1.78 Ha - 4.39 Acre “Plot” size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer’s report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Support Documentation affirms.

3.0 PAC Decision 2011/A0044

Commissioner Pauline Boomer concluded - as highlighted our emphasis).

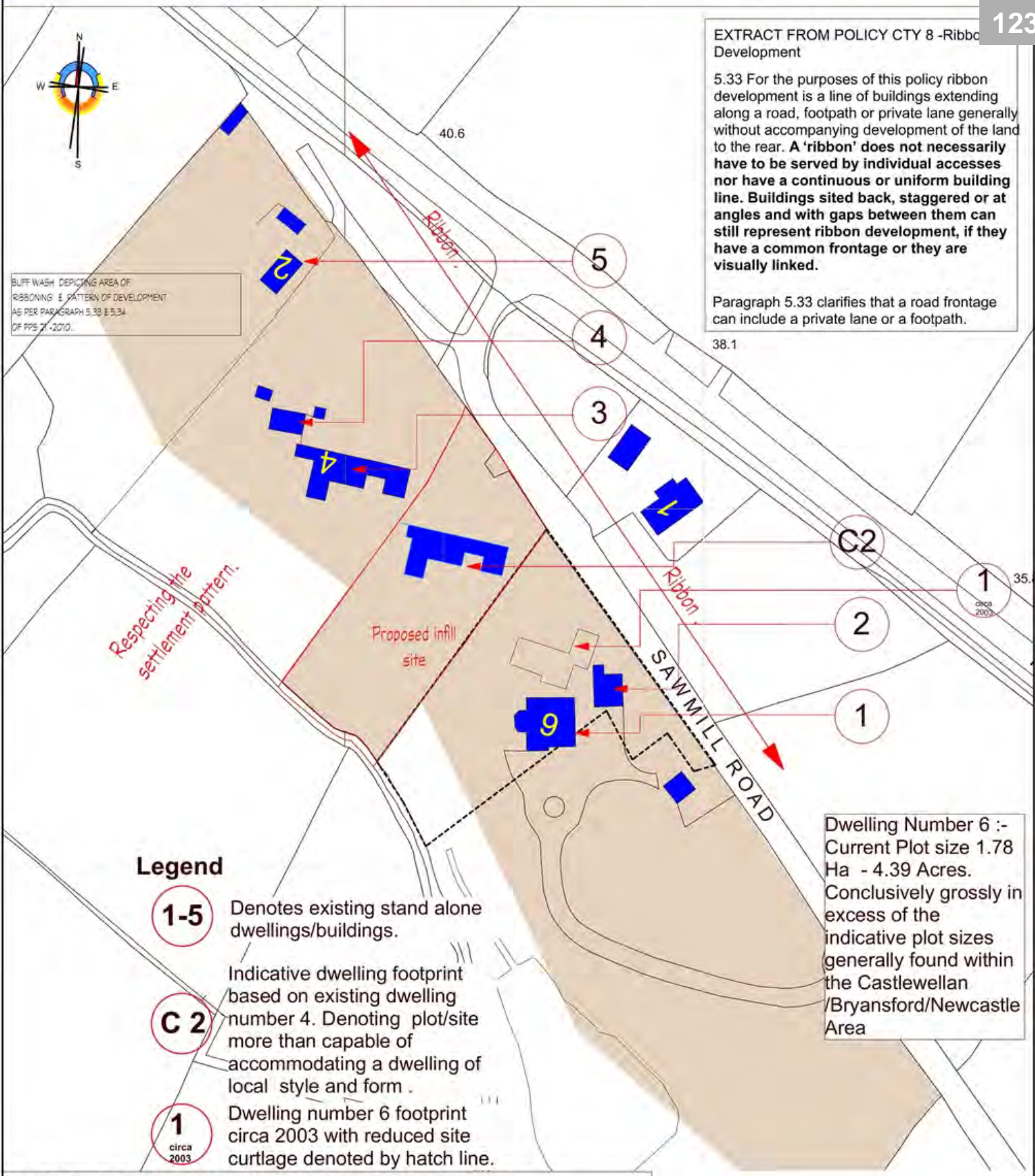
“There is ambiguity in this policy between the definitions of ribbon development and substantial frontage and in such circumstances, the interpretation of policy most favourable to the appellant should be applied.”

4.0 Council: Negative Condition

If granting approval Council either issues approval with a negative condition to address the NIEA response or holds the application subject to the submission of Ecology report.

5.0 Conclusion:

It is respectfully held that Council in this unique situation grant approval



EXTRACT FROM POLICY CTY 8 -Ribbon Development

5.33 For the purposes of this policy ribbon development is a line of buildings extending along a road, footpath or private lane generally without accompanying development of the land to the rear. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 clarifies that a road frontage can include a private lane or a footpath.

BLUFF WASH DEPICTING AREA OF RIBBONING & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF PPS 21 -2010.

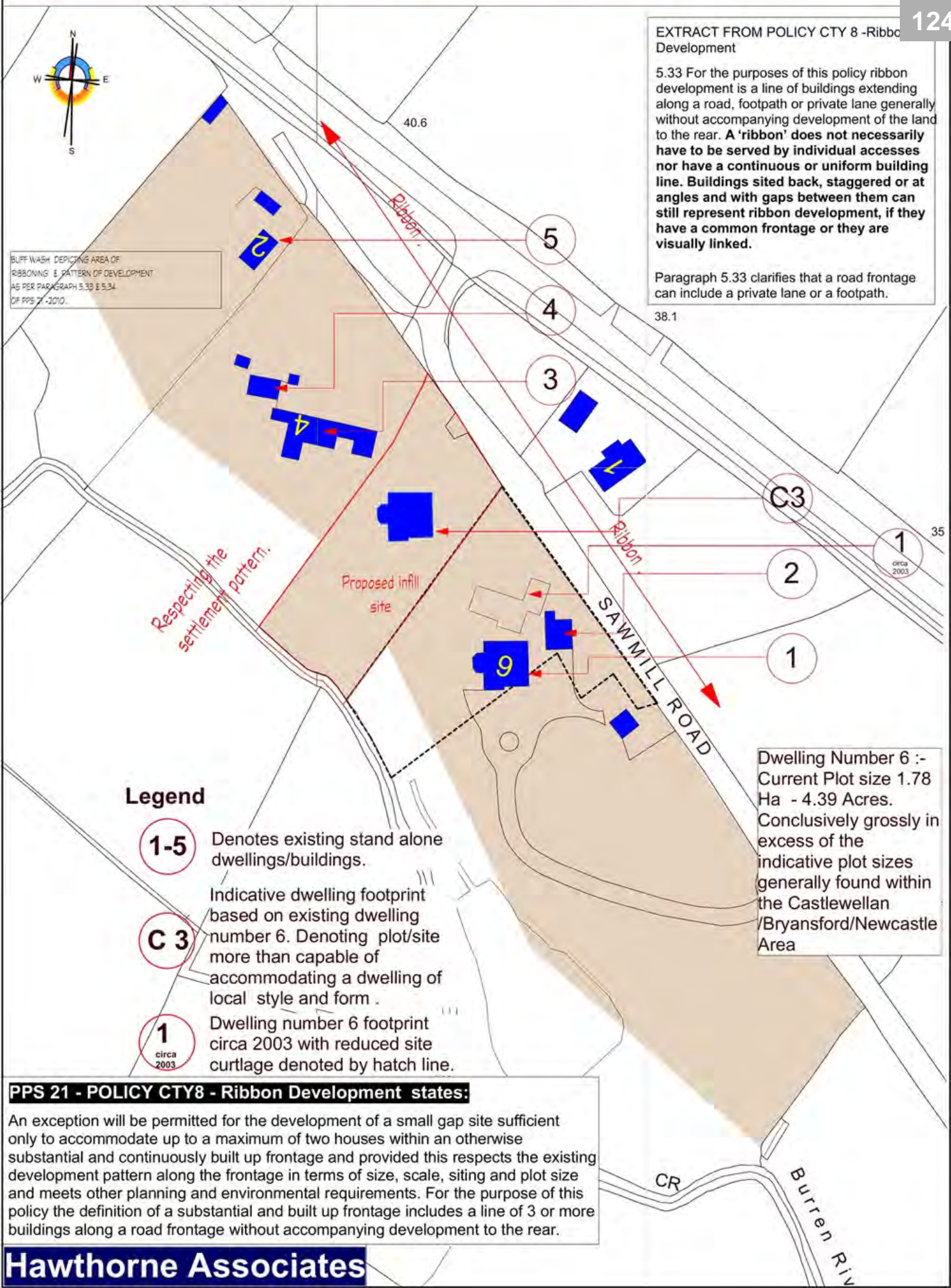
Legend

- 1-5** Denotes existing stand alone dwellings/buildings.
- C 2** Indicative dwelling footprint based on existing dwelling number 4. Denoting plot/site more than capable of accommodating a dwelling of local style and form .
- 1** Dwelling number 6 footprint circa 2003 with reduced site curtlage denoted by hatch line.

Dwelling Number 6 :-
 Current Plot size 1.78 Ha - 4.39 Acres.
 Conclusively grossly in excess of the indicative plot sizes generally found within the Castlewellan /Bryansford/Newcastle Area

PPS 21 - POLICY CTY8 - Ribbon Development states:

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.



EXTRACT FROM POLICY CTY 8 -Ribbon Development

5.33 For the purposes of this policy ribbon development is a line of buildings extending along a road, footpath or private lane generally without accompanying development of the land to the rear. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Paragraph 5.33 clarifies that a road frontage can include a private lane or a footpath.

BLUFF WASH DEPICTING AREA OF RIBBONING & PATTERN OF DEVELOPMENT AS PER PARAGRAPH 5.33 & 5.34 OF FPS 7 -2010.

Respecting the settlement pattern.

Proposed infill site

SAWMILL ROAD

Legend

- 1-5** Denotes existing stand alone dwellings/buildings.
- C 3** Indicative dwelling footprint based on existing dwelling number 6. Denoting plot/site more than capable of accommodating a dwelling of local style and form .
- 1** Dwelling number 6 footprint circa 2003 with reduced site curtlage denoted by hatch line.

Dwelling Number 6 :-
 Current Plot size 1.78 Ha - 4.39 Acres.
 Conclusively grossly in excess of the indicative plot sizes generally found within the Castlewellan /Bryansford/Newcastle Area

PPS 21 - POLICY CTY8 - Ribbon Development states:

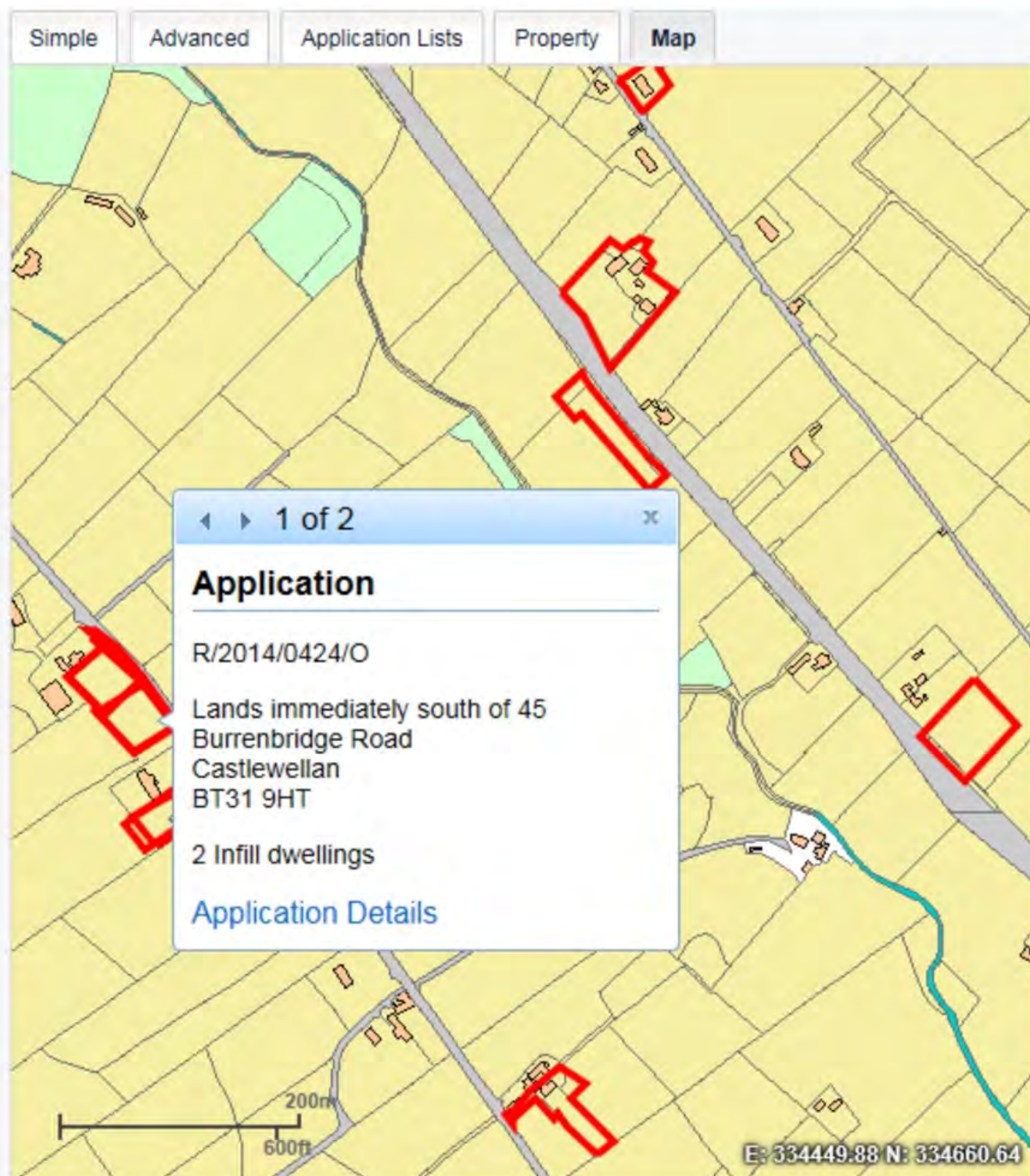
An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, 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.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.

125



Approved Plot Frontages – circa 44 Metres.

Plot depth circa 40 Metres.

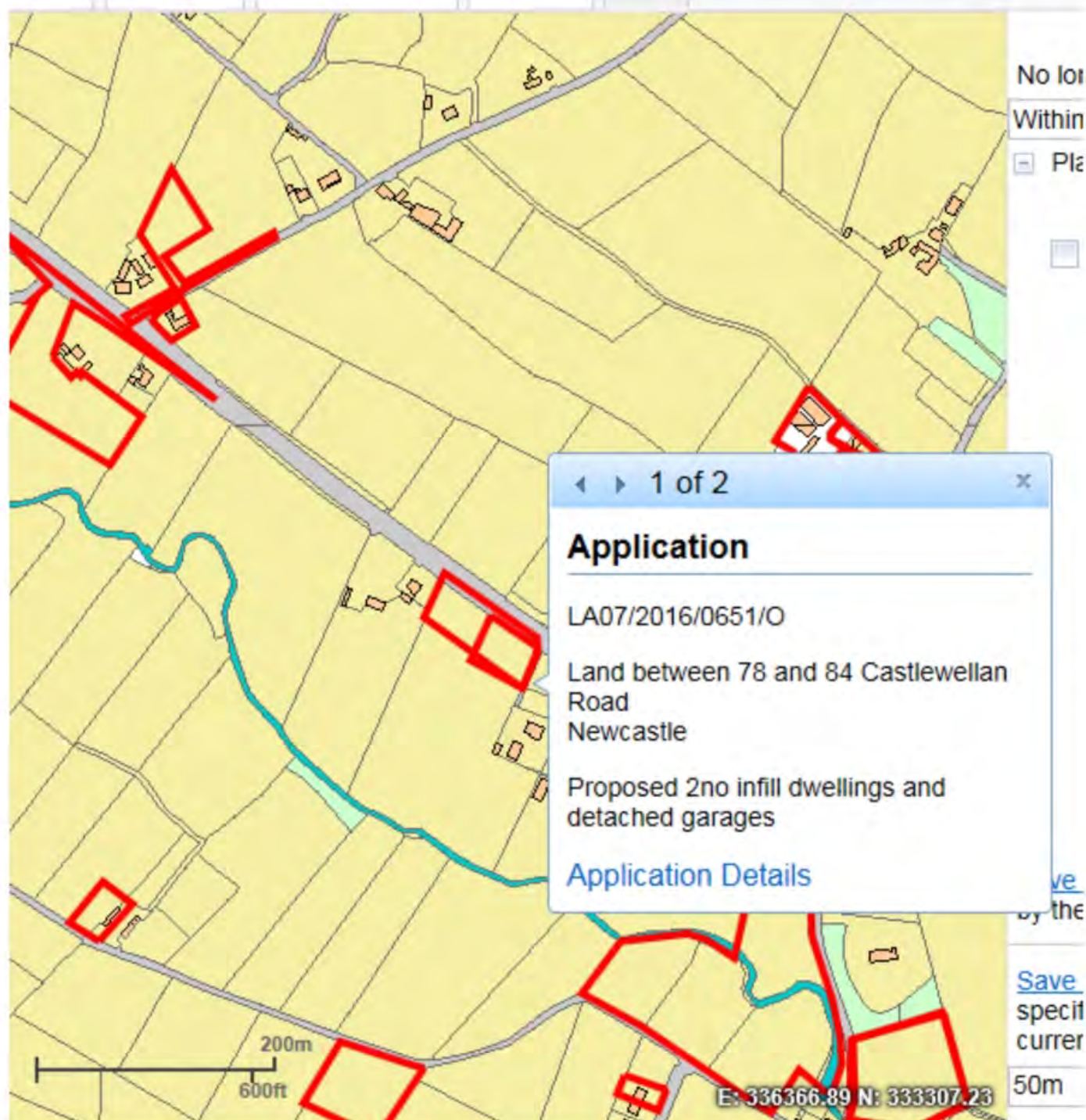
This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.

126



Approved Plot Frontages – circa 47 Metres

Plot depth circa 40 Metres

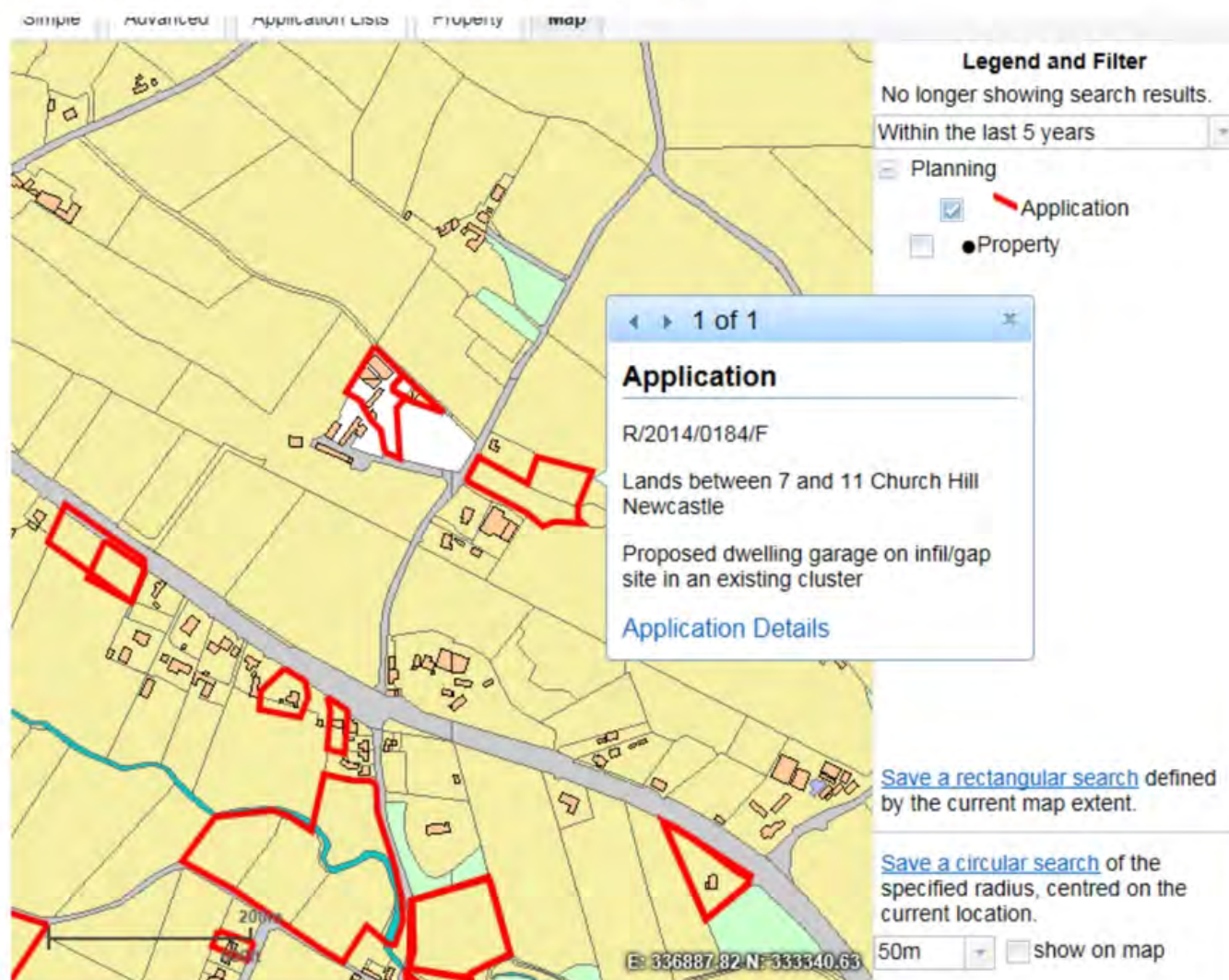
This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.

127



Approved 14/08/2014

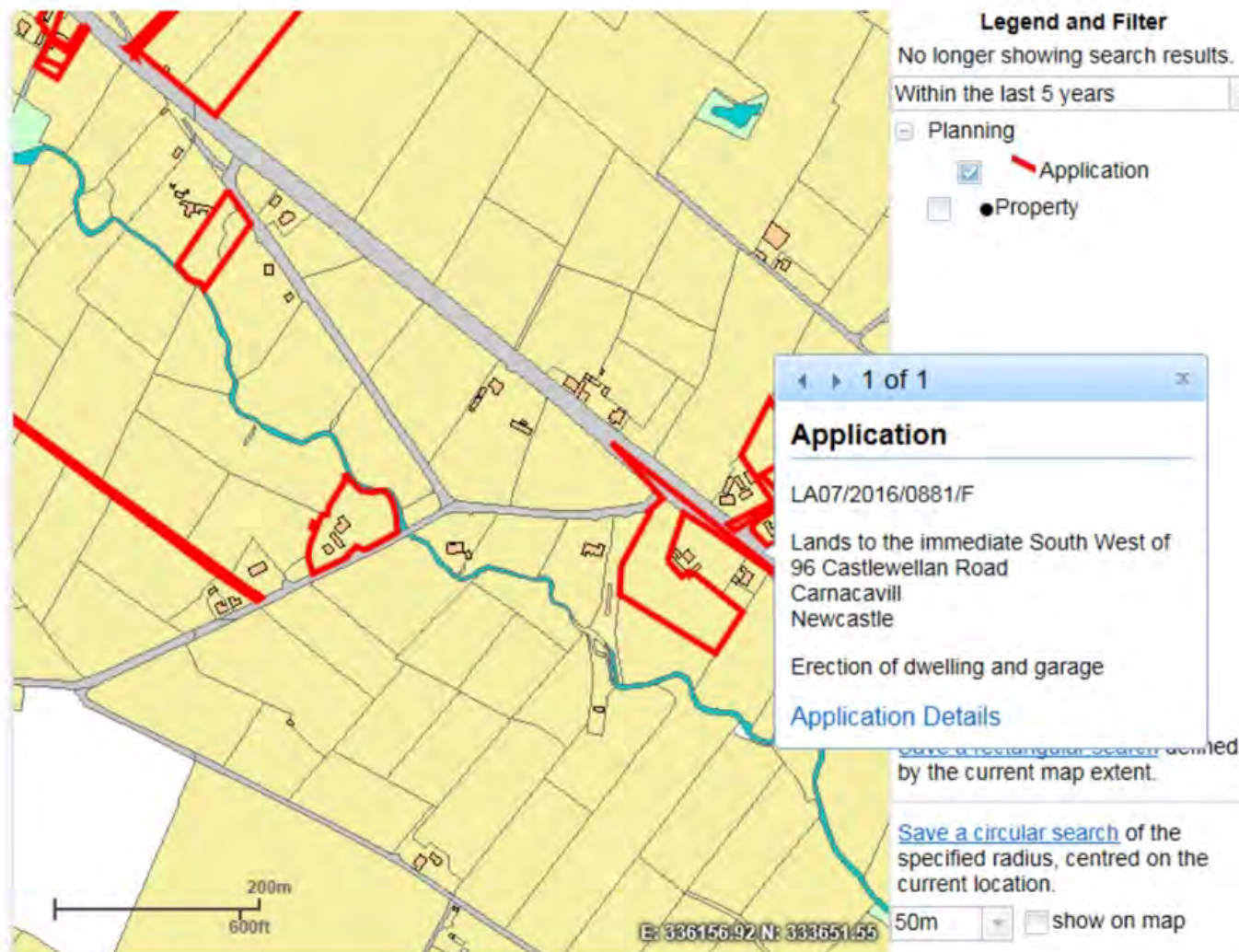
Approved Plot Frontage – circa 25 metres.

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.



Approved Plot Frontage – circa 25 Metres.

Plot depth circa 67 Metres

In this example, the Case Officer’s Report - Part extract states *“As stated above the levels of this field are below road level and continue to slope away to the rear boundary and river. As such this site is considered to be low lying whereby the levels proposed will respect existing, whereby these levels, existing planting, vegetation and boundary treatment will assist in the integration of this dwelling. As such it is considered the proposal does not offend Policy CTY13 and 14 of PPS21”*

These levels / grades and gradient when compared to/against current application site are LA07/2016/0287/O are virtually identical.

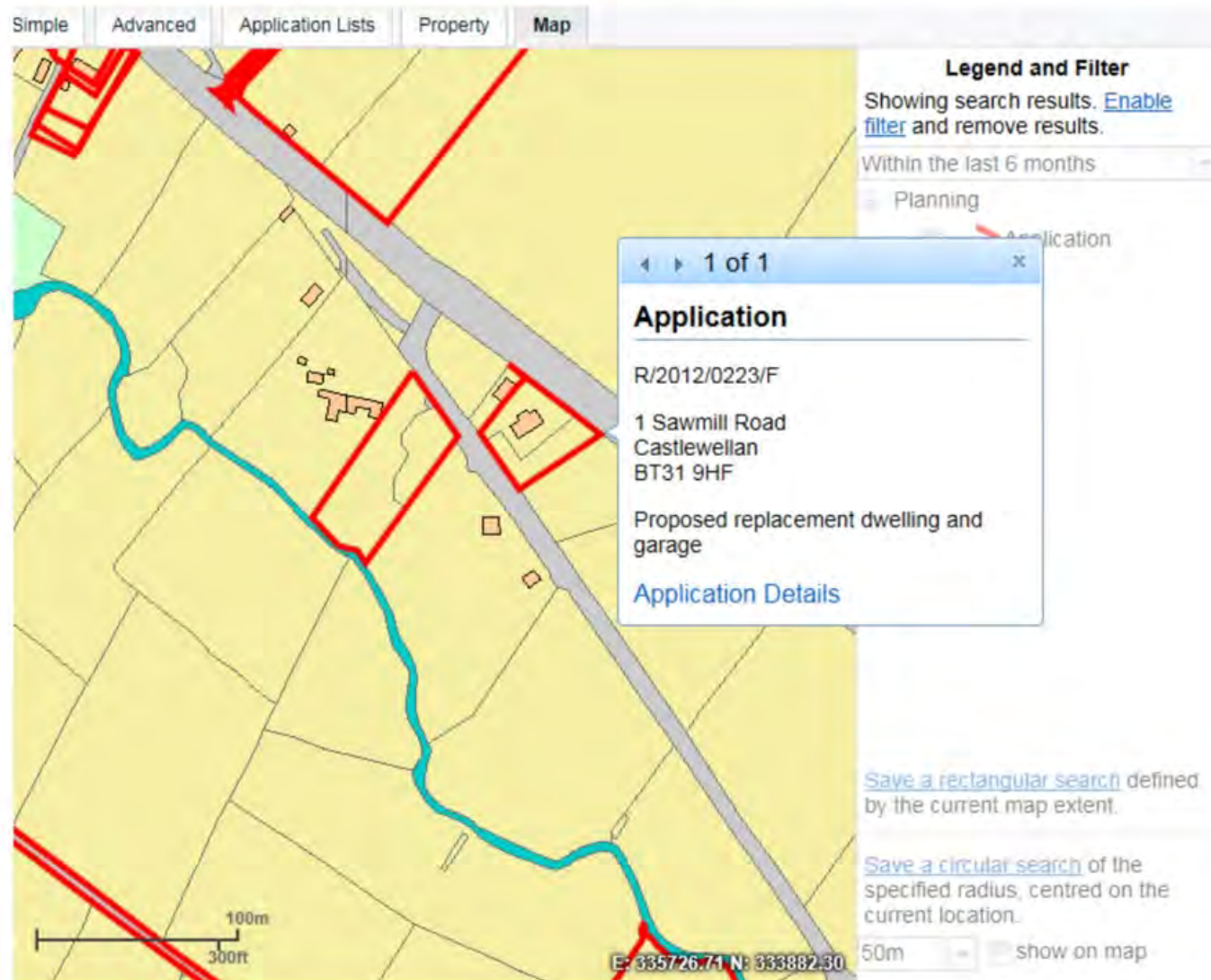
This example affirming the 1.78 Ha - 4.39 Acre “Plot” size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer’s report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.

Planning Application LA07/2017/0287/O

Support Information.

Examples of "in-fill" Approvals to be found within 600 -700 metres of application site -with plot widths averaging around 40 metres (ranging from 47 metres to 25 metres) - reflective of the immediate character of the area and settlement pattern.

129



Approved Plot Frontage – circa 40 Metres

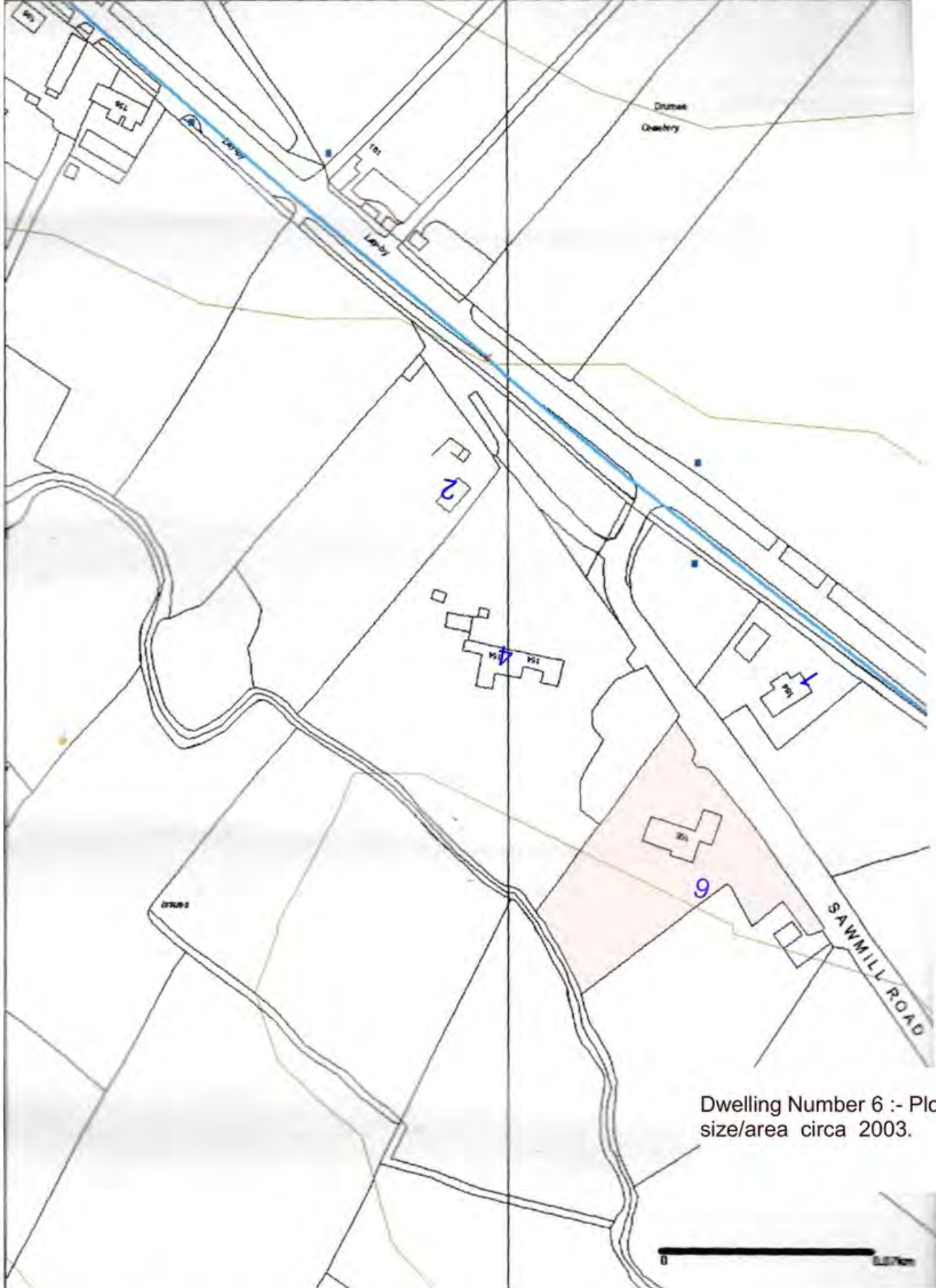
Plot depth circa 45 Metres

Application site LA07/2017/0287/O has an identical frontage width proposal corresponding to the immediately opposite property 1 Sawmill Road Castlewellan.

This example affirming the 1.78 Ha - 4.39 Acre "Plot" size of 6 Sawmills Road is not indicative of the locality as bench marked within the case officer's report. Which in this instance is considered a unique material consideration that outweighs policy provision and justifies approval.



Center: 335593,334013 MapSheet: Scale 1: 1250 Date 01-21-2003



Dwelling Number 6 :- Plot size/area circa 2003.

ITEM NO	27		
APPLIC NO	LA07/2017/0420/O	Outline	DATE VALID 3/20/17
COUNCIL OPINION	REFUSAL		
APPLICANT	Mr & Mrs Gerard & Bernadette Curran 81 Strangford Road Sheepland More Chapeltown Ardglass BT30 7SS	AGENT	Kennedy Design - Chartered Surveyors 65 Rocks Chapel Road Lisnamore Crossgar BT30 9HN 07429027777
LOCATION	Land approx. 50m North East of No 90 Strangford Road Sheepland More Chapeltown Ardglass BT30 7SS		
PROPOSAL	Replacement single dwelling and domestic garage		
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions SUP Petitions
	0	0	0 0
			Addresses Signatures Addresses Signatures
			0 0 0 0

- 1 The proposal is contrary to SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure on site does not exhibit the essential characteristics of a dwelling and therefore is not eligible for replacement.

- 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 site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.



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

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0420/F

Date Received: 10th April 2017

Proposal: Replacement dwelling and garage

Location: Land approx. 50m NE of no 90 Strangford Road, Chapelstown.



Site Characteristics & Area Characteristics:

The site in question is located in an existing agricultural field and is a stone building with a large opening to one end and no roof intact. The site is not defined by any boundaries and there is no separate access other than the access to the agricultural field itself. The site is set back from the road on lands that rise up from the road.

The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located within the Strangford and Lecale Area of Outstanding Natural Beauty and is also located within a Countryside Policy Area.

Site History:

R/2001/1314/F – Between 90 and 94 Strangford Road, Ardglass – proposed new dwelling – granted – 24-10-2002

R/2000/0924/F – Between 90 and 94 Strangford Road, Ardglass – Proposed Dwelling – granted – 20-10-2000.

Planning Policies & Material Considerations:

The application is considered against Ards and Down Area Plan 2015 and also PPS 21 Sustainable Development in the Countryside and SPPS.

Consultations:

NI Water was consulted on the application and has responded with no objections.

Transport NI has responded with no objections however conditions have been attached.

Objections & Representations

The application was advertised in the local press 5th April 2017 which expired 19th April 2017. Neighbour notification issued 24th March 2017 which expired 7th April 2017.

Consideration and Assessment:

The application is considered under PPS 21, CTY 3 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.

The building presented has 4 walls substantially intact including peaks of gables. Clearly this building has not been used for a considerable period of time as the roof, or any sign of roof structure is completely gone.

There is to the western facing side of the building a large opening with oval top defined with red brick detail, this opening is more akin to a traditional barn door opening and would not be associated with the openings typically found in dwellings.

There is one other opening forming a window and evidence of other openings having been blocked up/disused. There is no evidence of any internal separation within the external structure that remains, perhaps there never being any.

There are no characteristics evident on the building that would suggest that this building had ever been used as a dwelling. Externally there are no remnants of a curtilage or evidence of any definition or separation, noted the field the building is situated in had been recently ploughed at the time of inspection. The openings and existing form are not suggestive of a dwelling especially as no openings are along two sections of the building, the gable and rear wall. There is no chimney no evidence of there ever being one.

In a design statement submitted by the agent no demonstration has been given as to how the application meets with policy in respect of CTY 3, the statement just noted that the building is an existing dilapidated vacant previous dwelling.

As this building does not exhibit the essential characteristics of a dwelling it cannot be considered as a replacement dwelling and as such refusal is recommended.

When considering CTY 13 a suitably designed building would not be a prominent feature in the landscape.

The site lacks long established natural boundaries in that the building sits in an agricultural field with no defined boundaries. To the west of the site is the overall field boundary however it is noted that there is a gap in the hedge allowing access into another field where there are also what appears to be foundations in relation to the planning history. The lack of existing boundary treatments means the site would rely primarily on new planting in order to integrate and this is contrary to policy. No curtilage exists with this site nor is there any suggestion or planting that could indicate a possible boundary. It is highly unlikely a dwelling would have existed here without some form of external amenity space or separation from the agricultural field.

A suitable building could be designed to respect the existing landform should the principle be considered acceptable.

The application appears acceptable in terms of CTY 14 Rural Character.

Having considered the relevant policy context it is considered that the application is not acceptable in principle.

Recommendation:

Refusal

Refusal Reasons:

- The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure on site does not exhibit the essential characteristics of a dwelling and therefore is not eligible for replacement.
- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.

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

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**Written Statement in Support of Planning Application No:
LA07/2017/0420/O, as the Agent On Behalf of the Applicant**

**Re: Proposed Replacement Single Dwelling and Domestic Garage at Land
approx. 50m North East of No90 Strangford Road, Sheepland More
Chapelton, Ardglass, BT30 7SS**

I strongly contest the Planning Officers decision that the proposal is contrary to

- Policies CTY1 and CTY3 of PPS21, in that the structure does not exhibit the essential characteristics of a dwelling and is therefore not eligible for replacement
- SPPS and Policy CTY13 of PPS21, in that the proposed site lacks long established natural boundaries and the proposed building relies primarily on the use of new landscaping for integration.

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

Reply to reason 1)

- The building on site to be replaced was a previously inhabited dwelling.
- Building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Building is a traditional stonework vernacular structure. The roof structure is no longer present.
- The building has clearly defined dwelling openings for windows and a door. Openings in the front and rear elevations have been clearly infilled with brickwork and stonework. Stonework window sills and stonework and timber lintels are still present. These features represent essential characteristics of a dwelling.
- Original dwelling gable wall has been altered to form an archway. This was carried out after the dwelling fell into a state of disrepair and became inhabitable without major works.
- Land owner and applicant Mr Gerard Curran states that a hearth and chimney were present in the past. The fireplace was positioned at the centre of the dwelling.

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- The original roof of the dwelling was a thatched construction. It was later replaced with a natural slated roof.

Reply to reason 2)

- Mature, long established natural boundaries are present along the visually critical boundaries, providing significant screening to the site. Along the site frontage and South Western boundaries, substantially dense indigenous hedgerows ranging from 2.5m high to 4m high, screen the site. Site only clearly visible from the existing gate entrances, when viewed from the Strangford Road.
- Other two boundaries to be formed using a wire fence with an indigenous hedgerow planted to the inside. The site is formed within the existing field to allow access to the field through an existing gate to be retained to farm the remainder of the field. The field is arable land used for planting a variety of crops and grazing. The remainder of the field is substantial in area, and therefore critical to the sustainability of the farm business.

Conclusion

- Proposal complies with the Strategic Planning Policy Statement and Policy CTY1, CTY3, SPPs and CTY13 of PPS21, Sustainable Development in the Countryside.
- Building to be replaced exhibits the essential characteristics of a dwelling and is therefore eligible for replacement.
- The development will result in the site having much improved environmental and landscaping properties. The site within the vicinity of the existing building will be demonstrably enhanced from its current state of disrepair and neglect. Mature long established natural boundaries are present along the two most visible boundaries from the road, providing significant screening and enabling integration.
- The application should therefore be recommended for approval by the Planning Committee.

Signed:



Date:

8th August 2017

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



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Addendum

- 1) Structure exhibits the essential characteristics of a dwelling.



Front Elevation



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Rear Elevation



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Gable Elevation



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Front Elevation: Door opening infilled.



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Front Elevation: Window opening with Lintel and Sill.



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Front Elevation: Window opening infilled.



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Front Elevation: Door opening infilled, timber lintel (internal)



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Rear Elevation: Window opening infilled



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Gable Elevation: Brick surround archway formed in stonework wall



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2) Long established natural boundaries.



Critical view: Towards Chapeltown. Boundary clearly established.

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Critical view: Towards Chapeltown. Boundary clearly established.

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Critical view: Towards Strangford. Boundary clearly established.



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Critical view: South Western Boundary clearly established.

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Critical view: Restricted view of building from upper gate access.

ACEmap® Single

Scale: 1:2,500 07/04/17. Rev A : Site Area Reduced (f

Printed: 15/03/2017 Customer Ref:

Order no. ORD37193

Centre Point (Easting, Northing): 357547, 340468

Plan No. 24203SE

92 STRANGFORD ROAD, SHEEP LAND MORE, ARDGLASS, BT30 7SS, 187297771

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ITEM NO	28			
APPLIC NO	LA07/2017/0424/F	Full	DATE VALID	3/20/17
COUNCIL OPINION	REFUSAL			
APPLICANT	A Martin 117 Lisburn Road Craignasasonagh Saintfield BT24 7BX		AGENT	GT Design 10 Comber Road Carryduff BT8 8AN 028 90813784
LOCATION	117 Lisburn Road Craignasasonagh Saintfield			
PROPOSAL	Sun-room extension to side of dwelling, small extension to front of dwelling and provision of dormer windows to den over garage			
REPRESENTATIONS	OBJ Letters	SUP Letters	OBJ Petitions	SUP Petitions
	5	0	0	0
			Addresses Signatures	Addresses Signatures
			0 0	0 0

- 1 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that the scale, massing and design of the proposed dormers to the rear elevation of detached garage are not sympathetic with the built form and appearance of the existing property.
- 2 The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.111 Lisburn Road by way of unacceptable overlooking.

Application Reference: LA07/2017/0424/F

Date Received: 21.03.17

Date of site visit: 03.04.17



Proposal:

The Council has received an application seeking planning approval for proposed sun-room extension to side of dwelling, small extension to front of dwelling and provision of dormer windows to study over detached garage.



Location: No.117 Lisburn Road, Saintfield

Characteristics of site:

The site is comprised of a 1 ½ storey detached domestic dwelling with detached garage and associate domestic curtilage. The site sits on a fairly elevated position at the crest of a hill and is accessed from the road via a shared laneway and then a recently constructed stoned private laneway that rises in a northerly direction following the gradient of the land and branches off from and then runs parallel to the original laneway leading to No.111. The existing dwelling fronts on to Lisburn Road, is at an elevated position approximately 15.0m above the road and set back approximately 300m from the road. The site is set within mature grounds with numerous large mature trees with access lane to No.111 to the R.H.S and agricultural land to front, rear and L.H.S.

The dwelling sits to the front of the site with the detached garage to the rear, within curtilage parking to the R.H.S and an overgrown Rath fort to the L.H.S. The dwelling has a 'salt box' type roof and is single storey to the front and two storey to the rear. The dwelling has a single storey pitched roof projection from the R.H.S of the rear elevation and a single storey pitched roof porch projection from the centre of the front elevation. There is a large L-shaped glazed sunroom/conservatory attached to the L.H.S gable elevation. The large detached 1 ½ storey double garage has a standard pitched roof with single storey pitched roof projection to the L.H.S. This garage was approved under R/2014/0172/F and has a study, used as a home office to roof space level with four skylights and solar panel array to the front elevation roof and a single skylight to the rear elevation roof.

Characteristics of area:

The site is located in the countryside and not within or near to any defined settlement limit as stated in the Ards and Down Area Plan 2015 and shown on Map No.3/001a. It is located in a secluded, sparsely populated rural area between Saintfield and Carryduff with a variance of styles between old and new properties and farm buildings. The site is within the sphere of influence of an archaeological site and monument, namely a Rath. 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/2014/0172/F 117 Lisburn Road Saintfield

Retention of garage/store as built in substitution of previous planning approval R/2012/0288/F including solar panels to roof (Amended proposal description and amended plans).

Permission granted - 12.10.2015

R/2012/0288/F 117 Lisburn Road Saintfield County Down BT24 7BX

Erection of domestic garage with study over

Permission granted - 14.02.2013

R/2011/0088/F 117 Lisburn Road Saintfield BT27 7BX

Retrostective application for improvements and extension to dwelling. (amended scheme)

Permission granted - 08.11.2011

R/2008/0048/F 117 Lisburn Road, Saintfield.

Erection of a porch and 2 storey extension to existing dwelling.

Permission granted - 09.09.2008

R/2007/1181/F 117 Lisburn Road, Saintfield, BT24 7BX

Retention of laneway

Permission granted - 10.07.2008

R/2007/0081/Q 117 Lisburn Road, Saintfield.

Enquiry regarding approval for a lane to run parallel with existing lane

Pre-Application Enquiry 02.08.2007

Planning Policies & Material Considerations:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Addendum to PPS7 Residential Extensions and Alterations

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

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

Consultations:

Historic Environment Division were consulted on 29.03.17 in respect of this proposal due to it's proximity to a nearby archaeological site and monument. Historic Monuments Unit responded on 14.04.17 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.

Objections & Representations:

1No. neighbouring property within proximity to this site (No. 111 Lisburn Road) was notified with regard to this application on 30.03.17. This application was advertised in the local press on 05.04.17 and to date one objection has been received. This objection is from the owners of neighbouring property No. 111 Lisburn Road and highlights concerns regarding overlooking and consequent loss of privacy to the private amenity space of No.111 due to the proposed dormer windows to the rear elevation of detached garage. Representations were received from Councillor Patrick Brown, Councillor Terry Andrews and Councillor Harvey in support of the objection lodged by the owners of No.111.

Consideration of the proposal:

This submitted application is in three parts, firstly it is proposed to construct a single storey extension to the side of the existing dwelling. In order to allow this development to be constructed an existing conservatory with glazed roof, the outline of which is shown by dashed line on existing ground floor plan, is to be demolished. This proposal will then project 5.4m from the L.H.S gable elevation and be full 7.2m wide. The front elevation of this extension is to be stepped back 0.2m from the front elevation of existing dwelling and the L.H.S elevation of this extension is to be curved.

The existing ridgeline of main dwelling is at a height of 6.5m above finished floor level. This side extension is to have a ridge height of 5.2 and this roof is to be covered with concrete tiles to match existing and be pitched to the front and rear and curved to the side. The full length of the front and L.H.S elevations of this sunroom extension are to be glazed with a cill height of 0.6m above finished floor level. The curved L.H.S elevation is to have a set of fully glazed double doors to the centre.

It is then proposed to construct a further single storey extension between the rear elevation of this proposed side extension and the L.H.S elevation of existing small pitched roof extension to the rear. This extension is to accommodate new laundry room and is to project 3.0m from the rear elevation of proposed side extension (2.0m beyond the rear elevation of main dwelling) and 3.8m from the L.H.S elevation of existing pitched roof extension to the rear. This laundry room extension is to have a flat roof finishing at a height of 2.5m above finished floor level and the same height as eaves of existing small, pitched roof extension to the rear. This laundry room extension is to have a single window to the rear elevation and a single window to the L.H.S elevation.

The second part of this application proposes to construct an extension to the front of dwelling. This extension is to be 3.7m wide and project 2.0m from the R.H.S of the front elevation, in line with the R.H.S gable elevation. This extension is to create additional floor space to family room and have a standard pitched roof creating an open gable elevation to front elevation, similar to open gable elevation to existing front porch projection to front elevation. The ridge height of the proposed extension is to be 3.9m above finished floor level and subordinate to the 6.5m high ridge height to

existing main roof by 2.6m. . The full length of both sides and front elevation of this extension to family room are to be glazed with a cill height of 0.6m above finished floor level.

The third part of this application proposes to construct dormer windows to the existing garage. This garage was originally approved with a study over under planning application R/2012/0288/F however it was not constructed in accordance with the approved plans and a further application R/2014/0172/F was submitted and subsequently approved for the retention of garage/store as constructed including solar panels to the roof. This garage is located to the (northern) rear boundary of the site orientated along an east-west axis with a very slight orientation to the NE. The front elevation faces south (towards the rear elevation of dwelling) and approximately 32.0m to the north of the rear elevation of main dwelling. The rear elevation of garage faces towards open agricultural land.

The existing garage has four skylights and a solar panel array to the front elevation roof and a single skylight to the rear elevation roof. It is proposed to construct three walled dormer windows to the rear elevation of garage. These dormers will have standard pitched roofs with their ridges finishing at a height of 6.4m above finished floor level and 0.3m below the existing 6.7m high ridgeline of main garage roof and projecting 3.3m from the plane of existing main roof line. These dormers are to have vertical side elevations of overall height from base to proposed eaves of pitched roofs of 2.4m (measured as 2.2m from the plane of existing garage roof).

The vertical rear elevations of proposed dormers will be 1.4m wide and will be cut into the eaves of existing garage roof connecting to flush and continuing the rear elevation of garage upwards. Both of the vertical side elevations of each dormer are to be completely solid. The proposed rear elevations are to have matching window units measuring 0.9m wide by 1.3m high. These three dormer windows are to afford natural lighting to first floor level/roof-space open plan study area. The proposed vertical sides (cheeks) and rear elevation of these dormer windows are to be finished with render matching the finish to existing garage.

The existing dwelling has a concrete interlocking 'turf brown' coloured profile tiled covered roof with dash rendered walls sitting on smooth rendered recessed plinth and with smooth rendered rainsed bands around windows and doors and to external corners. The existing dwelling has white uPVC windows and doors and black uPVC rainwater goods. The finishes of proposed side and rear extensions to dwelling and dormer windows to garage are all to match existing.

The objection to this application received by email on 13.04.17 was from the owner/occupier of neighbouring property No.111 Lisburn Road. The owner/occupier of No.111 states that the proposed dormer windows to garage are not in keeping with the rural area and this proposal will have an adverse impact on the residential amenity of their property by way of over-looking and consequent loss of privacy. The case officer visited the site on 03.04.17 and again on the 20.04.17 where the owner/occupier of No.111 allowed access to the rear amenity space of their property and the interior of the dwelling and highlighted their concerns regarding the potential negative impact these proposed dormers would have on the residential amenity of their property and the applicant allowed access to the first floor level of garage to view from the rear of garage towards No.111. See photographs attached to this file.

With regard to policy EXT 1 set out in the PPS 7 addendum for achieving quality in relation to proposals for residential extensions and alterations (March 2008) the Council is satisfied that this application does not represent over development of the site and an acceptable proportion of amenity space remains to the rear. The extensions to the dwelling are acceptable, however, the proposed new dormer windows to the rear elevation of garage are considered to offer an increased potential to negatively impact on the residential amenity of the closest neighbouring property No.111 Lisburn Road. These three proposed dormers to the rear elevation are considered to be unduly large. These are not floating dormers but walled dormers flush with the rear elevation of garage and with ridge heights 0.3m below the existing 6.7m high ridgeline of main garage creating top-heavy, unbalanced appearance and disproportionate in size in relation to the existing garage.

A letter was sent to the agent on 09.05.17 stating that the Council Planning Department has no concerns regarding the proposed extensions to main dwelling. However the proposed dormer windows to the rear elevation of the detached garage are not sympathetic with the built form and appearance of the existing property and that these dormers will unduly affect the privacy and amenity of neighbouring residence No.111 Lisburn Road affording increased overlooking to private rear amenity space. The agent was requested to amend the scheme accordingly.

The agent subsequently submitted a letter dated 10.05.17 with an attached aerial photograph stating that the position of the existing garage and the orientation of same combined with the existing boundary treatment of mature vegetation and trees is such that there will be no possibility of overlooking to the adjacent property (No.111) and therefore the objections are totally unfounded. The agent subsequently submitted a further letter dated 23.05.2017 containing a detailed response to the concerns raised by this Department and the objections from the owner/occupiers of No.111. The agent has attached a number of images to this letter from Google street view and it is contended that these images show a number of properties within a half mile radius of this site all having various types of dormer windows.

The closest dormer will have a separation distance of approximately 40.m from the closest part of the rear elevation of No.111. It is considered that this distance would be sufficient to prevent overlooking to any habitable room although due to the height of proposed dormers above ground level and No.111 being at a lower level these dormers could create the perception of overlooking especially from the first floor bedrooms of No.111. It is further considered that, although at an angle, the proposed dormers, the closest of which being approximately 12.5m from the rear boundary of No.111, will afford increased opportunities for overlooking to the rear amenity space of neighbouring property No.111 Lisburn Road which currently enjoys a high degree of privacy.

From site inspection it is evident that these dormer windows to the rear elevation of detached garage will allow increased overlooking to a significant portion of the rear garden and afford a line of site towards first floor level bedroom windows of No.111 and therefore represent a negative impact upon the residential amenity and privacy previously afforded to No.111. Although it is the opinion of the case officer that any increased overlooking will be confined only to the rear garden area of No.111 and not affect any habitable room due to the separation distance of approximately 40.0m.

Recommendation:

After consideration of all relevant planning policy and other material considerations this proposal is not deemed to satisfy the requirements of the policy and it is therefore recommended that it be refused.

Signed: _____ Date:

Signed: _____ Date:

Refusal Reason:

1. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (a) in that the scale, massing and design of the proposed dormers to the rear elevation of detached garage are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.
2. The Proposal is contrary to the Addendum to PPS 7, Policy EXT 1 (b) in that the proposal will unduly affect the privacy and amenity of neighbouring residence No.111 Lisburn Road by way of unacceptable overlooking.

Creating Places - Achieving Quality In Residential Developments

On green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable.

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites.

PLANNING COMMITTEE 16 AUGUST 2017 – ITEM NO 28**PLANNING APPLICATION LA07/2017/0424/F – PROPOSED EXTENSION AND DORMER WINDOWS OVER DETACHED GARAGE AT NO 117 LISBURN ROAD SAINTFIELD****SUBMISSION ON BEHALF OF OBJECTOR**

1. The proposal seeks permission for three walled dormer windows in the rear elevation of an existing garage.
2. The garage building was constructed in an unauthorised position, and a retrospective application had to be made to regularise it. This was granted on the basis that there was a single velux type window to the rear. As permitted it already has a dominant impact on its neighbour at No 111 Lisburn Road. The unnecessary insertion of dormers will make the problem much worse. The proposed windows will be detrimental to the amenity of the adjoining property.
3. The occupant of No 111 has no objection to the use of the garage for purposes ancillary to the enjoyment of the applicant's property. However the installation of these three large dormers will completely change the nature and appearance of the building and will facilitate a much higher level of activity and usage.
4. No 111 is at a lower level and the height of the proposed dormers will allow significant overlooking of private amenity space and habitable rooms. In a rural area this level of intrusion is unacceptable. The following photograph shows how the garage already dominates the rear garden of No 111. The insertion of three large dormers will be prominent and overbearing.



5. The following photograph shows how the dormers will be clearly seen in the view from an upstairs bedroom in No 111.



6. The SPPS states that **'good neighbourliness and fairness are among the yardsticks against which planning decisions must be measured'**. This proposal is neither neighbourly nor fair.

7. The proposal is clearly contrary to Policy EXT1 in two important respects:
 - First, it is wholly unsympathetic to the built form and appearance of the existing property; and
 - Second, it will unduly affect privacy and amenity of the neighbouring residence at No 111.

8. The Committee is urged to support the officer recommendation and reject this intrusive and unnecessary proposal.

DONALDSON PLANNING LIMITED
50A High Street
Holywood
Co Down
BT18 9AE

August 2017

Planning application LA07/2017/0424/F

The above planning application we understand is being recommended for refusal simply because it incorporates dormer windows which overlook green fields. To suggest that the “The scale, massing and design of the proposed dormers to the rear elevation of detached garage are not sympathetic with the built form and appearance of the existing property” is an odd statement in that the existing dwelling at 117 is full two storeys at the rear, the garage/den is more than 350m from the road and cannot be seen from any viewpoint.

The 2nd reason for recommending refusal indicates that the proposal is contrary to Addendum to PPS7 in that the proposal will unduly affect the privacy and amenity of neighbouring residence No111 Lisburn Road by way of unacceptable overlooking. This statement cannot be justified in that the dwelling at 111 is some 40m from the proposal and faces south west while the garage/den windows face due north. The den/garage in fact replaces a previous building (shown shaded blue) which directly faced No 111 thus the garage/den was repositioned on site to ensure no infringement of policy took place. The Figure 1 set out in PPS7 indicates an acceptable practice for extensions to adjacent dwellings which will not impinge upon the privacy and it indicates dwellings in close proximity to one another. It must therefore stand to reason that a development over 40m from the closest dwelling and orientated so as not to directly overlook is in compliance with the requirements of the Addendum to PPS 7, Policy EXT1

The Addendum to PPS7 is cross referenced to “Creating Places” document and within this document (para 7.15) suggests that with back to back development the separating distance is recommended as 20m between opposing rear first floor windows. The current application has no back to back development and has no opposing rear first floor windows, again well within the guidance documents issued in respect of development.

The attached overhead view clearly indicates

The position of the original building (now demolished) shown blue colour

The existing garage/den over 40m from the nearest dwelling

Existing mature hedgerows and trees separating the properties

Existing laneways between 117 and 111

The dwelling at 111 and the garage/den are not only separated by more than 40m, two hedges two laneways a garden and part of an agricultural field they are also at a 60-degree angle to one another so any overlooking from inside would entail someone hanging out the window to get a view of the nearest property.

Recent planning approvals within the Council area for dormer windows in close proximity to and adjoining existing development all much closer to neighbouring dwellings e.g. LA07/2016/0739. LA07/2016/0670 and LA07/2017/0495 (to quote a few at random) have all been approved where proximity and overlooking would be much more prevalent than Mr Martins.

Attached also find numerous examples of "dormer window" development in the immediate area indicating that there is no real reason to treat the current application differently. It is understandable that Mr Martin feels aggrieved that a simple application for a den with windows overlooking green fields can attract such a negative response which appears to be an appeasement to an objector, an objector who also objected to previous applications for a replacement garage on Mr Martins property.

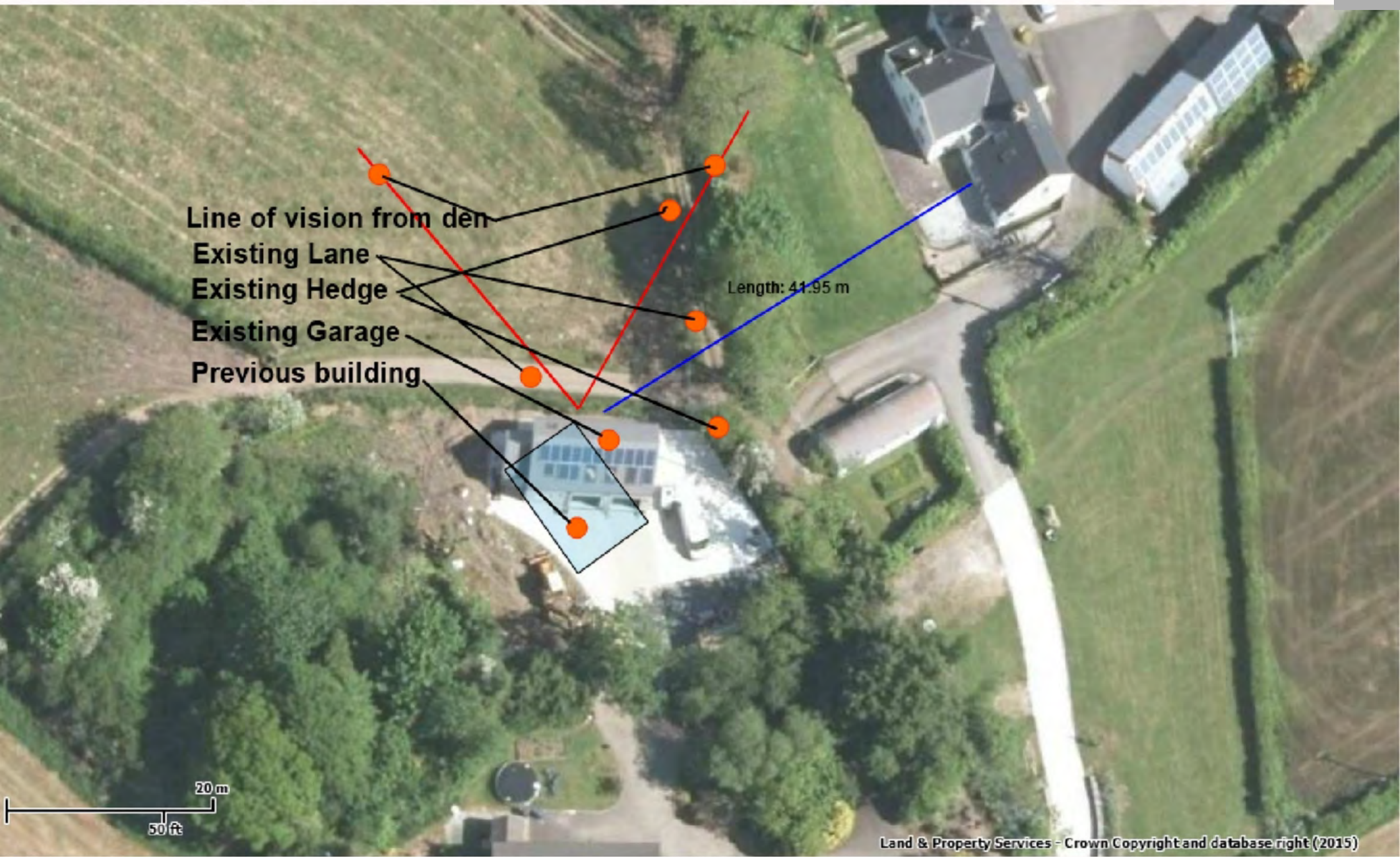
It is inconceivable that the current application should be treated so different to applications already approved within the same council area.

Trusting common sense and reason will prevail and the application which appears to comply with all the requisite planning guidelines will be treated favourably



A. MARTIN

117 Lisburn Rd Craignasasonagh





Proposed Alterations & Extension to dwelling
 63 Strangford Road, Downpatrick

Project TPS 16.36/F

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

29 MAR 2017

LACH/2017/0495

FORMER WINDOWS
APPROVED

Property & Occupancy for Dwelling

1 New Mill Park,
Newry, Co. Down, BT30 6RQ

CLIENT Connor Sage

DWG NO: LM-01 SCALE: 1:1250 DATE: Feb 2017

DWG TITLE Site Location Map

HRJESS
ARCHITECTURE
PLANNING &
MANAGEMENT

NEW TOWN ABBEY, BT37 0QD
t: 028 30 15 15 e: info@hrjess.co.uk
m: 07 91 2073247 w: www.hrjess.co.uk



10.0w
EXTRACT FROM CREATING PLACES DOCUMENT

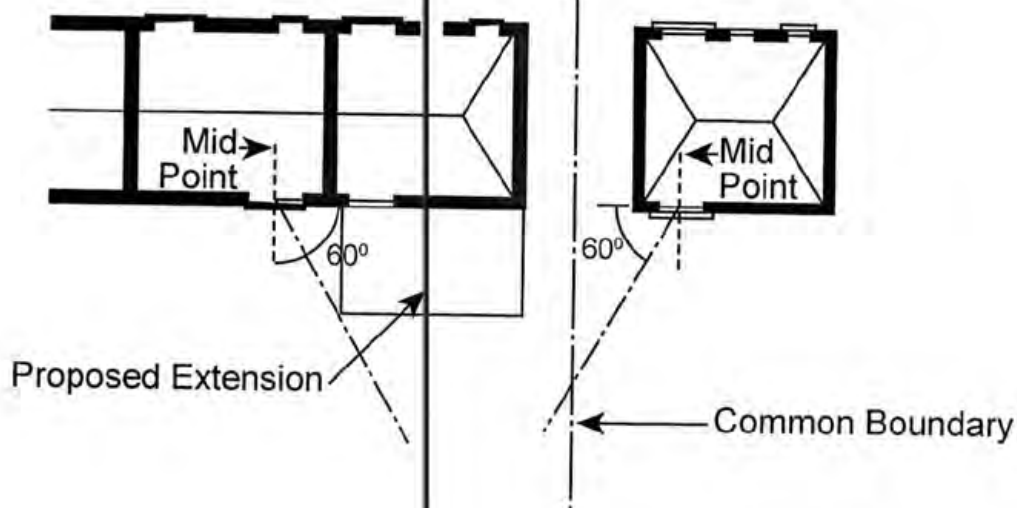
- 7.14 Well-designed layouts should, wherever possible, seek to minimise overlooking between dwellings and provide adequate space for privacy. The amount of space considered appropriate will vary according to the location, context and characteristics of the site, and will generally be set by the overall design concept for the development.
- 7.15 On green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. Consideration may, however, be given to a smaller separation distance in order to meet the overall quality objectives set out in the design concept for the development, or in cases where it is important to reflect traditional building forms in the locality. Where smaller separation distances are employed, the design should include mitigating measures to help promote privacy - for example, through the location of bathrooms and the use of high level windows on upper floors to minimise the overlooking of living room windows and gardens of buildings opposite. A smaller separation distance will generally also be acceptable for single-storey development.
- 7.16 Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites.
- 7.17 Great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development is proposed on green-field sites or in lower density areas, good practice indicates that a separation distance of around 30m should be observed or, alternatively, consideration given to a modified design. Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary.

EXTRACT FROM ADDENDUM TO
PLANNING POLICY STATEMENT 7

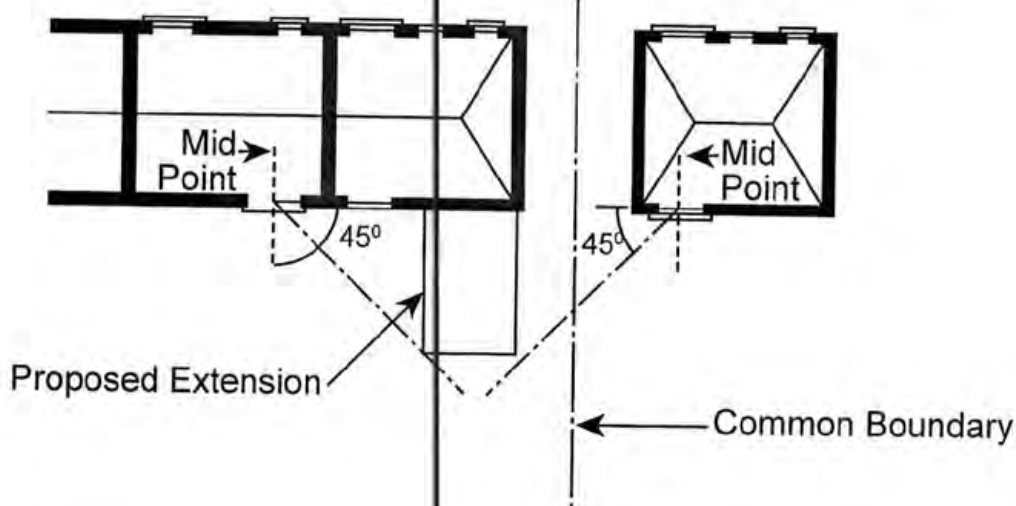
Figure 1

House Extensions

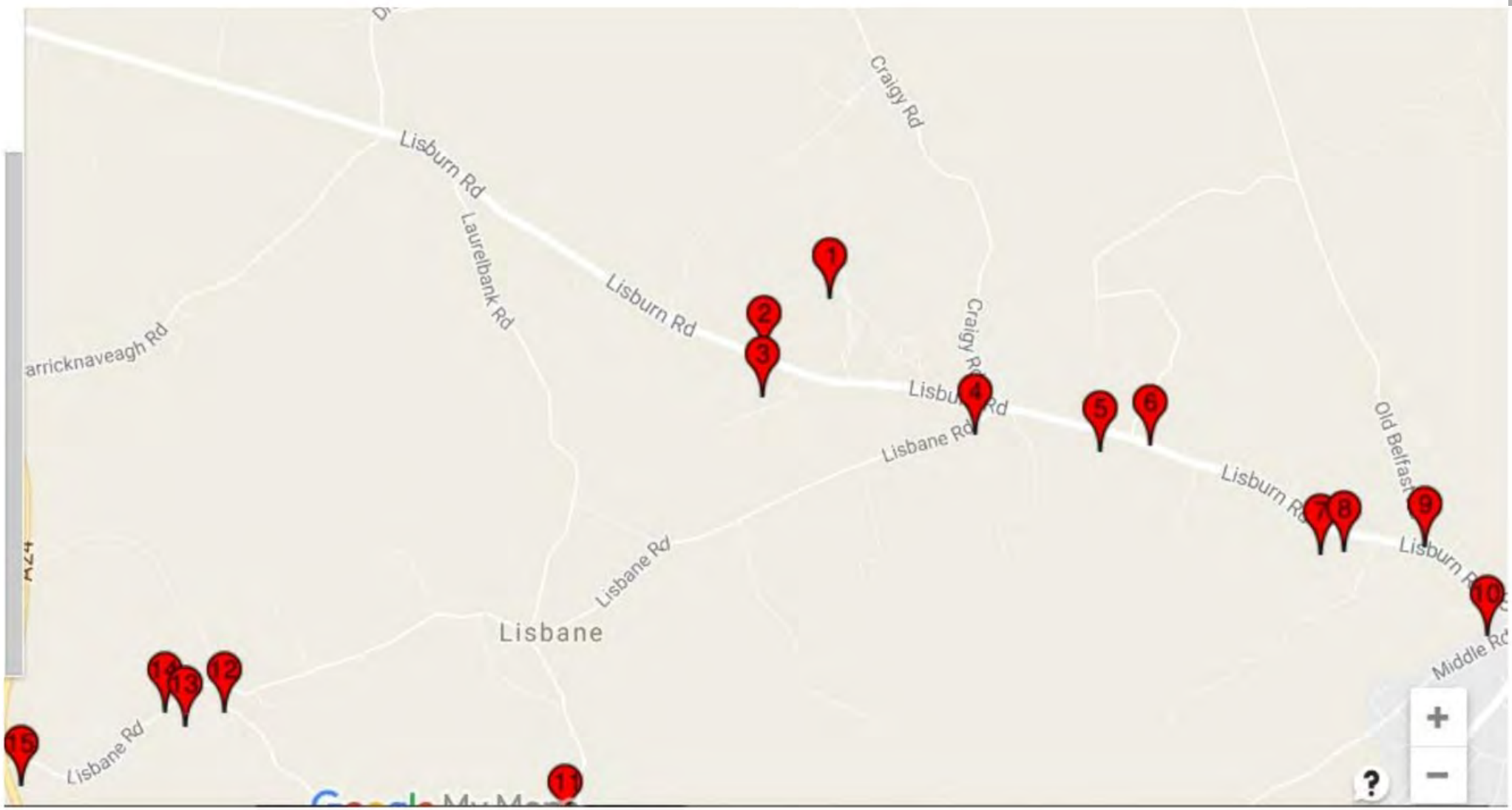
Single Storey



Two Storey



Adjoining development should be shown on plan
for the proper assessment of the proposal



1. Garage

2. 121 Lisburn Road



3. 146 Lisburn Road



4. 120 Lisburn Road



5. 81 Lisburn Road



6. 71 Lisburn Road, Saintfield BT24 7BP



7. 64 Lisburn Road



8. 62 Lisburn Road



9. 3 Old Belfast road



10. 30 Lisburn Road



30 12 Laurelbank road



31 75 Lisbane road



32 93 Lisbane Road



33 85 Lisbane road



34 95 Lisbane road



35 115 Lisbane road

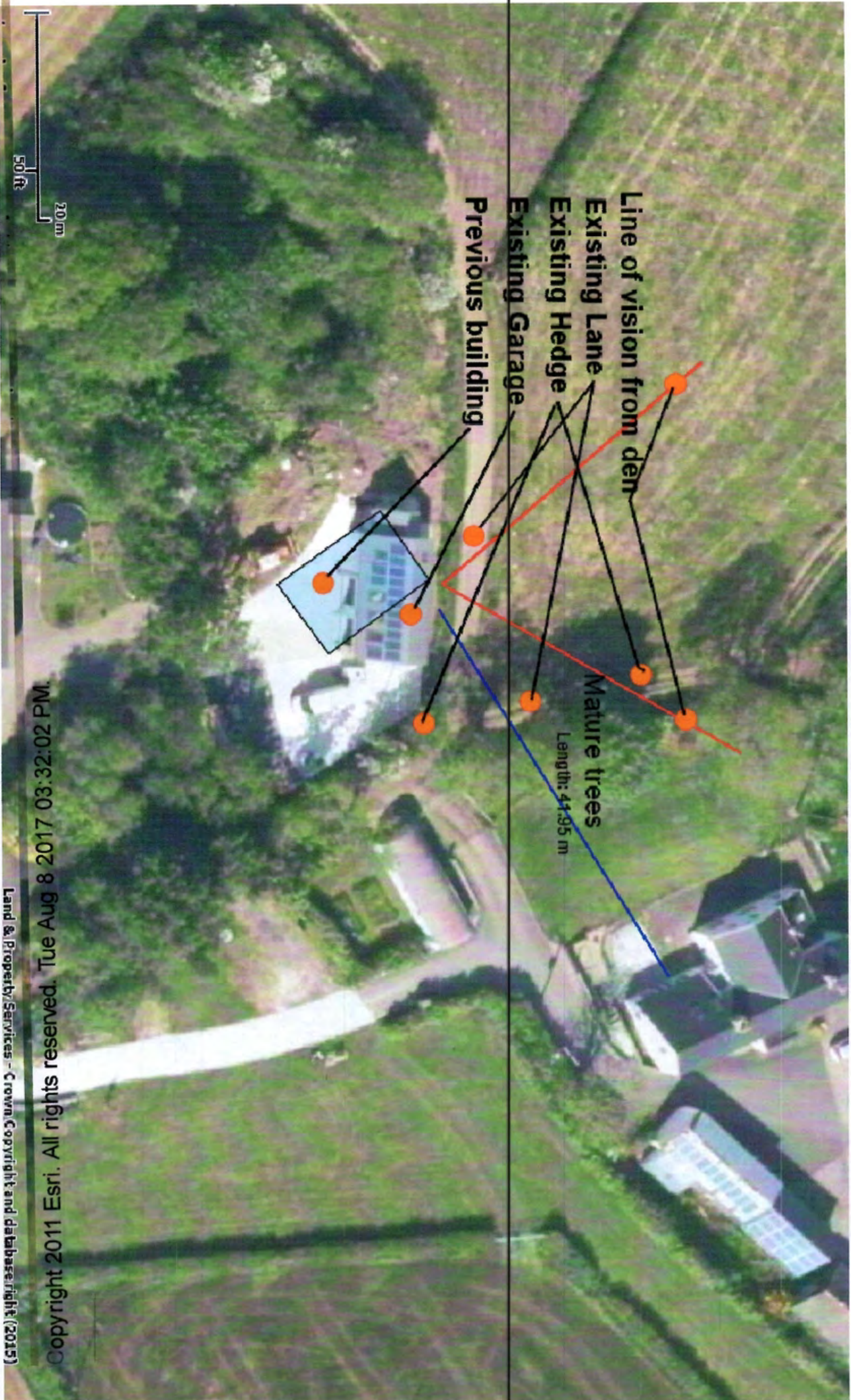






A. Martin

117 Lisburn Rd Craignassasonagh



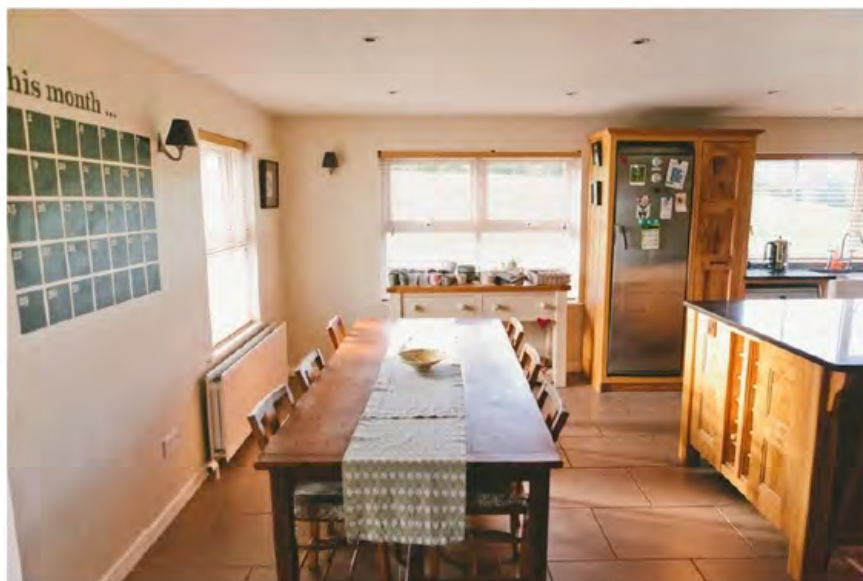
- Ms Rice states in her objection that a bathroom is being over looked by the garage, this detail is not accurate. This first floor plan from Tim Martin Estates website shows that would be impossible.



- The garage/den will be for occasional use, not as a dwelling.
- The distance between the garage and Mr and Mrs Bill's property is 40 meters. The angle at which a person would need to stand at the dormer window with their face close to the glass to see his property would not be a natural view point.



- Mr and Mrs Bill's kitchen windows look out directly into a grass bank as the house is lower than the surrounding land as shown in the windows in the picture below. This means the angle at which someone needs to stand to look at the garage is not a natural stance.



- The building that previously stood on the site of the garage had four windows with a direct line of sight into Mr and Mrs Bill's garden and bedrooms 1 + 2. This was a pre-existing property that had been erected many years ago.



- 6. Nearest public view point to the garage is more than 300m away on the Craigy Road. Ms Rice/Mr and Mrs Bill's photo's do not represent this. Garage unseen behind Mr Bills property as seen below.



- 7. This photo below on the left is not from a public vantage point. The photo below on the right is from the Craigy road and shows Mr and Mrs Bill's property elevated from the road with the garage completely obscured.



Image from public vantage point showing dominance and inappropriate scale of building as constructed and incongruous setting for dormer window features

8. This photograph from Mr and Mrs Bill's patio doors shows he has a severely restricted view of the outline of the garage. The distance is such that details on the garage are hard to pick out. The mature trees shown will completely obscure the garage from view during the summer months and give this view during winter. It must also be noted the angle at which the garage sits is not facing Mr and Mrs Bill's house.



View from patio doors of living room

9. While both these photos are taken from a similar distance, one makes the garage look a lot closer than it actually is. The photo on the left is taken from inside the house yet the one on the right has been taken outside, this is not accurate when they show two very different distances.

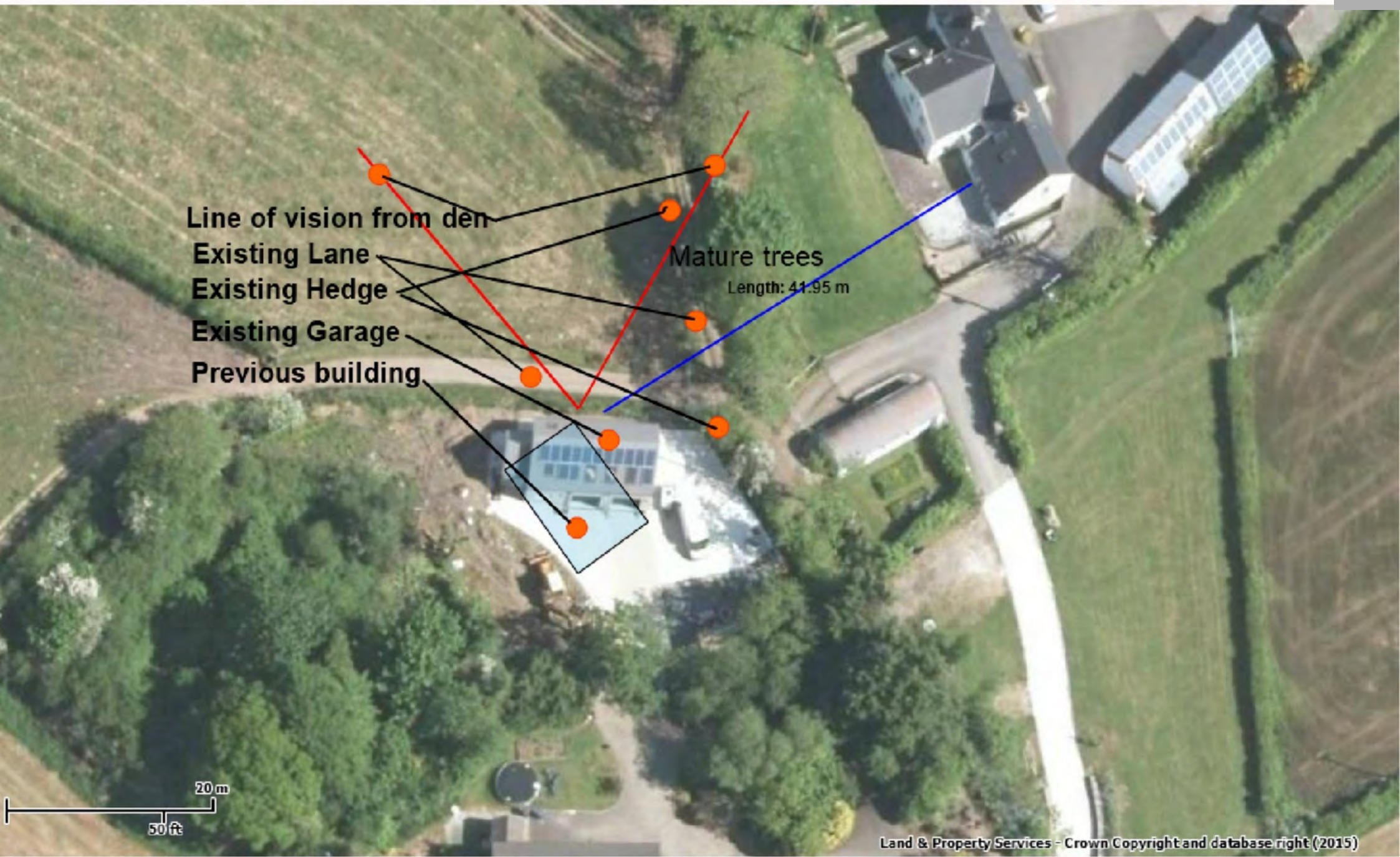


10. The picture below from Tim Martin Estates website shows Mr and Mrs Bill's house with relatively small windows. The picture also shows the shadow of the trees which surround his property giving the property privacy from the angle of the garage/den.



A. MARTIN

117 Lisburn Rd Craignasasonagh



ITEM NO 31
APPLIC NO LA07/2017/0541/F Full **DATE VALID** 4/10/17
COUNCIL OPINION REFUSAL
APPLICANT Chris Canning 22 Ringhaddy **AGENT** H R Jess Ltd 1
 Killinchy Newtownabbey
 BT23 6TU BT37 0QB
 028 9036 4615

LOCATION Land adjacent to 161 Clay Road
 Killyleagh
 Co Down
 BT30 9PN

PROPOSAL Conversion of 2no buildings for residential use

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

- 1 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement
- 2 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings to be converted are not locally important buildings.
- 3 The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Criterion (A) of Policy CTY4 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted adversely affect the character of the area due to the accumulation of dwellings and intensification of residential use.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0541/F

Date Received: 3rd April 2017

Proposal: Conversion of 2 No. Buildings for residential use

Location: Land adjacent to 161 Clay Road, Killyleagh

Site Characteristics & Area Characteristics:



The site is located along the minor Clay Road, Killyleagh and contains 2 stone outbuildings which appear to be under some renovation works. The site has been cleared of vegetation and work has commenced replacing the roof and restructuring walls and openings. The site is relatively level with the public road, while there is more elevated land to the rear.

The site is defined at the road side by a temporary metal fence, a post and rail fence to the rear and north of the site, while the south eastern boundary is defined by the gable end of No 161 Clay Road and the vegetation to the rear of this dwelling.

The area is rural in character and typically agricultural in use, there are however, a number of single dwellings dispersed throughout the surrounding area.

Clay Road is located within the AONB as designated in the Ards and Down Area Plan 2015.

Site History:

R/2014/0270/O – Approx 50m west of 33 Lower Clay Road, Crossgar – Farm Dwelling – Granted 15.10.2014

R/2015/0019/O – 161 Clay Road Crossgar – Replacement Dwelling – Granted 13.10.2015

LA07/2015/1130/F – Lands adjacent to 161 Clay Road Crossgar – 1 replacement dwelling in substitution for dwelling granted under R/2015/0019/O & 1 farm dwelling in substitution for a dwelling granted under R/2014/0270/O – Granted 27.07.2016.

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, 21 (CTY 4), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

The application was advertised in the local press on 26.04.2017

33 Lower Clay Road, Killyleagh was notified of the proposal on 13.04.2017

Consultations:

In assessment of the proposal a consultation was carried out with Transport NI, to which a response is still outstanding.

Objections & Representations

An objection has been submitted from Paul and Margaret Gick who are concerned that the accumulation of dwellings and the consequential activity and traffic would reduce the amenity value of the area. They also raise the issue that condition No 3 relating to demolition of 161 Clay Road prior to construction of new dwelling of LA07/2015/1130/F has not been complied with.

Michael Matear raises the same issue mentioned above and objects to the application due to its adverse impact on the character and amenity of the area and the adverse traffic impact.

Consideration and Assessment:

The proposal seeks full planning permission for the conversion and extension of 2 buildings. The building positioned gable end to the road as shown below is to be converted to a dwelling with a small single storey extension to the northern gable.

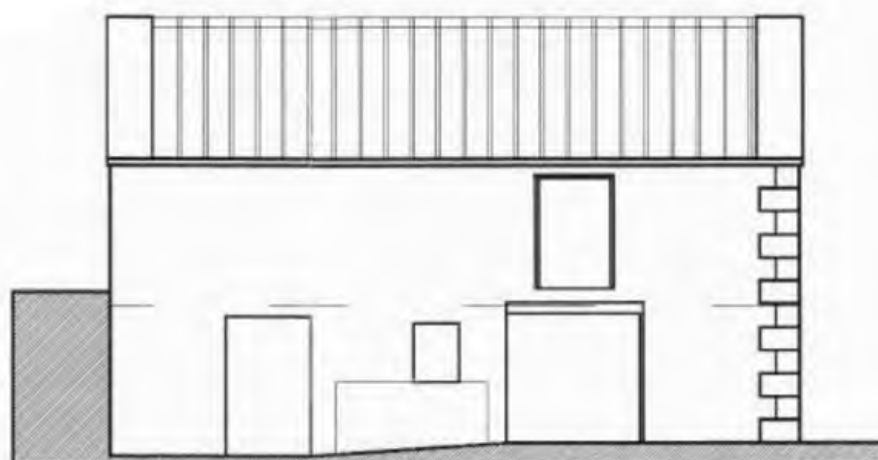


Those openings to the front elevation will remain as existing, while to the rear, new openings will be formed. It appears that this building has had its roof recently replaced.



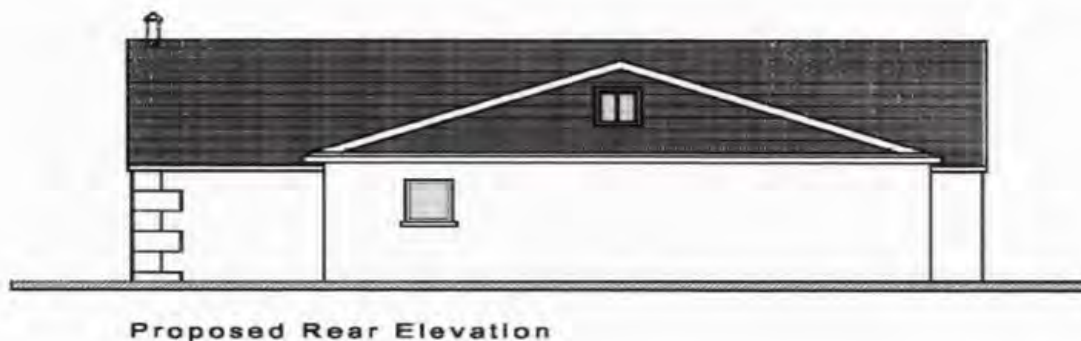
Proposed Front Elevation

The building facing the road as shown below appears to have been modified from its original state, as can be seen in the existing elevation drawing.



Existing Front Elevation

It is proposed to extend this building to the rear with a ground floor staircase built into the rear bank with a single storey extension at first floor level as shown below.



In assessment of the proposal against current policy, it is noted that the Strategic Planning Policy Statement (SPPS) states that provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling, where this would secure its upkeep and retention. In assessment of this, it is considered that the buildings on site are not of local importance and the proposal therefore fails this test.

Policy CTY 4 of PPS 21 provides an additional 7 criterion (A) – (G) which all conversions must comply with. In assessment of this, it is considered that proposal has the potential to adversely affect the character of the area, by intensifying the residential use in the area, through the accumulation of dwellings, thereby diminishing its rural character. The proposal therefore offends criteria A of Policy CTY 4.

It is important to note, as indicated above, that the barn to the rear of the site and facing the road, has been substantially modified from its original form. The images below show the changes that have occurred without the benefit of planning permission.



2017 Aerial shows roof removed and rafters evident



Street view 2008 shows original barn with original openings. No red brick evident.



Photograph of rear outbuilding taken by planning officer in April 2015 showing original openings



Photograph of rear outbuilding taken by planning officer 2015/16 showing exposed rafters



Current form of rear outbuilding. Photograph taken by planning officer June 2017 showing new opening on front elevation and introduction of red brick.

It is considered that the works to this building exceed what can be reasonably viewed as a conversion, in that the roof has been replaced, with a new section to the right hand side, new openings have been created, the front elevation appears to be predominantly new with a small original section and red brick has been introduced where none existed previously. It is considered that a new building has been created.

If however, the building were to be considered a scheme of conversion, the proposal would still have to satisfy the requirements of the SPPS as detailed above. It

remains my opinion that the buildings are not considered to be locally important and therefore the proposal fails to comply with current policy.

The PAC have supported this stance and it may be useful to take note of appeal 2016/A0156.

On the basis of the above, a recommendation to refuse will be put forward.

Recommendation: Refuse

Refusal Reasons:

- The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Policy CTY4 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings to be converted are not locally important buildings.
- The proposal is contrary to Strategic Planning Policy Statement (SPPS) and Criterion (A) of Policy CTY4 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted adversely affect the character of the area due to the accumulation of dwellings and intensification of residential use.

Signed

Date

Signed

Date



Democratic Services

Newry, Mourne & Down, District Council
Downshire Civic Centre
Downshire Estate
Ardglass Road
Downpatrick
BT30 6GQ

9th August 2017

Dear Democratic Services

Speaking Request for Item 31 - Planning Application Reference – LA07/2017/0541/F

Location – Land adjacent to 161 Clay Road, Killyleagh, Co.Down, BT30 9PN

Proposal - Conversion of 2no buildings for residential use

This submission seeks to rebut the policy interpretation, as per the Development Management Report (DMR) being presented to the Planning Committee.

The main issue in this application is the suitability of the subject buildings for conversion to residential use and thus the principle of development.

Whilst the case officer indicates that one of the subject building's has been substantially modified from the original form. The position stated is grossly exaggerated and completely inaccurate.

Reason 1 - Strategic Planning Policy Statement (SPPS) for Northern Ireland

The SPPS was published on 28/09/2015 and became immediately effective. Its provisions apply to the whole of Northern Ireland and take precedence over PPS21 and is material to all decisions on individual planning applications and appeals, as per the transitional arrangements and until the Councils have adopted a new Plan Strategy for the whole of their council area.

It is noted that the accompanying press release from the Environment Minister stated that; "*The overall objective of the planning system is to further sustainable development and improve well-being for people of the North*". This is clearly a statement of how the SPPS should be applied.

Sustainable Development is defined in the "Glossary of Terms" on page 107 of the Regional Development Strategy (RDS) 2035. I also note paragraph 6.62 of the SPPS, references back to the RDS in respect of the sustainable approach to new development in the countryside.

Likewise the inclusion of the words maintain and enhance is a direct reference back to Criterion (b) of Policy CTY4 of PPS21, which the Council accepts the proposal complies with.

The reuse and enhancement of any redundant building is clearly going to improve the attractiveness of the countryside and accord with principles of sustainable development. This cannot be disputed.

Whilst the SPPS offers a revised wording at paragraph 6.73, like its predecessor (Policy CTY 4 – "suitable building") it does not provide a definition or an exhaustive list of "locally important buildings" that can be re-used or converted.

The examples given in brackets are suggestive of buildings that generally have some local architectural merit or historic interest (such as former school houses, churches and older traditional barns and outbuildings), but is not a comprehensive list of buildings that may have architectural or historical interest.

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While the SPPS does not say expressly that vernacular buildings are locally important, "vernacular" and "traditional" are used as synonyms in Footnote 10 on Page 41 of the SPPS and in Annex 2 of PPS 21.

Section 3 – Re-Use and Conversion of the Building on Tradition (BoT) also provides guidance and images of traditional and vernacular buildings.

The subject buildings are of good examples of traditional stone outbuildings and display some vernacular character in terms of design, form and use of traditional materials.

There is no doubt that the subject buildings are older traditional barns and outbuildings and as such would fall within the examples of suggested buildings and as such meet the "locally important" test on the basis of their architectural merit alone. There is no cognisance of this fact in the Council's consideration or DMR.

The buildings lend themselves to the proposed conversion and require minimal intervention. It is noted that the Council has not argued that the scheme of conversion is unsympathetic.

On that basis the proposal complies with the SPPS and Policy CTY 1.

Reason 2 - Policy CTY 4 – Conversion

The Council's concerns relate only to Criteria (a) – the building is of permanent construction.

In this respect the DMR makes absolutely no sense in its consideration of the policy, as it refers to rural character, which is clearly contained in Policy CTY 14 and the third reason for refusal.

Planning permission is not required for the maintenance or weatherproofing of a building, as per the direction of Article 23 (3) of the Planning (NI) Act 2011.

Furthermore the 2008 photograph in the DMR shows the roof in-situ and that the buildings are not in a ruinous, which completely undermines the point being made. I also attach a photo from my site visit in 2015 from the rear of the building.

The referenced appeal 2016/A0156, which is used to try to substantiate the point that a new building has been constructed is completely distinguishable, as paragraph 2 of 2016/A0156 states "*The appeal structure is a ruin*".

The subject buildings are clearly not in a ruinous state as per the photographs, so the appeal does not sit on all fours or assist in the determination of this proposal.

There is no requirement to seek planning permission to re-roof the buildings as indicated in Article 23 (3) of the Planning (NI) Act 2011.

The works to the front elevation including the changes to the fenestration and openings are minimal when considering the existing ratio of solid to void, as depicted on the existing elevation drawings, which are shown side by side on Page 4 in the DMR.

These alterations would not materially (my emphasis) affect the external appearance of the building. I note that there is no definition of what constitutes a non-material change in the Legislation, but it would be required to be considered in the context of the existing building as we have outlined.

I would direct the planning officer to paragraph 4 of appeal 2006/A2320 and that the current Article 23 (3) of the Planning (NI) Act 2011, which allows for works to be carried out without the need for planning consent.



Taking account of the scale and degree of the alterations to suggest such minor maintenance works constitutes a new building being constructed is nothing short of fanciful and shows a complete lack of balance in the consideration of the proposal.

Reason 3 - Policy CTY 14 – Rural Character

This policy expressly considers new buildings in the countryside, as indicated in the policy headnote below.

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

Justification and Amplification

- 5.75 The countryside of Northern Ireland is valued for its intrinsic landscape character, nature conservation interest and built heritage, as well as being a resource for tourism and recreation. While the countryside is constantly changing in response to human activity, the pace of change is now more rapid than ever. This has resulted in the erosion of the rural character of parts of the Region, some of which now appear sub-urbanised and built-up due to the cumulative effect of ongoing development. It is crucial therefore to ensure that new buildings and any associated ancillary works do not result in a detrimental change to, or further erode the rural character of an area, rather they should seek to maintain and protect the special qualities and unique character of our countryside.
- 5.76 There are a number of different ways in which new development in the countryside can impact detrimentally on rural character. One building by itself could have a significant effect on an area if it is poorly sited or designed and would be unduly prominent, particularly in more open and exposed landscapes.
- 5.77 On other occasions a new building may have little impact by itself. However, when taken cumulatively with other existing and approved buildings and their ancillary features in the vicinity, it could result in a build up of development detrimental to the rural character of that area.
- 5.78 In assessing the cumulative impact of a building on rural character the matters taken into consideration include the following:

The proposal does not seek permission for a new building in the countryside, rather the conversion of two existing buildings (my emphasis).



The existing buildings have been readily absorbed into the landscape for a considerable period of time as indicated in the accompanying photographs. The Council does not state that the conversion would not maintain or enhance the buildings. Therefore I'm at a loss how they cause a detrimental change to the rural character?

There is no policy wording or consideration relating to the intensification of use in Policy CTY 14. It simply doesn't exist, so inclusion in the final reason for refusal is incorrect.

In this instance reliance on Policy CTY 14 is completely misplaced by the Council and I would fail to see how they have provided any reasoned analysis of Policy CTY14 to substantiate this reason for refusal.

Moreover it is the first time I have seen it included on an application for conversion on the basis that it can only relate to new buildings for the reasons outlined.

Conclusions

The application needs to be reconsidered in light of this additional information, which clearly identifies serious shortcomings in the policy interpretation and thus undermines the recommendation presented to the Committee.

If you require anything further then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "AS", is written over a faint, circular stamp or watermark.

Andy Stephens
BA Hons, MSc
Planning Consultant

CC. Mr Chris Canning, Mr Hadleigh Jess

ITEM NO	34			
APPLIC NO	LA07/2017/0630/F	Full	DATE VALID	4/24/17
COUNCIL OPINION	REFUSAL			
APPLICANT	Alan Marshall 12 Mullaghdrin Road East Dromara Dromore BT25 2AQ		AGENT	Premier Building Design Ltd 1st Floor Unit 3 27 Wallace Avenue Lisburn BT27 4AE 02892660776

LOCATION Land To Rear And North East Of 45 And 29 Chestnut Meadows Riverside Road Ballynahinch

PROPOSAL Proposed 3 no pair of semi detached dwellings and 1 detached dwelling with 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 Ards and Down Area Plan 2015, which designates the area in which part of the site is located as Proposed Amenity Open Space and Recreation (BH 24) and would result in an adverse impact on an environment asset which the Council is seeking to protect.
- 2 The proposed development is contrary to SPPS and PPS 8 Open Space, Sport and Outdoor Recreation, Policy OS1 in that it would result in the loss of land zoned for open space in Ards and Down Area Plan 2015.
- 3 The proposed development is contrary to Planning Policy Statement 15 Policy FLD 1 in that part of the site is within the 1 in 100 year fluvial flood plain and it has not been demonstrated that the proposal constitutes an exception to the policy.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2017/0630/F

Date Received: 24.04.2017

Proposal: The application is for full planning permission for proposed 3 no pair of semi detached dwellings and 1 detached dwelling with garage

Location: The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015. The area has been zoned as an area of proposed amenity open space and recreation, BH 24.





Site Characteristics & Area Characteristics:

The site is located on a portion of land to the NE of No 45 and 29 Chestnut Meadows. The site is a rectangular plot which extends beyond the housing scheme at Chestnut Meadows. The land is currently open in appearance and comprises scrubby overgrown grass interspersed with pockets of vegetation. The land is generally flat in appearance. The access road around Chestnut Meadows bounds the site to the SE boundary.





View towards Riverside Meadows

Site History:

R/1995/0658 Lisburn Road, Ballynahinch, Housing Development (Amended Plans)
Permission Granted

R/1996/0607 Off Clanwilliams Court Ballynahinch Housing Development (16 Dwellings)
Permission Granted

R/1999/0450 Site 5 Clanwilliam Cottages Riverside Road Ballynahinch
Garage Permission Granted 23.07.1999

R/2001/0852/Q Riverside Road, Ballynahinch Housing Pre Application Enquiry - Non
Committal

R/2001/1214/Q Riverside Road Ballynahinch Proposed Residential Development Pre
Application Enquiry - Non Committal

R/2001/1447/F Site Between 11-17 Riverside Road, Ballykine Upper, Ballynahinch, Northern

Ireland, Bt24 8ty 11 Detached, 4no Pairs Of Semi-Detached And 2no Blocks Of 3 Terraced Houses With Detached Garages (Total 25 Houses). Permission Granted 13.05.2002

R/2004/1280/F Site To Rear Of 11 Riverside Road, Ballykine Upper, Ballynahinch, Northern Ireland, Bt24 8ty Proposed 8 No. Semi-Detached Dwellings And Garage. Permission Refused 10.09.2007

R/2006/0220/F 19 Riverside Road, Ballykine Upper, Ballynahinch, Proposed Housing Development Consisting Of 36 No. Dwellings & Associated Access, Parking And Landscaping. Permission Granted 06.12.2007

R/2009/0021ca 19 Riverside Road, Ballykine Upper, Ballynahinch. Operational Devt Enforcement Case Closed

R/2009/0196ca Field At Clanwilliams Cottages, Ballynahinch Operational Devt Enforcement Case Closed

R/2009/0698/F 19 Riverside Road, Ballykine Upper, Ballynahinch Underground Sewage Pumping Station Enclosed By 2.4m High Palisade Fence. Permission Granted 03.09.2010

R/2009/0920/F Sites 26 & 27 Chestnut Meadows, Riverside Road, Ballynahinch, 2 No Proposed Semi Detached Dwellings. (Amended Description/Plans) Permission Refused 27.05.2010

R/2009/0999/Tpo 19 Riverside Road, Ballynahinch.T P O Tpo File Closed

R/2009/1041/F 19 Riverside Road Ballykine Upper Ballynahinch Retrospective Application For The Retention Of Apartment Blocks As Built, Plus Amendments To Doors And Windows. (Amended Description) Permission Granted 03.09.2010

R/2010/0007ca Lands Adjacent To 19 Riverside Road,Ballykine Upper,Ballynahinch,Down Unauthorised Change Of Use Of Land For The Storage Of Soil And Stones Enforcement Case Closed.

R/2010/0022ca 19 Riverside Road,Ballykine Upper,Ballynahinch, Breach Of Planning Condition Negotiate To Resolve

R/2010/0023CA 19 Riverside Road, Ballynahinch. Operational Devt ENFORCEMENT CASE Closed.

R/2011/0854/F Site adjacent to 4 Chestnut Meadows Riverside Road Ballynahinch, Proposed 2no semi-detached dwellings to fill in the remainder of an existing development. (Amended description/plans) PERMISSION GRANTED 28.11.2012

R/2013/0060/CA 17 Riverside Meadows,Ballykine Upper,Ballynahinch,Down. Alleged unauthorised erection of a fence in an open plan development Enforcement case closed.

Planning Policies & Material Considerations:

The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015. The area has been zoned as an area of proposed amenity open space and recreation, BH 24, and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 7, PPS8, PPS 15.

Consultations:

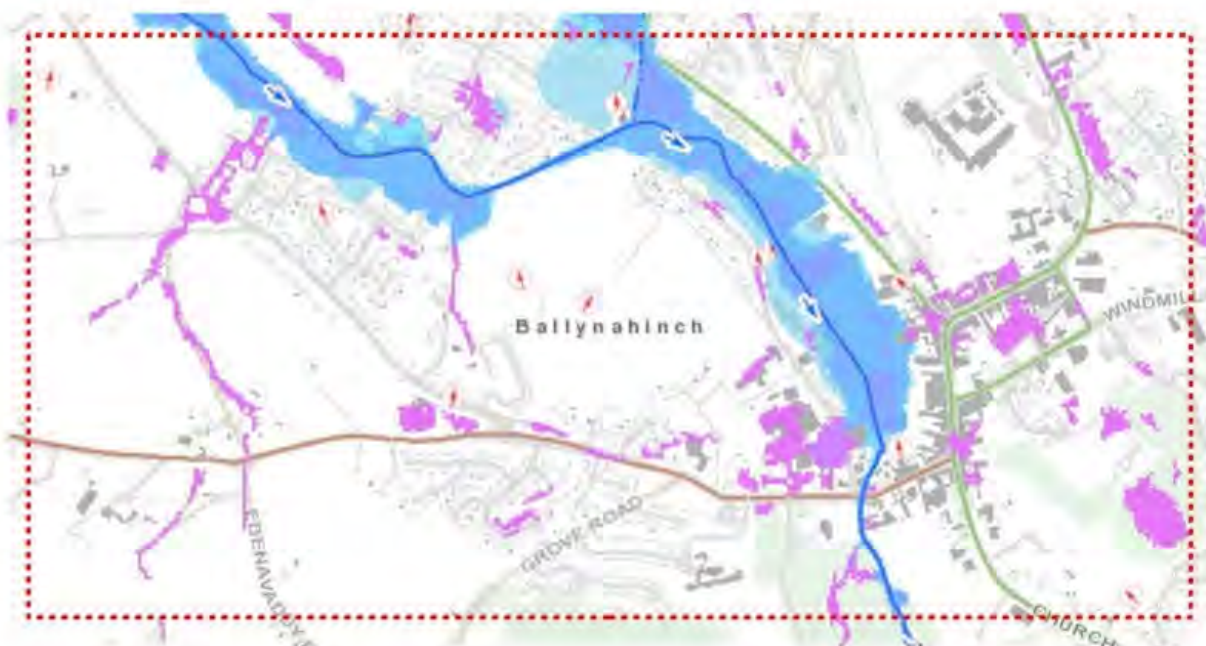
NI water – No objections

Transport NI – No response back

NIEA Water management – No objections

Rivers Agency – No formal response back at time of report

(Response has since come back 18.07.2017 and indicates that a large portion of the site is within the 1 in 100 year fluvial flood plain and Flood Risk Assessment would be required.



Objections & Representations

In line with statutory requirements four neighbours have been notified on 09.02.2016 and again with amended plans on 11.03.2016. One letter of representation was received by the neighbour at 14 Marshallstown Road, which involved clarification of the land owned by the applicant, new maps were submitted and amended plans were re neighbour notified, no further correspondence was received.. The application was advertised in the Mourne Observer and the Down Recorder on 17.02.2016.

Consideration and Assessment:

The application site is located with an area of proposed amenity open space and recreation, BH 24.

In the Down Area Plan 1982-1997 – the site is within the settlement limit for Ballynahinch. The site is identified in the plan as whiteland.

The draft Ards and Down Area Plan 2015 – the site is within the settlement limit for Ballynahinch. In this plan the site lies within an area zoned for amenity open space and recreation which was to be provided as part of the adjacent housing scheme under Proposal BH 09 in the draft Plan. Following the plan inquiry stage this line was dropped from the now adopted Plan.

The reasoning behind the zoning is therefore important in the overall context of consideration of this application. The area zoned for amenity open space and recreation is considered a suitable location for the provision of amenity open space and recreation for the future population of zoned housing lands due to its location immediately adjacent to this area and its potential to flood. The development of this area of open space and its linkage to the adjoining housing area is aimed at meeting the needs of residents but also contributing to the overall quality of the development. It would help facilitate the provision of a riverside walk and allow access to the Ballynahinch River Corridor, now designated as a LLPA 1.

SPPS

According to the SPPS, proposed development which accords with the development plan should be approved and development which conflicts with an up-to-date plan should be refused, unless material considerations indicate otherwise.

The planning system has a key role in safeguarding open space and recognising the importance of open space for its contribution to the quality of urban life by providing green lungs, visual breaks and wildlife habitats in built up areas. In this regard, the SPPS aims to facilitate safeguarding existing open space and sites for future such provision. There is a presumption against the loss of open space to competing land uses in LDP's irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.

The most up to date Plan is the Ards and Down Area Plan 2015. The proposal is therefore contrary to Ards and Down Area Plan 2015, which designates the area in which part of the site is located as Proposed Amenity Open Space and Recreation

and would result in an adverse impact on an environment asset which the Council is seeking to protect.

PPS8 – Open Space, Sport and Outdoor Recreation

The site constitutes open space and is protected by PPS8 Open Space, Sport and Outdoor Recreation Policy OS1. Open Space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of areas. Policy OS 1 sets out an exception where open space may be redeveloped that exception is – That the redevelopment will bring substantial community benefit that decisively outweighs the loss of open space; and the loss of open space will have no impact on the amenity, character and biodiversity of an area; and where an alternative provision of open space is made. No additional information was provided with the application as a justification that meets the policy tests. Therefore it is considered that the benefits of the development would not outweigh the loss of open space and the proposal fails to meet the exception test set out in PPS8 - Policy OS 1.

Notwithstanding that the proposal is considered unacceptable in principle; the scheme is also assessed against other Planning policies in respect of Quality Residential Environments.

PPS 7 – QD1

This proposal seeks permission for 7 dwellings which will take the form of three pairs of semi-detached dwellings and one detached dwelling. The layout of the dwelling is in linear form stretching across the site from NE to SE. Between gable to gable there is a separation distance of 6.5m which while not generous is acceptable. Approx 3m to each boundary. The proposed semi-detached dwellings have an upper floor landing window and this is replicated across each of the dwellings including the detached.

In terms of private amenity space, each dwelling will have sufficient space with average rear garden areas. The distance to the proposed rear boundary varies from 11 to 9.5m, which would be the standard expected. A new rear boundary is proposed by way of a hedge, although this is not clearly apparent on the plans. There would be a separation distance of 6-7m to the eastern and western boundaries as a consequence the layout is considered acceptable.

The proposed access will be the same as the existing development. Each dwelling will have their own individual access onto the existing road at Chestnut Meadows.

The proposed boundary treatments have not been indicated on the plan, but it would appear to be a proposed hedge to the rear of the site. No boundary treatments have been indicated to the front of each of the dwellings.

The design of the pairs of semi-detached dwellings will have a ridge height of 8.3m above finished floor level, an individual frontage of 6m and a gable depth of 9.5m. They will be finished with red/brownfacing brick walls, grey concrete tiles and white uPVC double glazed windows. The design is similar to the existing approved scheme on the site and is therefore deemed acceptable.

Transport NI have not responded at the time of this report, nor have Rivers Agency, however, as the application is not acceptable in principle, if any further issues arise following these consultation replies, these can be added as further reasons for refusal.

Based on careful consideration of all the relevant material planning considerations and given the history on the site whereby R/2004/1280/F was also refused, it is contended that the proposal would not be acceptable for the following reasons below.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to Ards and Down Area Plan 2015, which designates the area in which part of the site is located as Proposed Amenity Open Space and Recreation and would result in an adverse impact on an environment asset which the Council is seeking to protect.
2. The proposed development is contrary to SPPS and PPS 8 Open Space, Sport and Outdoor Recreation, Policy OS1 in that it would result in the loss of land zoned for open space in Ards and Down Area Plan 2015.
3. The proposed development is contrary to Planning Policy Statement 15 Policy FLD 1 in that part of the site is within the 1 in 100 year fluvial flood plain and it has not been demonstrated that the proposal constitutes an exception to the policy.

Case Officer Signature

Date

Appointed Officer Signature

Date

Planning Committee Schedule of 16th August 2017

Planning reference: **LA07/2017/0630/F**

Proposal: **Proposed 3 no pair of semi-detached dwellings and 1 detached dwelling and garage.**

Applicant: **Mr Alan Marshall**

Location **Land to rear and north East of 45 and 29 Chestnut Meadows, Riverside Road, Ballynahinch.**

Recommendation: **Refusal**

Reasons

1

The proposal is contrary to Ards and Down Area Plan 2015, which designates the area in which part of the site is located as Proposed Amenity Open Space and Recreation (BH 24) and would result in an adverse impact on an environment asset which the Council is seeking to protect.

2

The proposed development is contrary to SPPS and PPS 8 Open Space, Sport and Outdoor Recreation, Policy OS1 in that it would result in the loss of land zoned for open space in Ards and Down Area Plan 2015.

3

The proposed development is contrary to Planning Policy Statement 15 Policy FLD 1 in that part of the site is within the 1 in 100 year fluvial flood plain and it has not been demonstrated that the proposal constitutes an exception to the policy.

Site Description

The application site is located within the settlement of Ballynahinch as defined in the Ards and Down Area Plan 2015. The area has been zoned as an area of proposed amenity open space and recreation.

The site is located on land to the NE of No 45 and 29 Chestnut Meadows Riverside Road, Ballynahinch. The site is a rectangular plot of land adjacent to the existing housing scheme at Chestnut Meadows. The site is overgrown and unmaintained. The site is generally flat and access is gained from the access road around Chestnut Meadows along the South Eastern boundary of the application site.

Planning Policies & Considerations

SPPS

PPS3

PPS7

PPS8

PPS15

Ards & Down Area Plan 2015

DCAN 15

Consultations and representations

NI water – No objections have been raised.

NIEA Water – No objections.

Rivers Agency – part of Site lies with 100 year flood risk area.

Transport NI amendment in relation to 2m wide footpath required.

Transport NI requirements can be met by revised plan.

One communication received in relation to land ownership which was resolved by the submission of revised maps and no objection received in relation to the content of the proposal.

Assessment of reason for Refusal

1

The site is located adjacent to an existing housing development which was developed by the applicant and the current proposed units would cap the development which lies adjacent to the existing road which serves Chestnut Meadows as can be seen from the site map.

While the land has been zoned by the Ards & Down Area Plan 2015 as open space no vesting has been forthcoming rather it has been left to the landowner who now finds this a drain on his financial resources as he has to maintain the lands which lay open to dumping and fly tipping and he has to

insure the land as he cannot protect the land from people entering without permission.

The Council may seek to protect this area of land which has been zoned by an out of date area plan but no responsibility has been taken for its maintenance nor have proposals to develop the land for sport or recreational use rather the land has been utilised as a dumping ground.

The current proposal is to develop 7 houses similar to the development that exists adjacent and to round this development off and allow the land owner to utilise the remaining land adjacent to the river as grazing land as it appears it will never be developed in accordance with the provisions of the Area Plan.

2

This reason argues that the proposed site if developed as proposed by this application would result in loss of land zoned for open space in an outdated Area Plan and while the planning system has a key role in safeguarding open space and recognising the importance of open space for its contribution to the quality of urban life, it is difficult to see what contribution this zoning has made to existing or proposed residential quality of the area as it has lay dormant and vacant for many years and it is apparent that the Council will not develop the area for sport or recreational facility.

The land owner has attempted by virtue of this application to advance the quality of the area and bring the land into an acceptable land use and also provide much needed new housing.

The relevant policy allows for an exception to the general approach of the policy where it can be "demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact."

This site in my opinion is such a site as it is very unlikely that the zoned land will ever be utilised for the designated use and it will continue to lay dormant to be used as a dumping ground while this proposal provides for sustainable use and allows the remaining lands to be used for agricultural use.

The loss of this portion of zoned open space will have no significant detrimental impact rather it will tidy up the area as a whole.

3

The consultation response from Department of Infrastructure indicates that a portion of the site may lie inside the 100 Year fluvial flood plain and as no consultation with the agent or applicant has been received in relation to flooding of the site a Flood Risk Assessment has not as yet been prepared.

The agent would be happy to undertake such an assessment if the Council Planning Committee were minded to recommend an approval or sought further information in relation to clarity.

Overview

This proposal gives the opportunity to develop a piece of waste land and to allow adjacent land to return to its former use as farmland as it is not envisaged that the zoned use will ever be implemented either by the Council as the local authority or by developers as part of any future housing scheme. The zoning which is given to the land by Ards & Down area Plan is but a wish list which can now not be delivered.

It can only be hoped that the proposed area plan for the Newry, Mourne and Down Area will look at such zonings in an attempt to provide better residential environment and sustainability for such lands and not just leave land to be used as a dumping area.

Conclusion

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

